

**THE INTELLIGENCE ORGANISA-
TIONS (RESTRICTION OF RIGHTS)
BILL, 1985**

THE MINISTER OF STATE IN
THE MINISTRY OF HOME AFFAIRS
(SHRI ARIF MOHD. KHAN): Ma-
dam, I beg to move:

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

Madam, the Constitution (Fiftieth Amendment) Act, 1984, came into force with effect from 11th September 1984. This Act amended article 33 of the Constitution so as to bring within its purview persons employed in any bureau or other organisations established by the State for purposes of intelligence or counter-intelligence and persons employed in or in connection with the telecommunication systems set up for the purposes of any force, bureau or organization referred to in article 33. The Parliament is, there are, now empowered to enact a law determining to what extent any of the rights conferred by Part III of the Constitution shall, in their application to the persons working in the Intelligence Bureau and the Research and Analysis Wing, be restricted or abrogated, so as to ensure proper discharge of their duties and maintenance of discipline among them.

Prior to this amendment, article 33 empowered Parliament to restrict or abrogate the rights conferred by Part III of the Constitution relating to the Fundamental Rights only with regards to members of the armed forces or forces charged with the maintenance of public order. In exercise of this power, Parliament had enacted the Police Forces (Restriction

of Rights) Act, 1966. This Act provides for restrictions on members of the Forces charged with the maintenance of public order with respect to the right to form associations, freedom of speech, etc. This Act, *inter alia* applies to the CRPF, the Assam Rifles and also the Indo-Tibetan Border Police which was raised under the Central Reserve Police Force Act, 1949. The other two armed forces under the Ministry of Home Affairs, the BSF and the CISF, are also governed by specific Parliamentary legislations, the Border Security Force Act, 1968 and the Central Industrial Security Force Act, 1968. These enactments also contain provisions analogous to those contained in the Police Forces (Restriction of Rights) Act, 1966.

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

Now that Parliament has acquired the power to legislate with a view to restrict or abrogate the rights conferred by Part III of the Constitution, with respect to these categories of organisations. It is considered necessary to enact such a law at the earliest in respect of the Intelligence Bureau and the Research and Analysis Wing whose functions have a material bearing on the security of the state. There has been erosion of discipline in the IB and the RAW, in recent years, due to agitational atti-

[Shri Arif Mohd. Khan]
vities of a section of their staff. It is necessary to ensure that the personnel of these organisations work with total dedication and discipline in the discharge of their duties. The Bill seeks to achieve these objects by placing some restriction on members of the IB and the RAW.

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

I commend the Bill to the hon'ble House.

The question was proposed.

THE DEPUTY CHAIRMAN: Shri Dipen Ghosh.

SHRI DIPEN GHOSH (West Bengal): Madam Deputy Chairman. I rise to oppose this Bill.

On Friday last we heard our Prime Minister speaking eloquently of his and his Government's commitment to strengthening of the process of the democratic functioning in our country. And even while defending his Government, he stated that whatever might happen to themselves, they would see that the lamps of democracy were not extinguished and today, after seventy two hours, his Government has brought a piece of Bill intended to make it an Act, restricting the rights of a section of our citizens—citizens of the country. When the Constitution was sought to be amended to acquire a right to place certain restrictions on the people, belonging to the Intelligence Organisations—we opposed. At that time, we were assured that the Government

was only acquiring the power but they will not be exercising such power. But today, we see that as a first step of exercising that power, they have brought this piece of legislation. Madam, in the object, it has been stated that to ensure the proper discharge of their duties and maintenance of discipline, these restrictions have been sought to be imposed on people belonging to the Intelligence Organisations. But I wonder, how discharge of duties and maintenance of discipline can be incompatible with the giving and enjoyment of democratic rights and fundamental rights. These are not contradictory at all. The more the rights would be given to the people, the more the rights would be given to the working class, the more the people and the working class will be made dutiful and disciplined. This is our experience. Denuding them of the rights the people cannot be called upon to be disciplined because it is a kind of coercion and by use of coercion, one cannot be made disciplined or dutiful. By taking the people into confidence, by giving the rights to the people, can alone they be made disciplined and dutiful. So, here, I see the whole purpose of this Bill is to restrict the rights of the people belonging to the Intelligence Organisations in so far as those rights are concerned with the trade unions and political activities. In the statement made by the Hon'ble Minister, he had emphasized, the trade unions, but my question is that the people belonging to the Intelligence Organisations, in so far as their working conditions, in so far as their wage standards, in so far as their living conditions and standards, are they not placed on the same footing with other sections of the Government employees? They are not treated differently. They are not given better pay, they are not given better working conditions; they are not given better living conditions; they are not given better wage level but they are being denied of their rights to better their living conditions to better their wage conditions to better their working conditions

Another thing is that under clause 3(1)(b), they are allowed to be associated with organisations of a "social, recreational or religious nature". While piloting this Bill, the hon. Minister stated that there has been an erosion of discipline in the forces belonging to these intelligence organisations, and he has not cited any example as to why and how this erosion has taken place. Was it because of their trade union activities? The failure of the security people in tackling the law and order situation of Delhi, the failure of the intelligence people to supply information about the people who wanted to destabilise this country, who assassinated the Prime Minister and who even assassinated the other day Sant Longowal, was this all because of their so-called indulgence in trade union activities? Can the hon. Minister cite one example to show that because of the trade union activities which the intelligence people had indulged in, there was a failure of the intelligence machinery, there was a failure in the security arrangements? But here they say that association with an organisation of a religious nature is permitted. We know some religious organisations which are worse than the trade unions, which are worse than political organisations, which are only interested in destabilising this country, which are only interested in weakening the security of our country. We know that so many such organisations, fundamentalist organisations, are there. They are all religious organisations. You are empowering people to be members of fundamentalist religious organisations, but you are putting restrictions on the people of intelligence organisations in the matter of their joining trade unions. And by that, you say, you have to protect the security of the country, the defence of the country. It is completely contradictory because in our country, Madam Deputy Chairman, you must be aware that most of the activities which are intended to destabilise this country, which are weakening the security of our country, which are weakening the defence preparations of

our country, are carried on by organisations which are mostly fundamentalist religious organisations and yet the Government is allowing people in the intelligence organisations to be members of such fundamentalist religious organisations, while restricting their rights about joining trade unions.

So, I think this Bill is not intended, as stated by the hon. Minister, to protect the security or defence preparations of our country and to maintain discipline among these personnel but only to restrict the trade union rights of the persons belonging to the intelligence organisation so as to see that they can be exploited in the matter of their wage level, in the matter of their working conditions and living conditions. That is why I oppose this Bill. Thank you.

SHRI P. N. SUKUL (Uttar Pradesh): Madam Deputy Chairman, I rise to support this Bill. This Bill known as the Intelligence Organisations (Restriction of Rights) Bill, seeks to restrict, or seeks to impose certain restrictions upon, the activities of the personnel employed in the Intelligence Bureau and in the Research and Analysis Wing. These two organisations are naturally the top-most organisations of our intelligence set-up and they are highly sensitive. There is no doubt about it. And there have to be certain reasonable restrictions upon the activities of the persons employed in such sensitive organisations which are supposed to deal with foreign intelligence as well as our own internal intelligence. Much of our success, much of the successful implementation of our policies and programmes, depends on these two organisations which are supposed to feed the Government with information on foreign intelligence and internal intelligence, both. And if these two services do not function efficiently, then, naturally our programmes will go away and our policies will not have the desired effect. That is why.

†Shri P. N. Sukul]

I personally think that there is every reason for reasonable restrictions being imposed on the activities of our personnel employed in these organisations. My friend, Mr. Dipen Ghosh, was talking of trade union activities, trade unionism. We should not forget that even today the Class III and Class IV employees of the Government of India or the State Governments do not have trade union rights at all. We are still demanding those trade union rights, democratic rights, political rights. Even today the Class III and Class IV employees and, of course, officers too, do not have trade union rights. That is why as far as those working in such sensitive areas and such sensitive organisations are concerned, they should be considered only after these Government employees, these Class III and Class IV employees, get trade union rights: first, we should get such rights for Class III and Class IV...

SHRI NIRMAL CHATTERJEE: (West Bengal): Still you are supporting the Bill.

SHRI P. N. SUKUL: I am supporting the restrictions that are contemplated in the Bill...

SHRI NIRMAL CHATTERJEE: It is a restriction on trade unionism.

SHRI P. N. SUKUL: That is what I am saying. We do not have trade union rights. We resort to trade union activities all right, but even today the Central and State Government employees do not have trade union rights....

SHRI DIPEN GHOSH: You are asking for trade union rights.

SHRI P. N. SUKUL: ...and once they get them, may be, I will start demanding for them too in a reasonable way. But, of course, there have to be certain reasonable restrictions upon their activities. Why do I say so? I have been connected with trade

unionism and especially that of Government employees for the last three decades. Unfortunately even today in practising trade unionism we are generally not objective or we lose our objectivity pretty soon and we become subjective and when we lose objectivity then we tend to become irresponsible to a certain extent. That has been my experience at least. And the employers too become irresponsible. That is the most unfortunate part of it. When a trade union pursues its activities its legitimate activities, after a certain time, it loses its objectivity and it becomes too subjective and the Government is also subjective. The Government is also not able to have an objective perspective in dealing with such matters. Then what happens? Both become prejudicial to each other and when they become prejudicial to each other, they are prone to become irresponsible to a certain extent. The Government also becomes inductive and the employees also start throwing discipline and many other things to wind. Therefore at least in such sensitive organisations we cannot think of having indiscipline or show of irresponsibility. That is why I say I support the imposition of reasonable restrictions on the activities of these people (*Interruptions*).

THE DEPUTY CHAIRMAN: Mr. Nirmal Chatterjee, you please take your seat. (*Interruptions*).

SHRI P. N. SUKUL: Madam, are we supposed to address each other like this? (*Interruptions*).

THE DEPUTY CHAIRMAN: No. You have to talk to each other through me. (*Interruptions*).

SHRI NIRMAL CHATTERJEE: Mr. Sukul, I am pointing out what I said here in the Bill. (*Interruptions*).

SHRI P. N. SUKUL: Mr. Nirmal Chatterjee, this is just one instance of how we Members can become irresponsible at times. You are becoming irresponsible for the time being in trying to address me directly. So, what I say is that in trade unions there is scope for becoming irresponsible.

SHRI NIRMAL CHATTERJEE: Then you are opposing trade unions.

SHRI P. N. SUKUL: I am not opposing trade unions.

SHRI NIRMAL CHATTERJEE: That is what the Bill says. Kindly see what it says.

SHRI P. N. SUKUL: There is no trade union there. They do not have the trade union rights at all. Even we do not have trade union rights.

SHRI DIPEN GHOSH: Then what does it want? You please read clause 3(1) (a).

THE DEPUTY CHAIRMAN: Mr. Ghosh, don't interrupt. (*Interruptions*). Let the Minister reply. He is not the Minister.

SHRI P. N. SUKUL: Madam, there is no doubt that during the last few years, the performance of these organisations had evoked much criticism and the performance of these organisations had failed the Government on so many occasions, whether it is in Punjab or whether it is in Assam or whether it is in Delhi or whether it is at the time of the bomb blasts around Delhi or whether it is the killing of Mr. Maken or whether it is the assassination of Sant Longowalji or the assassination of the former Prime Minister. In all these cases, Madam, our Intelligence

people could not forewarn the Government.

SHRI DIPEN GHOSH: That is their efficiency.

SHRI P. N. SUKUL: That shows their efficiency or inefficiency to a certain extent.

Now, Madam, our Minister also talked of growing indiscipline and the tendency to resort to trade union movements. You see, both these things our Government itself admits. Now, what I want to say is this: Either you solve their problems. They try to resort to trade unions because they have certain problems and they have certain grievances and they do not get any redressal of those grievances and, so, they try to resort to trade unions. So, either you solve their problems or allow them a forum to ventilate their grievances.

SHRI VITHALBHAI MOTIRAM PATEL (Gujarat): That is the right way.

SHRI P. N. SUKUL: So, either you solve their problems or allow them a forum to ventilate their grievances so that you know them and you can consider them. But, if you are not going to allow them such a forum and if you are also not going to solve their problems and if you want that they should not react and they should not try to get these problems solved or these grievances redressed, then, certainly, you are not acting in a reasonable way, I mean, the Government itself. A mere enactment of legislation or passing of this Bill is not going to insulate a sense of dedication or discipline...

SHRI VITHALBHAI MOTIRAM PATEL: Correct.

SHRI P. N. SUKUL: ... among the people in these two organisations. This mere enactment will not help. There has to be some other alternative. If you really want them to be efficient and if you really want these people to be capable of delivering the desired goods to the society, then, of course, you have to help them in

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doing so. Madam, we talk of capability. But very few of us understand the real import, the real implications, of the word "capability". The word "capability" is a compound word, and 'capacity' and 'ability', both have to be there. Now, what is capacity? Capacity is your ability to do a certain work on your own. That is your capacity. And, Madam, what is ability? Ability is your capacity to get it done. In the case of ability, you need not do it yourself. But, if you talk of capacity, you have to do it yourself. You see, both these things, both these qualities, are required in those officers and in all those who work at a higher level. Take, for instance, the case of our own Prime Minister. If our Prime Minister taxes his nerves for 18 hours a day and works for 18 or 20 hours a day and disposes of heaps of files and attends so many meetings and takes decisions at the Cabinet level, then, Madam, this will certainly reflect on his capacity to do things.

12 Noon] But his ability will be tested in how and to what extent he is able to get those policies, those decisions, those programmes, implemented by others. Mere taking a decision at the Cabinet level is not going to solve problems. For example, we take a decision that we will have fair price shops or a public distribution system. Now merely taking a decision is not enough. (Time bell rings) They have also to ensure that that system works, that it clicks. And a man who can ensure both will be really a capable man. So if our officers cannot get their juniors in the IB involved to the desired extent and they talk of indiscipline, those officers are not capable officers and all those persons who talk of that are not capable persons. At least they do not have the desired ability to be where they are. And this dissatisfaction, this discontent, which seems to be gnawing at their efficiency, has also to be tackled, has to be removed. Now, you have to grant them trade union rights. As I

have said, if you allow them a forum for ventilation of their grievances, there has to be an association. Our Minister has mentioned—I quote:

"The Government are also conscious of the need for providing adequate opportunities for ventilation and redressal of genuine grievances of the staff."

And these arrangements are also to be strengthened, according to him.

Now, what are those arrangements, I would like to know. What type of fora have these people been provided at various levels? Do they have Staff various levels? Do they have Staff Councils or the Whitley Councils? Or do they have service associations? And if they have Staff Councils or Service Associations, then how do they function? Who preside, Who takes decisions? How much cognizance the Government takes of the demands posed by these service associations or Staff Councils? And then how are they being strengthened? I think our Government must come to this House and that House also with all the relevant details and state so that the members know what exactly is being done and what is proposed to be done to improve matters. As regards their grievances about the services conditions, about their working conditions, you cannot simply suppress them. Mere suppression is not going to work, because if you suppress, that poison erupts somewhere also and it will go much deeper; that will erupt in a big way sometime.

SHRI KAMLAPATI TRIPATHI
(Uttar Pradesh): We know Sukul very much.

SHRI P. N. SUKUL: They came to me a number of times, they have been coming to me off and on and I know about all their grievances. They are genuine. There are individual grievances, very important grievances pertaining to their postings, pertaining to their promotions, pertaining to high-handedness, prejudicial actions taken by superiors. There were so many things. I am aware of all these

things. That is why I repeat that all these things have to be tackled, all these ills have to be cured and all such problems solved if you really want that these two organisations should work efficiently in the desired way.

As far as RAW is concerned, Madam, if it is a regular force, all right, then it must have a regular cadre, and an independent cadre. People should be directly recruited to this force.

श्री कमलपति त्रिपाठी : आप सपोर्ट कर रहे हैं या अपोज कर रहे हैं ?

श्री पशुपति नाथ सुकुल : मैं बिल को सपोर्ट कर रहा हूँ लेकिन सजेशन अपन दे रहा हूँ, पंडित जी ।

As a faithful Congressman, I support it. But as a trade unionist, of course, I will offer my suggestions. I was saying that if it is supposed to function as a regular force, then people should be recruited directly. They should be imparted the desired training. Their emoluments should be looked after well. They should get good emoluments so that there are no grievances on these counts amongst the staff. I think only then these persons will be able to work in the desired way and without resorting to trade union activities. With these words, Madam, I want the Government to be really alive to their problems. If the Government is able to take a sympathetic view of the problems of these personnel, then it is obvious that these persons will not like to resort to the methods which are not very much liked by our Government and which our Government does not want them to pursue. With these words, I support the Bill.

SHRI ALADI ARUNA alias V. ARUNACHALAM (Tamil Nadu): Madam Deputy Chairman, I would like to say a few words on the Bill moved by the hon. Minister concerned. The object of the Bill is to rest-

dict the rights of the persons working in Intelligence Bureau and Research and Analysis Wing so as to ensure proper discharge of the duties and maintenance of discipline among them. Prior to the amendment of Article 33 in 1984, only those persons who were working in the Armed Forces and the other forces which were concerned with the maintenance of public order were brought within the purview of the Act. With this Bill, the Parliament is enabled to bring within its purview the persons employed in the Intelligence Bureau or Research and Analysis Wing for the purpose of intelligence or counter-intelligence or communication system. Now, it is not only a matter of restricting the rights of the civilians working in these wings, but also a question of abrogating the basic norms of the free society. It is felt that most of our constitutional amendments are infurtherance of taking away the rights of the people rather than protecting their rights. It is quite in contrast to the thinking in western democratic countries. Consequently we have to face this type of legislation. Since the Intelligence Bureau and the RAW are considered as highly sensitive organisations it is quite natural that the persons who are working in these organisations should be expected to discharge their duties with total dedication and discipline. It is for this purpose that this Bill has been proposed. Whether the punitive measures or rewarding methods are helpful, it is matter of opinion. Unfortunately, history gives evidence for both the sides. Up till 1967, there was only one organisation, i.e. the Intelligence Bureau, which was looking after the internal and external intelligence work effectively. Therefore, the RAW was constituted in 1968 to evaluate and monitor the intelligence work outside our country.

Now, the pertinent question with regard to the performance of these wings is whether the organisations are functioning with vigour and vigil

[Shri Aladi Aruna alias V. Aruna-chalam]

and whether they have created good records. I hope the Minister will join me when I say that they have utterly failed to assess the situation in critical hour. I do believe that on many occasions it has misled the Government. They have been responsible for many catastrophes and calamities and undesirable turning points in our history. In 1962 when China made aggression on our country and in 1971 when Pakistan invaded India, these wings failed to assess the situation. They have totally failed even to sniff the smuggling of arms in the Golden Temple. They were disclosed only after the operation 'Blue Star'. The shameful record on the part of this Wing is that it has totally failed to protect the life of our Madam Prime Minister, Mrs. Indira Gandhi. The assassination of our Prime Minister would have been prevented had this IB acted with proven adroitness. Because of its unsophisticated methods and traditional way of approaching the issues, we lost our beloved Prime Minister. Madam, what is immediately desirable is not the restriction of the right of the persons who are working in those Wings but an overhaul of the system itself. We must find out what the defects are in these Wings, how we can make this organisation more efficient. This is the need of the hour as far as these Wings are concerned. One of the reasons for the inefficiency of these organisations is that these Wings are mostly utilised for party purposes rather than the intelligence work they are intended. They are well-harnessed and sharpened in election affairs rather than the other intelligent work. At least, in future, let the Government utilise these Wings for the purpose they are intended.

With these words, Madam, I conclude.

THE DEPUTY CHAIRMAN. Shrimati Omem Moyong Deori-- this is her maiden speech. I would like the Members to be very attentive.

SHRIMATI OMEM MOYONG DEORI (Arunachal Pradesh): Madam Deputy Chairman, I am grateful to you for giving me this opportunity.

Madam, whenever something goes wrong, we hear loud complaints against the Intelligence Department and there is a demand to improve the working of the Intelligence agencies.

Madam, Government always keeps the working of these very important agencies under review. This Bill is one of the measures which seem absolutely necessary under present conditions. Such Intelligence agencies are obviously on quite a different footing from other Government organisations. By the very nature of their tasks their efficiency demands total secrecy. If their members voice all sorts of real or imaginary grievances by quoting all sorts of information handled by them, then there will be serious danger to national security. We cannot treat intelligence operations in the same way as, say, agricultural or educational planning, which might even benefit through public debate on different points of view.

Madam, this is a very real fear. We are not just talking about theoretical principles. We must consider real life situations. Almost all of us, from all sides of the House, have welcomed the recent Accords in Assam and Punjab. We must remember that they came about after very delicate discussions to overcome doubts and suspicions. At such times, Intelligence organisations have to help by assessing people's views and reactions. What would happen if someone inside such an organisation started some sort of lobbying or agitation and got it published? Even if he honestly felt that certain trends were disturbing or being misinterpreted by colleagues, the result of the controversy might make the talks fail and go against the national interest. Sometimes too, those who wish to harm us would exploit such fee-

lings deliberately. We must be alive to such dangers. The present Bill merely tries to provide a deterrent against them. Sometimes, too, we find that differences arise because of personality clashes or personal grudges inside the organisation. Suppose some senior officer has to discipline one of his juniors. The senior officer is then sent out on a very secret mission without informing the office. The junior then agitates that he is absent without leave. The security of the secret mission will then be in danger. Publicity of this nature would be fatal to our national interest. We must certainly make sure that within the Intelligence organisations there are in-built procedures so that genuine grievances can be rectified so that differences of opinion can be considered rationally and objectively. Our Defence services from years of experience have succeeded in building such arrangements into their internal organisations. Yet they maintain the highest standards of integrity and efficiency. There should be no fear that our sensitive intelligence organisations cannot do the same.

Therefore, I strongly support the Bill. Thank you.

THE DEPUTY CHAIRMAN: Now, today we had no question hour. If the House agrees, from 1 p.m. to 2 p.m. we can have lunch recess?

SHRI S. W. DHABE: (Maharashtra): From 1.30 p.m. to 2.30 p.m.

THE DEPUTY CHAIRMAN: From 1 p.m. to 2 p.m. we can have lunch recess. Yes, Mr. Gurupadaswamy.

SHRI M. S. GURUPADASWAMY (Karnataka): Madam Deputy Chairman, I have no good word for our intelligence. I have no respect for the intelligence agencies in this country. This is because on all crucial occasions our intelligence has failed and failed miserably. In the case of wars and conflicts, in the case of unearthing assassinations and killings in the matter of finding out missing secret docu-

ments, in the matter of discovering the real enemies of the State, and so on, these agencies have failed. They have not fulfilled their roles properly and effectively and convincingly and they have always shown callousness, irresponsibility and inefficiency and, if I may say so, they are utterly indifferent to that primary responsibilities. They have been moribund on such occasions. So, while on a matter of giving a chit to these services, I do not give any chit at all. But when I look at the Bill, I have been taken aback by certain other considerations.

There was a time in India, Madam, when abrogation or restriction of fundamental rights was considered as a gay matter, a serious proposition. There was a time when there was no Fiftieth Amendment to the Constitution and the Government dealt with serious situations arising, out of all sorts of agitations by its own employees. And, there was no extraordinary power given by a Constitutional Amendment to the Government to deal with such situations, such contingencies, successfully. Of late, there has been a psychology, a wrong psychology, a perverted psychology, developed by the Government to deal with the grievances of their own employees, to deal with the agitations of their employees, their own employees, they require extraordinary legislation, an extraordinary power. When this amendment was introduced in 1984, you remember, Madam, we opposed this measure as wrong and ill-conceived because of the fact that it will give power to the Government, because, in the name of enforcing discipline and order in their own services, it will abridge, curtail, erode, the fundamental rights guaranteed by the Constitution. Increasingly, we are giving more and more powers to the Government to abridge, curtail and eliminate, the rights, the fundamental rights, the basic rights, of the citizen. A man, whether he is serving the Government or not, should have certain basic rights; these are conferred

[Shri M. S. Gurupadaswami]

by the Constitution. By amending the Constitution in 1984, this has been abridged. We opposed it at that time. We warned the Government at that time that by clothing themselves with these powers, the Government will be enlarging their control over their own employees by some reason or the other.

Madam, I would like you to look into this Bill itself. I would draw your kind attention to clause 3. The Minister, in his preliminary statement, never gave any indication whether there was any trade union activity among the intelligence services. He never even mentioned whether there was any association. He never said there were, there have been, cases of indiscipline and disobedience. He has brought these organisations under disciplinary proceedings. It has been provided for in the Bill that no member of the Intelligence Bureau or RAW can be a member or can be associated in any way with a trade union, labour union, political association or with any class of trade unions, labour unions or political associations. He cannot raise funds, hold office or function in any other manner in any society, institution, association or organisation. It is not enough if he ceases to be a member of a trade union or association, it is not enough if he ceases to be associated with any trade union, but to associate himself with any class of trade union or association, the Central Government's permission, prior permission, is needed. They cannot communicate with the Press or publish anything or cause to be published any book, letter, pamphlet, poster or other document. This means, this thing is so omnibus that it restricts all activities, all their intelligence activities. All the activities of the intelligence organisations have been completely taken away, to protect their own interests. If there had been a case of irresponsibility or disobedience, I would have understood; yes, here is a case of indiscipline and certain measures are, therefore, neces-

sary. This Bill might have been defended to a certain extent in such a case. But there is no case. So, it gives omnibus powers.

Secondly, take clause 6. Clause 6 empowers the Government by notification to bring in any organisation or any association. If the intention is only to curb indiscipline of the intelligence agencies, why bring in this clause? Why is there the need for this clause which enables the Government by notification to invite any association, any organisation or any bureau? Why this omnibus clause? I think it is dangerous. We cannot agree for this kind of legislation. If the legislation is only meant for a specific, limited, purpose to deal with indiscipline, granting that, although I don't consider it necessary, but granting that, why is this blanket power taken by the Government to put in the Schedule through notification any organisation, any bureau or any association? I would like to know this.

Lastly, Madam, as I have said, I have no respect for our Intelligence and intelligence agencies because they have miserably failed in showing any intelligence. They have not at all shown any intelligence except in spying the activities of the opposition leaders. That is all what I say. Excepting spying the activities of the opposition parties they have not done anything. Even there they have failed. They have failed to give Mrs Gandhi the correct assessment in the year 1975 and again in the year 1977 when she decided to hold the elections. These very intelligence agencies told her to go or not to go in for elections. Anyway, I do not want to elaborate on that. But that does not deflect me from criticising this Bill because I feel that the Government is encroaching upon the rights and liberties of various sections of the people in India under the cover of upholding discipline and integrity of the Services. So, Madam, I am sorry, I cannot go along with my friend, the Minister. I respect him, I honour him and I love him, but....

SHRI ARIF MOHD. KHAN: Thank you.

SHRI M. S. GURUPADASWAMY: I cannot go along with him as far as this Bill is concerned.

SHRI PAWAN KUMAR BANSAL (Punjab): Madam Deputy Chairman, when the Constitution of India was framed our founding fathers acting on behalf of the people of India wanted to adopt a document which would reflect in ample measure the aspirations and yearning of the teeming millions of the country. Besides dealing meticulously with every aspect of the nation's life and its working they also took care to provide specifically certain fundamental rights in the Constitution, and for that prominently part III was incorporated therein. Significant in part III is article 19 dealing with certain freedoms, but demonstrating exemplary vision and foresight our founding fathers also took care to incorporate therein certain reasonable restrictions on these rights so as to maintain the necessary balance between the rights and the corresponding duties of the citizens. For that purpose, ever since the Constitution was framed, we have in article 19, clause (3) empowering the Parliament to incorporate certain laws which would place certain reasonable restrictions on the citizens and also included in the Chapter on Fundamental Rights is Article 33 which even at the time of the adoption of the Constitution empowered the Parliament to determine by law to what extent any of the rights conferred by Part III shall in their application to the members of the Armed Forces or the Forces charged with the maintenance of public order, be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them. By means of Fiftieth Amendment brought on the Statute Book in September '84, it was not for the first time that any embargo or any restriction was sought to be imposed on the rights of these Forces. All that

was done then was that the scope of Article 33 was enhanced so as to include in the said Article, besides the Armed Forces and the Forces charged with the maintenance of public order, those persons who were employed in any Bureau or other organisation established by the State for purposes of intelligence or counter-intelligence and also those persons who were employed in or in connection with the tele-communication system set up for the purposes of any force, bureau or organisation referred to in the foregoing sub-para. I submit, with utmost humility, that the plea of the hon. Members from the Opposition that the Government has of late sought to abrogate or restrict the rights of the people working in various Departments is fallacious.

I think none would have any doubt that the Constitution of India is not an exercise in semantics; it is an expression of faith. And the faith of the Indian people, besides giving the necessary protection to the citizen to work in a free environment and developing society, also incorporates in its ambit the determination of the countrymen to preserve the unity and integrity of the country to maintain the security of the country. And, Madam, it is the intelligence organisations included in the present Bill—i.e. the Intelligence Bureau and the Research and Analysis Wing—which are charged primarily with these two important functions. True, it is the Armed Forces or the Border Security Force or even the Central Reserve Police Force which have been charged with certain duties to safeguard our border or to check internal sabotage, but concomitant with the functions of these forces is the important role to be discharged by the Intelligence Bureau and RAW. Therefore, it was in the fitness of things to bring forward an amendment in Article 33 of the Constitution and consequently the present Bill seeking to impose certain restrictions on the personnel of these two organisations.

[Shri Pawan Kumar Bansal]

We have of late seen that certain officers, after retirement from service, have a tendency to go in for writing certain books in the form of their memories or otherwise. Though such activity would not really call for any interference by the Government in normal circumstances, but what we do see to our dismay is that all those things which these senior officers were supposed to be guarding as utmost secrets during the time of their service have often been divulged in the form of books written by them after retirement. Therefore, I think the Government has done well to bring about this Bill to Parliament seeking to put a check on them but I feel that in addition to placing this embargo on them in clause 3(1)(c) of the present Bill, even the retired personnel should have been included as far as the provisions dealing with publication of books by them is concerned.

I would be at one with all the hon. Members of the House to say that the working class should be accorded its due. Normally there should be no restrictions placed on trade-unionism or their right to form associations but it is the interest of the country which is foremost. It was distressing to learn from the hon. Minister, rather hear him lament over it—of the tendency amongst the personnel of these services to go in for certain activities which may ultimately result in indiscipline in these highly sensitive organizations. So, keeping in view the ultimate object to be achieved, I am sure the Members should not really object to placing any reasonable restrictions on these—and the present Bill is nothing more than that.

I would support the Bill but at the same time join my other friends in urging upon the Government that when we take a step to place certain restrictions on some personnel we must simultaneously see that all their genuine grievances are removed. In these days of spiralling prices, the housing problem becomes really back-breaking for every Government ser-

vant. I think after the passage of this Bill the Government would have a second look regarding the service conditions of these two services and provide them all the necessary facilities and amenities so as to discourage them even from thinking of indulging in any activity or any such act which we would feel is indisciplinary or prejudicial to the security of the country.

Madam, in the ultimate analysis I would support this Bill with the fond hope that besides bringing about such enactments, an effort would be made to recruit the right sort of persons in our security forces, not merely by taking them on deputation from various services including the police service—about which we don't have a really happy experience. An effort should be made to, in fact, enrol people in these services from every walk of life—from amongst educationists, scientists and people working in different other spheres—so as to draw the best talent into these services so that they fully discharge the duties entrusted to them with competence and responsibility. Thank you.

श्री प्यारेलाल खडेलवाल (मध्य प्रदेश) : माननीय उपसभापति महोदय, माननीय गृह मंत्री जी आसुचना संगठन (अधिकार निबन्धन) विधेयक जो लाए हैं उसमें कहा गया है कि आसुचना संगठन में अनशासन बनाए रखने के लिए इसको ला रहे हैं। सरकार इस कानून के माध्यम से आसुचना संगठन के कम-चारियों के जो कई प्रकार के अधिकार हैं उनको सीमित करने जा रही है, उनके संगठन बनाने के जो अधिकार हैं उनको भी समाप्त करने जा रही है। मैं इस विधेयक का विरोध करता हूँ। विधेयक का विरोध करने के पीछे मेरा उद्देश्य यह है कि खुफिया विभाग एक बहुत महत्वपूर्ण विभाग हमारे देश का है। सरकार को विदेशों में भी और अपने देश में भी महत्वपूर्ण सूचनाएँ खुफिया विभाग के माध्यम से मिलती हैं।

श्री प्यारेलाल खंडेलवाल]

सुना जायगा। आप एसोशियेशन बनाने का अधिकार वापस ले रहे हैं, ट्रेड यूनियन का अधिकार उन को नहीं देते और स्टाफ कौमिल का जो परिपक्व था उस को आप ने वापस ले लिया तो उन के असंतोष को सुनने का कौन सा स्थान है यह मैं जानना चाहता हूँ। उपसभा-पति महोदय, खुफिया विभाग की असफलताओं को बहुत चर्चा है। ठीक है, खुफिया विभाग की असफलताएँ हैं, इसमें कोई दो मत नहीं हैं। लेकिन खुफिया विभाग की आसूचना संगठन को कुछ सफलताएँ भी हैं। मैं आपके माध्यम से माननीय गृह मंत्री जी का ध्यान खींचना चाहता हूँ कि अमृतसर के स्वर्ण मंदिर में जो हथियार इकट्ठा हुए थे, वह खुफिया विभाग को जानकारी नहीं थी। क्या खुफिया विभाग ने आपको इसकी जानकारी नहीं दी थी? हिट लिस्ट में नंबर एक पर कौन है, और नम्बर दो पर कौन है, क्या खुफिया विभाग ने इसकी जानकारी आपको नहीं दी? उनका ही नहीं, दिल्ली में पाकिस्तान से ट्रेन्ड घुसपैठिये और अतंशवादों आ रहे हैं, इसकी जानकारी खुफिया विभाग ने ही दी। लेकिन मेरा आरोप है कि सरकार ने खुफिया विभाग की जानकारी का पूरा उपयोग समय पर नहीं किया। सरकार ने खुफिया विभाग को सेवाओं का प्रयोग सत्ताह्व पक्ष के राजनीतिक उद्देश्य की पूर्ति के लिए किया। उम्मीदवार कौन होगा, इसका फैसला खुफिया विभाग को रिपोर्ट पर किया गया। खुफिया विभाग की वजह से अनेक गड़बड़ियों को पैदा करने वाले लोगों का पता लगा। उनकी सूचना के आधार पर उचित समय पर कार्यवाही नहीं है। सरकार ने पिछले चार-छह सालों से और विशेष रूप से 1971 से लगातार पूरे खुफिया विभाग संगठन के अधिकारियों का, उसके कर्मचारियों का उपयोग अपने राजनीतिक हित के लिए किया, अपने उम्मीदवारों के चयन के लिए किया और इसका परिणाम यह हुआ कि आज पूरे खुफिया विभाग के संगठन का एक तरह से राजनीतिकरण हो गया है।

इसलिए मैं गृह मंत्री जी से आपके माध्यम से निवेदन करना चाहता हूँ कि इस सारे संगठन के क्रियाकलापों पर व्यापक रूप से विचार करें, इसका राजनीतिक उपयोग करना बंद कर दें और जा गड़बड़ियाँ हैं, उनको दुरुस्त करें। इस कानून को इस तरह से बनायें कि जिससे इन संगठन के अधिकारियों के कर्मचारियों का शिवायतों को आप हल कर सकें तथा आसूचना संगठन को और अधिक चुस्त तथा अनुशासित बना सकें। इन्हा शब्दों के साथ मैं अपना बात समाप्त करता हूँ।

SHRI MAHENDRA PRASAD (Bihar): Madam, Chairperson, before I say something else, I wish to remind hon'ble Shri M. S. Gurupadaswamy that Congress got exact number of seats, with difference of one or two seats, in the 1971 Parliamentary elections, as reported by our Intelligence.

Madam, the essence of activity, of human beings and every beings, is a struggle for survival. Everybody, except the cynics, wants to survive. I want to survive, you want to survive. We want to survive as individuals; we want to survive as a group; we want to survive as a nation. The world wants to survive. All our activities are aimed at helping us to survive. The rule of life is, struggle for survival.

Our survival depends on our knowledge, our knowledge about the move of our adversaries to strike us and to destruct us. Lack of knowledge means defeat and death. Knowledge depends on information. Thus our survival depends on collection of information. Intelligence or spying or espionage gets us informed, so essential for our survival.

Madam, from time immemorial till to date, the success of a nation and their people has depended and will depend on the system of and ability in collection of information. The success of the two super powers, the U.S.A. and the U.S.S.R, to a large extent, depends on the superb network of Intelligence that they have

established. The famous or infamous activities of C.I.A. and K.G.B. is unknown to none. No nation can, today, survive without a network of Intelligence. All informations, overt or covert, help in formulation of a country's policy. An Intelligence agency is the eyes and ears of a country.

If we want to survive as a nation, sovereign and independent, if we want happiness and prosperity for our offspring and ourselves, if we want to live with pride and dignity, with our heads erect in the comity of nations, an incorruptible, honest, clean, strong and able intelligence organisation is an inescapable and imposing necessity for our country.

Madam, I have taken much time of the house in justifying the necessity of an able intelligence network in our country because there is a very strong reason for this. No intelligence organisation can thrive unless it receives the confidence and support of the Government. The Government of the late seventies that came into existence as a surprise reaction of misunderstanding of the great people of India, preached and practised a philosophy of uselessness and futility of an intelligence organisation in India. As a sequel to this, a luminary in the world of intelligence, Mr. R. N. Kao, was unceremoniously sacked. Another versatile man, Mr. K. S. Nair, filled his place. Many of the special operations handled by RAW and which were very important from the country's security and credibility point of view, were ordered to be shut out. Stop all operations". Mr. Nair was ordered. The RAW and their people, with a brilliant past and wonderful results, were humiliated and asked to shrink their numbers and stop their activities. The organisation, built over the years with tremendous efforts and devotion, was shattered and brought to dust in a few moments by the cruel hand of the world authority on urine therapy. Mr. Nair failed in defending RAW, which he had built up so diligently in union with Mr.

R. N. Kao and, after an encounter with the then executive head of the country, is said to have remarked in utter disgust in his close company. "Prime Minister Morarji Desai is the greatest enemy of India's national security." Today, Madam, with dark clouds looming large over India, we feel the words of Mr. Nair proved prophetic. A patriot, and concerned with the national security, he resigned a desperate man.

A legacy of the Janata rule, today in the eyes of the world, our intelligence organisation stands stripped naked, demoralised, weak, poor, inefficient, infested with internal dissension and rivalry, unionism, failure and, I am sorry to say, even unclean and probably corrupt. A neglected and uncared for child of the late seventies, the organisation, which was renowned for its wonderful operations and successes, has been failing us, endangering our national security. The brutal and cruel assassination of our great beloved leader, Shrimati Indira Gandhi, is the greatest monument of its most pathetic and deplorably criminal failure. The second monument of its failure, in the same breath, is the ghastly assassination of Sant Longowal. The Punjab and Assam problems, now happily and hopefully solved, are some of the symbols of the failures of our intelligence organisation. Bitterly stung by the vast impact of Mrs. Gandhi's ruthless assassination, there are people who suspect the conniving and hidden hand of some of our own intelligence people. I trust, and I am sure, that this suspicion is baseless. But in any case, the failure of our intelligence organisation in saving this noble and precious life is undeniable. We have to be watchful against any possible infiltration in our intelligence organisation.

After the fibre of our intelligence organisation was destroyed under Janata rule, things have not been well with our intelligence. It has been

[Shri Mahendra Prasad] suffering from traits of inefficiency. Pandit Nehru used to say that he would prefer no intelligence to coloured intelligence. Unfortunately, today at times our intelligence organisation gives coloured information. Their informations are influenced by considerations other than truth and reality. There is one example. In Bihar the officers of the Central Intelligence Organisation, rather than working hard and reaching independently the point of information themselves and collecting first-hand information from the very original source of information, at times, depend for their information on Bihar police and civil officers. The Bihar police and civil officers, mostly, feed them with biased, prejudiced, coloured and influenced informations, especially when they pass on political informations, and more especially when the information concerns a political personality. The Bihar officers suffer from bias, bias of caste and group considerations and bias in favour of some political leaders and prejudice against other political persons. The tragedy is that Bihar officers depend for their lucrative postings and positions on some political personality or the other. While supplying informations, such favoured, or wanting to be favoured, Bihar officers take care of the interest of those political bosses and leaders to whom they owe their postings. This happens invariably. In Bihar there are rackets of manipulations in intelligence reportings, intelligence reports are managed, manipulated, manoeuvred, influenced, sold and purchased. I know a Bihar Inspector General of Police who specialises in management and manipulation of intelligence reports to the Centre and to the State. There are some political leaders also who have mastered the art of management and manipulation of intelligence reportings.

Last February, there was a Prime Minister's public meeting at Jehanabad in Gaya district of Bihar. The

concerned sub-divisional, district and State officials intentionally managed wrong reports sent to the Centre. Some faulty and unjust decisions were taken based on this false intelligence information. The subsequent results showed and proved beyond any shadow of doubt that the intelligence reports, managed by these officials, were baseless and that these reports were sent to serve the interest of some individual. This incident should be thoroughly investigated and the culprits must be brought to book and punished. It is such actions and coloured intelligence which has denigrated and degraded our intelligence organisation. Under such circumstances and mal-functioning of our intelligence organisation, the assassination of Mrs. Gandhi and the horrible espionage activities even in the Cabinet and Defence Secretariat, as discovered in the first quarter of this year, are no wonder. Many more such misadventures will follow.

According to Ashok Raina, a freelance investigative journalist and an author of a book on RAW, the architect of new foreign intelligence organisation, called RAW, the late Prime Minister, Mrs. Indira Gandhi, was unhappy with the conflicting intelligence reports flowing across her desk in the early eighties and that she wanted to do something about it by way of establishing a watchdog committee that would oversee all intelligence activities, both in RAW and the home-oriented Intelligence Bureau. It is a reflection on our intelligence organisation. This is the state of affairs to which our intelligence organisations have been reduced under the sagging influence of the Janata rule. For the survival of our people, for the unity, integrity and security of our country, our intelligence organisations need to be revamped, resurrected and refaced. Our intelligence organisation must be clean and above all suspicion. It must be discarded of all corrupting influences. With this end in view the present Bill is a welcome move and needs the support of everyone to

bring our intelligence back to its past glory and glamour. A clean image should be the watch-word for our intelligence organisations. A peep into the brilliant and glorious past of our intelligence organisations is inevitable here. A great admirer of our intelligence, Pandit Nehru built up our intelligence organisation and its system almost from a scratch to a position where it could measure itself against the intelligence organisations of other countries with an abundance of resources at their disposal. It bore him fruit when our Intelligence got him some 1 A.M. forbidden documents given by Stalin in Moscow in 1951 to India's top four Communist leaders; Shri A. K. Ghosh, Shri S.A. Dange, Shri C. Rajeswara Rao and Shri Basavapunnaiiah, with strict instructions that the documents should not fall into Nehru's hands. Pandit Nehru had a hearty and satisfying laugh and remarked that Moscow apparently did not know how smart our Intelligence was. He complimented the Indian Intelligence by saying that this was a scoop of which the Russians themselves would have been proud. This is one of the countless such magnificent achievements of our Intelligence during Nehru's time. (*Time-bell rings*). Just two minutes. Madam.

Madam, the creation of Bangladesh, our nuclear test for peaceful purposes at Pokhran and merger of Sikkim into the Union of India are the three most important achievements of post-Independence India. RAW was assigned the duty of keeping the nuclear test "under tight wraps" of security, and secrecy. The world, including the hawkish and the most ebullient CIA, was shocked to surprise about the suddenness, unexpectedness and secrecy of our nuclear explosion. India had succeeded in nuclear testing without any security hazard maintaining perfect secrecy. The RAW had done the trick. Sikkim occupies the most strategic position in the North-Eastern part of our

country. China and the USA had their eyes set on Sikkim fingering in their affairs. Marger of Sikkim in India was the historic phenomenon in our country's defence and security. RAW had played the most significant role in the achievement of this great feat.

Madam, no single achievement by post-Independence India can equal the unique achievement of the creation of Bangladesh. This brilliant feat of our achievement sent our prestige skyrocketing in the eyes of the world. Now, India was held in honour and high esteem. India has emerged as a power. The "Sunday Times" of London wrote about the Bangladesh was on the 12th December, 1971:

"It took only twelve days of the Indian Army to smash through on its way to Dacca, an achievement reminiscent of the German blitzkrieg across France in the Second World war in 1940. The strategy was the same—speed, ferocity and flexibility."

The same was the opinion of many foreign observers. The creation of Bangladesh would have been just a dream without the support and active participation of RAW.

Madam, the cry for Bangladesh was the result of a series of developments that took place over the years in Pakistan. RAW kept perfect track of all these developments, and the information and assistance fed by them were of paramount importance. Behind the line of actual battle between the two armies in East Pakistan RAW and Mukti Bahini were fighting shoulder to shoulder and hand in hand. It was through the offices of RAW that the instruments of surrender were actually finalised after Niazi had agreed to surrender. Without the role of RAW, Bangladesh was an impossibility. We remember our dead defence personnel in Bangladesh war with reverence. It is a

(Shri Mahendra Prasad)

pity that the dead RAW brothers are unknown, unremembered and unwept.

Madam, RAW had full information about the coup in Bangladesh in 1975, except the date, time and the actual method adopted. Mr. S. Nair of RAW had reported to Mujib about the activity of Western Intelligence and the imminent coup. Mujib shrugged off the warning. It is said that Mujib had fallen under the American influence and had shown signs of drift from India. (*Time-bell rings*). Mujib's visit to India on May 12, 1974, brought him back to India's track. His coming closer to India incurred the wrath of the CIA and possible plot that brought about Mujib's end. It is said that Mr. R. N. Kao, convinced of the coup in the offing, after a meeting among Major Rasheed, Major Farooque and Lt. Col. Usmani at Zia-Ur-Rahman's residence in Dacca, flew into Dacca and informed Mujib about the imminent coup.

Mujib pooh-poohed the suggestion by saying, "These are my children and they could do me no harm". On the night of August 14, 1975, forty members of the Mujib household were massacred in three minutes. With the end of Mujib came the end of the prospect of Sonar Bangla.

Such was the glorious past of our Intelligence organization before the ruthless hands of Janta rulers mauled and maimed it.

One after the other, three coups took place, in rapid succession, in Bangladesh and finally Gen. Zia-ur-Rahman was established in power. Gen. Zia-ur-Rahman, on a goodwill visit to India, when introduced to Mr. Kao by Mrs. Gandhi in a formal meeting, remarked about Mr. Kao, "This man knows more about my country than I do". Such was the sterling quality of RAW and its men.

Madam, in the interest of discipline, efficiency, cleanliness, check on infiltration and check on creation of vested interests, in our intelligence organisations I support the Bill.

THE DEPUTY CHAIRMAN: The House is adjourned till 2.05 p.m. for lunch.

The House then adjourned for lunch at six minutes past one of the clock.

The House reassembled after lunch at seven minutes past two of the clock; The Deputy Chairman in the Chair.

THE DEPUTY CHAIRMAN: Shri N. E. Balaram—not here. Shri Virendra Verma.

श्री वीरेन्द्र वर्मा (उत्तर प्रदेश) :
आदरणीय डिप्टी चैयरमैन महोदया, आई०बी० और 'रो' के संबन्ध में जो यह संशोधन विधेयक माननीय मंत्री जी ने पेश किया है, इस संबंध में मैं मंत्री जी से यह कहना चाहता हूँ कि देश में गुप्तचर विभाग का अस्तित्व भी है या नहीं? आई०बी० का फंक्शनिंग भी है कि नहीं? वह कोई काम कर रहा है कि नहीं देश में, क्योंकि पिछले हालात कई वर्षों से यह साबित करते हैं, यह बताते हैं कि इस देश का गुप्तचर विभाग बहुत ही लचर है। यहाँ के आदमी का खुले तौर पर पाकिस्तान जाना, पाकिस्तान से ट्रेनिंग और हथियार लेकर इस देश में आना, बहुत समय तक गोल्डन टेम्पल में हथियारों का जमा होना, हमारे गुप्तचर विभाग की असफलता, नाकाम्य बी का द्योतक हैं।

माननीया, जिस तरह से देश की प्रधान मंत्री श्रीमती इन्दिरा गांधी जी का दर्दनाक कतल हुआ, उससे पेश्तर भी, स० बंशंत सिंह ने 15 अगस्त को उन्हें कतल करने की योजना बनाई थी, लेकिन मुझे दुख और अफसोस के साथ कहना पड़ता है कि 15 अगस्त की जानकारी भी कोई गुप्तचर विभाग को नहीं थी और जिस दिन उन

कतल हुआ, उस दिन भी गुप्तचर विभाग की किसी भी प्रकार की उसकी सतर्कता गवर्नमेंट को दिखाई नहीं दी और आखिर श्रीमती इन्दिरा गांधी की दर्दनाक मृत्यु हुई।

अभी पंजाब से समझौता हुआ। बहुत दिलेरी के साथ संत लोंगोवाल साहब ने समझौता किया अकाली दल के कुछ साथियों के विरोध में भी। मालूम था सबको कि संत लोंगोवाल का कतल होगा, गवर्नमेंट भी जानती थी, अकाली दल भी जानता था। अकाली दल की अपनी खुद की भी टीम थी। भारत सरकार के भी कमांडो इंटेलीजेंस विंग भी उनकी देखरेख करता था। लेकिन जो नहीं होना चाहिए था आखिर वहीं हुआ। लोंगोवाल साहब पंजाब में शांति को स्थापित कराने से पूर्व ही हिन्दुस्तान छोड़कर चले गए। जो काम उनके मुपद था वह पूरा नहीं कर सके। हिन्दू-सिख यूनियन में आग लगा दी थी, आग लग गई थी, उस काम को भी वह पूरा न कर सके। माननीय इसी प्रकार ललित माकन का हुआ और इसी प्रकार और बहुत से हुए। तो गुप्तचर विभाग है क्या? किस काम में मशोधन करने का आपका इरादा है? उसका एगजिस्टेंस तो मुझे कहीं नजर नहीं पड़ता। हां, मैं बहुत स्पष्ट विचार इस दृष्टि से रखता हूँ कि अगर फौज, सेना और पुलिस में ट्रेड यूनियनिज्म आ जाए तो फिर तो ईश्वर ही रखवाला होगा। मैं ट्रेड यूनियनिज्म के मिलिट्री और पुलिस में सक्रिय होने के एकदम विरुद्ध हूँ। लेकिन आई०बी० और "री" को बहुत ही निष्पक्षता के साथ, राजनीति से बहुत दूर और अलग रह कर देश की सुरक्षा और देश की स्थिति, संसार के हालात से देश गवर्नमेंट को आगाह समय-समय पर रखना चाहिए। ऐसा करने में हमारा गुप्तचर विभाग सर्वथा असफल रहा। माननीय सही मेरा सुझाव इस प्रकार का है कि गुप्तचर विभाग में इतनी बड़ी तनख्वाहें आप दें, इतना बड़ा वेतन आप दें कि बेहतर से बेहतर टेलेंट, चरित्रवान से चरित्रवान और योग्य व्यक्ति आप गुप्तचर विभाग आई०बी० और "री" में लें। कहीं और जगह जाने को तलाश ही न करें, "री" में और इंटेलीजेंस में जाने की सोचें,

ऐसे उनका वेतन होना चाहिए, ऐसी उनके लिए सुविधाएं होनी चाहिए। रिटायर होने के पश्चात् भी उनकी पेंशन इतनी अच्छी होनी चाहिए कि जिन आदमियों ने गुप्तचर विभाग में काम किया है वे प्राइवेट और निजी उद्योगधंधों की शरण में न जा सकें। विदेशों को और देश के निजी उद्योगों को उनको अपनी सेवाओं में रखने पर प्रतिबंध लगना चाहिए। यह तभी हो सकेगा जबकि उनको बहुत अच्छी पेंशन दी जाएगी। माननीय मैं ऐसा मानता हूँ कि हमारे देश में तो गुप्तचर आई०बी० और "री" सभी नाममायाव और फेल हैं। उनका एगजिस्टेंस ही मैं मानने के लिए तैयार नहीं हूँ। मैं किसी पर दोषारोपण नहीं करता या तो ट्रेनिंग की कमी है या अच्छे आदमियों की कमी है? क्या माननीय मंत्री जी मेरे इस सुझाव पर विचार करेंगे कि जिन आदमियों को भी वह लें, मैंने यह तो बता ही दिया कि योग्य चरित्रवान और ईमानदार आदमों लिए जाएं, जिनको वह लें उनको ट्रेनिंग अपने देश में दें, यू०एस०ए०, यू०एस०एस० आर०, फ्रांस, जाइना सब जगह की गुप्तचर विभाग की जो ट्रेनिंग है उसकी ट्रेनिंग लें, उसकी ट्रेनिंग उनको दिलवाएं जिससे कि वे अपने देश में बहुत ही ज्यादा सक्रिय हो करके काम कर सकें। माननीय मैं फिर आपकी आज्ञा से कहना चाहता हूँ कि सन् 1962 में जब "री" नहीं थी, लेकिन हिन्दी चीनी भाई-भाई का नारा लगाते हुए चीन ने हिन्दुस्तान पर आक्रमण कर दिया, हमारा गुप्तचर विभाग कुछ भी नहीं कर सका। उसी ही प्रकार कश्मीर के अन्दर जम्मू और कश्मीर में सोकोलड में आजाद कहने के लिए तैयार नहीं हूँ सोकोलड गुलाम कश्मीर की तरफ से लोग-बाग भारी तादाद में कश्मीर के ऊपर आक्रमणकारी बने। हमारे गुप्तचर विभाग को उसकी भी जानकारी नहीं थी। सन 1971 ईसवी में पाकिस्तान ने आक्रमण किया, तब भी आपके गुप्तचर विभाग को उसकी भी जानकारी नहीं थी और आखिर जानकारी हुई कब? जब उसने आक्रमण कर दिया। इस प्रकार यह हमारे लिए चेतावनी होनी चाहिए। इससे हमें शिक्षा लेनी चाहिए। अभी हाल में और क्या हुआ कि प्रधानमंत्री जी ने हाऊस में

[श्री वीरेन्द्र बर्मा]

स्टेटमेंट दिया, उसी समय पता चला कि सरकार के कुछ उच्च-अधिकारी सेवोटेज करते थे, संसार के दूसरे देशों को की जानकारी देते थे। कहां था आपका गुप्तचर विभाग ? था कहीं आपका गुप्तचर विभाग ? अगर आप पकड़ लेंगे, महीने बाद, दो महीने बाद, तो उन पर मुकदमें चला देंगे, उनको सजा दिला दी जाएगी। लेकिन कितने सालों से यह काम वह कर रहे थे ? कितने महीनों से इस काम पर लगे यह सारी बातें ऐसी हैं, जिन पर विचार होना चाहिए और आप ले आए हैं असेम्बल यह असेम्बल आप क्यों लाते हो ? कहीं एग्जिस्टेंस है आपके विभाग का ? कोई एग्जिस्टेंस नहीं है।

एक बात और माननीय मंत्री जी शायद एग्री करे, मजबूर कर देते हैं कि लोम-बाग आंदोलन करें, घेराव करें और हर आदमी को मजबूर कर देते हैं कि आंदोलन किया जाए, एसोसियेशन बनें संगठन बनाए जाएं, आवाज उठाई जाए, तोड़-फोड़ की जाए। असम में क्या हुआ पंच-छह साल तक ? लगातार छः साल तक क्या होता रहा ? पंजाब में क्या होता रहा तीन साल तक ? तीन साल तक पंजाब में वह हुआ, जो छह साल तक असम में हुआ ... (समय की घटी) शायद यह सोचते हैं कि देर आये, दुस्त आये, जितनी देर होगी तो मामला शायद खुद ही हल हो जाए। इसलिए जीध हल करने की कोशिश करनी चाहिए आपको। हल करने में अगर हमें इनकी जानकारी मिल जाए, गुप्तचर विभाग इसमें सहायता कर सके तो अच्छा है।

एक बात कहकर समाप्त करता हूँ यह आपका विश्व यूथ केन्द्र है। इसकी विदेशों से सहायता मिलती है, इसरायल से सहायता मिलती है, वेस्ट-जर्मनी से सहायता मिलती है, ट्रस्ट उसका बना हुआ है। कहां उसके पैसे का इस्तेमाल किस तरह होता है, इसकी तरफ आपने सोचा है ? माननीय मंत्री जी मैं आपसे यह निवेदन करता हूँ कि इस तरफ आप ध्यान दें। आज इतनी बड़ी चुनौतियां, इतनी बड़ी कुर्बानियां देश में होने के

बाद भी छोटे-छोटे असेम्बल आप ले आते हैं। सुधार कीजिएगा पूरे गुप्तचर विभाग में, सुधार कीजिएगा उसके संगठन में, सुधार कीजिएगा उसकी ट्रेनिंग में और तब ही आप अपनी और देश की रक्षा कर सकेंगे अन्यथा आप फेल हैं सौ के सौ फीसदी, एक फीसदी भी मैं आपको इस दृष्टि से सफल नहीं मानता।

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra): Madam Deputy Chairman, I rise to support this Bill. This is a very simple but very important Bill which is the Intelligence Organisations (Restriction of Rights) Bill, 1985. The main theme of this Bill has already been written here, namely, to provide for the restriction of certain rights conferred by Part III of the Constitution in their application to the members of certain organisations established by the Central Government for purposes of intelligence or counter-intelligence so as to ensure the proper discharge of their duties and the maintenance of discipline amongst them. Madam Deputy Chairman, the other important thing is that under clause 3(1)(a) no member of the intelligence organisation shall be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations. Similarly, in some of the clauses penalty is also mentioned. 'Any person who contravenes any of the provisions of section 3 shall, without prejudice to any other action that may be taken against him, be punishable with imprisonment for a term which may extend to 2 years or fine which may extend to Rs. 2,000 or both'. So, Madam, it is a very simple but very important Bill brought by the hon. Home Minister. I do not agree with whatever charges have been made by the friends from the opposition about our intelligence agencies, because whatever the information, it is not disclosed and in the past, they had not been informed about it. Such information is never

disclosed to anybody. So we have no right to blame them or charge them and say that they are not working properly.

On two important points I would like to seek clarification from the hon. Minister. Only today it has appeared in the press, *London Times* has given, 'Rough journey ahead for Rajivji'. It is stated here: 'His most immediate need, *The Time* said in an editorial, was to restore confidence in India's police force which had been reduced in stature by lax discipline, no salaries and poor training. But the paper added: that the more serious challenge was the invidious involvement of religious in Indian politics.' Again, a note of caution has been given that a modern India determined to enter into the twenty first century on par with the West, must restrict its political divisions to matters of policy and principle. This means that the Akali Dal, the Muslim League or the numerous Hindu parties must be allowed to wither away. The main thing that has been pointed out is that our parties, our people who are working in various organisations, are religious minded and they belong to either this or the other religion. I don't say there is a lack of training; I don't say it is lack of the spirit of nationalism; I don't say that it is any lack of patriotism, but the mind is set in such a way that there are some inherent weaknesses in the individuals who are working in different organisations. The time has come when India is not prepared to allow any lapse any further in the security of our Prime Minister or other very important persons in the country. We have already paid a very heavy price by losing a big soul, a very outstanding universal leader, Madam Gandhi, by the act of terrorism. I do not mean to say that there was no information available. But here there are two aspects. One is that we must have information and the other is that the information may be properly made use of and in time. These are the two important things. In this House

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or in the other House, several times, questions were raised before the tour of our distinguished Prime Minister to the Soviet Union, the USSR, France and other countries and it was said that there was a plot to assassinate him. Members from the opposition as well as from the ruling party raised their voice and proper care was taken.

The more important thing is that all the police machinery, all the machinery which is engaged in giving protection to the common people, to the property of common man, has become corrupt. Corruption is the rootcause of all the troubles. We see it in our day-to-day life. I had the opportunity to go to Punjab. I was in Faridkot district and I was told—I don't know how far it is true; I hope it is not true—that for getting posting to a particular thana, the police inspector has to pay Rs. 4 lakh. That is the extent of corruption. So, when the police becomes corrupt, when administration becomes corrupt, when bureaucracy becomes corrupt, I don't think there is any chance of survival for a country. This is the kind of phenomenon that has developed, and day in and day out we observe these things not only here but also in advanced countries. There are acts of terrorism here, in the USA, in France, in U.K. and so many things are happening. These acts of terrorism and treachery are not confined to India alone. This is a world-wide phenomenon. We are not concerned with what is happening outside. We are concerned with what is to be done in our country. I would like to remind the House that we had to pay a very heavy price, by losing that great soul, Mahatma Gandhi. We had to pay a very heavy price, by losing the Prime Minister of this country. Recently, a great leader, who tried to bring about amity between the Hindus and Sikhs, Sant Harchand Singh Longowal, became a target of terrorism. As a Member of Parliament, I can raise my voice here. But I cannot say anything outside that the activities of a particular agency should be

[Shri Vithalrao Madhavrao Jadhav]

looked into etc. Here, I would like to compliment the hon. Minister, who is a very efficient young man, for the way he defended a private Member's Bill the other day in the other House and the newspapers have expressed their appreciation on the manner in which he dealt with it.

THE DEPUTY CHAIRMAN: Mr. Minister, you defended the Bill?

SHRI ARIF MOHD. KHAN: I opposed the Bill.

THE DEPUTY CHAIRMAN: He did not defend the Bill. He opposed it.

(Interruptions)

SHRI ARIF MOHD. KHAN: I have understood what he meant.

SHRI VITHALRAO MADHAVRAO JADHAV: I would request the hon. Minister to take utmost care in dealing with the grievances of the security people. They are very low-paid. Their pay scales are the lowest in the world. When a person finds that he cannot pull on within the salary he gets, he becomes restless and he decides to do something which is unwanted and which may also harm the national interests. That is why. I would suggest that we should see that their pay scales are improved. They should be given housing and other facilities. They should be given facilities in regard to the education of their children. The other thing on which I would like to seek a clarification from the hon. Minister is, in today's Jansatta, it has been mentioned:

“मंत्री जी: खफिया संगठनों की स्टाफ कौंसिलें कहीं भी नहीं थीं” ऐसा लिखा है इसमें।

The hon. Minister has mentioned that there are staff councils which will deal with the grievances of the intelligence personnel. I would re-

quest the hon. Minister to throw more light on this point.

Madam, the law and order situation in the country has become worse. Though we are trying our level best to improve the situation throughout the country, I would suggest that we should undertake a review of this. Madam, the CID people and the police personnel are indulging in a lot of corruption. How is smuggling increasing? How is black money increasing? It has become the parallel economy of the country. Madam, the hon. Prime Minister will be adding one more feather in his cap when the Lok Pal Bill is passed in Parliament. Already, he has brought about the settlement of the Punjab and Assam problems. This will be the third feather in his cap. He wants to go into the root-cause of corruption. He wants to cleanse political life. He wants to cleanse the administration. I think, the Lok Pal Bill is the best beginning to cleanse political life and it will be a good attempt to eliminate the Source of corruption from public life. (Time-bell rings) I will take just one or two minutes more. I would like to emphasise one more aspect, training and education. Why do people take to terrorism? Why do people indulge in corruption? Why do people indulge in smuggling? The basic cause for all these things is in our education policy. I think, in the near future, perhaps, by the next Session. Government will be coming forward with a new education policy national education policy. I think, nowhere in our schools it is taught to the children that they are Indians first and that they should behave accordingly. They are not made aware of their responsibilities as Indian citizens. Of course, Door-darshan is trying its level best. But I do not think, they are doing anything substantial. Madam, the selection of people for these intelligence agencies is very important. I would say, there should not be any channel here. There should not be any agency for employment. You must select good people with really good I. Q.

A man with really a better IQ should be given the work of intelligence and he must be given the status of IAS, IPS and so on. Your fundamental approach through the educational policy should be to clean the social life. I would like to stress in this House in your presence, that unless you—you means myself, my party, opposition parties and everybody—ban the religious political parties, things cannot improve. We should desecularise our mind. We should not have any bias of religion. We should not have any bias of region, religion, caste or creed. Unless we clean our minds ourselves, we cannot bring in cleanliness in administration. I would like to request the hon. Members belonging to different political parties, whether they are Hindus or Muslims or Christians, to lead a clean political life. Only then it will be possible for us to improve our Intelligence agencies and other security agencies.

With these few words I support this Bill which has been brought forward by the hon. Minister and thank you, Madam, for giving me this opportunity.

PROF. C. LAKSHMANNA (Andhra Pradesh): Madam Deputy Chairman, there are two intelligence agencies in this country, one is the Intelligence Bureau and the other is the RAW. One is supposed to collect information, process and then give it to the Government to help it function properly. The other is supposed to give information about other countries. To say the least, Madam, in both the cases both the agencies have failed very miserably. If you take the military coups that have taken place, or the overthrow of Governments that have taken place, or the various upheavals which have taken place in different countries, we always got the information only through the newspapers rather than these two agencies. That itself would not have been of much significance but for the fact that in most of these cases our

own Indians are involved, in the sense, that they are harassed, they are beaten, they are sometimes murdered, sometimes put to innumerable difficulties and we have no machinery to deal with such situations. I would, therefore, ask hon. Minister whether it is not a fact that in this case our Intelligence has failed to be alert, to give information to the Government so that it could act in such a situation.

Secondly, Madam, sometimes one has to cut a very sorry figure when he goes abroad and he is identified as someone else but not an Indian. Recently, I had an occasion to be in China and also in Thailand. To some extent I can understand if people in China and the agencies in China spot you and say that you are not an Indian but a Pakistani because for a long number of years we have not had good relations with China. Only now we are trying to improve our relations and in the process you can say that there has been some lack of information about India and the Indians. So, if in China people point at you as a Pakistani, there is nothing to be worried about but in countries like Thailand with whom we have had continuous good relations, there if you are still known as a Pakistani from your appearance or dress, etc., I think it is a sad commentary on the working of the Intelligence and the missions abroad. What is the Intelligence doing? Is it not aware of the fact that in most of these countries here is lack of information about Indians? Have they given this information to the missions concerned so that they could take necessary action in the matter? I do not think there is any possibility about this. Nonetheless, it is a fact that in most of the countries today Indians do not have that respect which ought to have been there for a country like ours with such a culture and other things. Several Members in the House have already mentioned about the instances where Intelligence has failed to give

[Prof. C. Lakshmanan]

security and protection to the highest in office, what to talk of others. The intelligence has been failing continuously in terms of sifting the information, collecting the information and giving to the Government beforehand, with the result that any amount of arms could flow into a religious place like the Golden Temple, even the Prime Minister could be murdered in her own house and an important leader could be assassinated in a public place where thousands of people were there. If this is the case, if this is not a failure on the part of the intelligence, what else could account for such happenings? One of the friends said: "I do not attribute this failure to intelligence. The intelligence always gave the information; only somehow action was not taken". If that is the case, if we are to follow the argument given by a Member as far as intelligence is concerned that it was quite alright all the while, only we were not able to take action in time, then it is a much more dangerous proposition than what it is. That means that it is not only exposing the inefficiency and corruption which is rampant in the intelligence agencies but also pointing towards the inefficiency on the part of the Government to act in time. If we are to follow this line of argument given by some Members, in either case it is an indictment either of the intelligence or of the Government. That is exactly what we have been trying to point out to Government to please take note of these things.

Having stated this that this is failure on the part of the intelligence which has been responsible for prompting the Government to bring forward a Bill like this, it means: does the Government feel that this failure has been responsible because there has been lack of discipline, that there has been politicking, that there has been all sorts of things happening in the intelligence which need to be curbed through a very black law like this?

If that is the case, the Minister would have done well to inform the House as to what warrants this, why there is need for a Bill of this nature: that these are the types of incidents which have taken place in intelligence which show that there is lack of discipline, that there can be no control over those machineries unless and until we bring in such bills as the one before the House. But the Minister has not stated this. The Minister had not stated the same thing even in the Lok Sabha. Therefore how do we presume? Should we presume that there is indiscipline, that there is lack of control, lack of coordination, lack of proper supervision in the intelligence agencies which warrant a Bill like this? Or does it mean that the Bill is having some other object or goal which is hidden? If that is the case, it is the most apprehensive thing.

As it happens, RAW was established with the specific understanding of aiding the Government to get information about external powers. But some friend gloated over the fact that it has done commendable work. What was that commendable work? It spent most of its time in doing intelligence work over the Indians, the Opposition parties and so on and so forth. Therefore if there is indiscipline, the indiscipline is of a different nature. The indiscipline is in terms of failure to attain the objective for which the organisation came into existence. If a correction has to be made, it has to be made at a different level, not by bringing in a law like this.

Having stated that I am not impartial sympathy or love or affection with an organisation like RAW or IB, I would only like to say that you cannot take away a right to ventilate their grievances. By this particular Bill, Madam, that right on the part of these agencies to ventilate their grievances is being taken away. And if that is so, I do not see the purpose being served of bringing about better coordination in the organisation. Therefore, either there has to be a

machinery by which grievance redressal can be there, or there should be a right allowed to members of such organisations, or any organisation for that matter, to voice their grievances which they have got in terms of service conditions, in terms of pay scales, in terms of facilities, in terms of security and all those things. If this is not the case, Madam, I am pretty sure that the organisation will be more demoralised and it will become more ineffective and inefficient than what it is today. Just now one Member was saying that they were thinking in terms of Staff Councils. If that is the case, if they are thinking of Staff Councils as a ventilating factor for the grievances, why is it not made known either as part of the Bill or as a preface to the Bill itself? But the Government does not do it because the Government wants to keep the strings with itself which it wants to pull at the appropriate time, perhaps to the advantage of itself.

Apart from that, Madam, what is the cadre of the intelligence? Where are they coming from? If they are drawn from different agencies where there is provision for grievance redressal through trade union activity even, having come into it for a limited period, how can you take it away? If the same individual enjoyed it and is denied it for having come into it, how are you going to reconcile this fact? Secondly, what is the coordination between this organisation and other organisations? Neither this Bill nor any other system through which we can understand it is available to us. Therefore, the whole thing should have been examined in depth; it should have been looked into and after having looked into it they should have come forward with such legislation which will guarantee those rights for the members of the agencies to voice, if there is any scope for voicing, about their service conditions, about other difficulties, about lack of facilities, etc.

Madam, I would like to mention one more point. Are we trying to create a mercenary intelligence in this country or are we trying to constitute a conscious intelligence? If our aim is to create mercenary intelligence, then I think a Bill like this is all right because we say here, "We throw these crumbs at you and all that you do is this and nothing more." But, for the effective functioning of a democratic system like ours we need more than a mercenary intelligence. We want a conscious intelligence, an intelligence which has a commitment for the wellbeing of the country. And if that is to happen, that can happen only when they have a feeling that their interests are looked after. But from the Bill it appears this is not there. It does not give scope for assuring the members of these agencies that their interests are safe and that they will be looked after nicely. Therefore, I would oppose this Bill—not for the sake of opposition but in the larger interest of creating that intelligence agency for working both within and outside the country so that the interests of this country could be safeguarded with active cooperation and conscious participation by these agencies.

Thank you, Madam.

SHRI ANAND SHARMA (Himachal Pradesh): Madam Deputy Chairman, I rise to support the Bill which has been moved by the hon. Home Minister regarding the intelligence organizations.

Madam, the criticism which has been there of this Bill is unwanted and unjustified. The need for this particular Bill was felt particularly because it deals with these organisations which are very sensitive organisations and which have to be insulated against regular trade union activities in the larger interests of the country and the nation's security.

[Shri Anand Sharma]

[The Vice-Chairman (Shri Pawan Kumar Bansal) in the Chair.]

Our Constitution has, no doubt; given and guaranteed Fundamental Rights. But Article 33 clearly made an exception and that was initially in the case of the Armed Forces. But, after the amendment in 1984, its scope was enlarged and Parliament was empowered to legislate as far as the intelligence agencies are concerned, particularly the RAW, the IB and the Telecommunication Services. Had that not been the case, it would have been very difficult to have effective discipline in these intelligence organizations. And there are two aspects. One is related to the service conditions because of which some friends have justified legitimate trade union activity in the intelligence agencies also. When an assurance has been given by the Government and it is clear that all provisions are there at different levels, whether in the field or at the higher levels, for the employees to ventilate their grievances, there is no need why they should take recourse to agitations, demonstrations or to form unions. If it is a case of other services, that is acceptable, and that has been permitted by the Government. But because this is a very sensitive and special type of job which has been assigned to these organisations, it will not be in the larger interests of the country even to permit any sort of activity which has been witnessed in the past.

One thing, I will say, that as far as the service conditions are concerned or facilities to the employees are concerned, it is essential, after having many bitter experiences of the past, that there is proper screening before recruitment, about the antecedents, social behaviour, social conditions of all those people who are recruited in these organisations. And once they are recruited there has to be proper training which can motivate them to work for the country and to discharge their duties in the proper and desired manner. It is for the Government to

see that all facilities are made available, particularly as far as the salary or service conditions are concerned, to satisfying the employees in these organisations, which, I hope, the Government is fully seized of. Once the service conditions are good, then, there is no reason why there should be any liberty or there should be any freedom for the employees of these organisations to form trade unions.

Another factor which has to be considered is what happens to these employees after their retirement. There are other countries also democratic countries which have stringent restrictions. Because our friends have talked of democracy, I would like to say that in other democracies stringent restrictions are there as far as the employees in the intelligence agencies are concerned because you cannot afford to abandon the safety of the country, the security of the nation, and you cannot allow a situation in which your intelligence system is weak and you are not aware of what is happening or a situation in which because of such situations or the activities primarily of trade unions or others, I will say, sometimes unscrupulous people, the morale of the forces also comes down. When we see the restrictions in other countries in which even after their retirement, the employees in intelligence agencies, because they happen to be in possession of classified information, are not allowed to make public what they have known, the information they have acquired during their service carrier, here also we have to see to it because there is no such provision in this Bill. It is confined only to their tenure, as long as their employment is concerned. After their retirement or if some employees seeks voluntary retirement, there is no way by which you can prevent that employee, that individual, from divulging the secrets of the state. And I will urge upon the Home Minister while fully sup-

porting this Bill which has rightly been introduced after the amendment of article 33, that this aspect be considered that after retirement may be the Government can consider giving better post-retirement facilities to these employees or higher pension to these employees, to prevent them from joining private organisations. This has happened in the case of our defence officers, even senior officers that after their retirement, they have joined some private organisations, some multi-national organisations to take up private consultancy arms deals and as a result of their conduct, when they were in service, they could get access to classified information and other sensitive information. Which did jeopardise the security and defence of the country. So, this aspect may also be considered that after the retirement, some sort of restrictions be there and the employees of these organisations be prevented to publish or to write anything which concerns the security of the country.

With these words, Sir, I once again support this Bill which is very appropriate and will go a long way in improving the conditions and discipline in these important, sensitive Intelligence organizations. Thank you.

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): Shri N. E. Balaram. Absent. Shri S. W. Dhabe. Absent.

SHRI ARIF MOHD. KHAN: Sir, first of all, I would like to thank the Hon'ble Members for the interest they have shown in the proposed legislation. Shri Dipen Ghosh, Shri P. N. Sukul Shri Aladi Aruna. Smt. Omem Moyong Deori, who made the maiden speech, a very senior Member, Shri M. S. Gunupadaswamy and I am very thankful for the kind words he spoke about me. Shri Pawan Kumar Bansal, Shri Pyarelal Khandelwal, Shri Mahendra Prasad. Shri Vitendra Verma Shri Vithalrai Madhavrao

Jadhav, Professor C. Lakshmanan and Shri Anand Sharma. Sir, the interest which has been shown itself is a proof that the Hon'ble Members of the House take very seriously the matters which are connected with the security of the State. Sir, the Hon'ble Members mostly have expressed their concern over the fact that these employees are going to be deprived of their rights and they have also emphasized that steps should be taken so as to ensure that in the absence of the trade union rights the employees of these organizations can ventilate their genuine grievances and redressal steps may also be taken wherever such grievances come. Sir, the Government is second to none in its concern for ensuring that our people enjoy the rights which are provided by the Constitution of India and the Constitution, not only confers the rights but also ensures enforcement of these rights and the Government has total commitment in this regard. However, the Constitution itself speaks of placing reasonable restrictions. Constitution speaks of enjoying these rights subject to public order and morality and Sir, this piece of legislation which has been proposed, may be a new one but the concept is not new. The concept of placing restrictions upon members of organisations responsible for law and order and security is very old. Even before the 50th amendment of the Constitution, before article 33 was amended and these powers were given to Parliament, articles 33 even before its amendment had empowered Parliament to restrict or abrogate the rights conferred by Part III of the Constitution relating to fundamental rights with regard to members of armed forces or forces charged with the maintenance of public order. And in exercise of this power Parliament had enacted the Police Forces (Restriction of Rights) Act, 1966, and this Act provided for restrictions on members of the forces charged with the maintenance of freedom of speech, etc. So my point

[Shri Arif Mohd. Khan]

to the right to form associations; freedom of speech; etc. So my point is that the proposed legislation is going to cover the intelligence organisations and the functions of the intelligence organisations.

The subject matter is very sensitive Sir, and it may be appreciated by the hon. Members that many of the functions which are performed by the intelligence organisations are also related to the maintenance of public order. And since with regard to public order, this principle has already been accepted by this hon. House and the other hon. House, I do not think there will be any difficulty in agreeing to the proposal which we are considering now.

Sir, as matters exist a fairly extensive grievances redressal procedure exists in the intelligence organisations. In the Intelligence Bureau, all officers are permitted to appeal for redressal to the highest officers directly. Since supervisory officers in this field are charged with the direct responsibility for attending to such grievances, considerable ameliorative steps have been taken and Government have accepted several suggestions of the Department to improve the service conditions, promotional prospects and living conditions of the employees. Several other proposals are already under consideration. Government are also considering strengthening of these arrangements both at the apex level as also in the field. Redressal of grievances in these sensitive organisations is a continuing and on-going process and Government constantly keep the same under review, keeping in view the specific organisational and functional requires of the concerned organisations.

श्री प्यारेलाल खंडेलवाल जी ने और श्री वीरेन्द्र वर्मा जी ने कुछ प्रश्न उठाये थे हमारी गुप्तचर संस्थाओं की नाकामी के बारे में ।

श्रीमान्, इस बारे में मेरे लिए कुछ कहना उचित भी नहीं होगा और मैं यह समझता हूं कि इतना संवेदनशील क्षेत्र है इन संस्थाओं के काम कराने का कि जहां बहुत सारी बातें विस्तार से बताई भी नहीं जा सकतीं। अगर हमें कहीं ऐसा लगता है कि यहां इन संस्थाओं को असफलता मिली है, वह हमारी जानकारी में आ जाता है। अहां कहीं उन्होंने बहुत अच्छी तरह से अपने कर्तव्य का निर्वह किया हो, वह बहुत संकारणों से हमारी जानकारी में भी नहीं आता और उसको बताया भी नहीं जा सकता।

इन संस्थाओं का जो चरित्र है, जो क्षेत्र है जिसमें वह काम करती है वह एक अत्यन्त संवेदनशील है और उसको देखते हुए बहुत सी बातें हैं, जो यह जनहित में है कि बहुत सी बातें हैं जिनको सार्वजनिक रूप में बताया भी नहीं जा सकता।

श्री जगदम्बी प्रसाद यादव (बिहार) : कुछ बातें तो बताई ही जा सकती हैं।

श्री आरिफ मोहम्मद खान : जो बातें बताई जा सकती हैं, वह मैंने बता दी हैं।

श्री रामानन्द यादव (बिहार) : उससे कुछ फायदा उठा कर काम कीजिए।

श्री आरिफ मोहम्मद खान : यह जो आपने कहा है कि उससे फायदा उठा कर काम कीजिए, आप यकीन रखें, विश्वास करें कि माननीय सदस्यों ने जो यहां सुझाव दिये हैं, उन पर हम पूरी तरह गौर करेंगे और जो सुझाव महत्व के हैं, उससे पूरा फायदा उठाने की कोशिश करेंगे।

श्री जगदम्बी प्रसाद यादव : माडर्न एक्विपमेंट के बारे में ...

3.00 P.M.

श्री आरिफ मोहम्मद खान : मान्यवर, हमारी पूरी कोशिश यही होगी कि हम अपनी संस्थाओं को ज्यादा से ज्यादा आधुनिक बना सकें और ज्यादा से ज्यादा आधुनिक उनको इक्विपमेंट दिला सकें। एक बार फिर मैं धन्यवाद देता हूं और

यह आशा करता हूँ कि सदन के सभी माननीय सदस्यों का समर्थन इस विधेयक को मिलेगा। धन्यवाद।

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): The question is:

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

The motion was adopted.

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): We shall now take up the clause-by-clause consideration of the Bill.

Clauses 2 to 7 and the Schedule were added to the Bill.

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

SHRI ARIF MOHD. KHAN: Sir, I beg to move:

"That the Bill be passed."

the question was proposed.

श्री जगदम्बी प्रसाद यादव: एक मिनट सर, मैं दो बातें उपसभाध्यक्ष महोदय, आपके माध्यम से मंत्री जी से कहना चाहता हूँ। एक बात तो यह है कि इस संस्था ने कुछ वर्षों में अपनी जो साख थी, जो विश्वसनीयता थी, उसका इसने खोया है। मैं समझता हूँ कि आपने इस बिल के माध्यम से या अपनी बात को कहते हुए ऐसी कोई बात नहीं रखी जिसके कारण देश में यह विश्वसनीयता बढ़े कि हमारा यह जो इंटेलेजेंस संगठन है। यह सचमुच में देश में हर तरह की सुरक्षा का, व्यक्तिगत सुरक्षा का, राष्ट्र की सुरक्षा या जहाँ

पर कि खतरे की बात आती है उसकी सुरक्षा का इसमें हम आत्म-निर्भरता के रूप में विश्वास कर सकते हैं। एक बात तो मैं चाहता हूँ कि अपनी वाणी से, अपने वचन से लोगों में और स्वयं इस संगठन में भी इसकी विश्वसनीयता बढ़े। दूसरी बात आपने कह दिया कि आज यंत्रों का द्रत गति से आधुनिकीकरण हो रहा है और जब तक हम यंत्रों के आधुनिकीकरण में, चाहे दुष्ट आतंकवादी हों या स्मगलिंग करने वाले हों, उनके बारे में जो अखबारों में आता है, उससे पता लगता है कि हमारे लोग उनका पीछा कर रहे थे, पता लगा रहे थे तो पता लगता है कि उनके यंत्र या साधन हम से अधिक आधुनिकतम थे। इस प्रकार यदि उनके मुकाबले में, वह चाहे एक व्यक्ति हो या संस्था हो वे हम से आगे चले जाएँ तो वह हमारा सरकार के लिए और देश के लिए खतरे की धंटी होती है। अन्त में मैं एक बात और कहना चाहता हूँ कि इसका राजनीतिकरण नहीं हो, कम से कम लोगों को भरोसा हो, अगर कोई सरकार हो या किसी दल की सरकार हो और वह कुछ ऐसे सबूत जुटाए जिससे उसका सचमुच वर्चस्व खत्म हो जाए जैसा कि आज हमारे पुलिस का हो गया है, क्योंकि इसका संगठन भी पुलिस के साथ मिला हुआ है, इसलिए पुलिस का असर इस पर पड़ता, उसके चरित्र का भ्रष्ट होना इसमें भी बचाना इस संगठन को सचमुच में कामयाबी के लिए आवश्यक है। इसीलिए मैंने कुछ महत्व के मुद्दों को आपके सामने रखा है कि वह आपके और देश के सामने आये तो सचमुच में इस संस्था में विश्वसनीयता पैदा हो और देश इस पर अपने को स्वावलम्बी समझे।

श्री आरिफ मोहम्मद खान: श्रीमन, माननीय सदस्य ने जो चिन्ता व्यक्त की है, मैं उन्हें बताना चाहूँगा कि सरकार की तरफ से भी इन बातों का पूरा ध्यान रखा जा रहा है। हमारा पूरा प्रयास यह होगा कि हम अपनी इन गुप्तचर संस्थाओं को जितना ज्यादा से ज्यादा आधुनिकतम यंत्रों से सज्जित कर सकें और इनका संगठन भी कर सकें उसको हम करेंगे।

[श्री आरिफ मोहम्मद खान]

उसके साथ श्रीमन् मैं एक बात पहले कहना नहीं चाहता था लेकिन चूंकि माननीय सदस्य ने कहा है कि इन संस्थाओं की साख गिरी है अनुशासनहीनता के कारण, श्रीमन्, यहाँ कारण है जिसमें मजबूर होकर हम यह विधेयक लेकर मदन में आये हैं ताकि अनुशासनहीनता पर अंकुश लगाया जा सके और इन संस्थाओं की साख को बहाल किया जा सके। और अकेली इसी संस्था की बात नहीं है। इसको कोई आरोप न समझा जाय। मैं पहले तो नहीं कहना चाहता था, लेकिन आपने यह स्पष्ट प्रश्न उठाया है, इसलिए मजबूर होकर कह रहा हूँ कि सन् 1979 में पहली दफा वातावरण, उसके जो भी कारण रहे हों, इन गुप्तचर संस्थाओं में पहली दफा अनुशासनहीनता का किस्सा हुआ। कुछ ऐसी संस्थाएँ बनाई गई, उनके माध्यम से काम कुछ ऐसे हुए, जो देखकर हमें यह लगा कि इस चीज को रोकने की कोशिश की जाए सरकार की तरफ से और जिससे मजबूर होकर आज यह बिल इस माननीय सदन के सामने है। उस वक्त अकेले आई०बी० में नहीं हुई थी बल्कि और भी पुलिस संस्थाओं में इस प्रकार की अनुशासनहीनता हुई थी और अनेकों एसोसियेशन बनी थी और जैसा माननीय बीरेन्द्र वर्मा जी ने एग्जी किया कि हमारी फौज और पुलिस भी अगर उन्हीं गतिविधियों से ग्रस्त हो जाएगी, जिनसे साधारण कारखाना या साधारण संस्था होती है, तो शायद उसकी इजाजत हमें नहीं देनी चाहिए। इसके लिए इन संस्थानों के अधिकार में जो काम है, वह सीधे हमारे देश की सुरक्षा, हमारे देश की शांति व्यवस्था से जुड़े हुए है और शांति व्यवस्था और सुरक्षा को निश्चित ही किसी भी अवस्था में दांव पर नहीं लगाया जाना चाहिए। इसलिए मैंने इस ओर पहले भी कहा कि यह हमें पूरा अहसास है कि बहुत सारे ऐसे अधिकार जो सम्मानित दूसरी संस्थाओं में काम करने वाले व्यक्तियों को मिले हुए हैं, इस विधेयक के पारित हो जाने के बाद इन संस्थाओं में काम करने वाले लोग उन अधिकारों से वंचित

हो जाएंगे। हमें इसका पूरा अहसास है और इसीलिए हम यह बिल लाए हैं।

यह बात भी कही गई कि उनके लिए खास तौर से ऐसे कदम उठाएंगे, जहाँ पर उनकी जायज शिवायतों को, उनकी मांगों को मुना जा सके, उसके लिए उचित व्यवस्था की जा सके और उनकी मुविधा का ध्यान रखा जा सके उनके कार्य में दक्षता लाई जा सके। ... (व्यवधान) ... मैंने पहले ही निवेदन दिया कि यह चूंकि गुप्तचर संस्थाएँ हैं, इनका काम करने का क्षेत्र संवेदनशील है। इसलिए ज्यादा विस्तार में इन बातों में हम जाना मुनासिब नहीं समझते कि उन पर हम चर्चा करें।

श्री प्यारेलाल खंडेलवाल : माननीय गृह मंत्री जी ने यह कहा था, स्टाफ कौन्सिल बनायी गयी थी, वह क्या स्टाफ कौन्सिल बनाने का जो प्रावधान था या परिपक्व निकला था, उसको आप फिर से रिवाई करेंगे? मैं यह जानना चाहता हूँ।

श्री आरिफ मोहम्मद खान : मैं इतना ही कह सकता हूँ, माननीय सदस्य जो बात कह रहे हैं, उनको मैं सुझाव के तौर पर नोट किए लेता हूँ।

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): The question is:

"That the Bill be passed."

The question was put and the motion was adopted.

THE TOBACCO BOARD (AMENDMENT) BILL, 1985.

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): Now we shall take up the Tobacco Board (Amendment) Bill, 1985. Now, the Minister to move the Bill. Yes, Mr. Sangma.