

THE SPECIAL PROTECTION GROUP BILL, 1988

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Sir, I beg to move:

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

Sir, during the last few years, the incidence of terrorist violence in the country has been on the increase, the aim of the terrorists being to destabilize the democratically elected Government by resorting to selective killings of prominent members of the public including those in the Government. Following the assassination of Shrimati Indira Gandhi, a committee was appointed to go into the various aspects of the assassination and it has suggested the setting up of single agency to devote itself to the exclusive task of looking after and ensuring the security of the Prime Minister. In pursuance of the above, the Government, in April 1985, constituted the Special Protection Group, a specialised force consisting of well-trained motivated professionals to provide proximate security to the Prime Minister and to the members of his immediate family, both in the country and abroad. The Group was formed to provide proximate security which includes protection provided from close quarters to the person of the Prime Minister in static and mobile locations as well as in an aircraft. A unit of the Central Reserve Police Force, called the Special Duty Group, is also attached to the Special Protection Group for doing the outer cor-

don duty in static locations for the Prime Minister in Delhi. This unit is a uniformed contingent which is placed under the operational control and direction of the Director of the Group.

On the operational side, the Special Protection Group has a strength of about 1,400 officers who are hand-picked from the various Central police organizations and State Governments on the basis of their special inclination and physical and mental ability. In the discharge of its duties and responsibilities, the Group carries out advance security liaison at the places to be visited by the Prime Minister and for this purpose, it is equipped with a technical wing having a wide range of technical equipment and gadgets. The purpose of the Special Protection Group Bill, 1988, is to have a self-contained statute for regulating matters concerning this force as well as to provide essential legal status to its functioning.

The Bill provides for the constitution of the Group and for deeming of the existing Special Protection Group as the force constituted thereunder. It provides for the terms and conditions of service of the members of the force and for its direction and control. It has provisions restricting the application of some of the fundamental rights of the members of the force insofar as it is necessary for the maintenance of discipline. Keeping in view the exacting task entrusted to this force, the Bill makes it obligatory on the part of all Ministries and Departments of the Central Governments and State Governments and the Union territories, Indian missions abroad and local and other authorities, civil or military, to act in aid of the Group.

I have no doubt, Sir, that all sections of the House are concerned about the safety of the person occupying the office of Prime Minister at any given time.

Sir, I commend the Bill to the House for its unanimous approval.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): There are two amendments for reference of the Bill to a Select Committee, by Shri Dipen Ghosh and Shri S. P. Malaviya.

SHRI DIPEN GHOSH (West Bengal): Sir, I beg to move:

"That the Bill to provide for the constitution and regulation of an armed force of the Union for providing proximate security to the Prime Minister of India and the members of his immediate family and for matters connected therewith, be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely:—

1. Shri Aladi Aruna alias V. Arunachalam
2. Shri M. S. Gurupadaswamy
3. Shri Samar Mukherjee
4. Shri Parvathaneni Upendra
5. Shri Atal Bihari Vajpayee
6. Shri N. E. Balaram
7. Shri Dipen Ghosh
8. Shri K. Mohanan

with instructions to report on the first day of the next Session."

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): Sir, I beg to move:

"That the Bill to provide for the constitution and regulation of an armed force of the Union for providing proximate security to the Prime Minister of India and the members of his immediate family and for matters connected therewith, be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely:—

1. Shri Ram Naresh Yadav
2. Dr. Bapu Kaldate

3. Shri M. A. Baby
4. Shri Shanker Sinh Vaghela
5. Shri Chaturanan Mishra
6. Shri Ish Dutt Yadav
7. Shri Ghulam Rasool Matto
8. Shri Satya Prakash Malaviya

with instructions to report on the first day of the next Session."

The questions were proposed.

श्री सत्य प्रकाश मालवीय : माननीय उप सभाध्यक्ष जी, यह जो विधेयक प्रस्तुत किया गया है इसको देख करके और पढ़ करके मुझे बहुत ही आश्चर्य हुआ। इस देश के प्रधान मंत्री की जो सुरक्षा का विषय है वह सभी के लिये चिंता का विषय है और उनकी सुरक्षा होनी चाहिये, इसमें कोई विवाद नहीं। लेकिन यह जो विधेयक है ऐसा लगता है कि किसी भी लोकतांत्रिक देश का विधेयक नहीं है बल्कि इस देश में पुनः जो राजशाही है जो मोतारकी है उसको पुनर्स्थापित करने की कोशिश की जा रही है और इसलिये मैं इस विधेयक का घोर विरोध करने के लिये खड़ा हुआ हूँ। शुरू में जो इस विधेयक का उद्घरण है मैं उस और आपका ध्यान आकर्षित करना चाहता हूँ :

A Bill to provide for the constitution and regulation of an armed force of the Union for providing proximate security to the Prime Minister of India and the members of his immediate family and for matters connected therewith.

यह सही है कि यह विधेयक प्रस्तुत किया गया है और लगता है सरकार ने अपनी हार मान ली है कि जो आतंकवाद की समस्या है वह इस देश के लिये स्थायी व्यवस्था हो गई है और आतंकवाद से यह सरकार कभी भी भविष्य में निपट नहीं सकती, क्योंकि जो उद्देश्य और कारण इसमें दिखाये गये हैं उसमें आतंकवाद की चर्चा की गई है और यह कहा गया है कि आतंकवाद के कारण प्रधान मंत्री की सुरक्षा और उनके जीवन पर खतरा पैदा हो गया है और साथ-साथ जो उनके परिवार के सदस्य हैं उन पर भी खतरा पैदा हो गया है। मुझे इस बात की पूरी जानकारी है कि अन्ना हजारे की हत्या

[श्री सत्य प्रकाश मालवीय]

हुयी थी, कैंनेडी की भी हत्या हुई थी सादात की हत्या हुयी थी और पाकिस्तान के प्रधान मंत्री श्री लयाकत अली खां की हत्या हुई थी, शेख मुजीबउर्रहमान की हत्या हुई थी और पेद्रिस लुम्बा की भी हत्या हुई थी तथा इस देश में 30 जनवरी, 1948 को अहिंसा के पुजारी और मसीहा राष्ट्रपिता महात्मा गांधी की भी हत्या हुई थी और 31 अक्तूबर को इसी देश में तत्कालीन प्रधान मंत्री की निर्मम हत्या हुई थी, लेकिन उनकी हत्या करने वाला जो व्यक्ति था, जो अधी थे, कम से कम जिनके खिलाफ मुकदमें में चार्जशीट है, क्योंकि उस मुकदमें का कानून यह है और इस देश का कानून यह है कि कोई भी व्यक्ति दोषी तभी माना जा सकता है जब अदालत में उसको सजा मिल जाए, लेकिन जिनके खिलाफ अदालत में चार्जशीट है वह प्रधान मंत्री की सुरक्षा के गार्ड थे और वही सेवा किया करते थे। इसलिये इस लोकतांत्रिक व्यवस्था में जैसा कि इसमें बताया गया है फाइनेंशियल मेमोरेण्डम में :

"The recurring expenditure on the administration of the force during 1987-88 was of the order of Rs. 4,68,21,570."

देट इज 4 करोड़ 68 लाख 21 हजार 570 और एक गरीब देश के लिये जहां कि 27 करोड़ से ज्यादा लोग, सरकारी आंकड़ों के अनुसार हालांकि उसको हम सही नहीं मानते हैं, लेकिन सरकारी आंकड़ों के हिसाब से गरीबी की रेखा के नीचे रहते हैं वहां पर एक व्यक्ति की सुरक्षा में आठ सौ कमांडो उनके लिये होते हैं और उनके लिये नेशनल सैक्युरिटी गार्ड है, दिल्ली की पुलिस है, जिस राज्य में जाता है वहां की पुलिस होती है, लेकिन इस तरीके से एक नई आर्म्ड फोर्स बना करके मेरी अपनी तरफ से यह जो जनता का पैसा है उस पर यह एक बहुत बड़ा आघात है। इस प्रकार यह विधेयक नहीं लाना चाहिये था। मैंने जानकारी करने की कोशिश की है और जहां तक मैं जानकारी कर पाया हूं किसी भी लोकतांत्रिक देश के प्रधान मंत्री के लिये इस प्रकार की कहीं भी कोई व्यवस्था नहीं है। ग्रेट ब्रिटेन है उसको मदर आफ् पार्लियामेंट कहा जाता है और जितने भी लोकतांत्रिक देश हैं वे ग्रेट

ब्रिटेन को अपना आदर्श मानते हैं, माडल मानते हैं, वहां मोनारकी भी है वहां किंग भी है और वहां प्राइम मिनिस्टर भी है लेकिन मान्यवर, ग्रेट ब्रिटेन में प्रधान मंत्री की सुरक्षा के लिये कोई विशेष दस्ता या विशेष आर्म्ड फोर्स नहीं है केवल जो डिटेक्टिव एजेंसी है स्काटलैंड यार्ड की वह उनकी सुरक्षा का काम करती है। इसी तरह से अमरीका में भी एजेंसी हैं और जैसा कि मैंने शुरू में निवेदन किया कि अमरीका में अब्राहम लिंकन की भी हत्या हुई और राष्ट्रपति कैंनेडी की भी हत्या हुई। लेकिन वहां भी उनकी सुरक्षा के लिये कोई विशेष उस तरीके का कानून नहीं है। इसलिये मैं समझता हूं कि इस प्रकार के कानून लाकर के इस देश की गरीब जनता के ऊपर एक अनावश्यक भार डाल रहे हैं।

दूसरा मान्यवर, मेरा निवेदन है कि जिस तरीके का इसमें प्रावधान भी है कि हमारा जो कानून है, संविधान है, उसके ऊपर भी प्रहार है और मैं ध्यान आकर्षित करना चाहता हूं, भारतीय संविधान के अनुच्छेद 14 पर—

"Equality before law. The State shall not deny any person equality before the law or equal protection of law within the territory of India."

लेकिन एक और तीन दिन से इन सदन में चर्चा कर रहे हैं, कम से कम पिछले तीन दिन में ही करीब-करीब 50 लोगों की निर्मम हत्याएं हो चुकी हैं और इस देश में पिछले तीन-चार साल के अन्दर गाजर-मूली की तरह इस देश के निरीह नागरिक मारे जा रहे हैं, काटे जा रहे हैं और यह सरकार उनकी सुरक्षा करने में पूरे तरीके से असफल रही है। इसलिये सदन के लोगों ने मांग की कि अगर आप शासन नहीं कर सकते तो आपको गद्दी छोड़कर हट जाना चाहिए।

"Govern or get out."

लेकिन इस देश के जो 70 करोड़ नागरिक हैं, उनकी आप सुरक्षा नहीं कर सकते, आप एक व्यक्ति की सुरक्षा के लिये अलग से कानून ला रहे हैं और वह कानून भी कितनी जल्दी में ड्राफ्टेड है, कितनी जल्दी में बनाया गया है, उसकी ओर भी ध्यान

आकर्षित करना चाहूंगा। सेक्शन "4" में कहा गया है—

"Section 4(1) There shall be an armed force of the Union called the Special Protection Group for providing proximate security to the Prime Minister and the members of his immediate family."

और मान्यवर, इसका सेक्शन 11 है—

"Section 11: The prescribed authority may, by order in writing, terminate the appointment of any member of the Group in the public interest and such termination shall be deemed to be discharge simpliciter and shall not amount to dismissal or removal."

यह मैं इसलिये कह रहा हूँ कि मैंने उम्मीद रखी बाद में आयागा, उसको हटा दिया जाए, लोप कर दिया जाय, इसको डिलीट कर दिया जाय। लेकिन मान्यवर जो लोग इस सेवा में आयेंगे, प्रेसकाइब अथोरिटी की कहीं परिभाषा नहीं की गई, कहीं उसको डिफाइन नहीं किया गया। यह सेक्शन 2 में दिया गया है—

"prescribed" means prescribed by rules made under this Act."

लेकिन कहीं, कौन प्रेसकाइबिंग अथोरिटी होगी, कौन व्यक्ति यह होगा, इसकी परिभाषा नहीं है, बिल्कुल एक तरीके से निरंकुश अधिकार दिया जा रहा है और उसी तरीके से मान्यवर, जो बोर्ड है, जहां अपील होगी, वहां बोर्ड की परिभाषा नहीं है, "shall consist of such persons as may be prescribed."

तो मान्यवर, मैं यह निवेदन करना चाहूंगा कि यह जो ग्रुप बनाया जा रहा है अलग से, जिसका नाम स्पेशल प्रोटेक्शन ग्रुप है, इसकी कोई आवश्यकता नहीं है कोई जरूरत नहीं है। यहां 70 करोड़ लोग प्रधान मंत्री की सुरक्षा के लिये चिंतित हैं, लेकिन इस तरह का कानून लाकर के ऐसे देश में, जहां निरीह नागरिकों का, निर्दोष नागरिकों का नरसंहार हो, वहां पर इस तरीके के कानून की आवश्यकता नहीं है।

इसमें मान्यवर, यह भी कहा गया है—

"It is essential that matters concerning the force would be regulated by a self-contained statute which will also provide essential legal status to its functioning."

और शुरू में कहा है —

"During the last three years, there have been several attempts on the life of the present Prime Minister. Accordingly, the Special Protection Group was set up in 1985 under the Cabinet Secretariat."

और बाद में जो मैंने शुरू में पढ़ा, क्लाज 4 में कहा गया है —

"Clause 4: It is essential that matters concerning the force be regulated by a statute which will also provide essential legal status to its functioning."

इसका मतलब हुआ कि अप्रैल, 1985 से जो फोर्स काम कर रही थी, उस फोर्स के लिए कोई कानूनी महत्ता नहीं थी और कानूनी महत्ता नहीं थी तो इसका मतलब यह है कि अवैध फोर्सों का काम कर रही थी। लेकिन मैं समझता हूँ कि अगर स्पेशल प्रोटेक्शन ग्रुप है और जैसी मुझे जानकारी हुई है, मंत्री जी ने ने अपने वक्तव्य में कहा करीब-करीब 1400-1500 लोग काम कर रहे हैं। तो जब एक फोर्स और बनाई हुई है और प्रधान मंत्री की सुरक्षा हो रही है तो अलग से कानून लाने की कोई जरूरत नहीं है।

मान्यवर, मैंने आज तक लाल किले पर जाकर प्रधान मंत्री जी का कभी भाषण तो नहीं सुना, लेकिन टेलीवीजन पर मुझे अक्सर देखने का मौका मिलता है देखकर बड़ी तकलीफ होती है कि इस देश का प्रधान मंत्री लाल किले पर जाकर शीशे का जो केश होता है उसे आगे खड करके और बुलेट प्रूफ पहनकर इस देश की जनता से अपील करते हैं कि देश की जनता निर्भय होकर, निर्भीक होकर और

[श्री सत्य प्रकाश मालवीय]

निडर होकर रहना सीखे। तों जिस देश का प्रधान मंत्री जनता से जाकर नहीं मिलेगा, जिस देश के प्रधान मंत्री से जनता को मिलने में सिक्योरिटी के लोग बाधक होंगे उस देश के प्रधान मंत्री को ऐसे कानून की जरूरत नहीं है। इसलिए मेरा सरकार से पुनः अनुरोध है कि वह इस पर पुनः विचार करे। श्री दीपेन घोष, अन्य सदस्यों और मैंने एमेंडमेंट दे रखा है, इसको सेलेक्ट कमेटी के आगे भेजा जाए। इस पर जल्दबाजी में निर्णय न लिया जाए। स्पेशल प्रोटेक्शन ग्रुप आपके पास है जिसमें पंद्रह सौ लोग काम करते हैं और चार-पांच करोड़ रुपया आप खर्च करते हैं। इसलिए आप इस पर पुनः विचार करें और अगर इसकी जरूरत पड़ती है तो हम लोग इसकी अनुमति दे देंगे।

SHRI DIPEN GHOSH: Mr. Vice-Chairman, Sir, I rise to oppose this Bill though I do not dispute the necessity of providing adequate security to the Prime Minister and the members of his immediate family in the given security environment of our country as it is now today.

[THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA) in the Chair]

Mr. Vice-Chairman Sir, I oppose this Bill because in the Statement of Objects and reasons it has been stated that the Force was set up as late as in April, 1985, and it is now 1988, and during these three years, this Special Protection Force did exist to protect or to provide adequate security to the Prime Minister. Therefore, what was the necessity of bringing a statute or giving a statutory power, rather extra-ordinary power to this Force as contained in Section 15 of this amending Bill? That is really a question to be answered by the Minister. Sir, there are so many Forces. The Special Protection Force has been there. Now, suddenly the Government decides that this Force needs to be given

statutory powers, special power, extra-ordinary power. By giving this power, will there be any characteristic change in the Special Force? No. Mr. Chidambaram is nodding his head. I do not know whether it is a South Indian nodding or something else.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): Bengali nodding means 'no'.

SHRI DIPEN GHOSH: Will there be any change, any qualitative change? Will the Special Protection Force be further strengthened and more powerful by giving certain powers, certain extra-ordinary powers through this amending Bill? What is the experience of the last three years during which period this Special Protection Force was in vogue and this Force was providing security to the Prime Minister and the members of his immediate family? The Minister has not shared with us whether there was any incident or incidents or any situation they have come across by which they have come to a conclusion that there is a need not only for a Special Protection Force but that Force also needs statutory power, extra-ordinary power. So, first of all, I would like to know from the Minister what exactly was their experience in this regard. Sir, this is for the first time that we are having this in our country though our country is considered to be a democratic country, a parliamentary democracy and many a time in the past and at present also the leaders of the ruling party have left no stone unturned to prove that it was a democracy, largest functioning democracy, that India is, and in the largest functioning democracy, for the first time, a personal security force on an elected Prime Minister and the members of his immediate family, has been proposed to be raised, a personal security force, not for any other person in our country, not for the President of our country, not for any other citizen of our coun-

try, however high or low, in a largest functioning democracy, a personal security force, with extraordinary powers, has been sought to be raised for one single individual, the Prime Minister of India and the members of his immediate family. Sir, you know, and everybody knows and Mr. Chintamani Panigrahi, who is just now taking notes for Mr. Chidambaram, he has long experience, he had been personally associated with the Left movement of our country...

SHRI LAL K. ADVANI (Madhya Pradesh): He has left it now.

SHRI DIPEN GHOSH: Left turned Right. (*Interruptions*).

Sir, he knows, he used to teach us that way when he was in the Left movement, that can a man survive, whether it is the President or the Prime Minister only on certain forces, can a man survive only on forces alone, in that case could Kennedy be killed? Could Mrs. Gandhi be killed? Was there anybody to come from outside to kill Mrs. Gandhi? Mrs. Gandhi was assassinated, the greatest tragedy which occurred in our country in the recent past, is the assassination of Mrs. Gandhi, which occurred at the hands of a members of the security force of Mrs. Gandhi, the security force which is supposed to give security to Mrs. Gandhi, the security force which was supposed to protect Mrs. Gandhi, a member of that force killed her, and created the greatest tragedy in our country. No man from outside had to come. There was a story in Delhi that Delhi security is so tight that it did not allow anybody to come from outside and kill her. They did it themselves. And now in that background, it is not a question of laughing, Dr. Najma Heptulla...

DR. (SHRIMATI) NAJMA HEPTULLA (Maharashtra): I am asking does Mr. Jethmalani agree with what you are saying? (*Interruptions*). I am very very serious.

SHRI DIPEN GHOSH: You wait till Mr. Jethmalani takes part in the debate. Here is clause 15 of the Bill and I quote:

"No suit, prosecution or other legal proceeding shall lie against the group or any member thereof on whom powers have been conferred or duties have been imposed under this Act or any order issued or any rule made thereunder for anything which is in good faith done or purported to be done or omitted to be done in pursuance of this Act or any order issued or any rule made thereunder or any order issued under any such rule."

So, the member of this force which is going to be raised, has been sought to be put above law. And what is our experience? I am not talking about Mr. Jethmalani. What is our experience? A member of the security force of Mrs. Gandhi killed her! And if such a thing happens in future at the hands of any of the members of that force which you are going to create, you will not be in a position to prosecute him.

SHRI PARVATHANENI UPENDRA: It will be in good faith.

SHRI DIPEN GHOSH: Yes, that will be taken as in good faith.

SHRI BHASKAR ANNAJI MASODKAR (Maharashtra): You read the section. It is 'in pursuance of this Act'.

SHRI DIPEN GHOSH: You are a judge. Can you give me a guarantee? That is why, what is happening is, we have been experiencing already that security consciousness, security prone prevailing, and we see how an ordinary citizen, and not to speak of an ordinary citizen, even a Member of Parliament is harassed within the precincts of the Parliament House at the hands of the so-called security guards. And after you create such a security force with such extraordinary powers, even if something is

[Shri Dipen Ghosh]

done by them in good faith by a member of that force, he cannot be prosecuted. What will happen then? Absolute power corrupts absolutely. You can imagine what will happen...

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Do you want to suggest...

SHRI DIPEN GHOSH: Please wait till I suggest. In this country, such security consciousness or security prone is being developed, and for that matter, there is every danger of ordinary men, ordinary citizens, being harassed at the hands of such security people. You are going to create a security force putting them above law, giving them immunity from being prosecuted. You just try to understand. It is not a simple question of providing security to a particular person. The question is that to provide security to a particular person, you are proposing to create a security force.

SHRI GHULAM RASOOL MATTO: My point was, if the air is polluted, do you want that you should not have more air to breathe? (*Interruptions*).

SHRI DIPEN GHOSH: You know; you have seen that a member of the security force had killed Mrs. Gandhi, and your Government has prosecuted that member; still the prosecution is going on, and you are proposing to create a security force giving them immunity from law. A commission was set up to go into the details as to who killed her under what circumstances she was killed and what were the forces behind the killers. The Commission completed its job and submitted its report to the Government. The Government, having amended the law, kept the report of the Commission in the shelf.

They are now constituting this force. Here, in sub-clause (3) of clause 4, it is said:

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

What is the meaning of these words 'any person'? Then, in the Statement of Objects and Reasons of the Bill, it has been stated that the force will consist of highly motivated professionals, 'any person' and 'highly motivated professionals'. Earlier, we were informed that in order to make the security system for the purpose of the security of the Prime Minister effective, members of such force were being sent abroad for some kind of a specialised training. Some foreign experts were also invited to train them here. Some Italian connection was there in regard to the training course. I do not know what you mean by these words 'highly motivated professionals'. (*Interruptions*) You are laughing. Of course, I know. Who else can be more concerned than the in-laws. I would like Mr. Panigrahi to explain this expression 'highly motivated professionals' in the background of the words used in sub-clause (3) of clause (4)—'any person'.

SHRI LAL K. ADVANI: Poor Panigrahi.

SHRI DIPEN GHOSH: Sir, I am concluding. You have also said while participating in the debate...

SHRI PARVATHANENI UPENDRA: You cannot quote.

SHRI DIPEN GHOSH: I am not quoting. I now refer to clause 9 which says:

"Every member of the Group shall hold office during the pleasure of the President."

This is article 309. I know. But clause 11 says:

"The prescribed authority may, by order in writing, terminate the appointment of any member of the Group in the public interest and

such termination shall be deemed to be discharge *simpliciter* and shall not amount to dismissal or removal."

Then, in sub-clause (1) of clause 12, it has been mentioned:

"Any member of the Group aggrieved by an order under section 11 may, within thirty days of the date of the order, prefer an appeal to a Board to be constituted by the Central Government."

In sub-clause (3) of clause 12, it is said:

"The decision of the Board shall be final and shall not be called in question in any court or tribunal."

If this is the provision, what about the protection under article 311(2)?

SHRI BAHARUL ISLAM (Assam): It is in the Constitution.

SHRI DIPEN GHOSH: Can you do that? You cannot do that. It is said here "The Board's decision shall be final." The details as to how the Board will be constituted, who will be the members of the Board etc. have not been mentioned in the Bill. They will be mentioned only in the rules.

SHRI BAHARUL ISLAM: The Tribunal and the appellate court will have no power. But the High Courts and the Supreme Court will have power.

SHRI DIPEN GHOSH: Can the power of the High Courts and the Supreme Court be substituted by the Board?

SHRI BAHARUL ISLAM: No.

SHRI DIPEN GHOSH: What about the right under article 311(2)?

SHRI BAHARUL ISLAM: It will be there.

SHRI DIPEN GHOSH: How? It has not been mentioned here. This

is my question. It says here that the Board's decision shall be final. Nobody can go to the court against the decision of the Board. So it has to be clarified. Otherwise what will happen? Some day some Board will be constituted with some ordinary people. That is why I am saying there are many things in this Bill which need to be examined in depth. There is no hurry. The Special Force has been existing for three years. They are protecting the Prime Minister. They are providing adequate security to the Prime Minister. So I think that instead of getting it passed in this Session, let it be referred to a Select Committee, as proposed by me. I hope the Government will agree and a Select Committee will be constituted, the Bill will be referred to the Select Committee which, after going through these things, will make a report in the next Session, and then it will be considered. Thank you.

SHRI PARVATHANENI UPENDRA: Mr. Vice-Chairman, Sir, I have serious reservations about this Bill. Perhaps it will be in bad taste if I say, "I oppose the Bill," because when Government wants to take certain measures to protect the Prime Minister, if anybody says, "I oppose the Bill", perhaps that may be misunderstood also.

Sir, we are equally concerned about the safety and security of the Prime Minister—not only the Prime Minister but other VIPs and also the ordinary citizens of this country. There is no doubt that there is violence in the air. Sophisticated weapons are being used. Threats are held out to many people. It would be an understatement if we say that only the Prime Minister is under threat. Otherwise today two thousand people in the capital would not be under security cover. Out of them, 50 people have been given escort cars. The Delhi Administration is spending nearly 70 lakhs of rupees on hiring these cars alone. That itself shows

[Shri Parvathaneni Upendra]

the extent of security threat. Therefore, I do not say that there is no threat. But the restrictions or safeguards or security measures should be reasonable and should not cause inconvenience to others. Any reasonable security measures for the Prime Minister, or any other VIP can be understood and even if they cause a little inconvenience, can also be tolerated. But security has become an obsession here. There is a security mania everywhere. The city appears like a city under attack with road blocks and what not. You find Black Cats with rifles moving around. We do not know when they misfire and who is going to be killed by that. At several places you find metal detectors outside the offices and rooms of VIPs. It has become a mania. For some it has become a status symbol to have Black Cats. It is a status symbol to have an escort car; it is a status symbol to have Black Cats to guard you. So it has become a mania. Therefore, in that context we have to view this Bill, whether it is going to really help save the Prime Minister, or whether it is going to be another part of this security mania, because these measures are causing untold hardship and inconvenience already.

Sir, I had the good fortune of visiting the houses of the Prime Ministers earlier. Never before have we seen a Prime Minister's house looking like a fortress. Even the Minister and M.Ps., who are well known to the security people, are being asked to wear chains, like dogs, with numbers, at the Prime Minister's House and office. It is disgraceful. Therefore, it is going beyond tolerable limits.

MPs. are being stopped, MPs. are being checked, Ministers are being checked. And it does not stop in the offices. Even in social functions, in marriages, wherever you go, it is there. I had the per-

sonal experience and humiliation in marriage functions where you are frisked and searched in a very humiliating manner, with women being asked to take off their ornaments when they go to social functions like marriages. I do not say that the Prime Minister wants it. When I faced such insulting behaviour at his house when I was asked to wear a chain and I refused, when I told the Prime Minister he said, "I do not want all this; I do not know why they are doing all this." Therefore, I do not blame the Prime Minister, that he wants all these things. But once you give the power, that will be misused and it will be taken to incredible limits. That is why we have to see to all these things.

I will give you a few instances of this security mania, how it is gradually developing. The Security Wing of the Delhi Police had only a thousand people a few years ago. Today they have four thousand people. And the general strength of the Delhi Police also has been increased. There was only one Additional Commissioner for security earlier; now there are three. The expenditure of the Delhi Administration on Police, which was Rs. 42.32 crores in 1982, has gone up to Rs. 84.69 crores in 1986. The pressure on the security people has increased so much that those who used to work only in two shifts earlier are now working in three shifts. And you know the very frequent "red alerts" given in this city. The watch on the buildings, whether it is the Hyderabad House or Vigyan Bhavan or Parliament House and many other buildings, is there. They are constantly guarded. I believe, for the Parliament building alone you are spending nearly Rs. 40 lakhs on guarding. I have mentioned to what extent the security measures are being taken.

SHRI SURESH KALMADI (Maharashtra): It is all 303 guns outside.

Where is security for the Parliament House?... (Interruptions)...

SHRI PARVATHANENI UPEN-DRA: You don't know; please wait. I am just giving instances.

SHRI SURESH KALMADI: What I am saying is, there is no such security at Parliament House.

SHRI PARVATHANENI UPEN-DRA: All right, Sir, three jeeps have been custom-built to look like the Lancer usually driven by the Prime Minister. Three Contessa cars with Izuzu engines have been purchased to keep pace with the 1984 model Mercedes car gifted to the Prime Minister by the King of Jordan. Then, special, extraordinary, arrangements are being made even when he goes on a holiday involving Air Force, Navy, etc. Above all, there is a proposal to shift the Safdarjang airport also from the present location. An airport is always built at a central place for security reasons, but for the very same security reasons there is a proposal to shift the Safdarjang airport, all the flying clubs, gliding clubs, ballooning clubs and the Directorate of Agricultural Aviation. They have all been asked to vacate from there.

Then, Sir, about the metal detectors. The local detectors are not useful. Perhaps they cost about Rs. 8,000 to 9,000 each. Metal detectors, each costing Rs. 50,000 are being imported. I don't mind these small things purchased, I don't bother about the cost also. But the extraordinary security arrangements being made for the Prime Minister are removing him from the people, and the Prime Minister's contact with the people is being lost. You compare with the number of people which the earlier Prime Ministers used to receive every day, whether it was Jawahar'at Nehru or Mrs. Indira Gandhi. Today very few people are able to meet the Prime Minister in his office or in his house. He is cut off from the people.

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SOME HONOURABLE MEMBERS:
No, no.

SHRI PARVATHANENI UPEN-DRA: Another factor here is, there is a plethora of agencies in the security. Not one but there are four agencies: the Delhi Police, the IB, the SPG and the National Security Guards. Four agencies are involved in the security of the Prime Minister. Generally, as is well known, security should be innocuous, invisible. But it is made so conspicuous here and these conspicuous measures will only become counterproductive and more dangerous also. They are under constant tension. If only one group is guarding the Prime Minister, it is under constant tension, and the sheer drudgery itself be an overpowering factor and may lead to tragedies also. They have no social life. There is no rest for them. This Group—some of its personnel, we know—is under constant tension actually.

We should also think of the matter whether it is desirable to concentrate in one particular Group all the secrets of the Prime Minister's security. Even if one member plays trick tomorrow, plays mischief tomorrow, the whole secrets will be out. Is it desirable? In the security measures always you should change them, rotate them so that nobody knows who will be in a particular place or who is in charge of what. But, here you are creating a permanent force, personal to the Prime Minister. What will happen even if one man in that group plays mischief?

In spite of taking all these measures, have we been able to remove the security risk? What happened at the Raj Ghat? After five security agencies cleared the security arrangements there on October 2, 1986, still the incident happened. Therefore, you cannot say that by passing this Bill, by creating the force we will be able to protect the Prime Minister better. That is a silly argument.

[Shri Parvathaneni Upendra]

Now, lately you know, shoulder-fired missiles, suicide squads, remote controlled planes, so many things are coming into security angle. Therefore, we should be cautious about these measures. By merely creating this force you will not be able to do better.

Then, to this force you are giving special facilities. You are giving them 25 per cent more salary. You are giving them 50 per cent security risk allowance. All these things you are doing.

But at the same time you are removing the fundamental rights of the employees. They cannot go anywhere. You cannot even dismiss them. The word "dismissal" is also being removed from their dictionary. You say, he cannot resign, he cannot go. Tomorrow, if he says, "I am under constant tension, I cannot bear this tension, I want to go," he will not be allowed to go. He cannot leave the force. He is a disenchanted man, a disgusted man. If he is forced to continue in the force, will he be a security risk or will he add to the security. That point also you will have to consider.

Then, of all the things, the most dangerous thing is the power given to them under the Bill to do anything in good faith. They can shoot anybody, they can kill anybody by mistake, by intention or by anything and say, it is in good faith. That means, whatever is given under article 21, the right to life, you are taking away like the 59th Amendment. You are just giving these powers on a platter. They can do anything, they can kill anybody. Is it desirable, in a civilised society, in a democratic country, that a police force is being given such vast powers to kill anybody with impunity, without any enquiry and without being hauled up before the court? As Mr. Dipen Ghosh said, if this fellow turns his gun against the Prime Minister himself what will hap-

pen? You cannot take any action under the law. That is what he was telling. If you have given such powers, he may say, "In good faith I have done. It has backfired." It may happen by accident, by intention by design.

SHRI BHASKAR ANNAJI MASODKAR: That is not the correct reading of the section. He must act in pursuance of this Act. That is what I was telling Mr. Dipen Ghosh. You are forgetting that it is "good faith" plus "in pursuance of this Act." Both things must be there. When he trains his gun in this manner which you are saying, he does not act in pursuance of the Act.

SHRI PARVATHANENI UPENDRA: Then, another point.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): Last point.

SHRI PARVATHANENI UPENDRA: Two minutes more.

The powers given to them are overriding powers over the State Governments and over the embassies, anywhere. They can just go and order anybody, any Chief Minister or anybody else or any ambassador, "I want this to be done. You get out. You don't come here." They are already doing that. Ministers have been pushed around. All that is happening. Therefore, to give that kind of power is also not desirable in this democratic set-up.

Here they have not mentioned the private undertakings, private institutions which the Prime Minister may visit. Are they not covered? There is no mention about them. Are they not required to follow the instructions? What will happen if the Prime Minister visits a private institution? Are they supposed to follow the instructions? It does not say. The Bill is silent on that.

Another point is, one constitutional authority is this country, which is not the highest constitutional authority, is being given a personal force. Is it desirable? Is it desirable? Is it in good taste? When there

5.00 P.M. is President, when there is Vice President you ignore them as if there is no security risk for them. When you create a force, why can't you create for everybody, at least for the three-four people? Why do you single out the Prime Minister and his family? We have got high regards for the Prime Minister personally. We wish him and his family well. We want them to live long. But is it necessary to single them out and say that this is the family which should be protected at all costs? Is it not in bad taste that the Prime Minister, who is the head of the Government, but who is not able to protect hundreds of people who are being killed like flies everyday, himself coming forward with a Bill saying I want a special force? Is it not in a bad taste?

SHRI P. N. SUKUL (Uttar Pradesh): The Prime Minister is not just a man. The Prime Minister is the head of the Government, as you say. He represents the country. If you are not going to protect him, whom are you going to protect?

SHRI PARVATHANENI UPENDRA: The Minister will reply on this. (Interruptions) Suppose you say there are special reasons for a particular family or a particular individual and they are exposed to certain security risk, what will happen after they relinquish the post? Giani Zail Singh was under a very big security risk when he was the President. Today only two police fellows protect his house. Suppose the Prime Minister, who is today exposed to a big security risk, goes out of power or office tomorrow then who will protect him? What will happen to him? This Bill does not say about that. (Interruptions) I am posing this question to the Minister. Let him

answer because these points will arise. You are concerned about the Prime Minister and no Prime Minister is permanent.

DR. (SHRIMATI) NAJMA HEPTULLA: It is for the Office, Mr. Upendra, not for an individual.

SHRI PARVATHANENI UPENDRA: I know it is only when he is in Office, but when he is out of office what will happen? It does not say about that. You show the clause.

उपसभाध्यक्ष (श्री सत्य प्रकाश मालवीय) : वह उनकी राय है आप अपनी राय दीजिएगा ।

डा० (श्रीमती) नाजमा हेपतुल्ला : हम अपनी राय तो दे रहे हैं सर और क्या कर रहे हैं ।

AN HON. MEMBER: I would like to draw your attention to Clause 16.

"The Central Government may, by notification in the Official Gazette, make rules for carrying out provisions in the Act."

Is it not so wide?

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): You continue and also kindly conclude.

SHRI PARVATHANENI UPENDRA: The best security guarantee is the individual himself. (Interruptions) But our young and dashing Prime Minister ignores his own security. He drives his own vehicle and drives it at such a speed which is not only causing anxiety to all of us, but also to the people following him.

DR. (SHRIMATI) NAJMA HEPTULLA: I am on a point of order. He is making personal allegations. This Bill is very limited. It has got very limited scope of discussion. It is not personally for Mr. Rajiv Gandhi. It is for the Office of the Prime Minister. The hon. Member is going

[Dr. (Shrimati) Najma Heptulla]

round the whole world. He is bringing in the President, he is bringing in everybody. Now he is saying Mr. Rajiv Gandhi is driving his car and is causing risk to other people. This does not come under the Bill. I think you should guide him properly to go in the proper direction. He cannot go all over the world and talk about anything.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): There is no point of order.

DR. (SHRIMATI) NAJMA HEPTULLA: Mr. Vice-Chairman, Sir, is it relevant or irrelevant? I ask your ruling on it.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): I have already given my ruling. There is no point of order.

SHRI PARVATHANENI UPENDRA: Sir, you cannot ignore the present situation when you pass a Bill. Why you bring the bill today? It can be brought even afterwards. It is because you are all worried about the present Prime Minister. In good faith, I am telling all this because we are concerned about his safety and security. There are two instances I am reading out which indicate how he has ignored his own security. That is why I am referring to this with your permission and after this I close. I quote:

"Prime Minister insists on driving his own vehicle—often the Mercedes 500 SEL gifted by the King of Jordan—at an incredible speed, thus leaving huge gaps in the security system devised to protect him. On September 28, 1986, one of the cars following the PM to his farm house flew off a bridge railing, and ploughed into a crowd of people, injuring several persons."

... (Interruptions) ...

उपसभाध्यक्ष (श्री सत्य प्रकाश मालवीय): आप यह कहाँ से पढ़ रहे हैं।

SHRI PARVATHANENI UPENDRA: This is from "The Week" magazine, from Feb. 21—27, 1988.

DR. (SHRIMATI) NAJMA HEPTULLA: From where he is reading it out? What is the authenticity ... (Interruptions) ...

SHRI ANAND SHARMA (Himachal Pradesh): Sir, I am on a point of order ... (Interruptions) ...

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): Mr. Anand Sharma is on a point of order.

SHRI ANAND SHARMA: Sir, what we are discussing is the Special protection Group Bill, 1988 which is meant for the security of the Prime Minister. It is well-known that every citizen of this country that there has been a drastic change in the situation keeping in view the escalation of the terrorist activities. We also know that this nation has lost in the assassination of Mrs. Indira Gandhi, not only a Prime Minister but the leader of the people of this country. After that friends from the Opposition have repeatedly said that the Government must take adequate measures to protect the person of the Prime Minister and we know that the threat exist. Now, when we discuss this particular Bill does it give a right to any Member to cast aspersions, attribute motives or to insinuate? Now, Mr. Upendra has sought your permission to refer to incidents which are rightly or wrongly quoted in a magazine. Can it be allowed quoting from a magazine commenting on the personal behaviour of the Prime Minister which has no authenticity?

Secondly, he has said that car gifted by the King of Jordan, etc. what relevance it has? If it is relevant, you tell us. When you are talking about the Special Protection Group Bill, 1988, it has no relevance.

SOME HON. MEMBERS: We want your ruling.

उपसभाध्यक्ष (श्री सत्य प्रकाश मालवीय): मि० आनन्द शर्मा ने व्यवस्था का प्रश्न उठाया है और उन्होंने कहा कि जो आप पढ़ रहे हैं उसमें कोई रिलेवेन्सी नहीं है। लेकिन मेरी समझ से आप इस बिल पर अपनी राय दे रहे हैं। तो आप कंटिन्यू करिए, लेकिन जल्दी खतम करिए।

SHRI PARVATHANENI UPEND-
RA: Sir, another accident occurred on January 7, 1987.

SHRI B. L. PANWAR (Rajasthan):
Sir, I am on a point of order.

THE VICE-CHAIRMAN (SHRI
SATYA PRAKASH MALAVIYA):
What is your point of order?

SHRI B. L. PANWAR: There has been a ruling by the Chairman that while making a speech no newspaper item can be quoted. I can just quote the rule.

SHRI LAL K. ADVANI: There is no such rule.

THE VICE-CHAIRMAN (SHRI
SATYA PRAKASH MALAVIYA):
If it is said, it will be expunged.

SHRI PARVATHANENI UPEND-
RA: I quote: "Another accident occurred on January 27, 1987 injuring two SPG drivers. The PM, late for a meeting with Malaysian Prime Minister Mahathir Mohammad, overtook his pilot car because it was too slow. In a bid to catch up with the PM, the driver of the pilot car negotiated the Motilal Nehru Marg roundabout a bit too sharply, and climbed over a kerb."

Sir, what I wanted to say is that the Prime Minister, who has a great concern for his security, should also be careful. If he ignores his own security, moves about recklessly, whatever amount of security measures we may take, whatever measures we may take; whatever forces we may create, they will be set at naught. Therefore, Sir I appeal to him, through this House, that he should also be careful. In

addition to the creation of all these forces etc., he should personally be careful also and finally, Sir . . . (*Interruptions*) . . .

DR. (SHRIMATI) NAJMA HEP-
TULLA: Why don't you write a letter?

SHRI PARVATHANENI UPEND-
RA: I will do that also. Sir, I take her suggestion. Sir, this force SPG, was created in April 1985. I feel because the Prime Minister is safe, they are doing their job well all these three years. I do not know the provocation for this Bill today. Why this Bill should be brought at this juncture creating an impression that the Prime Minister is worried about his own security rather than the security of the citizens of this country? I request the Minister to withdraw the Bill and strengthen the forces in whatever manner he likes so that the Prime Minister and other people are protected well.

DR. (SHRIMATI) NAJMA HEP-
TULLA: Sir, our hon. Member while concluding his speech asked why the Prime Minister brought the Bill. I want to make a submission before you that it is not the Prime Minister who brings the Bill. It is the Government that brings the Bill for the office of the Prime Minister. It is not the Prime Minister, Mr. Rajiv Gandhi who has brought this Bill for his own protection. It is the Government which is bringing forward the Bill for the protection of the office of the Prime Minister, whoever is the Prime Minister. He should make a correction, Sir . . . (*Interruptions*) . . .

THE VICE-CHAIRMAN (SHRI
SATYA PRAKASH MALAVIYA):
He says that the Government headed by the Prime Minister.

SHRI KAPIL VERMA (Uttar Pra-
desh): Mr. Vice-Chairman, Sir, I think that this Bill is non-controversial and I expected this to be welcomed by all sections of the House because this involves the security of the Prime Minister. I was a little

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pained and a little surprised by certain misplaced criticisms of the provisions of this Bill. Certain Members of this House have got so much used to attacking the Prime Minister that they have forgotten that this involves the question of security of the Prime Minister of the country, the office of the Prime Minister, the Prime Minister, who symbolises the security and unity of this country and when some people say that it is wasteful expenditure, I am more surprised. We have seen the assassination of Shrimati Indira Gandhi, we have seen how terrorists' violence is going, what they are doing during the last two-three years. We have seen the threats to Mr. Rajiv Gandhi's life, the attempt on his life at Rajghat and at other places. We know what is happening in the country. We know that the terrorists are just trying to get at him. So in my opinion, even if crores of rupees are spent on protecting him, it is highly justified and the country will welcome it. Any attempt to criticise this Bill on the ground that it is his personal force, in my opinion, is highly unjustified because this is for the office that he occupies and not for his ownself. The point that it has not been done for the President is also not correct because already there is a force to protect the President in Rashtrapati Bhawan. We pass the Budget. There is charged expenditure on that and there is already an organised force to protect him. There was a need for a law for this. A point has also been raised as to why we need a law. A law is necessary because this was done by an executive order. Under the Constitution, you require a law to lay down the rights and duties to regulate the force, to have statutory backing. So, there was a need for law to back this up. This Bill has also been criticised on the ground that it has taken away fundamental rights of the people employed by this force. May I point out that it has been made abundantly clear. Can a person in the armed forces enjoy the fundamental rights

which other ordinary citizens enjoy? If we consider that, there is a question of discipline involved in it. It is a armed force. If there is a suspicion against a certain man that he will kill the Prime Minister, that certain foreign countries have hatched a conspiracy and if the Officer thinks so, should he be giving 15 days' notice asking for explanation and all that? He will not wait for that. You do not wait for it in the army. If you are fighting somewhere in the borders, all these laws are suspended. The SPG is an armed force and the laws applicable to other forces apply to this also. Sir, I may point out, on the question of termination, as I have said, this fundamental right has to go. At the same time, I will request the Government to let us know what really happened and what the report is about the Rajghat incident. What actually happened there and who is responsible for the lapse? There have been various enquiry commissions and there have been all kinds of investigations. Papers are full of them. But what is the truth, the Government should tell us. It should tell us who are guilty and what actually happened there so that proper lessons may be drawn from them.

To my mind, utmost importance must be attached to the safety of the Prime Minister and therefore, any effort by the Government to bring forth a Bill and to legislate for that purpose is welcome. And if, for security reasons, the members of that force use certain powers, if they take certain precautions to protect the Prime Minister, if they stop some A, B, C or D, from entering a certain place we should not interfere in it. There is no question of imputing any motive to it. They are trying to do their job and we cannot put obstructions in their way. At the same time, I would say that they should be courteous enough to the Members of Parliament, that no harassment should be caused to them and that the Minister must give an assurance that he will issue necessary instructions for this purpose.

With these words, I welcome this Bill and I hope that the House will pass it unanimously.

SHRI JASWANT SINGH (Rajasthan): Sir, let me at the very outset say what is not objectionable in this Bill. I do not think that the principle of security can be found fault with. Certainly, security for the principal servants of the republic is also not an objectionable objective. The principle of proximate security is then necessary logic about which also I have no objection. There is also the need then for personnel to perform such functions. Again, logically, those personnel who are so entrusted with the responsibility to fulfil their tasks effectively, morally, materially and administratively must be provided with the necessary wherewithals. I do not think this provision can be found fault with either. Thereafter I must then admit to certain difficulties that I have with this particular measure. The primary one is, by implication, the aspect of the importance of security for some only. I do not have to point out as to what climate of violence exists in the country. Indeed some Members of the Treasury Benches and others spoke in justification of this particular measure, precisely on the ground of the existing climate of violence, terrorism etc. In that existing climate of violence, the principal servants of the republic are certainly merging of security as provided in this Bill. But one would have expected that those principal servants of the republic would come forward and say, "I would not make an exclusive security for myself until I am satisfied that the citizens of the country are also secure." My charming and esteemed friend, Mrs. Margaret, is busy doing her home work while she is constantly complaining about insecurity of women...

THE MINISTER OF STATE IN THE DEPARTMENTS OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT

IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRI-MATI MARGARET ALVA): No, I am not doing any home work; I am listening to your speech.

SHRI JASWANT SINGH: The point is that if women of India—I am not talking of men—feel insecure, I think it only underlines the concept that security for some only is something I find great difficulty with. This is an aspect which has been referred to by a great many. The principal servants of the republic must be protected both in their private functioning, in their private life and in the performance of their public duties without any doubt, whosoever the principal servants of the republic might be. And, therefore, I find a certain amount of difficulty with this kind of a measure for the Special Protection Group because it specifies the office of Prime Minister. The office of the Prime Minister is certainly an important office. It is the principal executive office. But he is not the only servant of the republic. Had the Special Protection Group been required to protect all the principal servants of the republic, I would have found it more acceptable. The honourable Minister and other Members have spoken of the climate of violence. I am deeply disturbed about a continuing unresolved incident. I have twice written about it to the Chairman. I would bear your indulgence, I would request your indulgence, to mention it again. For the first time since our Parliament came into being, one Sunday an Indian was killed on the premises of our Parliament. I cannot take that lightly. I cannot take it lightly because I do not consider the Indian Parliament as an execution yard. Parliament is a sanctuary. Even if that individual were a proven criminal and had he come to you as Chairman and sought sanctuary with you, sought protection of the Parliament then the first function of our Parliament would be to grant that protec

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tion and only thereafter, to charge him with whatever he is to be charged with and to hand him over to whomsoever he is to be handed over to. We have created a climate and I have had occasion to mention it—that young man's parents say that he was mentally derailed, he had nothing with him; he was armed with but a Hanuman Chalisa. He was climbing the gates of Parliament House and he was shot dead. I don't think that is proper security. The killing of that Indian hurts me because it is symptomatic of what we have brought about in the country. That we have not reflected upon it in the House, or commented upon it, nor has the press made any comment on it, is a measure of the coarsening of our spirit, not an improvement. However that was, there is the other aspect that you combine this creation of a climate of killing with needless secrecy. The late Prime Minister was perfidiously assassinated; in a despicable act of unforgivable perfidy by her own security guards in her own house, by those who had been entrusted with the protection of her person. Yet, when an inquiry is made into it, nothing is known. What has happened to that Beant Singh? If I am not mistaken, he is assassinated after he has been captured. He is assassinated, killed or murdered or whatever it is, by the Indo-Tibetan Border Police personnel and we do not know why he was shot after he had surrendered. Perhaps that is why you shroud it in secrecy and the Commission which goes into that, which inquires into that, you do not share the findings of the Commission with us or with the President and so, it is the totality of what you do.

SHRI P. CHIDAMBARAM: Sir, may I just say one thing now?

SHRI JASWANT SINGH: Should I consider it as a point of order?

SHRI P. CHIDAMBARAM: In which event I will raise a point of order.

SHRI JASWANT SINGH: Ministers do not raise points of order.

SHRI P. CHIDAMBARAM: But I cannot help that. I cannot help that if you refer to something which is within my knowledge. Sir, I did not quite catch him. But, if he is referring to an appeal pending in the Supreme Court and the incident involving the assassination of Mrs. Indira Gandhi and one of the alleged assassins, my submission is that it is *sub-judice*. He should not refer to that case or the death of one of the accused.

SHRI JASWANT SINGH: May I answer that, Sir? I think this aspect of *sub-judice* Parliament had many occasions, great many occasions, to deliberate upon and the Parliament has held that dealing with any matter which is in a court of law does not become *sub-judice* and we are not barred...

SHRI P. CHIDAMBARAM: Of course, you are.

SHRI JASWANT SINGH: ...from discussing it. In fact, we can discuss a matter which is in a court of law as long as the Chair says which specific aspect of the case which is in a court of law cannot be taken up.

SHRI P. CHIDAMBARAM: I will answer his point wherein he makes an allegation that he does not know why the ITBP or someone killed A or B. This is the very matter which is *sub-judice*. What else is *sub-judiced*. This is the very issue which is *sub-judice*. It is not fair to refer to it. It is this very issue which is *sub-judice*.

SHRI JASWANT SINGH: But there are certain facts... (*Interruptions*)

SHRI MUKHTIAR SINGH MALIK (Haryana): Mr. Vice-Chairman, Sir, you give a ruling on this now.

SHRI P. CHIDAMBARAM: Sir, I am sure that everybody... (*Interruptions*)... Sir, I am sure that everybody who is acquainted with the facts of the case knows that this is the very matter which is *sub judice* and I do not think it is fair on his part to refer to that.

SHRI LAL K. ADVANI: He only referred to the fact that a shroud of secrecy is sought to be pulled over the whole thing and he referred to the Thakkar Commission Report which has been concealed from Parliament.

SHRI P. CHIDAMBARAM: I have no objection to his referring to the Thakkar Commission Report and what happened afterwards. But he said that the Indo-Tibetan Border Police personnel killed one of the assassins and that he does not know why. This is the very matter which is *sub judice*. There is an accused, there is a case and there is a defence. What the ITBP personnel did, what happened on that day, why certain things took place—these are all *sub judice*. How can you say that it is not *sub judice*? If he makes a reference to the Thakkar Commission Report, I have no objection. Let him make any comment on that; I have no objection at all.

श्री लाल कृष्ण अडवाणी : आब्जेक्शन तो सीक्रेसी के एटीट्यूट पर है ।

उपपञ्चाक्ष (श्री सत्य प्रकाश मालवीय) : जो केस के फैक्ट्स हैं उनकी जानकारी नहीं है, लेकिन फिर भी आप इसका ख्याल रखिए कि जो मामला अदालत के विचारधीन है, उस पर कोई कमेंट न किया जाए... (*व्यवधान*)

SHRI JASWANT SINGH: Sir, just a small caveat. I do not mention in the House what I choose to mention because the honourable Minister of State for Home Affairs has conceded it to me that he does not mind if I mention the Thakkar Commission Report.

SHRI P. CHIDAMBARAM: Yes.

SHRI JASWANT SINGH: Sir, it is not his not minding which gives me the right and he does not give me the right. It is the people of Rajasthan who have given that right to me and he cannot choose to put words into my mouth.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): Through the Members of the Assembly.

SHRI JASWANT SINGH: Absolutely. And, Sir, if he reveals in this... (*Interruptions*)....

SHRI PAWAN KUMAR BANSAL (Punjab): Sir I'm sure the people of Rajasthan have not given to Mr. Jaswant Singh the right to stand up here and say that if criminals were to come to Parliament and seek sanctuary here, Parliament should provide them sanctuary.

SHRI DIPEN GHOSH: The people of Rajasthan will say this, not you.

SHRI PAWAN KUMAR BANSAL: They will never say so. (*Interruptions*)

SHRI JASWANT SINGH: My esteemed friend perhaps could not understand the point I am making. There is the famous incident in the House of Commons where the Speaker stood up against the Sovereign and said: Thus far, Sire, and no farther—because the Sovereign was coming to the House to collect somebody whom the Sovereign thought was a murderer. The Speaker then granted sanctuary and thus brought about an absolute sovereignty of the House of Parliament. (*Interruptions*)

SHRI PAWAN KUMAR BANSAL: That is entirely different. (*Interruptions*)

SHRI JASWANT SINGH: I will continue to hold that the killing of that Indian with 'Hanuman Chalisa' on the premises of our Parliament for the first time is unforgiveable. If

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he was mentally unsound, the answer did not lie in killing him. That is the point I am trying to make. And the second point was shrouding everything in secrecy and of creating a climate of killing. Thirdly, Sir...

उपसमाध्यक्ष (श्री सत्य प्रकाश मालवीय) : अब आप एक मिनट में खतम करिए ।

श्री जसवंत सिंह : एक मिनट में सर ।

I will have to miss a great many points. Sir, this tendency towards praetorian guards, special guards. It will always be acceptable to me that certain members of the Armed Forces will be entrusted with a special task—but not special status. And when you grant special status, then you do create discrimination within the Armed Forces... (Interruptions) They do not risk their life for an individual. They risk their life for the nation. How is that the one who risks his life for the nation is any manner less than the one who is risking his life for an individual?—This is a matter which troubles us.

There is also the aspect of spending. We spent last year Rs. 460 lakhs, which comes, by my amateur arithmetic, to almost Rs. 6600 per day, which are purely the administrative costs of running this organisation. I suppose that in a country like India it is not a very high cost. But I think the cumulative effect—all the time the government is saying 'drought', 'famine', this and that—creates a discordant and dis-harmonious note. That does not convince me.

Sir, I will come to the aspect of how this security is currently being provided. It is over-obtrusive and offensively in-efficient. Now, this is the aspect which everybody has mentioned about. I need hardly illustrate how it is over-obtrusive, and how offensive inefficiency manifests itself.

I was merely reversing my car from the Car Park of Parliament House. When the traffic policeman says: stop, you cannot reverse. I ask him: why not? He says: प्राइम मिनिस्टर साहब की सवारी जा रही है, some 300 yards away. And I am actually just reversing my car inside the premises of Parliament House. I cannot call it anything else but over-obtrusive and offensive inefficiency.

Sir, I have three questions: To whom will this SPG report? To whom is it answerable? To whom will it be responsible? Currently, I am given to understand that the SPG is responsible to the Cabinet Secretariat. In fact, I am told that the SPG **or the Prime Minister's security** is being governed from the Prime Minister's House itself. I do not think that is a satisfactory situation, because it brings me to the second aspect that there ought to be an obligation on the dignitaries themselves, whoever they might be, to abide by the security regulations. And if you are bringing the SPG regulation to protect the principal servants of the Republic, then, simultaneously, there must be an obligation on those we are protecting to behave responsibly.

Finally, Sir, about coordination. There are far too many agencies. The Parliament House is literally sprouting with armed men in every corner. Please have proper co-ordination. Otherwise we will keep on repeating the Rajghat type of incidents.

I will conclude by saying that security for the principal servants of the Republic will be achieved not through exclusion but through the inclusion of citizens. To exclude us, the citizens, is unnecessary and is an impediment in the security that you are trying to provide to the principal servants of the Republic. It is not by excluding us but only by involving us, and the rest of the citizens that you

will achieve their security. Other wise you will defeat the ends themselves which you wish to attain by the means that you are presently employing. Thank you.

श्री ईश दत्त यादव (उत्तर प्रदेश) :
माननीय उपसभाध्यक्ष महोदय, आपने मुझे बोलने का समय दिया मैं आपका हृदय से आभार प्रकट कर रहा हूँ। मान्यवर, सरकार की ओर से प्रधान मंत्री की सुरक्षा के लिए जो बिल लाया गया है मैं उसका विरोध करता हूँ। माननीय दीपेन घोष और सत्य प्रकाश मालवीय जी ने जो ज्वाइंट सेलेक्ट कमेटी को इस बिल को सुपुर्द करने का प्रस्ताव रखा है मैं उसका समर्थन करता हूँ।

आज देश के सामने अनेक समस्यायें हैं। पंजाब में हत्यायें हो रही हैं, पूरे देश में हत्यायें हो रही हैं। अभी चार दिन पहले हरियाणा के पानीपत में बेगुनाह लोगों को मारा गया। उत्तर प्रदेश में ही नहीं पूरे देश में एनकाउंटर हो रहे हैं। लोगों को जान से मारा जा रहा है मेरा कहने का मतलब यह है कि देश के सामने अनेक समस्यायें हैं। 75 करोड़ के इस देश में हर व्यक्ति का जीवन सरकार की व्यवस्था में प्रतिक्षण खतरे में है। हम सब लोग इससे चिंतित हैं। एक बिल लाया गया है माननीय चिदम्बरम की ओर से, सरकार की ओर से कि प्रधान मंत्री के जीवन की रक्षा के लिए विशेष व्यवस्था की जाए, विशेष सुरक्षा की व्यवस्था की जाए। मैं समझता हूँ, जहाँ तक मेरी जानकारी है प्रधान मंत्री की सुरक्षा के लिए पर्याप्त व्यवस्था है, धन भी पर्याप्त व्यय हो रहा है। अभी पहली मई को हमारे प्रधान मंत्री शिमला गये थे, कानपुर गये थे। अखबारों में निकला जो लगभग सही भी है कि प्रधान मंत्री जी के इन कार्यक्रमों पर एक मिनट में 15 लाख रुपये व्यय होता है। इस गरीब देश के प्रधान मंत्री के ऊपर एक मिनट में अगर 15 लाख रुपए व्यय हो रहा है तो मैं चाँदता हूँ अब आगे प्रधान मंत्री की सुरक्षा पर और अधिक व्यय न किया जाये। प्रधान मंत्री की सुरक्षा होनी चाहिए इसके लिए मैं भी चिंतित हूँ, देश का हर

व्यक्ति चिंतित है कि जो हमारे देश का प्रधान मंत्री है उनके जीवन की सुरक्षा होनी चाहिए। लेकिन इस देश का अधिक धन प्रधान मंत्री की सुरक्षा के लिए न किया जाए। आज सरकार की ओर से बिल आया है प्रधान मंत्री और उनके परिवार की सुरक्षा व्यवस्था के लिए। कल राष्ट्रपति महोदय की सुरक्षा व्यवस्था के लिए आया और परसों गृह मंत्री की सुरक्षा व्यवस्था के लिए और फिर क्रमशः पूरे मंत्रिमंडल के लिए और फिर आफिस में बड़े पदों पर विराजमान व्यक्तियों की सुरक्षा के लिए बिल आया। जब ऐसा होगा तो फिर इस देश के विकास का, इस देश के गरीब लोगों की समस्याओं के निराकरण का क्या समाधान होगा? इसीलिए मैं चाहता हूँ कि माननीय चिदम्बरम जी इस बिल को वापस ले लें।

मान्यवर, अथवा जल्दबाजी में इस बिल को पास करने की आवश्यकता नहीं है। मैं चाहता हूँ कि ज्वायंट सलेक्ट कमेटी को यह बिल सुपुर्द कर दिया जाय। ताकि इस पर गम्भीरता से विचार हो सके और जल्दबाजी में इस बिल को पास न किया जाय।

मान्यवर, अन्त में मैं एक चीज और कहना चाहूँगा। उस पक्ष की ओर से यह कहा गया कि किसी विशेष व्यक्ति के लिए यह बिल नहीं लाया गया है या प्रधान मंत्री जी की सुरक्षा के लिए यह बिल नहीं लाया गया है, बल्कि कुर्सी के लिए लाया गया है। जो भी प्रधान मंत्री के पद पर रहेगा उसकी सुरक्षा के लिए यह बिल लाया गया है। मैं इस बात से सहमत हूँ कि जब यह बिल एकट का रूप ले लेगा तो वर्तमान प्रधानमंत्री जी के लिए ही नहीं, बल्कि किसी भी प्रधान मंत्री के लिए या उस पद पर आसीन व्यक्ति की सुरक्षा की व्यवस्था के लिए होगा। प्रधान मंत्री के पद पर जो भी व्यक्ति रहे, चाहे वह वर्तमान प्रधान मंत्री हो, चाहे भविष्य में आने वाले प्रधान मंत्री हो, अगर वे जनता का प्यार नहीं पा सकें, जनता की सदभावना नहीं पा सकें तो चाहे आप सुरक्षा की जितनी भी व्यवस्था कर लें, चाहे कितना भी धन

[श्री ईश दत्त यादव]

व्यय कर ले, ऐसा प्रधान मंत्री अपने आप को सुरक्षित महसूस नहीं करेंगे और साथ ही भयभीत भी रहेगा। इसलिए मैं यह निवेदन करना चाहता हूँ कि जब ऐसी परिस्थिति आ जाए कि देश का प्रधानमंत्री अपने जीवन के लिए खतरा महसूस करे, तो कोई आवश्यक नहीं है, कि एक ही व्यक्ति उस कुर्सी पर बैठ करके इस 70 करोड़ की आबादी के लिए जिम्मेदारी अपनाए। अगर प्रधानमंत्री जी के जीवन के लिये खतरा है और वे खतरा महसूस करते हैं, तो ऐसे प्रधानमंत्री जी को, चाहे वे वर्तमान प्रधानमंत्री हों, चाहे आने वाले प्रधानमंत्री हों, उनको उस पद को छोड़ देना चाहिये और तब वे अज्ञातशत्रु हो जायेंगे, फिर उनका शत्रु इस देश के अन्दर कोई नहीं रहेगा और इस गरीब देश के धन की बर्बादी भी नहीं होगी। मान्यवर, इन शब्दों के साथ मैं पुनः इस बिल से सहमत न होते हुए इसका विरोध कर रहा हूँ और चाहता हूँ कि सरकार इस बिल को वापस ले ले अथवा इस बिल को सेलेक्ट कमेटी को विचार के लिये सुपुर्द कर दिया जाये, धन्यवाद।

SHRI GURUDAS DAS GUPTA (West Bengal): Mr. Vice-Chairman, Sir, I think, the Bill is redundant. There is no necessity to bring forward this Bill. May I remind you, Sir, that Father of the Nation, Mahatma Gandhi, was assassinated. After his assassination, it was not thought necessary that such a Bill or Act should be passed by Parliament for the protection of the person of the Prime Minister. Banga Bandhu was murdered. After the murder of Banga Bandhu, Government of India did not think it necessary and proper to bring such a specialised amendment for the protection of the life and security of the person occupying the office of Prime Minister. Therefore, in a sense, this Bill is totally unprecedented. In my opinion, Sir, this Bill is a bureaucratic bombast and has been exuding exuberance. It will bring more disrepute to the person of the Prime Minister than ensure protection. My point is that there

has been a specialised group to look after the security of the Prime Minister. The Government had Commandos, the Government had their gang of Black Cats. Over and above the Government had the specialised agency under the direct supervision of the Secretariat of the Prime Minister. In a situation like this why is it necessary that such a Bill should be passed? I do not grudge that the Prime Minister should be protected by all possible means. There can be no question of dispute on that. But the question is we are not living in a medieval period of monarchy, we are living in a democracy. In a democracy such a personalised step appears to me to be contradictory with the spirit of the Indian Constitution and also with the traditions of the great Indian nation of this democracy. Therefore, Sir, this Bill is out of tune. This Bill appears to me to be inconsistent with the national tradition. This Bill appears to me a personalised act. To me, Sir, there is an attempt to set up a super-state and administrative apparatus which is above the State, which is above the law of the land, whose propriety cannot be questioned. Therefore, it is a set-up above the State, it is a set up above the normal rule of law. It is a set-up to protect the person occupying the post of Prime Minister. Therefore, from all canons of justice, from all canons of justification, this appears to me inconsistent with the spirit of the Indian Constitution, consistent with the monarchy, consistent with the medieval states, consistent with a country where democracy is not functioning. I would not have been surprised if such an Act was sought to be passed to protect Zia-ur-Rahman. I would not have been surprised. I am surprised because this is being done in a country where the greatest democracy is in operation. To me, it again appears to be an act of sycophancy, an act of sycophancy on the part of a Member of the Government to prove his loyalty to the Prime Minister, and by

doing this there may be a thinking that they are coming closer to the thrown of power, to the citadel of power. Therefore it is an over-zealous sycophancy and this sycophancy shall lead us nowhere.

Therefore, Mr. Vice-Chairman, Sir, I wonder why this Bill has been proposed. I wonder why this Bill has been drafted. I wonder what additional benefit is going to be derived by passing this Bill. The Minister while introducing had not been candid, at least had not told this House what additional benefit is expected that there is going to be a separate statute, except that there has to be a separate agency, except that the agency will be above the law, there is already an agency and that agency had been over-doing at least in respect of the protection of the Prime Minister. All these arrangements have been there. But the life of Smt. Indira Gandhi could not be protected. What additional benefit the Government will derive by setting up such a precedent which is unprecedented in character. They will not bring repute to the Indian nation. It will only bring disrepute to the Indian nation and therefore it is going to lower the position and prestige of the office of Prime not only among the Indian millions but also among the community of nations. Thank you.

SHRI BHASKAR ANNAJI MASODKAR: Mr. Vice-Chairman, Sir; I never thought that there will be such an opposition to such a salutary measure proposed by the Government. But my experience suggests that sometimes the Opposition in this House believes in opposition for opposition's sake, and the opposition today to this Bill appears to me to be of that kind. I had never also thought that I should say some words on this Bill so as to commend it to this House. But a time has come to reply for Mr. Gurudas Das Gupta tries to accuse the Treasury Benches that we regale in sycophancy. I may tell Mr. Gupta that protection of the Prime

Minister is the protection of the will of the people of this country and if that is sycophancy, I do not doubt that Mr. Gurudas Das Gupta will also share it. He is the constituent part being a Member of this House and it is his first and primary duty to see that the institutions are protected...

SHRI GURUDAS DAS GUPTA: By passing a separate law? There is nobody in the House who will dispute about it that the institution has to be protected, but the point is, why do you need a Bill to pass? And that is where sycophancy lies.

SHRI BHASKAR ANNAJI MASODKAR: Laws are made, Mr. Vice-Chairman, for various reasons. There are historical reasons; so also there are reasons of necessity; there are reasons of socio political trauma which we feel in the situation. Laws are not made only for the sake of making the laws, and this Mr. Gupta should follow. Is there a necessity to have such a law? That is affirmatively felt by the Ministry and that is why it has come before us. There was no doubt a force protecting the Prime Minister but that force as the times move, will have to be given some sanction as well shape and form. This Bill does nothing but gives a form to that force.

My learned friends on that side raised some doubts. I want to say few words about those doubts. Particularly, Mr. Dipen Ghosh made a mention of section 11, section 13 and section 15 of the Act. As far as section 11 is concerned, I tried to interrupt him by pointing out that section 11 declares that the prescribed authority may, by order in writing, terminate the appointment of any member of the group in the public interest and such termination shall be deemed to be discharged *simpliciter*. Now, if the discharge is *simpliciter*, you are aware and this House is aware, article 311 would not be attracted. That is the protection given that every member who has been discharged or terminated under section 11, will not carry any stigma. So, once there is

[Shri Bhaskar Annaji Masodkar]

no stigma, there is no penalty and it will be deemed and as such put out of the purview of article 311 of the Constitution. I think if this is the explanation, Mr. Ghosh will have no objection to section 11 itself.

SHRI DIPEN GHOSH: Section 12?

SHRI BHASKAR ANNAJI MASODKAR: That is a question of appeal and finality to order. But this finality is under the Act and not under the Constitution. You can see, this is not an amendment to the Constitution.

SHRI DIPEN GHOSH: Here subsection (3) to section 12 says: Decision of the court shall be final and shall not be called in question in any court or tribunal. What happens to my right to go to court under article 226, and to Supreme Court under article 32?

SHRI BHASKAR ANNAJI MASODKAR: This is not an amendment to the Constitution. Mr. Ghosh is reading this Act as if it is a part of the Constitution. You can always go to court under article 226, and if you see article 226 and decisions of the Courts thereon, you will find that such finality given by the legislature does not take away remedy under article 226 or 32 of the Constitution. Therefore, I think, as far as the protection to the service on group is concerned, there is hardly anything that can be said against the Bill.

Further, I would like to refer to the power given to the Central Government in clause 13. This power is there but I would like to point out that this power is not exercisable unfettered because under clause 17, every order issued under clause 13 and every rule made under clause 16 has to come to this House. Therefore, that is a further protection. There would be an opportunity given to the House to debate these matters arising out of clause 13 as well as clause 16 of the Bill. If you see

clause 17, the whole position would be clear.

Then, it was said that there is an immunity given and that this immunity is dangerous. Reliance was placed on clause 15. Some apprehension was voiced particularly by Mr. Ghosh that this immunity is hazardous. I tried to point out to him the correct position at that time. The provision is:

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

When Mr. Ghosh was speaking, I wanted to point this out to him. Mark the words 'to be done in pursuance of this Act'. This device is a sort of defence and necessary protection which is always available in such types of Acts. Take, for example, the provisions of the Police Act. In the performance of their duties, they are required to do certain things and these actions are protected. But it is a matter of defence and not a matter of absolute immunity. It is a sort of legal limited immunity. The question whether it was done in good faith or not will have to be tested. As I said, it is a matter of defence and when such a defence is taken, it will be tested by the court for two things. Whether it was done in good faith and whether it was done in pursuance of this Act. Both the conditions will have to be satisfied before anyone can get immunity under this particular provision. That should dispel doubts.

Sir, I thought that this was one measure which should be above debate, above doubt or personal perspectives. But it is unfortunate, Sir, that even on such a salutary measure as this, where the Government wants

to protect the high public office with all the experience behind us, we know, the Prime Minister of the country was killed in broad daylight and we are still living with the trauma of that tragic incident—doubts are being expressed whether such a measure should or should not be there. Let us not be the Hamlets of history and of our own time. Thank you.

SHRI GHULAM RASOOL MATTO:
Mr. Vice-Chairman, Sir, I recall with nostalgia that immediately after the assassination of Mrs. Gandhi, in the debate that took place, among other things said by hon. Members, one important point made was that special protection was not provided to the Prime Minister. This Bill actually seeks to institutionalise the protection force which was formed in 1985.

Mr. Vice-Chairman, Sir, I support the Bill not because it concerns the Prime Minister. As it has been clearly stated in the Statement of Objects and Reasons of the Bill, 'terrorism has started assuming menacing proportions in various parts of the country and abroad'. The security of the head of the State, the executive head of the State, is the responsibility of Parliament, not that of an individual. If it is so, it is desirable that the security should be on modern lines, the security forces should be equipped with modern weaponry and they should also be conversant with modern methods of security. This Bill, I think, seeks to attain those objectives. While supporting the Bill, I only want to ask the hon. Minister clarification on one point. In this Bill, there is a provision for restricting the application of some of the fundamental rights to the members of the Security Force in so far as it is necessary for the maintenance of discipline. This I think is mentioned in clause 9 and in some other clause also this is given. Although Mr. Masodkar has dwelt on certain aspects of this Bill, I would like the hon.

Minister to react whether the Law Ministry has scrutinised this Bill from this angle that any fundamental right of a particular person who has been affected is not challenged in the High Court or the Supreme Court and is not struck down.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA):
The hon. Minister of Finance, Shri Faleiro, has to make a statement at 6 o'clock.

SHRI GHULAM RASOOL MATTO:
Sir, I will not take more than two minutes. I would like the hon. Minister to ensure that this Special Protection Force is drawn from all parts of the country. It is so provided in the Bill, but in actual practice it should be seen that this Special Protection Force which is protecting our Prime Minister, consists of people from Kashmir to Kanya Kumari and from East to West. This point may also be taken into consideration.

The third and the most important point is that the Minister should ensure that specialised training will be given to the members of this Force. He has also to take into consideration that the members of this Force have to be on tent-hooks. He should see to it that their service conditions including emoluments, are commensurate with the duties that they are performing.

I hope the Minister will dispel my fears on these counts. With these observations, I support the Bill.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA):
Statement by Minister of State for Finance, Shri Eduardo Faleiro.