Shastri, Shri Ramavatar
Shastri, Shri Raghuvir Singh
Shastri, Shri Sheopujan
Singh, Shri J. B.
Somani, Shri N. K.
Sondhi, Shri M. L.
Suraj Bhan, Shri
Tapuriah, Shri S. K.
Thakur, Shri Gunanand
Yadav, Shri Jageshwar

15.40 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

MR. DEPUTY-SPEAKER: The result of the division is: Ayes* 111; Noes 67.†

The motion was adopted.

BORDER SECURITY FORCE BILL

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): Sir, I move:

> "That the Bill to provide for the constitution and regulation of an Armed Force of the Union for ensuring the security of the borders of India and for matters connected therewith, be taken into consideration."

The present Bill is meant for the constitution and regulation of the Border Security Force. This Border Security Force was formally constituted on the 1st December, 1965 under the CRP Act. I may give a little history of this force, and the circumstances which ultimately led to this formation which I think are relevant when we are going to consider this particular Bill.

There have been, as you know, in 1965 and 1966 a large number of infiltrations and intrusions and even attacks on the Indian borders and therefore it was found necessary to undertake a closer study of the problems of security on the borders of India. Therefore, a series of studies were undertaken and this particular Bill and the formation of the Border Security Force is the culmination of those studies.

The purpose of this force is, as I have said, to ensure the security of the borders of India, secondly, to secure or instil a sense of confidence in the people living on the borders and, at the same time, to take precautions to see that smuggling and all the types of crimes that take place on the borders do not take place. Naturally, the requirements of such a force are of a special type, and we had to take a different type of organisation, a different type of training and we have practically to give weaponry to this force which is as good as that of an infantry. The type of discipline and efficiency that is expected of them requires a special legislation of this type. So, this is really speaking the genesis of this force and of this Bill and it is the justification for having a special statute which sanctions the functioning of an important force like this.

Coming to the Bill itself, I would like to draw the attention of the House to certain important features of it. Those hon. Members who have cared to go through this Bill need not have any explanation from me on this point. I think, however, that in a speech like this it is necessary that I run rather hurriedly and explain some of the important features of this Bill. Chapter I deals, as usual, with the preliminary matters of legislation, giving the definitions of important

*The following Members also recorded votes for "AYES":
Sarvashri B. N. Bhargava, Shri B.K. Gudadinni, Shri Heerji Bhai, Kumari Kamala Kumari and Shri Rajasekharan.

†The following Members wrongly voted for "NOES:
Sarvshri B. K. Gudadinni, Shri Heerji Bhai and Shri Rajasekharan.

terms that are used in the Bill and explaining some of the concepts of the officers, etc., that are introduced in the Bill. Chapter II explains the constitution of the force and the conditions of service of the force. As I said, our present Border Security Force is already constituted and under this Act this force will be deemed to have been formed. At the same time, I would like to mention what is the organisational structure of the force as it is today. At the head of the organisation there is the Director-General of the Border Security Force, and under him there are three Inspectors-General of Police; in charge of the sectors of our international frontier. The present charter of the Border Security Force is on the Indo-Pakistan borders. There is one Inspector-General of Police in charge of the entire Assam-West Bengal border; another is in charge of Kashmir and the cease-fire line, and the third is in charge of the Punjab, Rajasthan and Gujarat borders. These three Inspectors-General of Police are in charge of these three different sectors, and under them function a series of DIGs. Under them function the commandants of battalions. This Force is distributed in the units of battalions and these battalions are commended by officers of suitable seniority. This is the structure of this Force.

The second chapter gives the basic concepts of the conditions of service and the constitution of this Force. Then we come to chapter III which gives, really speaking, an insight into the problems of discipline and the requirements of discipline. There we have enumerated in different clauses the different types of offences that can be dealt with or that are likely to happen or take place in the working of this Force. Chapter III deals with definitions of offences. From Chapter IV onwards we come to a very important feature of this Act. They deal with punishments.

I can anticipate the criticism that the structure of punishment provided under this Act is somewhat severe compared to what is applicable to the ordinary police force. But, as I said, the efficiency and discipline that is expected of this Force is equal to that of an army and we will have to compare this structure of punishment with that of the armed forces. This has to be treated as armed forces. We expect a special standard of discipline and efficiency and the task that is given to this Force is equal to that of any army. Naturally, the structure of punishment will have to be compared with that provided for in the Army Act. I am anticipating this criticism and giving my answer. You may not agree with it—that is a different matter—but I am telling you why I accepted or why Government accepted this structure of punishment (*Interruption*).

When we have got a special structure of punishment, naturally this Force will have special type of courts also. As you know, this Force has three types of courts. One is the general court, the other is the petty court and the third is the Commandant, which is the summary court. They deal with the different types of offences. They have different forms of authorities. To these courts, certainly, the ordinary Evidence Act will be applicable as far as the procedures are concerned.

Even though the punishments are severe in nature, there are also some special features and some special rights of the accused also in such courts. For example, when a court is constituted, because the court is constituted of the officers of a certain seniority which is indicated in the Act, the accused will have the right to take objection at the time of constitution of the court against any officer if he feels he has reason to suspect his bona fides or suspect his involvement in a particular set of facts. Secondly, I find that with all

[Shri Y. V. Chavan]

these procedures and involvements and also the working of the courts etc., the punishment is confirmed only after it has been gone through by the Director General or the Government. Even apart from that, the accused will have a right to go in appeal by way of a memorandum to the Central Government against any order or any punishment that is given. Besides all these things there is inherent power in the Central Government to completely annul an order of punishment if it is convinced that it is illegal or unjust. These are some of other features of the trial and punishment by these courts.

I think these are the special features of this Act. I would like to urge one thing. This force is functioning reasonably well for the last three years. Naturally, after the formation of this force, they have their own experience of their problems and the present formulation of the principles of this Bill was made only after very close examination of the problems that they have to face and the experience they went through for the last two years. It is after close scrutiny that the present Bill was formulated and I must say that this Bill has certainly a sort or urgency about it.

SHRI RANGA (Srikakulam): Has it been circulated among the people concerned, the people in the different units?

SHRI Y. B. CHAVAN: Of course, yes. It is being brought forward after discussion at different levels of officers. This is the culmination of certain steps that were undertaken.

This is my case for this Bill. I hope the hon. House will give very close consideration to this Bill but, at the same time, give its sanction in the very present session.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to provide for the constitution and regulation of an Armed Force of the Union for ensuring the security of the borders of India and for matters connected therewith, be taken into consideration."

There are two motions for reference to Joint Committee. Are they being moved?

SHRI GEORGE FERNANDES (Bombay-South): I want to move mine.

SHRI KANWAR LAL GUPTA (Delhi Sadar): I also want to move my motion.

SHRI GEORGE FERNANDES: I beg to move.

"That the Bill to provide for the constitution and regulation of an Armed Force of the Union for ensuring the security of the borders of India and for matters connected therewith, be referred to a Select Committee consisting of 13 Members, namely:—

Shri S. M. Banerjee, Shri Bibhuti Mishra, Shri Tridib Chaudhari, Shri Kanwar Lal Gupta, Shrimati Sucheta Kripalani, Shri Lalit Narayan Mishra, Shri Nath Pai, Chaudhari Randhir Singh, Shri S. C. Samanta, Shri Viren Shah, R. Umanath,, Thri Tenneti Viswanatham; and Shri George Fernandes.

with instructions to report by the 21st August, 1968. (1)

SHRI KANWAR LAL GUPTA: Sir, I beg to move:

"That the Bill to provide for the constitution and regulation of an Armed Force of the Union for ensurthe security of the borders of India and for matters connected therewith,

be referred to a Select Committee sisting of 15 Members, namely:

> Shri G. M. Bakshi, Shri Bedabrata Barua, Shri Bibhuti Mishra, Shri Y. B. Chavan, Shri Hem Barua, Shri S. C. Jamir, Shri Kameshwar Singh, Shri S. Kandappan, Shri K. Ananda Nambain, Shri Kartik Oraon, Shri D. N. Patodia, Shri Mritunjay Prasad, Chaudhari Randhir Singh, Shri Prakash Vir Shastri; and Shri Kanwar Lal Gupta,

with instructions to report by the 30th September, 1968." (2)

MR. DEPUTY-SPEAKER: Now the Bill and the two motions are before the House for consideration. The time allotted is two hours. How much time will the House desire for general discussion?

SHRI BAL RAJ MADHOK (South Delhi): It will require much more time.

MR. DEPUTY-SPEAKER: In my discretion I can extend it by half an hour.

SHRI KANWAR LAL GUPTA: It should be extended to at least four hours.

SHRI INDRAJIT GUPTA (Alipore): Two hours were allotted to this Bill provisionally because the Business Advisory Committee has not met. I think thep are meeting at 4 O' Clock today when this debate is going on. The BAC can review the question and fix the time finally. Two hours is not enough. It is quite obvious.

MR. DEPUTY-SPEAKER: The wishes of the House will be borne in mind while fixing the time. Now, Shri Jyotirmoy Basu.

SHRI GEORGE FERNANDES: Sir, what about my motion?

MR. DEPUTY-SPEAKER: You will get an opportunity to participate in the debate. Now, I think I will fix ten minutes for each Member.

SHRI INDRAJIT GUPTA: The sense of the House can be conveyed to the BAC.

MR. DEPUTY-SPEAKER: It will be conveyed. I shall keep in mind the desire of the House. It will be done. Let us now start with the debate. Shri Basu.

SHRI JYOTIRMOY BASU (Diamond Harbour): Mr. Deputy Speaker, Sir, if we look at the Financial Memorandum attached to the Bill, the penultimate paragraph says:

> "The recurring expenditure on the administration of the Force during 1967-68 was of the order of Rs. 18.31 crores; it is likely to go up by about Rs. 2 crores because of some addition to the existing strength of the Force."

Then, if you look at the Statement of Objects and Reasons, it says:

> "This Force has been charged with the responsibility of ensuring the security of the Indo-Pakistan international border, instilling a sense of security among the people living in the border areas, and preventing trans-border crime, smuggling all unauthorised entry into or exit from Indian territory. The Force was raised under the Central Reserve Police Act, 1949."

My assessment of the position is that this Border Security Force is being raised to carry out the missions of the Central Government. This has become a weapon of the Congress-run Central Government to intervene in the internal affairs of the States, specially where Congress has been thrown out of power. The Centre does ot trust the police force which is under the control of the State Governments and that we have clearly noticed during the happenings in West Bengal since October last till today

[Shri Jyotirmoy Basu]

16 hrs.

We have seen reports in the press that the officers and jawans of the Central Reserve Police and the Border Security Force refused to carry out the orders of the State Police officers. The Cent al Government is anxious to run some sort of a parallal police organisation in the States, specially in those States where they have been thrown out by the people.

At the present moment we hear and talk a lot about senas every day. Let us see how many forces are there in the Government list. There are the defence forcehs its auxiliary and territorial army, the border security force, the Central Reserve Police, the Railway Protection Force, Industrial Security Force, the Indian rgular army and the TA, the armed police forces, the ordinary and special forces, the Home Guards, the National Volunteer Force and so many others.

We hve been spending a thousand crores of rupees on the Defence Budget. Are not those people, who are being paid from the Defence Budget, sufficient to protect and guard our border? The Central Police in the year 1955-56 had consumed an amount of Rs. 4 crores; today in 1968-69 we see that the amount has gone up to Rs. 62½ crores. It is a rise of over 14 times. Apart from this, there are the State police budgets and the State police forces.

We have the same border that we had in 1947. In 1962 there was the Sino-Indian clash and in 1965 there was the Indo-Pakistan clash. May I ask the Home Minister whether the relations have worsened further so as to justify further expenditure on the protection of our borders?

What is the actual fact behind this? This Congress Government, which is being patronised by big monopoly capital, foreign and Indian, is getting closer to them and is getting isolated from the people. So, they want to have a police state on the lines of the Franco regime in Spain. That is why they require more and more police forces to be raised and more and more protection from the people.

Let us see what they have done recently. The Home Minister was so appreciative of the Indian Police Service officers. Now he has thrown open certain new avenues to them. Even a man who was trained to be a police officer will now go to the Secretariat which even in the British days they were never allowed to. They will decide policies. They will go to the public sector and will fiddle with your money. But they have never been trained to be in the public sector. But the police officers in this country—the less we say about them, the better—will go and man your public sector enterprises! Under the circumstances I shall say, hope for the best.

About the utilisation of the Border Security Force, we have seen the case of West Bengal when Shri Chavan along with some of his ambitious colleagues in the Congress wanted to wreck the Government, conspired with a group of people and sent battalions of the Border Security Force to Calcutta under the name of "Operation Hooghly" to cooperate with the army to shoot and eliminate the Congress-opposed forces in Bengal. I could even tell the date. It was the 2nd of October 1967. After that when the *benamdars* of the Congress, namely the PDF, were installed by Shri Atulya Ghosh and Shri Chavan from the Centre, they had to be protceted from the wrath of the people and so the Border Security Force and the Central Reserve Police had to be requisitioned and brought to Calcutta. They were given independent charge and, as I said before, they refused to carry out the orders of the State police officials. I know the Commissioner o Police in Calcutta had openly said, when we charged him of attrocities on peace-loving people, "What could we do? The Central Re-

serve Police and the Border Security Force personnel do not carry out our orders." The whole thing is that Mr. Chavan wants to run a parallel police force, a parallel intelligence service, in the country. He does not want to trust the State police or the State Government. Therefore, I strongly suggest that the Bill be referred to a Joint Select Committee for consideration.

SHRI HIMATSINGKA (Godda): Mr. Deputy-Speaker, Sir, I have heard Mr. Jyotirmoy Basu. He always thinks something wrong whenever a measure is introduced for the protection of the borders. He is dreaming that the police force will be utilised for suppressing non-Congress Governments. Unfortunately, Pakistan border is with Bengal and, therefore, Bengal has to be served by the Border Security Force.

As you, Sir, know and as everybody knows, it is such a long border that it is very easy for infiltrators and saboteurs to take advantage of the long border and infiltarte into this country and to create difficulties and troubles whenever it suits them to do so specially at times of warfare or disputes between the neighbouring countries. Therefore, it is only just and proper that we should have the Border Security Force.

The police force of the States cannot be expected to do this kind of work and, as a matter of fact, the State Governments will not be prepared to undertake the heavy expenditure that will have to be incurred in servicing the border force. Therefore, the Centre should, naturally, come into play and make arrangements for the security of our borders.

In this connection, I feel that another important factor should be taken into consideration by the Home Minister. The borders in Rajasthan with Pakistan and similarly the borders in Assam and West Bengal are inhabited by persons mostly belonging to Muslim community. There is always a certain kind of difficulties in time sof troubles and it is, therefore, necessary that certain steps are taken, to man the borders, to send people who can be really depended upon to see that the borders are not violated, that the infiltrators are not allowed to come in and that those who come in are not in a position to create any difficulties. The borders in Rajasthan are very much insecure. I was told by a gentleman from Rajasthan who is actively associated with the work in the border areas that unless some definite steps are taken to man the borders with persons who will be available to do the work as may be required for the safety of the country it will be very difficult to take proper steps to guard our borders. Therefore, definite steps should be taken to rehabilitate persons who may have come from outside and who may be available to be placed there. If certain advantageous terms are given in the shape of land and other help, I think, a large amount of force which can be available in times of difficulties will be available to the Government. This question should be looked into. Some steps should be taken to see that the borders are manned by persons who are sturdy and who will be available to do the work as may be required for the safety of the country. This is necessary in Assam where a large amount of infiltration is still going on. In fact, a number of districts have been coverted into Muslim majority areas by infiltration from East Pakistan. The same thing, I understand, is also taking place in Rajasthan. Therefore, this is an important matter to which the Home Minister should give attention. I want to impress on the Government that not only the Border Security Force should be strengthened but some other steps should also be taken. We may have sufficient number of persons in the borders who will always be available to give information to stop infiltration and be available there for the protection of the country.

श्री जार्ज फरनेन्डीज (बम्बई-दक्षिण) : उपाध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है। इस विधेयक पर बहस होने के पहले जो मेरा प्रस्ताव है कि इस को सेलेक्ट कमेटी के पास भेजा जाय, उस पर बहस होनी चाहिये। मैं डाइरेक्शन्स आफ दि स्पीकर के पृष्ठ 28 की ओर आपका ध्यान आकर्षित करना चाहता हूं :

Direction 41(2)(iii) (b) says:

"Superseding Motions—They are motions which, though independent in form, are moved in the course of debate on another question and seek to supersede that question. In that class fall all the dilatory motions. The following motions are superseding motions in relation to the motion for taking into consideration a Bill:—

(i) That the Bill be re-committed to a Select Committee.

(ii) That the Bill be re-committed to a joint Committee of the Houses.

(iii) That the Bill be re-circulated for eliciting further opinion thereon."

(4) और यह महत्व का है,

"(iv) That consideration of the Bill or the debate on the Bill be adjourned *sine die* or to some future date."

इस पर कोई खास बोलने की आवश्यकता मुझ को नहीं है। मामला बिल्कुल साफ है कि जब सेलेक्ट कमेटी के सामने विधेयक को भेजा जाय, ऐसी तरमीम आती है तो कंसिडरेशन वाला जो प्रस्ताव है वह सुपरसीड हो जाता है। यह साफ लिखा है कि :

"The following motions are superseding motions in relation to the motion for taking into consideration a Bill."

अब सदन के सामने गृह मन्त्री का मोशन है कि :

"That the Bill be taken into consideration."

इस पर तरमीमें आई हैं, और उनमें से एक तरमीम यह है कि :

"That the Bill be referred to a Select Committee."

इस डाइरेक्शन के अनुसार जो गृह मन्त्री का प्रस्ताव है वह उससे सीधा सुपरसीड होता है। अगर कोई ऐसा तर्क है कि वह उसको सुपरसीड नहीं कर पायेगा और बहस होने के बाद उस पर मतदान हो सकता है तो मैंने आपसे बी (4) के बारे में कहा कि वह महत्वपूर्ण है। वह इस प्रकार है :

"That consideration of the Bill or the debate on the Bill be adjourned *sine die* or to some future date."

आप यहां पर देखेंगे कि सबसे पहले है कि :

"That the Bill be referred to a Select Committee."

अगर तीन चार प्रस्ताव आते, मेरे नाम पर एक प्रस्ताव होता कि इस को ऐडजर्न किया जाय, किसी और सदस्य को होता कि इसको सेलेक्ट कमेटी को भेजा जाय, फिर किसी और सदस्य की तरफ से प्रस्ताव आता कि इस को जायेंट कमेटी को दिया जाय किसी का आता कि इस को पब्लिक ओपीनियन के लिये सर्कुलेट किया जाये, तो फिर प्राधान्य किस को दिया जायेगा यह नियम के अन्दर बतलाया गया है। चौथा प्राधान्य इस को दिया गया है कि इस बहस को हम लोग सीधे ऐडजर्न करें। अगर कोई यह तर्क हमारे सामने पेश करे कि नहीं बहस चलेगी और बहस चलने के बाद मेरे प्रस्ताव पर विचार किया जायेगा तो फिर नं0 4 का मतलब क्या हो सकता है ? आपने लिखा है कि :

"that consideration of the Bill or the debate on the Bill be adjourned".

अगर इसका कोई मतलब है तो यहां पर कोई यह तर्क दे ही नहीं सकता कि बहस हो जायेगी और उसके बाद मेरा प्रस्ताव चर्चा के लिये आयेगा । यह असम्भव चीज है ।

MR. DEPUTY-SPEAKER: I have given him a patient hearing. I will draw attention to rule 75(2):

"At this stage no amendments to the Bill may be moved, but—

"(a) if the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee of the House or a Joint Committee with the concurrence of the Council, or be circulated for the purpose of eliciting opinion thereon . . ."

SHRI NATH PAI (Rajapur): That has been done duly.

MR. DEPUTY-SPEAKER: Superseding the main motion is not the issue. The motion for consideration and the motions for reference to a Select Committee are before the House for debate. After the debate is over, he will get priority in voting for his motion for reference to Select Committee. If a member moves that a Bill be referred to Select Committee or be circulated for eliciting public opinion, that does not mean that the mover gets priority in speech.

श्री जार्ज फरनेन्डीज : मैं खुलासा करूं । मेरा मतलब बिल्कुल यह नहीं है । मै चाहता हूं कि नं० (4) का इंटरप्रेटेशन दिया जाय ।

"that the consideration of the Bill or the debate on the Bill be adjourned *sine die* or to some future date".

अगर यह प्रस्ताव इस वक्त यहां पेश किया जाता है तो इस प्रस्ताव का अर्थ क्या रहेगा ? बहस चलेगी और मेरा प्रस्ताव सबसे आखीर में विचार के लिये लिया जायेगा, बहस के दौरान नहीं, बहस के बाद विचार के लिये लेंगे, यह तर्क नहीं दिया जा सकता है ।

MR. DEPUTY-SPEAKER: I am coming to that. The fourth section refers to the debate being adjourned to some future date.

SHRI GEORGE FERNANDES: Consideration of the Bill.

MR. DEPUTY-SPEAKER: That is the debate. Consideration in a general debate is necessary before the motion to refer to Select Committee can be put to vote. I cannot follow what he is driving at.

श्री जार्ज फरनेंडीज : मेरा यह कहना है कि पहले इस प्रस्ताव पर ही बहस होनी चाहिये कि इसको सेलेक्ट कमेटी के सामने भेजा जाय और माननीय सदस्य अपनी राय व्यक्त करें कि यह वहां भेजा जाय या नहीं ।

MR. DEPUTY-SPEAKER: No. The procedure and practice we have followed in that even if there is a motion for circulation or reference to select committee, the debate on the general consideration motion takes place along with the other motions. As I said earlier, all the motions are before the House for a general discussion. At the time of voting, naturally he will get priority for his motion, not till then.

So, there is no point of order.

SHRI C. K. BHATTACHARYYA (Raiganj): May I make a submission. On this?

MR. DEPUTY-SPEAKER: I have given my ruling and I am not entertaining any other point on this now.

SHRI C. K. BHATTACHARYYA: The circulation motion will become infructuous if it comes after the discussion.

SHRI HIMATSINGKA: As has been explained by the Home Minister, the provisions in the different clauses as regards penalty and punishment appear to be severe, but in view of the fact that this force practically partakes of the character of the military and efficiency and discipline are required to that extent, with the safeguards provided in some of the clauses, I think they should be acceptable.

There are certain clauses where there appears to be some confusion. I shall point them out when we take up clause by clause consideration. With these remarks I support the Bill.

SHRI N. K. SOMANI (Nagaur): As far as the Border Security Force is concerned, I can see two objectives that have to be performed by this Force. One, obviously as the name suggests and as its Constitution permits, is the protection of our international borders which have, as all of us know, since 1962 been under constant attention from our neighbours. The other objective, to my mind, it is clear, is to instil a sense of security among the people who live in the villages all over the border and in the adjoining areas, and therefore when we send this force for training and before they are sent to their posts, these two objectives must be made clear to the officers and personnel of this force, so that they can acquit themselves properly and fully.

As far as this Bill is concerned, I am here to welcome it because I think it is both timely and necessary that such a force be created for the surveillance called for as far as our international borders are concerned. As has been announced by the Home Minister and as has been the practice in the past, this is a para-military body. The status and the proficiency required by the personnel of this Force is somewhere between the armed police of various States and the armed wing of our Army. Therefore, the people, while they are being recruited to be trained and later while acting as border security members have to be selected very carefully and they have to undergo a very systematic and rigorous training in all the aspects of their job which have to be spelt out to them.

I have had some occasion to study the operations of the B.S.F. Training Academy. This Academy has been instituted near Gwalior and it conducts the training programme for the recruits who have been taken from various ports of this country. To my mind, the structure of the training programme has not yet been fully spelt out by the Government of India and therefore it is lacking in the proper dimensions for the job that is being called for. As I said earlier, they will have to acquit themselves in a number of positions and in a number of ways in a variety of emergent and non-emergent situations and it calls for a specially tailored programme which will have to take into consideration the rough terrain in which this Force will have to work, conditions from deep deserts to deep snows and all other uncertainties that will have to be provided for, and therefore while we train these people, we will have to train them in guerilla warfare, we will have to increase their capacity to persevere under the very difficult conditions of the Himalayas, we will have to train them to suffer the very rough terrain of Assam, NEFA and Nagaland . One aspect that this Force will have to be ready to meet is infiltration. We will have to take a lesson from what happened in Kashmir in 1965 and what, to my mind, is happening more or less but in a limited degree nearly every day. We read in newspapers and those who have had the occasion to visit the borders know personally. There is a lot of rumours; illegal and illegitimate traffic goes on; they indulge in cattle lifting at times; at other times they attempt to kidnap people and in various other ways they are provoking our country. These

are the various aspects of the situation that our border security organisation will have to face; they should be trained and equipped to meet these situations.

Time after time Members refer to the defects in the superintendence of the Nagaland, Assam or NEFA area. The pat answer from the Treasury Benches is that we must appreciate the difficult terrain in that area. That answer is not adequate when the security of the country is in question. No excuse should be given such as the lack of training, organisation or finance.

They shall also have to be equipped to gather intelligence. They will have to pick up these rumours in advance and not wait until an Opposition Member of Parliament or a vigilant Press brings it to the notice of the Government of India. They will have to forestall any action that may be brewing on our borders. It calls for human assimilation of the border security force with the local population. They must be required to live not in isolation of the local population; they must be encouraged to learn their language and understand their social customs and mix with them so that they can pick up any rumours or learn about any trouble brewing on our borders.

The training academy which is near Gwalior has three other branches: Hazaribagh, Jodhpur and Indore. I am surprised that the training programme is not suited to look after the problems of the Himalayan border or of Assam, NEFA or Nagaland. You cannot simulate all possible conditions in all places. If we have to condition our border security force to the terrain and climate in Kashmir or Nagaland or Assam, there are the problems of terrain, snow, accessibility, lack of oxygen at certain heights, etc. the training camps should be located in or near these places.

The other point that arises it about co-ordination between the border security organisation and the local police. In all their activities and programmes there should be thorough understanding and no cause for complaint either on behalf of State Governments or others. The Government of India should not allow them to behave like overlords having special permits from Delhi. All this should be made part of their training.

Whenever there is criticism of our border patrols, the question of equipment comes in. The whole world knows that thousands of silver bars are openly smuggled from Bombay all the year round just becaushe the excise and preventive staff do not have fast steam boats or proper guns and other investigation facilities; they do not have helicopters while the smugglers who engage in this trade between Bombay and Dubai and Bahrein have arms and rifles, telescopes, helicopters and fast tug boats. Let it not be said that our forces were starved or were not given adequate training or equipment. The equipment should be adequate to the performance of their duties.

There is another important point—communications. At the best of times, it takes some times days to get through some message to Bombay or Srinagar from Delhi. These are matters which brook no delay. The Government of India should have telecommunication facilities which will not fail at the proper time. They should have walkie-talkie units or mobile telephones or microwave arrangements or whatever facilities are called for. Let us spare no expense in that matter.

When you ask a battalion from Mysore or Rajasthan or Andhra Pradesh or somewhere to go across to our borders, it is the duty of the Border security organisation and the Government of India and the Home Ministry to provide them with proper houses. We should not expect them to live for ever under difficult conditions and to be vigilant and

[Shri N. K. Somani]

uncomfortable there at the same time. Therefore, housing and recreational facilities will have to be provided to them.

I understand that there is a shortfall in recruitment to the border security organisation either to the extent of 10,000 or a figure that is nearabout that. This is curious. In a country where, if conditions were proper and the working conditions as well as the payment conditions were proper, and where there is an unemployment situation and where provocations and national emotions are involved in this matter, I cannot understand why there is a shortfall in recruitment. There seems to be something wrong either in the working conditions or in the payscales. Otherwise, I see no reason why adequate response to recruitment is not forthcoming.

I have one specific instance of complaint which might be looked into by the hon. Minister. This arose at Yellahanka which is about 15 kilometres from Bangalore, and there is a training unit or a recruitment office there. The food provided to the recruits there was certainly subhuman. I have seen it myself.

SHRI NATH PAI: Something like the food given here in Parliament.

SHRI N. K. SOMANI: Or even worse. It was hardly edible and I understand that the catering was given to somebody who is not interested at all in anything except probably making money. This is an aspect which you will have to look into so that if we expect our jawans to be ready in all aspects, we have to treat them properly.

I have been trying to find out in this Bill some provisions for retirement and pension for these personnel who after a lifetime of meritorious service and rigorous performance are definitely looging forward to some gratuity and to some pensions as are available either to the police or to the other government employees or to the army. After all, if they are prepared to give their lives for the nation if the time comes, they should also be prepared to expect a reasonable security towards the end of their lives, and therefore we will have to provide well for their retirement and pension and gratuity. Also, in the case of disablement during service, if the jawan happens to be the only earning member in his family, the Government will have to provide adequately for such a thing.

I next come to the judicial aspects. The chapter on conditions of service is a very small one, but the chapter defining the offences and penalties and punishments, arrests and procedures in courts virtually takes about 90 per cent of the Bill. I hope this is not in proportion to the attitude of the Government. But one precaution will have to be taken because here is a provision which involves death penalty. A border security employee can be hanged, and therefore, when the death sentence is there right down to the other severe penalties on the lower scale, we will have to be careful to see that instead of having purely officers' courts, we should have some sort of quasi-judicial arrangement to listen to appeals and to give sentence before the final judgment is delivered.

I hope all these conditions will be taken into account before a final shape is given to this Bill.

16.34 hrs.

(SHRI THIRUMALA RAO *in the Chair.*)

श्री बलराज मधोक (दक्षिण दिल्ली) : सभापति महोदय, मैं इस विधेयक का स्वागत करता हूं । जो सीमा सुरक्षा बल बन चुका है उसको एक विधिवत रूप देने के लिए यह विधेयक इस सदन में लाया गया है । इस बल के निर्माण का श्रेय हमारे भूतपूर्व गृह मन्त्री,

श्री नन्दा को है और इस लिए वह भी बधाई के पात्र हैं । उससे पहले हमारी सीमा-सुरक्षा के लिए पुलिस फोर्स थे जिनका खर्चा तो केन्द्र देता था परन्तु जिन का प्रबन्ध प्रान्तीय सरकारों के पास था । इस लिए उन में कोई यूनिफार्मिटी नहीं थी न तो ट्रेनिंग के बारे में और न साज-सज्जा के बारे में । इसलिए कई कठिनाइयां पैदा होती थीं । चूंकि सुरक्षा की ज़िम्मेदारी केन्द्र की है इसलिए केन्द्र ने इस कार्य को अपने मातहत लेकर सारे देश के लिए एक सिक्यूरिटी फोर्स बनाया है यह एक अच्छी बात है ।

परन्तु हमें यह मान कर चलना होगा कि केवल इस सिक्यूरिटी फोर्स से ही हमारे बार्डर की रक्षा नहीं होगी । वैसे तो हमारे देश की सुरक्षा सेनायें हैं परन्तु अन्तर्राष्ट्रीय कानून के मुताबिक शान्ति-काल में वे सीमा पर नहीं रहतीं और उस समय यह काम दूसरी पुलिस को करना पड़ता है । शान्ति-काल में इस प्रकार का बल फर्स्ट लाइन आफ़ डिफेंस होगा और युद्ध-काल में यह सैकंड लाइन आफ़ डिफ़ेंस होगा । परन्तु किसी भी देश की सुरक्षा की ज़िम्मेदारी केवल बार्डर सिक्यूरिटी फ़ोर्स पर नहीं छोड़ी जा सकती है । किसी देश की सीमा-सुरक्षा के सम्बन्ध में हमें कई बातों पर विचार करना होता है ।

पहले यह कि सीमा के पार जो देश हैं हमारी ओर उनका रुख क्या है और उनकी साज-सज्जा और फ़ौजी तैयारियां कैसी हैं । दूसरे हमारे बार्डर की भौगोलिक स्थिति और टैरेन कैसा है । तीसरे, सीमा पर रहने वाले दोनों ओर के लोगों का काम्पलेक्शन और कैरेक्टर कैसा है । चौथे वहां पर यातायात, कम्युनिकेशन्ज और संचार का क्या प्रबन्ध है । पांचवें सीमा की सुरक्षा करने वाली पुलिस और सेना की साज-सज्जा ट्रेनिंग और संख्या की क्या स्थिति है । इन पांच बातों के आधार पर ही हम अपनी सीमा की सुरक्षा का सम्यक विचार कर सकते हैं ।

जो सीमा सुरक्षा बल बनाया गया है इस बिल में केवल उसी का विचार किया गया है । बाकी चार बातों का विचार इसमें नहीं है और हो भी नहीं सकता था । परन्तु जब हम अपने देश की सीमा-सुरक्षा का विचार करते हैं, तो हमें इन पांचों बातों पर विचार करना होगा और इन को इकटठा लेना होगा, इन को को-रिलेट करना होगा, इन में ताल मेल बिठाना होगा । हमारी सीमा की रक्षा के लिए केवल सीमा सुरक्षा बल का होना ही पर्याप्त नहीं है ।

हमारी स्थल सीमा लगभग पांच हजार मील है । उसमें से थोड़ा सा हिस्सा नेपाल के साथ लगता है, जो हमारा मित्र देश है । थोड़ा सा हिस्सा बर्मा के साथ भी लगता है, जो हमारा मित्र देश है । परन्तु हमारी सीमा का बहुत बड़ा हिस्सा पाकिस्तान के साथ लगता है, जो हमारा जन्मजात शत्रु है, या कम्युनिस्ट चीन के साथ लगता है, जो एशिया में हमारा "नैचुरल राइवल" प्राकृतिक प्रतिद्वन्द्वी हैं । इसलिए सीमा सुरक्षा का विचार करते हुए हमें विशेष रूप से पाकिस्तान का विचार करना होगा, क्योंकि पाकिस्तान ने पिछले बीस सालों में बार-बार हमारी सीमाओं में घुसपैठ की है, हम पर आक्रमण किये हैं ।

जब हम पाकिस्तान का विचार करते हैं, तो हम देखते हैं कि जहां तक टैरेन का ताल्लुक है, भौगोलिक स्थिति का ताल्लुक है, वह जैसा यहां है, वैसा ही पाकिस्तान में है । यहां पर कई बार कहा जाता है कि हम नागा समस्या या कोई दूसरी समस्या इसलिए हल नहीं कर सकते हैं, क्योंकि वहां का टैरेन बड़ा कठिन है, वहां की भौगोलिक स्थिति खराब है । मैं समझता हूं कि इस प्रकार के बहाने देना ठीक नहीं है । आखिर मलेशिया और बर्मा में भी उसी प्रकार के जंगल, खाइयां और पहाड़ियां हैं । राजस्थान के बारे में कहा जाता है कि वहां पर रेगिस्तान है । अगर

[श्री बलराज मधोक]

हमारे लिए रेगिस्तान है, तो पाकिस्तान के लिए भी तो रेगिस्तान है। टैरेन के सम्बन्ध में पाकिस्तान और भारत दोनों की स्थिति समान है।

जहां तक सीमा पर बसे हुए लोगों का सम्बन्ध है, पाकिस्तान की ओर जो लोग सीमा पर बसे हुए हैं, पाकिस्तान उन पर पूरा विश्वास कर सकता है, क्योंकि वे फ़ैनेटिकली एण्टी-इण्डिया हैं, भारत विरोधी है। वहां पर जो हिन्दू या अन्य लोग थे, जिनसे यह सम्भावना हो सकती थी कि वे हमारा साथ दे सकते हैं, पाकिस्तान ने उनको अपनी सीमाओं से बीसियों मील दूर कर दिया हैं। इस लिए पाकिस्तान को यह बड़ा लाभ हैं।

हम अपनी सीमाओं पर ऐसा नहीं कर पाये हैं। हमने कई योजनाएं बनाई। नन्दा जी ने एक प्लान बनाया कि आसाम की सीमा पर हम एक मील की पट्टी खाली करायें। वह बड़ी अच्छी स्कीम थी और मुल्क की सिक्योरिटी के लिये आवश्यक सवाल भी था। मगर अभी तक हमने उसके ऊपर अमल नहीं किया। राजस्थान के अन्दर एक स्कीम बनाई गई थी कि राजस्थान नहर का जो इलाका होगा वहां पर सीमा के साथ पांच मील चौड़ी और 65 मील लम्बी पट्टी राजस्थान सरकार डिफेन्स मन्त्रालय को दे देगी और वहां पर अवकाश प्राप्त सैनिक, बसाए जायेंगे। लेकिन मुझे पता लगा है कि राजस्थान सरकार उस वचन से पीछे हट रही हैं। क्यों हट रही है? इसलिए कि वहां पर जो लोग बसे हुए हैं उनके वोट लेने हैं। मैं गृह मन्त्री से कहूंगा कि आप देश के गृह मन्त्री हैं। आप कांग्रेस के हैं मगर देश के भी हैं और अब जो नई परिस्थिति पैदा हुई है, पाकिस्तान पहले ही हमारा शत्रु है, उसको हथियार चीन से भी मिल रहे हैं, अमेरिका से पहले ही ले रखे हैं और अब रूस से भी मिलने वाले हैं, इस कारण पाकिस्तान की बेलिकासिटी, उसका आक्रान्ता रुख आगे से बहुत बढ़ गया है। इसलिए हम सेक्योरिटी के बारे में किसी प्रकार का "रिस्क" या "चांस" नहीं ले सकते इस सम्बन्ध में सेकुलरिज्म या जो कुछ भी यह है, का प्रश्न खड़ा करना गलत है अव्वल तो हम सेकुलर का अर्थ नहीं समझते, मैं चाहूंगा कि हमारे बन्धु कोई एन्साइक्लोपीडिया निकालें, कोई डिक्शनरी लाये और उसमें पढ़े कि सेकुलैरिज्म का अर्थ क्या है। हमारा देश सेकुलर देश नहीं हैं। हमारा देश कम्युनल देश है, कम्युनल स्टेट है, **कम्युनल स्टेट वर्किंग इन फेडर आफ ए पर्टीकुलर कम्यूनिटी**। यह एक सेकुलर स्टेट नहीं है। वरना संसार के अन्दर किसी भी देश में सिविल ला अलग अलग हों इसका एक भी नमूना बताइए। हम सेकुलर नहीं हैं। अपने आप को यह धोखा देना हम बन्द करें। मैं चाहता हूं कि भारत सेकुलर हो। भारतीय राज्य, हिन्दू राज्य संसार के अन्दर सदा सेकुलर रहा है। हमारे इतिहास के अन्दर केवल एक अपवाद है अशोक का जो इस सेकुलरिज्म के आइडियल से गिरा। उसने स्टेट का रुपया और प्रभाव बौद्ध धर्म के प्रचार के लिए खर्च किया जो एक बहुत बड़ा कारण बना अशोक के बाद मौर्य साम्राज्य के पतन का। शिवाजी सेकुलर थे, रणजीत सिंह सेकुलर थे। केवल अशोक एक अपवाद था मगर यह एक अजीब बिडम्बना है कि सेकुलरिज्म का दम भरने वाली इस सरकार का माडल अशोक है, शिवाजी नहीं है और हमारे देश के अन्दर कानून अलग-अलग हैं। मैं चाहूंगा कि आप देश को सही अर्थों में सेकुलर बनाएं ताकि आपको मेरा समर्थन भी उसमें मिले। मैं समझता हूं कि कोई हिन्दू नान-सेकुलर नहीं हो सकता। अगर संसार के अन्दर कोई सेकुलरिज्म की गारन्टी है तो

वह हिन्दू संस्कृति है, वह हमारी परम्परा है। उस परम्परा पर देश चलता है तो भारत सेकुलर रह सकता है। पर अगर कहीं सेकुलरिज्म या कोई इज्म या कोई वाद हमारी सुरक्षा के साथ टकराव खाता है, तो सुरक्षा को प्राथमिकता देनी होगी।

If there is a clash between secularism and security, or constitutionalism and security or democracy and security, secularism, constitutionalism and democracy must go to the wall and security must come first.

इस मामले में कोई दो मत नहीं हो सकते। इसलिए सीमा की सुरक्षा का विचार करते हुए हमें इस बात का विचार करना होगा। अगर वहां पर कहीं संदिग्ध लोग बसते हैं तो हमें बड़ी दृढ़ता से उनको वहां से हटाना होगा, कोई हमें कुछ कहे, उसकी चिन्ता न करते हुए। मैं जानता हूं मेरे इन बातों के कहने के कारण कुछ लोग मुझे कम्युनल कहेंगे। मुझे कोई क्या कहता है, इसकी चिन्ता नहीं। मैं राष्ट्रवादी हूं। मैं जो बोलता हूं, वह देश के लिये बोलता हूं। इसलिए मेरे बारे में कोई क्या बोलता है, इसकी मुझे चिन्ता नहीं। मगर मैं गृह मंत्री से कहूंगा कि आज देश की एकता पर संकट है, हमारी आर्थिक समस्या कोई बहुत बड़ी समस्या नहीं है, आज हम गरीब हैं, कल अमीर हो जायेंगे, आज अनाज कम है, कल अधिक हो जायेगा—परन्तु अगर देश की एकता चली गई, सुरक्षा खत्म हो गई तो फिर हम कहां के रहेंगे? इसलिए जहां देश की एकता का सवाल आता है, देश की सुरक्षा का सवाल आता है, हम सब एक हो कर सोचें, यथार्थवादी होकर सोचें और इस मामले में हमारा माडल सरदार पटेल होने चाहिएं। जो सरदार पटेल ने किया वह हम करें। मैं चाहूंगा कि हमारे गृह मंत्री चह्वाण साहब भी सरदार पटेल के मार्ग पर चलें।

इस प्रकार हमें इस बात का विचार करना होगा कि हमारी सीमाओं के ऊपर जो संदिग्ध लोग बसे हुए हैं उनको हटाना होगा। दूसरी बात जिसके ऊपर हमें विचार करना होगा वह यह है कि हमारा वहां पर जो यातायात और संचार का प्रबन्ध है वह अच्छा हो। पाकिस्तान ने अपनी सीमा के साथ सड़कों का जाल बिछा रखा है। उसने नई सड़कें बनाई हैं, रेलें बनाई हैं और टेली-कम्यूनिकेशन सिस्टम उसका बहुत अच्छा है। उसके पास जो ट्रक्स हैं उनके टायरस ऐसे हैं जो रेगिस्तान में अच्छी तरह चल सकते हैं। उसके मुकाबिले में हमारे यहां यातायात और संचार का प्रबन्ध इतना अच्छा नहीं है। मैं सीमा पर हो कर आया हूं। वहां पर बार्डर सेक्योरिटी फोर्स के जवानों से भी मिला, अफसरों से भी मिला, । उनकी समस्याओं पर मैंने विचार किया। उनकी एक बड़ी शिकायत है कि उनके पास ट्रांसपोर्टेशन के साधन इतने अच्छे नहीं, उन की मोबिलिटी इतनी नहीं जितनी पाकिस्तान वालों की है। इसलिए इस पहलू को भी हम देखें और अपने ट्रांसपोर्टेशन को भी ठीक करें। अपने कम्यूनिकेशन सिस्टम को भी ठीक करें और इसके साथ दूसरी महत्वपूर्ण चीज है इस बल की संख्या ट्रेनिंग और एक्विपमेंट। मैं समझता हूं कि संख्या के मामले में भी हमारी बार्डर सेक्योरिटी फोर्स पर्याप्त नहीं है। मुझे जगह जगह बताया गया कि संख्या बढ़ाने की जरूरत है और जहां तक एक्विपमेंट का, आज सज्जा का ताल्लुक है, कल तक पाकिस्तान के बार्डर रेंजरज की एक्विपमेंट हम से बहुत बेहतर थी। अब हमने कहीं कहीं इम्प्रूवमेंट और सुधार किए हैं। लेकिन अभी भी हम पूरे नहीं पहुंचे और ट्रांसपोर्टेशन के मामले में भी वह हमसे बेहतर हालत में है। इन सब बातों पर हमें विचार करना होगा। बार्डर सिक्योरिटी फोर्स को हमें उस स्तर पर लाना होगा जिस स्तर पर सेना है। वास्तव में इस बार्डर सेक्योरिटी फोर्स को हमें पुलिस के साथ

[श्री बलराज मधोक]

मिलाना नहीं चाहिए । जैसा कि गृह मंत्री ने कहा भी है कि सजा के मामलों में हम इनको आर्म्ड फोर्सेज के साथ रखना चाहते हैं । बाकी बातों में भी इनको उन्हीं के साथ रखना होगा । इनकी ट्रेनिंग, इनके एक्विपमेंट उसी प्रकार के होने चाहिएं जिस प्रकार कि सेना के हैं । और यह आवश्यक है कि बार्डर के इलाके में इन लोगों के रहने के लिए वहां पर कुछ छावनियां बनाई जायें । आज वह टेन्टों में रह रहे हैं । यह ठीक है कि कुछ जगहों पर टेन्टों में रहना होगा । किन्तु उनके लिए कुछ छावनियां भी हमें बनानी होंगी जहां यह रह सकें । इसी प्रकार इनकी ट्रेनिंग के लिए कोई एकाडेमी बनाइए । उचित तो यह होगा कि इसके लिए अधिकतर सेना के आदमी लें । हमारे बहुत से एमर्जेंसी कमीशन के लोग जो अभी रिलीज हुए हैं उनमें से कुछ को हमने लिया है । अभी और ले सकते हैं । इसी प्रकार हमारे देश के अन्दर एक्स-सोल्जर्स बहुत हैं, उनको ले सकते हैं । परन्तु इस फोर्स की उपयोगिता तब बढ़ेगी जब इसमें सीमावर्ती क्षेत्र के लोकल लोग लिए जायं । जम्मू के इलाके के अन्दर डोगरे बहुत मिल जायेंगे । राजस्थान के अन्दर बहुत से राजपूत हैं । और दूसरे इलाकों में बहुत से क्षेत्रीय लोग हैं जिनको वहां के टैरेन का पता है, जिनको वहां के भूगोल का पता है, जो वहां के लोगों से हिल मिल सकते हैं । इस प्रकार के स्थानीय लोग अधिक लेने से यह फोर्स अधिक प्रभावी होगा ।

मझे बड़े दुख के साथ कहना पड़ता है कि अभी जब में कच्छ गया तो वहां छड़ बेट के इलाके में इस बल की दो कम्पनियां थीं । में उनसे मिला और मैंने उनसे पूछा कि क्या गुजरात का भी कोई जवान उन में है ? तो उन्होंने बताया कि पंजाब के हैं, हरियाना के हैं, मध्य प्रदेश के हैं, लेकिन गुजरात का उनमें कोई भी नहीं । मैंने गुजरात के मुख्य मंत्री श्री हितेन्द्र भाई को भी कहा है कि यह बात ठीक नहीं है । आप को गुजरात के जवान इसमें लेने चाहिएं । गुजरात और राजस्थान की सीमा पर अब अधिक खतरा है, इसलिये उसमें वहां के लोकल जवान आदमी आने चाहिए । लोकल जवान होगा तो उसको यह भी खयाल होगा कि यह मेरा घर है । हमारे सब लोग देश भक्त हैं, सब देश के लिए लड़ते हैं, लेकिन स्वाभाविक रूप से जिसका जहां घर है उसको उसका दर्द अधिक होता है । और वैसे भी हमारी सेना सारे देश का प्रतिनिधित्व करे, इसलिए भी लोकल लोगों को अधिक भर्ती करना आवश्यक है ।

साथ ही यह चीज और महत्वपूर्ण इसलिए हो गई है कि आज कई प्रकार की नई समस्याएं पैदा हो गई हैं । अभी 7 जुलाई को हांग कांग स्टैंडर्ड में एक लेख छपा था । श्री राबर्ट डिक्सन क्रेन जो हडसन इंस्टीट्यूट न्यूयार्क के प्रोफेसर हैं, उन्होंने वह लेख लिखा था, वह नार्थ बर्मा और नागालैंड क्षेत्रों में कई महीने लगा कर आए, वहां के नेताओं से मिले और उसके बाद वह लम्बा लेख लिखा जिसमें वह लिखत हैं कि मैं इस सारे क्षेत्र के नेताओं से मिला हूं । वहां एक नया युद्ध चलने वाला है । इसके पीछे चीन का हाथ है । उस लेख में उन्होंने अपनी सरकार को यह सुझाव दिया है कि तुम इनका विरोध मत करो ताकि यहा मुकमाल रूप में चीन के हाथों में न चले जाय । "तुम इनको बैक करो । यह नेशनल मूवमेंट है, नागा नेशनल मूवमेंट, शान नेशनल मूवमेंट, तुम इनका विरोध मत करो।" कहने का मतलब यह है कि इस

समय इस प्रकार के तत्व हैं जो चीन द्वारा वियटनाम में चलने वाली वार बाई प्राक्सी–बेनामी युद्ध की तरह की वार बाई प्राक्सी हमारे यहां भी पूर्वी क्षेत्र में चालू करना चाहता है। काश्मीर के अन्दर स्थिति और भी भयंकर है। अभी पिछले दिनों पाकिस्तान आबजर्वर ढाका ने एक एडीटोरियल लिखा था जिसमें कहा गया था कि शेख अब्दुल्ला अब अपना अहिंसा का मोह छोड़ रहे हैं। अब वह हिंसा के साथ नाता जोड़ने के लिए तैयार हैं और हिंसक आन्दोलन को लीड करने के लिए तैयार हैं। यह पाकिस्तान आबजर्वर जो काश्मीर के मामले में आज तक कभी लिखता नहीं था, उसने यह लिखा है। यह बड़ी महत्वपूर्ण बात है। शेख अब्दुल्ला के अपने जो वक्तव्य हैं, सीमा पर पाकिस्तान जो युद्ध की तैयारियां कर रहा है, गुरिल्ला युद्ध की जो ट्रेनिंग हो रही है, इन सब बातों को देखते हुए, मुझे आशंका है—टूरिस्ट सीजन खत्म होने और शरद ऋतु आने पर काश्मीर में और पूर्वी क्षेत्र में सीमा पर गड़बड़ शुरू होगी। इसलिए पहले से सतर्क होने की जरूरत है। वहां पर हमारी जो सैनिक टुकड़ियां हैं, उनको एलर्ट करना जरूरी है। राजनैतिक दृष्टि से भी हमें सतर्क होने की जरूरत है।

I wish I prove wrong—

अगर हम यह सब नहीं करेंगे तो उस समय अगर हम यह कहेंगे कि हम हैरान हुए हैं, **वी आर सरप्राइज्ड**, हमें अचम्भा हुआ है, उस से इतिहास हमें कभी माफ नहीं करेगा।

इसलिये मैं यह कहूंगा कि यह बिल सामयिक और अच्छा है। लकिन इस में कुछ सुधार करने की आवश्यकता है। इस के बारे में मैं कुछ सुझाव देना चाहता हूं। एक तो इस बिल के अन्दर पहली बात यह है कि यह जो बार्डर सेक्योरिटी फोर्स है इसे एक्साइज ऐक्ट और जो दूसरे केन्द्रीय ऐक्ट हैं उन को भी एन्फोर्स करने का अधिकार दिया जायेगा। मैं यह कहना चाहता हूं कि इस फोर्स को सिविल पुलिस से "मिक्स अप मत" कीजिए। हमारी सिविल पुलिस बहुत कुछ कारणों से करप्ट हो जाती है, है, इनएफिशियेन्ट हो जाती है, पब्लिक सिम्पैथी खो देती है, क्योंकि उन को इस प्रकार के काम करने पड़ते हैं। करप्ट लोग उन को रिश्वतें देते हैं और करप्ट कर देते हैं। हमें इस बात का प्रयत्न करना चाहिये कि हमारी यह फोर्स सेना के साथ रहे और करप्ट न हो पाये, इस के बारे में जनता की भावना अच्छी रहे। करप्ट होने के जो कारण हैं, वे इन को न मिलें। इस लिये सिविल पुलिस के जो काम हैं, उनमें इनको मिक्स-अप मत कीजिये। जहां पर इन का दायरा है, वहां पर सिविल पुलिस को मत लाइये, वर्ना राइवलरी पैदा होगी। हमारे देश के अन्दर एक तो साधारण पुलिस है, आर्म्ड पुलिस है, सैन्ट्रल रिजर्व पुलिस है और यह बार्डर सिक्योरिटी फोर्स बनी है। बार्डर का जो पांच-दस-पन्द्रह मील का इलाका है, वह मुकम्मल रूप में इन को दीजिये, उस में इन को सिविल पुलिस से मत मिलाइये।

SHRI Y. B. CHAVAN: Now you are making contradictory arguments.

श्री बलराज मधोक : मैं मानता हूं कि इस में कन्ट्राडिक्शन आती है, उस क्षेत्र के अन्दर, लेकिन बाकी जगह नहीं। बार्डर का जो पांच-दस मील का एरिया है, उस के अन्दर इन को सिविल पुलिस के साथ मिक्स-अप मत कीजिये।

इस बिल में कहा गया है कि जब कभी आवश्यकता हो, आप एक आर्डर के द्वारा इन को और क्षेत्रों में ले जा सकते हैं। इन के जो आफिसर्ज हैं, सिविल पुलिस से मिक्स-अप कर सकते हैं . . .

SHRI Y. B. CHAVAN: If you are referring to clause 139(1), it reads:

> "The Central Government may, by general or special order published in the Official Gazette direct that, subject to such conditions and limitations, and within the local limits of such areas adjoining the borders of India, as may be specified in the order, any member of the force may,—"

I think, this answers your own criticism. So, it is to be done within the local limits of such area adjoining the borders of India.

श्री बलराज मधोक : वह ठीक है, मगर इस में अब तक का जो अनुभव है, वह यह है कि कई बार हम बार्डर सिक्योरिटी फोर्स को बार्डर से बहुत अन्दर इन्टीरियर में ले जाते हैं। जैसे राजस्थान में फायरिंग हुआ, वहां ले आये, कहीं गड़बड़ होती है, वहां ले जाते हैं। आप बिलकुल स्पष्ट कर दीजिये कि यह सीमा के पांच-दस-पन्द्रह मील के एरिये में रहेंगे, उस के बाहर इन को न आने दे।

आपने कहा है कि इन के आफिसर्ज सिविल पुलिस के आफिसरों से मिल सकते हैं, ऐसा न कीजिये। इन के आफिसर्ज को आर्म्ड फोर्सेज के आफीसर्ज से इन्टरचेन्ज कीजिये, लेकिन इन केआफिसर्ज को सिविल पुलिस के आफिसर्ज से इन्टरचेन्ज न होने दीजिये।

आपने इस में डेथ का प्रावीजन रखा है। आर्म्ड फोर्सेज में ऐसे पनिशमेन्ट का विधान होगा, लेकिन मैं चाहता हूं कि इस में एपेलेट अथोरिटी होनी चाहिये। किसी एक दोषी व्यक्ति को छोड़ देना ठीक नहीं होगा, लेकिन अगर किसी को डेथ पनिशमेन्ट मिलती है तो उस के लिये किसी प्रकार की एपेलेट अथारिटी का विधान होना चाहिये जिसके पास वह अपील कर सके। मैं मानता हूं कि आर्म्ड फोर्सेज के अन्दर हम इस प्रकार के ट्रेड यूनियन राइट्स नहीं दे सकते, देना भी नहीं चाहिये, लेकिन जो लोग जवान हैं, इन की भी कुछ ग्रीवेन्सेज हो सकती हैं, कठिनाइयां हो सकती हैं, शिकायतें हो सकती हैं, उन को व्यक्त करने का, उन के बारे में अपनी बात कहने का इन्हें कुछ रास्ता मिलना चाहिये। बहुत बार ग्रीवेन्सेज इकट्ठी होती रहती हैं, स्टीम-लेटिंग नहीं हो पाती है तो उस चीज में उबाल आ जाता है। इस के लिये कोई प्रबन्ध करना होगा।

एक सुझाव यह दिया गया है कि इस बिल को एक सिलैक्ट कमेटी के सामने पेश किया जाय। मैं समझता हूं कि सुझाव अच्छा है, क्योंकि यह बिल एक काफी महत्व का बिल है। लेकिन मैं यह भी चाहूंगा कि इस बिल को पास करने में देर न लगे। इस के लिये मेरा सुझाव यह है कि आप कुछ एक्सपर्ट्स लोगों की, थोड़े लोगों की एक सिलैक्ट कमेटी बनाये, जो ओवर-टाइम बैठ कर पांच-दस दिनों के अन्दर इस बिल पर ज्यादा डिटेल में विचार कर लें। उन की रिपोर्ट जल्दी आ जाय, ताकि इसी सेशन में इस बिल को पास कर दें। सिलैक्ट कमेटी के बारे में एक बात मैं कहना चाहता हूं—सिलैक्ट कमेटी का मामला एक प्रकार से पैट्रोनेज का मामला होता जा रहा है। हर मेम्बर हर चीज का एक्सपर्ट नहीं हो सकता है, जैक आफ आल ट्रेड्ज तो हो सकते हैं, मगर एक्सपर्ट नहीं हो सकते। जिनको इस के सम्बन्ध में वाकफियत है, उन को इकट्ठा कीजिये, डिटेल में विचार करने के बाद इस बिल को पास कीजिये। इस के बारे में जो इस फोर्स के प्रमुख व्यक्ति हैं, उन की राय आपने ली होगी, उन लोगों ने जो राय दी है, उस पर भी विचार कर लिया जाय—यही मेरे सुझाव हैं।

SHRI INDRAJIT GUPTA (Alipore): Mr. Chairman, Sir, I rise to support the amendment moved by my friend, Shri George Fernandes, for reference of this Bill to a Select Committee.

I feel that, although the general prinicple of this Bill is welcome, it

It cannot be accepted in its present form. The reason for that is that, when an important legislation of this type is going to be undertaken, the Government must be very clear, very precise, very careful and very meticulous in what it has in mind, what the aims and objects are as well as the provisions and the very wording of the Act is to be very carefully thought out. I find, and I shall endeavour to show, that there is a great deal of slip-shod drafting in this Bill which may lead to all sorts of complicated situations later on and more generally speaking, as far as the outlook of the Government is concerned, I think, they are hopelessly confused, they have not been able to make up their mind as to whether this is part of the police or part of the army. That is why I say that, in general, we support the Bill but in order to be more precise, careful and meticulous about the provisions and the wording and phrases used here, we should not rush it through like this but refer it to a Select Committee which can be directed to report very quickly—it need not take a long time; within a week or ten days it can report; that is not a great problem.

Let me say, to begin with, that we know that this force, even before it was constituted into a Central body, even at the time when the jurisdiction was left to the State Governments, was called upon at certain times to perform very difficult tasks. There have been occasions when they have rightly deserved the praise and the tribute of this country for having faced very dangerous situations and made the maximum possible sacrifices also. The hon. Minister will recall that at the time of aggression in Kutch, to begin with it was the border security police which was taken unawares and very heavy casualties were inflicted on them. Later on, when the Kutch Ceasefire Agreement was made, I remember, in the House when we debated it I had an occasion to criticise the fact that in that Ceasefire Agreement it was laid down that while on the Pakistani side they could bring their regular armed forces right upto the ceasfire line, we had to revert to the pre-aggression position, that our regular forces pulled back and the border police went back upto the border. I hope, he remembers that, in Dahagram enclave in Cooch Behar in East Pakistan, a very gallant action was fought by the border security police there when large scale infiltration and aggression was committed. I have occasion to remember it because I got to know that a number of decorations and awards or valour or certain personnel in the Dahagram action had been recommended and some bureaucrats were sitting on the file here in the Ministry, and it took me six months to get those recommendations or those awards released and published. I am going to say something in criticism of the force later on. The thing is that the hon. Minister should not think that I have got any idea in my mind of decrying whatever services they have rendered in the past.

The point is that everywhere in this Bill, in the 'Statement of Objects and Reasons', in the provisions, and also in the Home Ministry's Report for 1967-68, you will find that it is expressly laid down that this force is meant for the security of our border, international border, between India and Pakistan; it is not meant for the maintenance of internal law and order. However, in the Home Ministry's Report for 1967-68, it is stated that on a number of occasions—

> "..... these border security force units were made available to the State Governments for maintaining law and order and they did commendable work."

[Shri Indrajit Gupta]

They may have done commendable work in shooting down people and so on. I do not know. That may be commendable by the Home Ministry's standards. But is this the job of the border security police? We are supposed to keep their morale very high; otherwise, they cannot work on the border. But are they to be used for the purpose of maintaining internally the so-called law and order which we know very well as to what it means because we in Bengal had our own experience; only two years ago we saw that these units of the border security police were brought there at the time of the food agitation and they were posted in various places all over the State; there were trade union agitations and labour strikes going on; even in the Durgapur Steel Plant and other places we found the units of the border security police posted everywhere. You may say that law and order has to be maintained. That is not my argument. But is this the job of the border security police? If this personnel is going to be used for that purpose, I can assure you that the type of morale you need for a border security force can never be instilled in those men—never. So this Bill has no safeguards against that. It states everywhere vaguely that it is meant for purposes of the security of the border, but in actual practice, it is used for these purposes also which I mentioned, and the Home Ministry's report has said that it is commendable work that they have done. I want to know what is going on in their mind.

17 hrs.

This force is meant for the security of our borders. I would like the Minister to explain what is the meaning of the provision in cl. 7 on page 5:

> "Every member of the Force shall be liable to serve in any part of India as well as outside India".

I do not know. If you want to send them outside India, let them be a part of the Army. But if they are meant to be a border security police, please be very careful about these things. Do not rush through legislation like this without being careful and precise about the provisions. Make up your mind as to what you want. Why should the Border Security Police which, the statement of objects and reasons says, is 'charged with the responsibility of ensuring the security of the Indo-Pakistan international border, instilling a sense of security among the people living in the border areas, and preventing trans-border crime, smuggling or unauthorised entry into or exist from Indian territory', be expressly, by cl. 7, also given the responsibility of being sent outside India? This kind of confused thinking is going to lead us to a lot of trouble. They should be clear about it. Either they call it part of the police force or armed police or Central reserve police, whatever they like to call it, or they call them part of the regular armed forces. They cannot, whenever it suits them, as we find in so many clauses, treat it as basically a police force and at other places treat them as basically forming part of the regular army, although in his opening remarks, the Minister has said that virtually we want to treat them as subject to army regulations, army discipline, army conditions and so on.

Of course, it is meant, as I have already said, to instil a sense of security in the people in the border. Certainly, I hope it is not meant to harass them. But it is a very painful experience we have had, and are still having on our border in Bongaon between West Bengal and East Pakistan. The common talk about the people all along that area is that this Border Security Police instils nothing but fear and apprehension in the minds of the local people, because the large-scale smuggling which is going on there both ways—it is a two-way traffic—across the border is impossible unless the Border Security Force is also involved

in it in collusion. There seems to be a liaison between them and their counter-parts on the other side. In the name of security, actually there is collusion and liaison going on in smuggling. Everybody knows this; it is an open secret.

Secondly, this border police, many of them—of course, individuals are individuals; I cannot condemn them wholesale—have been involved in a number of incidents in which ordinary poor villagers are harassed. This border police have a very great liking for things like poultry, chicken, fresh eggs etc. which are available there in the villages round about. Many such incidents have taken place. Only seven days ago, on the 16th July, it was widely reported in the press—I am sure the Home Minister has also seen it—that three persons were killed and five others injured when sepoys of the Border Security Force fired several rounds at Bagda near Bongaon in 24-Paraganas. I do not wish to read the whole sordid story. But there was some attempt to molest women of the locality; then some local people tried to protest, and protect the women. Then these sepoys went away and reappeared with reinforcements. Then there was a clash with the people, and they opened fire etc. So, what I mean to say is this. A good point was made by Mr. Somani that a force of this type cannot be effective unless it has the best of co-operation with the local people. If it has not this kind of relation with the local people, the force will be absolutely worse than useless. It has to work in close co-operation with the local people, enjoy their confidence, be able to mix with them and have some sort to co-operation with them. This Bill provides for all types of coordination committees to be set up in the usual bureaucratic way. Co-ordination is provided between the State Government, the State police, the Army and the Border Security Force, all this has been specifically laid down, that there will be special co-ordination committees. that the chairmen of these committees will be the Chief Secretaries of each border State Government. Very good. But there is not a word anywhere, and the thought does not seem to have entered into anybody's mind, that there is some need for co-operation with the public, the people who reside in the border areas. Therefore, I would suggest that some provision be made for some type of public or advisory committees in which some representatives of the common people in those areas are associated with the Border Security Force, so that proper relationship can be built up there.

Coming to the provisions of this Bill, I want to ask if we are going to treat them as basically policemen. Then, can we put this restriction which has been put in clause 13 on their right of association? The type of restriction put here on the right of association is identical, I think, with what applies to the personnel of the army. It is not similar to the limited right of association given to the ordinary police. The police is also banned from forming trade unions and so on. The Trade Union Act does not apply to them, they cannot bring outsiders into their association, but subject to these limits the police are permitted to form a particular type of association which has to be approved by the authorities. We know last year what happened in Delhi with the police and all that. All these questions were debated at that time. Here, there is a blanket ban. No type of association of any kind, society, institution, association, organisation, nothing is permitted. Even in the case of purely social recreational or religious type of association, the previous sanction in writing of the Central Government has to be obtained. I have no quarrel with this if the whole structure is going to be like that of the army. If you are going to guarantee that they will get priority of housing, the same pay scales and emoluments, the same facilities, the same retirement benefits as the mili-

tary personnel, the same standard of rations, the same type of food, the same dependence allowance, family allowance etc., I have no objection, but you cannot have it both ways, you cannot have the cake and eat it too, that when it comes to association, you will treat them as military personnel, but when it comes to other conditions of service you will treat them differently, I do not know what is going to happen because nothing is stipulated here. So, we should know about this matter.

Of course, there is rule-making authority given here to the Government, to make rules later on, and in that one of the things which is to be covered is the question of the procedure by which the personnel of the Border Security Force are going to be tried when they are produced before these courts. Maybe, those rules will be comprehensive enough, I do not know, but I would certainly like to say that definitely the accused must be given some right of defence. Even in the military court martial where army personnel are tried, everybody knows that these personnel are given the right of being defended by some fellow member of the army personnel whom he may choose to defend him. I do not know if they propose to give any such facility to the accused in these cases where, it has been rightly pointed out a little while ago, the maximum penalty which can be imposed is the death sentence. Therefore, in all such cases I hope the rules which are going to be made will explicitly provide for the right of the accused to be defended at least in the way in which in the army court martial the people are given that right.

There is another general question and I should like to have some assurance—even vague—from the Minister. The border security force cannot function without a proper intelligence system. It is obvious. In the past, whenever we discussed defence matters, the question was asked: who was handling the intelligence system, whether, formally, it was not part of the military set up or it was only the Home Ministry's affair. We learnt some bitter lessons and at one stage we were told that it was partly the responsibility of the Home Ministry and partly the responsibility of the Defence Ministry. What about the border security forces? So far as I know they have very little intelligence facilities at their command. They cannot even stop smuggling granted—I give them the benefit of doubt—that they are interested in stopping smuggling and not in encouraging or participating in it. The local people in the border can tell you which are the routes by which the smugglers come and go. The border security police cannot do anything about it. In Kashmir we saw what happened. Today the hon. Members of Parliament have been invited by the border security force to come and see some colour film on infiltration in Kashmir. I do not know what they are going to show us or even whether the border security force was there at that time. We were never told. If they were there at the time of Pakistani infiltration in Kashmir in 1965, they did a poor job. They were taken completely by surprise. I do not know whether they are on the Nagaland border but if they are they seem to stop neither the Nagas going nor their coming back with arms. Whichever way you look at it, the point is that a thoroughly well-equipped and modern intelligence system is the *sine quo non* of any effective border security force. If the Army is having its own intelligence and the Home Ministry has its own, will there be a separate intelligence system for these people? Are they to depend upon these two other departments? We do not know. Perhaps they think that it is enough just because the DIG in West Bengal who had been appointed for the border security police is a gentleman whom we on this side of the House know very well for many

years, and on the basis of whose so called intelligence reports many of us had been put behind bars. He may be intelligent enough to lock me up in jail on some concocted charge but I do not think that intelligence will serve on the border. There must be a proper intelligence system. We are not satisfied about these things and there is a great deal of apprehension if the border security police will be able to discharge its functions.

There is another point—possible friction with the State police. Who is going to define their respective jurisdiction? How are they going to function? Is this a kind of super body directly under the Centre with a certain overriding powers? It is conceivable that at times there may be clashes of jurisdiction between the State Government police and this police. There have been some occasions like this, of course not when they were employed in looking after the security of the border but when they were being wrongly used and misused for looking after the law and order problems. I do not want to go into the old story. I do not know if the same thing would happen on the border. We should be told something about this. How is it going to be coordinated? Is it to be used as Mr. Madhok suggested as the first line of defence in the face of hostile attack? Because, we are taken by surprise so often. That has become our tradition. In that case, it would not be the second line of defence. In the case of unprovoked or sudden aggression, it becomes the first line of defence. If it is to be treated as such, I think that many provisions of this Bill need to be recast. Because this is a mix-up here between the police functions and the military functions. It is not clear at all whether they function only in India or can go out of India also, whether they are to function only on our side of the border or in adjoining localities which, I presume, is across the border also. Nothing is clear at all as to what is going to happen.

I would also like to know about the equipment. Of course we are not going to be told about it. The equipment, I presume, will be on the military lines, but it is necessary to know whether we are getting the same reciprocal treatment across the border. I presume from this that there are large stretches of India-Pakistan border where our regular armed forces are not right up to the border. They are some way back. We may be having a cantonment or two or some military divisions, but the whole of the army living on the border is living some way back. I presume that until such a contingency arises, when the regular armed forces are to be brought up to those limits, that gap in between may be filled by the deployment of the Border Security Force.

But we should know also what is happening on the other side. Is there any similar arrangement? Or, is it that on our side only there is a gap which is filled up by the BSP across the border and Pakistan's regular armed forces are right up on the border? I do not know. This is a matter which should be looked into, because there is a talk here about liaison and consultation between officers on both sides and so on. Is there any arrangement, is there any agreement, is there any understanding is, there any pact or treaty or any previous communique or anything? We should know, because I am not conscious of it. On both sides of the border, up to a certain stipulated distance, the regular armed forces of the two sides are not in practice there, but something corresponding to our Border Security Force also exists on the Pakistani side. If that is not so, if there is no assurance on that, I fail to understand why we should have this one, intermediary force called the Border Security Force. Then our regular armed forces should be given full responsibility. Otherwise, this police should be there only if there is some similar arrangement on the other side of the border also. I do not know whether we have got any

[Shri Indrajit Gupta]

reliable information and whether from time to time we have any check-up, that it is not only we who are doing this thing on our side. Otherwise, in times of emergency, we may be facing great difficulty. Therefore, I would just request him once again to consider these matters.

There are many aspects of it, general as well as particular, in the provisions which should be gone into a little more carefully. Nothing will happen and the Heavens will not fall if in another five or seven days a small committee, a Select Committee, is entrusted with the responsibility of going into this Bill. Let us not do things in a slipshod, higgledy-piggledy manner; let us be a little precise and meticulous for once in these matters.

I request the hon. Minister to accept the motion of my friend Shri Fernandes.

SHRI RANDHIR SINGH (Rohtak): Mr. Chairman, Sir, we are deeply proud of the momentous role played by the Border Security Force in the defence of our country, especially in the Pakistani aggression, and presently also. (*Interruption*). The bravery of our jawans and especially the hard conditions under which our jawans are working at high altitudes of the frontier, is something which is to be proud of, and we are indeed very grateful to the Home Minister that he has brought forward this piece of legislation for doing something very substantial for this Force which is an integral part of our armed forces. I do not agree that it is merely a police force. This force is something midway between the Indian Army and the police force. The functions assigned to this force, as we peruse through this Bill, are such that they justify that this Bill should be passed unanimously by the House.

Taking a judicial view of the matter, because a reference was made by an hon. Member opposite that everything is confused, I would like to point out that there is no confusion whatsoever and if you will kindly refer to Chapter VII you will find that the procedure to be adopted by Presiding Officers when they are sitting as a petty court or a general court is equal to court martial. But it is entirely different from what we find in the Indian Army Act, in the Indian Air Force Act or in the Indian Navy Act or whatever provisions are embodied in the Indian Police Act and rules made thereunder. The provisions of this Bill, I must say with the fullest appreciation of the Home Minister's attitude on this point, are very liberal.

Kindly take clause 82 which deals with Presiding Officer. Clause 83 says that every court whether it is a petty court or a general court, whether it is an initial court or a court with superior functions, is to be assisted by a law officer. This is something very creditable. The clause reads like this:

> "Every General Security Force Court shall, and every Petty Security Force Court may,—"

What do you mean by 'may' here? Does it mean 'must' or is it left to the discretion of the Presiding Officer? What I feel is that a law officer should be a must for petty courts also (*Interruptions*). I feel that every petty court should be assisted by a law officer and the word 'may' should be defined here as to whether it means 'must' or it means that there is some discretion. I would very strongly suggest that in clause 83 there should be no discretion left in the assignment of a law officer as provided in this clause and it should be made imperative that with every petty court a law officer should be there.

Now, Sir, something very liberal and unprecedented is embodied in clause 84. Clause 84 deals with challenges. You will not find it any-

where else, even in the ordinary law of the land. Sir, you are a lawyer and you have read the Cr PC, the CPC, the Evidence Act, the IPC and others. You will find no parallel anywhere in the Criminal Procedure Code or in the Evidence Act which is as liberal as clause 84 of this Bill. This is an option given to the accused. My hon. friend over there said that it is up to the accused to select the personnel and this is something very surprising. The accused can select the persons for the court and if he does not like any officer he will be thrown out. He will have a court of his liking to preside over his destiny. This is something very very liberal and unprecedented.

Under clause 87 the Indian Evidence Act is made applicable to the proceedings before a court. The application of Evidence Act before a court-martial is also something enviable and something to be appreciated.

Now, if you kindly look to clause 88, it takes care of judicial notice of certain matters. So, that is also there.

In respect of summoning of witnesses, just as there is a procedure mentioned in the Code of Criminal Procedure and Civil Procedure, clause 89 pertains to this. Only one thing which strikes me and which I want the Home Minister to think over is this. There are so many presumptions mentioned there like presumption in respect of signature, admissibility of certain documents and many other important matters. This is a deviation from the ordinary law of the land. I am referring here to clauses 94, 95 and 96. Section 114 of the Evidence Act allows certain presumptions. But, certainly, those presumptions are rebutted. Here is a presumption which holds good because the proceedings before these courts—it may be a petty court or a superior court—they are of a summary nature under a special law. There is a little apprehension that the law may be misused in this respect. So, some re-thinking is necessary.

Then, what some of the hon. Members were saying about the power of appeal is not at all tenable. Section 128 from clauses (a) to (d) refers to the functions of the superior courts in the matter of pardon and revision. Clause 129(1) speaks of conditional pardon and so on. These are appellate courts. If there are some powers vesting with the Home Minister in revision, whether by way of reference or in appeal, I want to know whether these powers are sufficient enough to give protection to the accused. There is much substance in the plea made by my friends opposite, in their vehement submission on this point. You, as Home Minister, may delegate this power to the Deputy Home Minister. But, certainly, the Director-General of the Border Security Force should not be vested with unlimited powers in such cases. After all, it is a capital punishment, death sentence. In such cases, if at all the matter comes before you, I would suggest that some provision should be made in the Bill whereby legal advice would be tendered to you for taking a decision in such cases.

SHRI Y. B. CHAVAN: What about clauses 117 and 118?

SHRI RANDHIR SINGH: If it is there, I say that it does not serve the purpose. As I said earlier, the BSF is not exactly like an army; nor is it a purely police force. In the case of excessive penalty like death penalty, when there is a review, in the ultimate analysis, you should be empowered with such powers that you would be able to hear the accused through his legal representative. This plea that he should have the right of appeal in writ or in revision to the High Court, that will not lead us anywhere. That is not possible because this is a special Act. In the Army Act and Air Force Act also there is no such provision, because this is court-martial. In court-martial

[Shri Randhir Singh]

cases the procedure is summary and so going to the High Court or Supreme Court will not arise. As you are very liberal from the court of first instance, in the last analysis, when you are there to preside over his destiny your function would be the same as the function of the President of India, to tender or grant pardon or commute his sentence or finish him for ever. So, that decision should be taken after getting legal advice and after giving every opportunity to the accused to present his case. Kindly think over it. The Director-General is, of course, a police officer and he is a party to the case. I will not say that he is not impartial, but certainly he is a party in the case because he represents a party—he is the Border Security Force Officer—and the accused is another party. So, in this case your position as Home Minister should be made fully available to the accused for getting redress and for getting justice.

In respect of the office of the Director-General, as I already submitted, this office should, if not always at least alternatively, be given to retired or serving Generals of the Indian Army. The Director General's rank is not less than that of a Lieutenant-General of the Indian Army and the rank of the IG Police is that of a Major-General. What I feel is that there should be co-ordination between the Border Security Force and the Indian Army.

Not only that, we are proud of the fact that where the army is not working our chaps of the Border Security Force are working. They are doing the job of sappers and scouts under very very hard conditions. Everybody knows that. We are proud of most of the gallantry awards given to these boys. In such a situation there should be closer co-ordination or co-operation between these two forces, the Army and the Border Security Force. So, if not in succession at least alternatively, if you give this office to a serving or retired Army General, that will improve matters.

You have suggested three sectors for this Border Security Force—one for Assam and Bengal, another for Tibet and a third from Kashmir right up to Gujarat. I feel that the strength of the Border Security Force is really very great and you might consider that just as for the Indian Army we have four commands—Northern Command, Southern Command, Eastern Command and Western Command—there should be at least four sectors for this also. With half a million strength of the Border Security Force—if not half a million, at least three or four lakhs—the work is too much and I feel that three commands would make the command enormously heavy and unwieldy from the efficiency point of view. If you feel that there is some strength in this, you might consider this proposal also.

I have to say a few things about the jawans also. That may not be very relevant from the legal point of view but from the moral point of view and from the point of view of the organisation, you would kindly see that the jawans are put on the same level as the jawans of the Indian Army. So far as the work is concerned these jawans are not in any measure putting less work than the boys of the Indian Army.

17.34 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

The Indian Army jawans get warm clothes but at very high altitudes our jawans of the Border Security Force are not enjoying those facilities. You would kindly see that they get the same food and clothing facilities.

Then, we have peace-time accommodation in different cantonments for the Army jawans. Have you got any residential accommodation for these

boys and the officers commanding their units? I feel that there is none and if there is any, that is not sufficient. So, I would request you to look into that matter also.

You have certain rules in the Indian Army about the families and children of the jawans. The Department of Resettlement is there and the whole Government is there for them. We are celebrating days for the Indian Army. But what about these boys? We should have a specific programme for the education of the children of these jawans because it is a well-knit force of its own. Their work is no less important. There is litigation against the wives and relatives of these jawans of the Border Security Force. Those laws and legislations which are for the benefit of the jawans of the Indian Army should be made applicable to the families and children of these boys also. You may kindly keep this also in mind.

About their pay and allowances, what I feel is that not only their pay and allowances but also the ranks of the Indian Army jawans are more attractive and they command greater respect than the jawans of the Border Security Force. Will the hon. Minister kindly put them on par with the jawans of the Indian Army? The pay and allowances of the jawans of the Border Security Force should be the same as those of the Indian Army jawans.

Then, the persons who are thrown out of the Indian Army are taken as Inspectors in the Border Security Force. This means that the service is treated as inferior to that of the Indian Army.

You may also kindly look into the living conditions of the Border Security Force jawans. What I mean is that their status is not as attractive as that of an Indian Army officer or a jawan. You may kindly improve the status and the living conditions of the jawans of the Border Security Force.

There are one or two points more and I have done. This is about the supply line. As my hon. friend Shri Bal Raj Madhok said, this is a very important thing. These jawans have to work entirely in the mountaineous areas and at a very high altitude. They should have a link with the civilised world. That is also very necessary. I know the Government of India is not lagging behind. These jawans are working at places where the jawans of the Indian Army hardly go. Sometimes they are living on the tress. I know that. Some of my relatives are working in the B.S.F.

Sir, these are some of the suggestions which I wanted to make. I hope the hon. Minister will pay his kind attention to these matters. I again congratulate him for coming forward with this Bill before the House. It is the need of the hour. This Bill is on the anvil of the House and I request, through you, Sir, the House to pass this Bill.

श्री जार्ज फरनेंडीज (बम्बई-दक्षिण) : श्री रणधीर सिंह ने अपनी तकरीर में यह फरमाया है कि यह जो बोर्डर सिक्योरिटी फोर्स है यह पुलिस और पलटन, इन दोनों के बीच की कोई एक नई संस्था बनने जा रही है। मैं बी०एस०एफ० के लोगों के काम और उन को मिलने वाली सुविधाओं को जो थोड़ा बहुत जानता हूं उस के आधार पर ऐसा महसूस करता हूं कि इन दोनों की परेशानियां जरूर बी०एस०एफ० के लोगों को सहन करनी पड़ती हैं। पुलिस में भरती हुए जवानों को जो तकलीफें और परेशानियां सहन करनी पड़ती हैं वे तो इन को सहन करनी पड़ेंगी ही, साथ साथ पलटन में काम करने वाले जवानों को जिन परेशानियों का सामना करना पड़ता है, उन परेशानियों का बी०एस०एफ० के लोगों को भी सामना करना पड़ता है। सुविधाओं की बात अगर आप करेंगे तो दोनों को ही जो सुविधायें प्राप्त हैं, वे सुविधायें बी०एस०एफ० के लोगों को आज नहीं मिलतीं हैं।

[श्री जार्ज फरनेंडीज]

हम यह पसन्द करेंगे कि गृह मंत्री महोदय बार्डर सिक्युरिटी फोर्स को कोई एक निश्चित रुख देने की व्यवस्था करें। अगरउस को पुलिस के तौर पर रखें, तो उस को सीमाओं पर भेजना असम्भव होगा। जब दिल्ली के पुलिस वाले या बिहार के सरकारी कर्मचारी हड़ताल करें, तो वहां पर उनको इस्तेमाल किया जा सकेगा। या तो उस को पुलिस के तौर पर और या सीधे पलटन के रूप में रखा जाये। अगर किसी कारण से उस को बोर्डर सिक्युरिटी फोर्स के रूप में ही रखना हो, तो भी उस का जो काम है, उस को मद्दे-नजर रखते हुए मंत्री महोदय उस की स्थिति के बारे में अपने दिमाग को बिल्कुल साफ करें।

कल मैं मावलंकर हाल में गया था, जहां बार्डर सिक्युरिटी फोर्स की ओर से आज और कल एक प्रदर्शनी चल रही है। उस को देखने से इस बात का एक अन्दाजा सा हो जाता है कि उन लोगों को हिन्दुस्तान की अलग अलग सीमाओं पर क्या काम करना पड़ता है। उस से असलियत का तो पता नहीं लग सकता है। कच्छ रण और सुन्दरवन में जा कर ही वहां की वास्तविक स्थिति का पता लग सकता है। प्रदर्शनी से उन की जानकारी कभी नहीं हो सकेगी। फिर भी थोड़ी बहुत उस की झलक तो जरूर मिलती है। मैं कच्छ रण हो कर आया हूं। मैं छाड़बेट तक पहुंचा और मैंने देखा कि इन जवानों को किस हालत में वहां पर काम करना पड़ता है।

मगर इस प्रदर्शनी को देखने से एक बात तो बिल्कुल साफ नजर आ जाती है कि बार्डर सिक्युरिटी फोर्स के लोगों का काम हिन्दुस्तान की सीमाओं का संरक्षण है। इस के सिवा उनका और कोई काम नहीं है। सीमाओं के संरक्षण का काम पल्टन का काम है, इस के बारे में किसी के मन में दो राय नहीं होनी चाहिये—नाम भले ही उस का कुछ भी रखा जाये। जब बार्डर सिक्युरिटी फोर्स का काम सीमाओं का संरक्षण करना है, तो हमें इस बारे में अपना दिमाग बिल्कुल साफ रखना चाहिये कि उस को किन हथियारों के द्वारा सीमा का संरक्षण करना है और उस में किन लोगों का मुकाबला करना है। आज बार्डर सिक्युरिटी फोर्स के लोग भले ही पाकिस्तान से लगी हमारी सीमाओं पर खड़े हों—हालांकि मेरे ख्याल से उन को बर्मा की सीमा पर भी भेज दिया गया है—लेकिन हो सकता है कि कल उन को चीन के मुकाबले में भी खड़ा करने की नौबत आ जाये, क्योंकि इस कानून में, यह नहीं कहा गया है कि उन का काम केवल पाकिस्तान या बर्मा से लगी सीमाओं तक ही सीमित रहेगा। इस कानून में हिन्दुस्तान की तमाम सीमाओं का जिक्र किया गया है। कल उन को चीन से लगी सीमा पर भी भेजा जा सकता है।

अब श्री इन्द्रजीत गुप्ता ने यह प्रश्न पूछा है कि इन जवानों को जिन लोगों का मुकाबला करना है, वे कौन से हथियार ले कर खड़े हैं और फौजी तैयारी की उन की स्थिति क्या है। क्या इस बारे में कभी कुछ सोचा गया है? बार्डर सिक्युरिटी फोर्स के जवानों के बीच में एक दिन गुजारने के बाद हमारा मन बहुत परेशान हो रहा है। हमें ऐसा लगता है कि अगर पाकिस्तान की ओर से किसी भी क्षेत्र में हमला होता है, तो सब से पहले उस हमले का मुकाबला करने के लिए ये बार्डर सिक्युरिटी फोर्स के जवान ही हैं। उन के हथियार और उन की ट्रेनिंग को देखने के बाद हमें ऐसा लगता है कि जैसे हम लोगों ने उन्हें मरवाने के लिए ही तो वहां खड़ा नहीं कर रखा है। यह ठीक है कि उन की व्यक्तिगत बहादुरी और हौसले के बारे में हमारे मन में कोई शक नहीं है। मैं मानता हूं कि वे शत्रु से लड़ेंगे और लड़ते लड़ते मरेंगे। लेकिन जब वे लोग देश का संरक्षण करने के लिए खड़े किए गए हैं, तो क्या इस सरकार और इस सदन को यह नहीं सोचना चाहिए कि

उन जवानों के हाथों में ऐसे हथियार भी दिये जायें, जिन के द्वारा वे किसी भी हमले का मुकाबला पूरी ताकत और तैयारी के साथ कर सके । उन को पचास साल पहले से चली आ रही थ्री नाट थ्री की बन्दूकें दी गई हैं । शायद उन को कुछ आटोमैटिक राइफल्स भी दी गई हैं । कल हम ने कुछ मार्टर लांचर या राकेट लांचर आदि देखे । हम तो उन हथियारों के नाम नहीं जानते हैं । गृह मंत्री ने कहा है कि इन फेंटरी के हाथों में जो हथियार रहते हैं, वहीं तक उन को सीमित रखा गया है । लेकिन इस देश पर जब कोई शत्रु हमला करेगा--आज मैं तो दो ही शत्रुओं को अपनी सीमाओं पर देखता हूं--तो वह केवल इनफेंटरी को ले कर ही नहीं आने वाला है । वह आर्टिलरी, टैंक्स और आर्मड डिवीजन ले कर आयेगा । जब ऐसी परिस्थिति होगी, तब हमारी पल्टन वहां जायेगी ।

लेकिन गृह मंत्री को इस बात का जवाब देना चाहिए कि जब हमला शुरू हो जायेगा और जब हमारी पल्टन वहां पहुंच जायेगी, उस बीच के समय में क्या होने वाला है । वह समय चौबीस घंटे भी हो सकता है और 1965 में कच्छ रण में वह समय 72 घंटे हो गया था । इस का अर्थ तो यह है कि सरकार अपने जवानों को आत्म-हत्या करने के लिए कह रही है, क्योंकि वे भाग तो सकते नहीं हैं--वे भागने वाले भी नहीं हैं और वे कहीं भाग न जाये, इसके लिये इस कानून में ऐसा करने पर उन को गोली मारने का इन्तजाम किया गया है । इस हालत में उन जवानों की जिन्दगी का क्या होगा ? मैं मानता हूं कि आवश्यकता पड़ने पर इस देश का जवान, जो भी हथियार उस को मिलें, उन को ले कर लड़ेगा । लेकिन जब यह सरकार बार्डर सिक्युरिटी फोर्स के रूप में एक पैरा-मिलिटरी फोर्स बना कर उन जवानों को सीमा पर खड़ा कर रही है, तो हम यह जरूर चाहते हैं कि उन के पास ऐसे हथियार रहें, जिस से उन में किसी भी शत्रु का मुकाबला करने की ताकत हो, वर्ना उन जवानों को वहां पर खड़ा नहीं करना चाहिए ।

अगर किसी अन्तर्राष्ट्रीय कठिनाई के कारण पल्टन को बार्डर पर खड़ा नहीं किया जा सकता है, तो मैं यह मानने के लिए तैयार हूं कि बार्डर सिक्युरिटी फोर्स के जवानों को वहां पर खड़ा किया जाये, लेकिन उन को ऐसी मुसीबत में न डाला जाये, कि लड़ाई के समय योग्य हथियार न होने के कारण उन को अपनी जानें देनी पड़ें । इस के अलावा उन को और भी कई सुविधायें मिलनी चाहियें ।

अगर छाड़बेट से खावडा तक एक सीधी रेखा खींची जाये, तो केवल पन्द्रह बीस मील का अन्तर होगा, लेकिन इस अन्तर को पार करने के लिये छः सात घंटे रण से गाड़ी ले कर जाना पड़ता है । क्यों नहीं उन को हैलीकोप्टर दिये जाते हैं ? महाराष्ट्र सरकार के मंत्रियों के पास बम्बई से पूना, पूना से कराड़, कराड़ से कोल्हापुर और कोल्हापुर से औरंगाबाद जाने के लिये हैलीकोप्टर हैं । उन लोगों के पास हैलीकोप्टर से भी बढ़ कर विमान भी हैं । सरकार के मंत्रियों के लिए तो हैलीकोप्टर और विमान की जरूरत महसूस होती है, लेकिन मेरे खयाल से काश्मीर से ले कर सुन्दरबन और कच्छ तक बार्डर सिक्युरिटी फोर्स के पास कोई हैलीकोप्टर नहीं है । सरकार उस को मामूली बन्दूकें देकर चाहती है कि वह सीमा की रक्षा करे ।

खावड़ा से छाड़बेट तक और भुज से छाड़बेट तक जो चौकियां हैं, अगर उन की देख-रेख या इंसपैक्शन करनी हो, तो वे गाड़ियां या जीप ले कर जायें, लेकिन अगर पानी भर जाने के कारण जीप वहां न जा सकती हो तो वे वहीं रहें, आगे न बढ़ें, लेकिन हैलीकोप्टर उन को नहीं मिलेगा । मैं कोई

[श्री जार्ज फरनेन्डीज]

शिकायत नहीं कर रहा हूं । मैं उदाहरण दे रहा हूं कि उन लोगों को किन किन चीजों की आवश्यकता है । आखिर इन बातों के बारे में क्यों नहीं सोचा गया है ? गृह मंत्री ने अपनी तकरीर में कहा कि हम ने 1964 से इस बारे में विचार करना शुरू किया और चार वर्षों के गम्भीर विचार के बाद हम इस कानून को सदन के सामने ला रहे हैं । क्या इस गम्भीर विचार में उन जवानों को उचित हथियार देने और कम्युनिकेशनज आदि के सिलसिले में उन की दूसरी जरूरी आवश्यकताओं की पूर्ति के बारे में नहीं सोचा गया और साथ साथ अध्यक्ष महोदय, यह जवान आखिर को पल्टन का जो काम है वही करने वाले हैं तो फिर उनका जो वेतन है और उन की दूसरी जो सर्विस कंडीशन्स हैं वह भी पल्टन जैसी ही होनी चाहिएं । इसमें कोई फी फर्क किसी भी हालत में नहीं होना चाहिए । मैं जानता हूं कि तनख्वाह के मामले में पल्टन और बार्डर सेक्योरिटी फोर्स में बड़ा अन्तर है । अफसरों की तनख्वाह के बारे में भी अन्तर है और जवानों की तनख्वाह के बारे में भी है । इस अन्त को आप हटाने का काम करें । मैं जानता हूं और गृह मन्त्री जी जानते हैं कि हिन्दुस्तान में बेरोजगारी इतनी है कि अगर आप कहेंगे कि दो वक्त की रोटी मिलेगी और कुछ नहीं मिलेगा तो उतने पर भी जवान भर्ती हो जाएंगे ऐसी परिस्थिति आज देश में है । लेकिन मैं यह कहूंगा कि देश के संरक्षण के नाम पर बेकारी का इस गलत तरीके से इस्तेमाल आप न करें । और जगहों पर लागू करें मेरा वहां झगड़ा नहीं रहेगा । लेकिन अपनी जान को मटठी में लेकर जो लड़ने वाले जवान हैं उसके बारे में इस तरह की क्रूरता न बरतें । उस को भी वही सहूलियतें देने का काम करें । और यह सिर्फ तनख्वाह के बारे में नहीं मैं आप को एक चीज और बताऊं एक बहुत ही गम्भीर चीज है और मैं चाहूंगा कि गृह मन्त्री जी तत्काल उस के बारे में कुछ करें वह है छुट्टियों के बारे में । आखिर छुट्टी क्यों दी जाती है ? इसलिए कि आदमी कई महीने तक काम करके थक गया हो फिर अपनी तबियत को दुरुस्त कर के लौट आने को उस को छुट्टी दी जाती है । यह तो छुट्टी का मतलब है । अध्यक्ष महोदय, पल्टन में 60 दिन की छुट्टी है । इसलिए कि काम इतना तगड़ा है दिमाग को इतनी परेशानी रहती है, टेंशन इतना रहता है कि लम्बी छुट्टी लेकर वह दिमाग को सुधार कर फिर काम पर लौट आए । बार्डर सेक्योरिटी फोर्स वाले जो हैं अगर टेंशन में काम करने वाला कोई है तो यह लोग हैं क्योंकि जवान जो हैं उनको तो तब बुलाया जायगा जब आर्टिलरी आ जायगी, जब टैंक आ जायेंगे, तब तक तो तुम मरो बन्दूकें लेकर कंजरकोट में, काश्मीर में, वहां पूर्वी पाकिस्तान की सीमा पर और आजकल तो बर्मा की सीमा पर वहां बन्दूकें लेकर खड़े हैं बार्डर सेक्योरिटी फोर्स के जवान हिन्दुस्तान की पल्टन का जवान वहां नहीं खड़ा है । मर रहा है वह मरने के हमेशा डर में रहता है वह । जवान हमारा पीछे है और फिर भी उसकी छुट्टी की व्यवस्था कौन सी है ? जो अभी चौधरी साहब ने कहा कि यह पुलिस और पल्टन के बीच वाली चीज है तो छुट्टी है पुलिस वाली । 21 दिन काम किया तो एक दिन की छुट्टी ले ली । कारखाने में काम करने वाले मजदूरों को भी इससे ज्यादा छुट्टी मिलती है और इन जवानों को इन मजदूरों को इतनी भी छुट्टी नहीं मिल रही हैं । यह जो सुविधाओं में गैर बराबरी इतनी बड़ी है इससे जवानों का दिल टूट जायगा, मन टूट जायगा । तो यह गैर-बराबरी तत्काल दूर करने का काम होना चाहिए । साथ ही साथ एक बात मैं और कहना चाहता हूं क्योंकि मैं अभी गुजरात में था दो महीने तक वहां भुज की जेल में रहा और इधर उधर भटकता रहा । जवानों के साथ खाया उनके साथ बैठा उठा गपशप किया और इसलिए कुछ

मालूमात भी हासिल की हालांकि वह नहीं जानते थे कि यह किस लिए मालूमात हासिल कर रहा है। मुझे पता चला कि हिन्दुस्तान के अलग अलग सूबों में उनको काम करना पड़ रहा है। अब शराब एक ऐसी चीज है जिस के बारे में लोग अलग अलग राय रखते हैं। कई लोग शराब पीकर नशाबन्दी वाले हैं। मैं शराब न पीता हुआ नशाबन्दी वाला नहीं हूं। जो पीना चाहते हैं वह पीऐं उन को पीने दें, जो नहीं पीना चाहते हैं उनको न पीने दें। हालांकि शराब का कोई शौक मुझ को नहीं है लेकिन मैं जानता हूं बम्बई शहर में ऐसे लोग हैं अगर आप कहेंगे तो नाम भी बता दूंगा कि जो नशाबन्दी समिति में रह कर शराब की भट्टियां चलाते हैं और शराब बना कर बेचते हैं। खैर उस पर यहां बहस नहीं है। मुझे गुजरात में यह पता चला कि गुजरात सरकार जिस के घर के मन्त्री हैं हमारे उप प्रधान मन्त्री श्री मोरारजी देसाई, उसका यह कहना है कि चाहे जान जाय तो कोई चिन्ता नहीं लेकिन शराब यहां नहीं पी जा सकती, उस की बदबू तक नहीं आनी चाहिए। तो वहां बार्डर सेक्योरिटी फोर्स वालों को यह शराब नहीं मिलती हालांकि और दूसरे सूबों में उन को यह दी जाती है। अब मैंने तो देखा उनके साथ मैंने जब रोटी खाई तो कई लोग तो ऐसे हैं जो शाकाहारी हैं, कई मांसाहारी हैं। कई ऐसे हैं जो शराब को कभी अपने जीवन में हाथ नहीं लगाएंगे शाकाहारियों में भी कई ऐसे हैं और मांसाहारियो में भी। लेकिन जब एक कानून आपने बनाया उनके लिए कि अलग अलग सीमाओं पर या अलग अलग सूबों म अगर कोई भी बार्डर सेक्योरिटी फोर्स वाला शराब चाहेगा तो वह शराब उस को दी जायगी तो एक गुजरात स्टेट में यह चीज क्यो नहीं दी जाती है ? गुजरात सरकार का यह कहना है कि हम अपने सूबे में यह चीज नहीं होने देंगे। मैं गुजरात सरकार की इस बात को मान लेता अगर सब के बारे में यह नीति चलाते। लेकिन यह नीति तोड़ने में आ जाती है। परमिट लेकर जो पैसे वाले हैं वह शराब पीते हैं उनको पीने दी जाती है।

उसके अलावा भी जो अपनी पल्टन है, जो आर्मी के यूनिटस हैं, जो नैवी के, एयर फोर्स के यूनिटस हैं, उसी फौज के अफसर हैं उनको देते हैं सरकार की तरफ से तो फिर बार्डर सेक्योरिटी फोर्स को क्यों नहीं देते हैं ? अगर यह कहें कि वह पीकर पहेंगे तो आप के पल्टन वाले भी पीकर पड़ते होंगे। अगर वह नहीं पड़ते तो यह भी नहीं पड़ते होंगे। और अगर पीकर ही पड़ने वाले हों तो 26 नम्बर क्लाज में इसका भी इन्तजाम है कि अगर कोई काम पर रहता हुआ पीकर पड़ेगा तो उसको सजा देने की व्यवस्था आप ने की है। वैसे कानून से सम्बन्ध रखने वाली चीज यह नहीं है। तो मैं चाहूंगा कि गृह मन्त्री जी आज के आज गुजरात सरकार से कहें कि क्यों नहीं उनको यह दी जाती खास कर उन जवानों को जो कि छड़बेट जैसी जगहों में खड़े हैं जहां कोई जा नहीं सकता है, कोई पहुंच नहीं सकता है कच्छ के रन में पानी है वहां पहुंचना असम्भव है वहां आपकी सीमाओं के संरक्षण के लिए यह खड़े हैं, जो 24–24 घंटे की डयूटी देते हैं, उन को यह मामूली सुविधाएं भी गुजरात और अहमदाबाद म बैठी हुई सरकार नहीं दे पाती है और आप गृह मन्त्री होकर अपने अधिकार को नहीं चलाते हैं। तो इसके लिए तत्काल कोई रास्ता निकाला जाय। इसमें कोई देर नहीं होनी चाहिए।

मैं एक दो बातें और कह कर खत्म करूंगा। एक तो मैंने आर्मी ऐक्ट पढ़ा। जब यह बार्डर सेक्योरिटी फोर्स हमारे सामने आया तो आर्मी ऐक्ट 1950 को उठा कर मैंने पूरा पढ़ा और मैं आप को बताऊं कि सिर्फ नाम दो हैं, बाकी सारी शब्दावली भी वही है। नामों में कुछ फर्क हो सकता है जैसे कोर्ट मार्शल की जगह बार्डर सेक्योरिटी कोर्ट और इस तरह कहीं एकाध शब्द इधर-उधर,

[श्री जार्ज फरनेंडीज]

बाकी कोई भी फर्क नहीं है । अब चौधरी साहब तो बहुत कम पढ़ते हैं और बहुत ज्यादा बोलने की परेशानी उठाते हैं । आज भी इस पर क्या बोले कि 84 क्लाज इसमें ऐसी है, अब आप जो सामने बैठे हुए हैं जानते हैं, आप तो वकील हैं, आप को मालूम है कि सी० आर० पी० सी० और आई० पी० सी० या और भी किसी कानून में आप को यह पता रहता है कि किस के सामने हमारे ऊपर मुकदमा चलेगा, सी० आर० पी० सी० में भी हम को यह अधिकार है अगर किसी जज के बारे में हमें नापसन्दगी है तो हमें दूसरा जज करने का अधिकार है । मैं वकील नहीं हूं लेकिन मैं जानता हूं । तो वह भी जो सेक्शन 84 है वह जो आर्मी ऐक्ट का क्लाज 130 है वही है । आर्मी ऐक्ट का क्लाज 130 और यह 84 बिल्कुल आइडटिकल है । शब्दावली में फर्क कुछ हो सकता है क्योंकि उस वक्त के अंग्रेजी लिखने वाले जो थे वह अंग्रेजी की ज्यादा जानकारी रखते थे और आजकल के जैसे चौधरी साहब अभी बोल गए इस तरह की अंग्रेजी की जानकारी रखने वाले लोग हैं । तो इस तरह का थोड़ा बहुत फर्क हो सकता है वरना शब्दावली भी करीब करीब वही है ।

इसलिए मेरा कहना है कि बार्डर सेक्योरिटी फोर्स हिन्दुस्तान की पल्टन के रूप में ही इस वक्त काम कर रही है, पल्टन का ही इस का स्वरूप है, नाम है, पल्टन का ही इसका काम है और जब सारी चीज इस ढंग से बना कर रखी हैं तो फिर पल्टन को जो सुविधाएं मिलती हैं वेतन के बारे में, सर्विस कंडीशंस के बारे में वह सारी चीजें आप इन को दें । अब एक सुझाव चौधरी साहब ने यहां पर रखा कि किसी रिटायर्ड जनरल को लाकर रखो । यह मैं समझ नहीं पाता हूं कि हर जगह हरयाने की बात कहना कि हरयाने के सब लड़ाकू लोग हैं, बहादुर लोग हैं, हरयाने के लोगों को रखो, अब जिन की उमर 60 से ज्यादा हो गई है उनके हाथ में हरयाना के नौजवानों को क्यों देना चाहते हैं ? अगर आप एक अलग फोर्स बना रहे हों तो आज जो अफसरों की जगह बार्डर सेक्योरिटी फोर्स में है, उसमें हम ने देखा है कि पल्टन के लोगों को आप ने भरा है । पल्टन के लेफ्टिनेंट कर्नल को यहां कोई डी० एस० पी० कर के या जो भी उन की रैंक हो और इसी तरह कैप्टेन को एस० पी० कर के इस ढंग से पल्टन के लोगों को आप लाये हैं । इस लिये आप एक बात तय करें कि एक ही पल्टन के आफिसर रहेंगे, या तो बार्डर सिक्योरिटी फोर्स के अफसर रहेंगे और इन्हीं के नौजवानों को प्रमोशन का मौका मिलेगा । यह, उपाध्यक्ष महोदय, एक बहुत अहम प्रश्न है, नौकरों को इधर उधर करने वाला प्रश्न नहीं है, आज जो कैप्टेन है, वह मेजर बनने की उम्मीद रखता है, किसी दिन मैं भी लेफ्टीनट करनल हो जाऊंगा, मेजर जनरल हो जाऊंगा । लेकिन आज जो चीज आपने बनाई है, उसके मुताबिक अगर बाहर के अफसरों को लाकर यहां बैठाने का काम होगा, तो उससे इन नौजवानों की ऊपर उठने की जो इच्छा है, वह पूरी नहीं हो सकेगी । इनके लिये एक परमानेन्ट आफिसर कोर आपको बनानी चाहिये, जिसमें जवानों को ऊपर जाने का मौका मिले । ऐसा आपको अवश्य करना चाहिये ।

18.00 hrs.

उपाध्यक्ष महोदय, हम चाहते हैं कि इस बिल पर ठीक प्रकार से विचार हो, बहस हो । मन्त्री महोदय ने जो एक वाक्य रखा—

We must give close consideration to this Bill.

चव्हाण साहब आप इतना तो मानेंगे—

It is not possible to give very close consideration to this Bill in two hours.

दो घंटे में यह चीज असम्भव है, बिल्कुल ही सम्भव नहीं है । इसलिये मेरा आपसे निवेदन है कि इस बिल को सिलेक्ट कमेटी में भेजने का जो प्रस्ताव है, उसको स्वीकार कीजिये । मैंने अपने प्रस्ताव में एक महीने की मुद्दत मांगी है, लेकिन आप चाहें तो 15 दिन के अन्दर ओवर टाइम बैठ कर, रात को बैठ कर इस काम को फौरन कर सकते हैं । चार वर्ष तक आप बैठे रहे, इन्तजार करते रहे, अब चार दिनों में कुछ बिगड़ नहीं जायगा तथा जवानों का जो मामला है, उनके संरक्षण का जो मामला है, उस कमेटी में हम अपने विचारों को पेश कर सकेंगे । मेरा आप से फिर से आग्रह है कि आप मेरे प्रस्ताव को स्वीकार कीजिये । और उसके बाद इस कानून को यहां पर स्वीकार कीजिये ।

18.02 hrs.

BUSINESS ADVISORY COMMITTEE

NINETEENTH REPORT

DR. RAM SUBHAG SINGH: I beg to present the Nineteenth Report of the Business Advisory Committee.

18.0½ hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, July 24, 1968/Sravana 2, 1890 (Saka)

GMGIPND—L.S. II—1067 (ai) L. S. D—4-1-69—1014.