

there is difficulty in going into the details of it, but certainly the type of broad questions that the hon. Member has asked, I am prepared to answer now. But any discussion on it or any probe into it...

THE DEPUTY CHAIRMAN : Yes, no discussion.

SHRI B. R. BHAGAT : I am prepared to answer the broad questions.

THE DEPUTY CHAIRMAN : Discussion on this is out of the question but if you want to ask questions and clarifications today, you may do so. But if you want to study the Joint Statement to put your questions or seek clarifications, then we may spare some time tomorrow. Is that all right?

SHRI BHUPESH GUPTA : What I have asked, let him answer.

THE DEPUTY CHAIRMAN : I do not think in view of the...

SHRI BHUPESH GUPTA : What is the position? If it is tomorrow, then tomorrow I will ask the questions.

THE DEPUTY CHAIRMAN : I think that this may be postponed till after you have all got the Joint Statement.

SHRI BHUPESH GUPTA : Tomorrow I will ask again.

SHRI B. R. BHAGAT : After the Question Hour?

THE DEPUTY CHAIRMAN : After the Question Hour.

Shall we now go on to our Legislative Business? Mrs. Mehta may speak now.

THE BORDER SECURITY FORCE BILL, 1968—Contd.

श्रीमती पुष्पाबेन जनार्दनराय मेहता (गुजरात) : मैडम डिप्टी चेयरमैन, बार्डर सिक्योरिटी बिल का मैं समर्थन करती हूँ। भारत की सीमा का संरक्षण और रक्षा यह हमारी प्राथमिक जिम्मेदारी है।

बार्डर सिक्योरिटी बिल को सिलेक्ट कमिटी को सौंपना यह व्यर्थ समय की बर्बादी है। वर्तमान परिस्थिति को ख्याल में रखकर बिना विलम्ब बिल को पास कर

देना चाहिये। संरक्षण यदि बिल का मकसद है और वह पास करने की आवश्यकता है तो व्यर्थ समय बिताने की क्या जरूरत है।

भारत की सीमा के संरक्षण के लिए सख्त कानून होना चाहिए। राजनीति राष्ट्र के संरक्षण के लिए उदार नहीं हो सकती है। राजनीति कठोर भी हो सकती है। राष्ट्र के संरक्षण और सुरक्षा के ध्येय पर केन्द्रित होने की जरूरत है। अभी तक बार्डर सीमा की परिस्थिति पर हमने उदारता रखी थी और उसका परिणाम यह हुआ कि हमें छाड़बेद बगैरा छोड़ना पड़ा। कच्छ एवाड में जो इस प्रदेश पर पाकिस्तान का दावा का समर्थन किया गया है, उसमें एक ऐसी दलील है कि पाकिस्तान के पशु छाड़बेद में चरने के लिए जाते रहते थे। यदि जो बार्डर, सीमा का बंदोबस्त सख्त होता, जो पशुओं की चराई के लिये छुट्टी नहीं होती तो इस दलील का कोई समर्थन नहीं होता था।

दूसरी यह परिस्थिति है कि स्मगलिंग हो रहा है। गुजरात की सीमा का यह प्रश्न है। कड़क बन्दोबस्त और कानून की डीली नीति के कारण स्मगलिंग और गैरकानूनी प्रवेश और प्रस्थान हो रहा है। सब से बड़ी मुश्किल तो यह है कि हमारे सागर की सीमा पर कोई बन्दोबस्त नहीं है। तारीख 17-7-68 का टाइम्स आफ इंडिया जो है उसकी रिपोर्ट पढ़िये। हमेशा जो न्यूजपेपर पढ़ते हैं...

SHRI DAHYABHAI V. PATEL : May I draw your attention to the importance that the Treasury Benches are giving to this discussion? The tired Minister of State for Food is the only person sitting here.

SHRI M. M. DHARIA (Maharashtra) : The Deputy Home Minister is here.

THE DEPUTY CHAIRMAN : The Home Minister is coming.

श्रीमती पुष्पाबेन जनार्दनराय मेहता : ... उससे हमेशा कोई न कोई प्रश्न आता रहता है। टाइम्स आफ इंडिया में लिखा है :

[श्रीमती पुष्पाबेन जनार्दन राय मेहता]

"There is no regular patrol along the western coast of Gujarat. Indian naval patrols occasionally scour the area. They have to sail a long way from Bombay or Cochin while the entire areas from Jakhav and Mandvi in Kutch to Okha and Jamnagaj in Saurashtra is hardly 150 miles from Karachi."

दूसरा यह है :

"The Gujarat Government is reported to have drawn the attention of the Defence Ministry towards the need for constant naval patrol of the coast. The security of these areas is entrusted to the State police. The Border Security Force has not been associated with sea defence."

मैडम, कच्छ का (कोस्ट) ब्रोकेन है। माछी मारों की हैसियत से पाकिस्तान की तोंडिया घुस जाती हैं और गैरकानूनी बर्ताव होता है। कोटेश्वर कच्छ से सौराष्ट्र के किनारे तक संरक्षण की कोई असर कारक व्यवस्था नहीं है। परिणाम यह है कि हमेशा गैरकानूनी प्रवृत्ति होती रहती है।

माननीय गृहमंत्री जी से मेरी प्रार्थना है कि इस बार्डर सिक्योरिटी में हमारे सागर की रक्षा भी शामिल की जाय क्योंकि जहां तक कोई असरकारक व्यवस्था नहीं होगी वहां तक बंदोबस्त असर कारक नहीं होगा।

माननीय गृह मंत्री जी ने बिल इंट्रोड्यूस करने के समय कहा था कि स्टेट पुलिस इतनी इफेक्टिव नहीं हो सकती है, इसलिये यह व्यवस्था होती है। तो मैं जानना चाहती हूं कि सागर किनारे के लिये आपने कुछ व्यवस्था सोची है या नहीं।

स्टेट और सेंट्रल दोनों के बीच में सुरक्षा का प्रश्न नहीं होना चाहिये। मेरा नम्र सुझाव है कि सेंटर का सारे सागर किनारा की व्यवस्था का प्रबन्ध शीघ्र करना चाहिये।

इनके साथ और यह याद दिलाना चाहती हूं कि गुजरात की सुरक्षा में एक बड़ी भारी चिंता का प्रश्न हमारा सागर किनारा है। यह सागर किनारे के द्वारा होते हुये जो

छिपी जासूसी की प्रवृत्ति है इसीसे हमारी चिंता हमेशा बढ़ती रहती है। आप को यह भी याद दिलाना चाहती हूं कि थोड़े महीना पहले कच्छ में पाकिस्तानी पकड़े गये थे। उनकी संख्या भी करीब 50 से ज्यादा थी। दूसरे वह भी हुआ था कि द्वारिका और आमनगर के बीच में एक भाटिया स्टेशन है। वहां पर बिना टिकट प्रवेश करते हुये करीब 50, 60 आदमियों को पकड़ लिया था और उनके पास कोई खुलासा नहीं था कि वे क्यों आते हैं। उन्होंने कहा कि हमारा जहाज टूट गया था और इसलिये हम इधर आये हैं। यह उनका निवेदन भी अजीब था।

इरान, अरबिस्तान और पाकिस्तान से स्मगलिंग का माल आता है और यहां से भी बहुत सी चीजें जाती हैं। मैं माननीय गृह मंत्री जी से जानना चाहती हूं कि उत्तरी सीमा का संरक्षण करते करते हम दक्षिण की सीमा को क्यों भूलते हैं।

बार्डर सिक्योरिटी सख्त करना होगा। गुजरात सरहद से लगे अभी बदीन के पास पाकिस्तान अपनी जमावट कर रहा है और रहीम की बाजार तक उनका मूवमेंट होता रहता है। जब से कच्छ अवाई आया तब से वह मूवमेंट ज्यादा होता रहता है। इसलिये मेरी यह प्रार्थना है कि इस मूवमेंट को खयाल में रखकर बार्डर एरिया पर रहने वालों को हथियार देना चाहिये और वहां के लोगों को मिलिट्री ट्रेनिंग देना चाहिये। बार्डर पर जो रहने वाले हैं उनके लिये कोई गृह रक्षा दल का प्रबन्ध करना चाहिये। सब से बड़ी बात यह है कि हमारा जो सागर किनारा है वह बड़ा खतरनाक प्रश्न है। वहां आदमी जाते हैं और आते हैं। परसों मुझे एक बात मालूम हुई है कि कोई एक परिवार छिप कर पाकिस्तान चला गया, वह जहाज में चला गया या छोटी तोड़ी में चला गया। आज दूसरी बात यह है कि माछी मारने के लिये और पकड़ने के लिये जो तोड़ीयां होती हैं उनका बहुत उपयोग इस काम में होता है।

इसलिये मेरे खयाल में नहीं आता है कि उत्तरी सीमा की रक्षा करते हुये हम सागर किनारा क्यों भूल जाते हैं।

आज हमारी एक बड़ी खतरनाक परिस्थिति है कि बम्बई और कोचीन से हमको मदद मिलती है और उनके बीच में कोई मदद नहीं मिलती है। तो मेरी यह प्रार्थना है कि इस बिल में सिक्योरिटी की जो सीमा है वह केवल उत्तरी सीमा है और उसमें समुद्र की सीमा को लक्ष्य में नहीं रखा गया है। उसकी रक्षा का भी प्रबन्ध होम मिनिस्ट्री को करना चाहिये।

दूसरी बात यह है कि बार्डर एरिया पर रहने वालों को हथियार देना चाहिये। जहाँ तक सख्ताई से इस बार्डर सिक्योरिटी के प्रश्न को हल नहीं करेंगे वहाँ तक मैं सोचती हूँ कि ऐसा ही चलेगा और इसीलिये हमें शान्त न्यूज पेपर में आता है कि गुजरात के लिये एक बड़ी खतरनाक परिस्थिति है और वहाँ के बार्डर की जितनी सुरक्षा चाहिये उतनी नहीं है। मुझको इतना भी लगता है कि जहाँ तक शूट एंड साइट नहीं होगा वहाँ तक स्मगलिंग और गैरकानूनी मूवमेंट कम नहीं होगा। इस सम्बन्ध में टाइम्स आफ इंडिया की, तारीख की जो रिपोर्ट है वह पढ़ने के लिये मैं आपसे प्रार्थना करती हूँ।

दूसरे यहाँ से जो रखा है जवानों का कुछ न कुछ सुविधा देने के लिये, उनके परिवार के लिये, उनकी छुट्टी के लिये, उसका मैं समर्थन करती हूँ। जो जवान बार्डर का संरक्षण करते हैं उनकी और मेरी संपूर्ण सहानुभूति है। जब पाकिस्तान का आक्रमण हुआ उसके बाद भी हमने देखा है कि बार्डर पर सतत जाग्रत हमारे ये जवान थे जिन्होंने हमारी बड़ी सेवा की और जो पहला हमला हुआ उस समय भी उन जवानों ने हमारी रक्षा की है और उनकी वफादारी, उनकी कामगिरी, उनकी खबरदारी के लिये मैं उनको धन्यवाद देती हूँ। मैं चाहती हूँ कि जो जो प्रश्न उनकी सुविधा के लिये कल्याण के लिये यहाँ रखे गये हैं उन सब को करना चाहिये।

आखिर में जो वहाँ रहते हैं उनकी बड़ी कठिनाई है। हमारी एक बहन बोल रही थी कि राजस्थान का बार्डर रेगिस्तान में है। रेगिस्तान हमारे बार्डर पर भी है और वह खारी रेगिस्तान है, उसमें नमक है और नमक वाला पानी है। वहाँ पर यह हालत रहती है कि उनके रहने के लिये सुविधा नहीं है, उनके रहने के लिये घर नहीं है, पीने के लिये पानी नहीं है। मेरा यह सुझाव है उनको वहाँ टैंक से पानी देने की व्यवस्था होनी चाहिये।

आखिर में मेरी यह प्रार्थना है कि हमारी सीमा सुरक्षा का जो प्रश्न है वह भी इसमें ले लिया जाय। सागर सीमा का जो प्रबन्ध है उसकी जिम्मेदारी भी सेंटर की हो। एक एक स्टेट पर एक एक जिम्मेदारी रखने से सारे भारत का संरक्षण कठिन होता है। हर एक स्टेट की अपनी अपनी कठिनाइयाँ हैं, अपना अपना बजट है और उससे वे अपना काम अच्छी तरह से नहीं कर सकती हैं। और उनकी निति भी अलग अलग होती है।

तो जितनी बार्डर एरिया स्टेट है, चाहे वे पर्वतीय प्रदेश हों, चाहे रेगिस्तान हों, उन सबकी सीमा की सुरक्षा का प्रबन्ध करना सेंट्रल गवर्नमेंट की जिम्मेदारी होनी चाहिए, यह मेरी मान्यता है। मैं जानती हूँ कि जब तक वह नहीं होगा तब तक हमारे काम में शक्ति नहीं आएगी। आखिर में हमारी सिक्योरिटी बड़ा कठिन प्रश्न है और उसे ठीक से देखने के लिए प्रार्थना करती हूँ।

SHRIBANKA BEHARY DAS (Orissa):
Madam Deputy Chairman, though I am one with the principles which underlie this Bill, I want to raise a few points and I hope the Home Minister will ponder over them and give a proper reply so that the suspicions that we have may be allayed to a great extent. I do not know what is the purpose of this Bill, though it is said that it is mainly for the security of the borders of this country. I want to know from the Minister whether the Army of this country is not capable enough to protect the border of this country and why he wants to raise a new Force, so that the border can be properly secured.

SHRI AKBAR ALI KHAN : To supplement it.

SHRI BANKA BEHARY DAS : There is no necessity. The Army can be enlarged and it may be strengthened also, so that the border can be properly secured. I am afraid if a new Force is created—though it has been already created—there is a possibility of conflict between the State Police and the Border Security Force and there might be occasion also for conflict between the Army and the Border Security Force. I raise this question only because last year when I was in Kashmir, some of the Army officers complained before us that there was some discrimination between the treatment given to them and the treatment the Border Security Force was getting. I am not here raising the question of pay scales and amenities that the Border Security Force and the Army are getting. They feel that there is a certain amount of discrimination between these two Forces and there is a lot of discontent about that. So, it is proper for the Government to think whether this particular job of security of the border cannot be adequately done if the Army is strengthened. Enlarge and have more units of the Army to secure the border. Particularly we have a live border, beginning from Pakistan to the end of China on the NEFA side and it is not like the border of other countries, where the neighbouring nations are friendly to one another. Whether on the West or on the East we have a great enemy in Pakistan. In the northern region also we have an enemy in China. And there is always collusion between the Chinese and Pakistanis. So, I do not know whether the Border Security Force will be capable enough to secure the borders of India, when we have seen that the Army has sometimes not been able to secure or patrol the borders. Also, I want the Home Minister to clarify that in no circumstances will the Border Security Force be utilised for maintaining law and order inside the country. We know that in the case of Bengal some Border Security Forces were withdrawn and utilised for some other purposes.

SHRI CHITTA BASU : Their border security is in Calcutta.

SHRI BANKA BEHARY DAS : The very preamble to this Bill says :

"to provide for the constitution and regulation of an Armed Force of the Union for ensuring the security of the

borders of India and for matters connected therewith."

I want to know from the Minister whether the matters connected therewith also include the question of law and order in this country. Unless the Home Minister clarifies that in no circumstances this Border Security Force will be utilised for keeping law and order inside the country or in the various States, our apprehension will be strengthened that the Border Security Force is being created not only to secure the borders of this country, but also, to a certain extent, to utilise it for political purposes, whenever they need their assistance. When this Border Security Force was created and the Police Force was taken over from the various States by the Government of India, that question was also raised. Though we very much welcome the proposal—because we know that the various States could not properly maintain their borders—when the Border Security Force was taken over by the Centre after our experience in various States, we are now apprehensive of the very motive of the Government. The Home Minister should clarify the point that this will not be utilised for keeping law and order inside the country.

I also want to know from the Minister whether this Border Security Force will be primarily used for two purposes. One is to check infiltration. It is not only a question of infiltration from Pakistan that we experience in Kashmir. It is a question of infiltration from other sides also. We know of the Nagas and Mizos, who are having their trek always to China and Pakistan. They have not been successfully checked by our Government up till now. We hope that the Border Security Force will be primarily deployed to check all this infiltration, whether from the Chinese side or the Pakistani side.

I want this Border Security Force, if at all it is raised, to be used more and more in checking smuggling from Nepal and other areas. In this House we have always raised it. Many goods from China are coming to India and it is creating a problem in Bihar and other places. Some of our Members from Bihar, belonging to different Parties, have raised it in this House about smuggling of fountain pens and other things from China and these are having a free market in this country. I want to know from the Minister whether, besides checking infiltration, they are going to check smuggling either from Pakistan or from China; so also, the

smuggling that is taking place from India to Pakistan and other countries. In Bengal always there is the problem of smuggling. Sometimes smuggling of rice takes place. Smuggling of jute is also taking place. Smuggling of various goods, including vegetables and fish, takes place from West Bengal to East Pakistan. The complaint is always made. I want to know from the Minister whether this Border Security Force is primarily meant to check infiltration and smuggling that is going on from different countries.

I want to know whether this Border Security Force, that is going to be raised, will have the same amenities which the Army has. The Home Minister, in his preliminary remarks, said that it is neither police nor army; it is something in between army and police. It is very difficult to say what the status of the Border Security Force is. They will be actually on the border behaving just like the Army. Though it will be under the Home Ministry and the Army will be under the Defence Ministry, all the facilities that the Army are getting should be given to the Border Security Force as far as amenities and pay scales are concerned.

Secondly, I want to know it from the Home Minister, because he may be knowing the experience of the Defence Forces. We have some rule in the Army whereby all those Army personnel, who are either located in Leh or in the Pakistan border, are not allowed to stay there for more than two or three years. Because of the altitude problem, they are always shifted to the plains, and other Army people to go there and they are stationed there. I want to know from the Minister whether he is going to adopt the same procedure in the case of the Border Security Force. It is a question of high altitude. The Border Security Force should not be allowed to stay there for more than two years. Otherwise, they will suffer from various disabilities.

Thirdly, I want to know from the Minister whether he can secure the borders by only having the Border Security Force, unless the willing co-operation of the people in the border areas is taken through various economic and social measures. Without it, the Border Security Force cannot seal the border properly and that has been our experience up till now. Take the case of NEFA and take the case of Assam, where most of the people are tribal people. Take the case of Rajasthan and Punjab where there are certain tribal people. I want to know from the Home

Minister, who is specially in charge of tribal affairs, whether he is going to adopt all economic and social measures to ameliorate the conditions of the people in the tribal areas, so that they will be more friendly and assist the Border Security Force not only in checking infiltration but also smuggling. This is a very important subject for us, because we know there is so much of torment and turmoil among the tribal people, not only inside the country, but also in the

border areas. Up till now the NEFA policy has not been very successful though we had a Tribal Welfare Adviser in the NEFA area. We know also there is so much of talk about discrimination that is being made to the tribal people in the Assam border where they are exploited because of land and all that. It is highly important—because the Home Minister is in charge of the Tribal Welfare Department in certain respects, and they also decide who are the tribals and who are not tribals—we should know whether he is going to take positive steps for the economic and social amelioration of those people so that we can get the co-operation of the tribal people in these matters of border security.

Thirdly, I want to know from the Minister whether he is going to develop communications in those border areas. Even if we have all those border forces, up till now our experience has been we have not developed enough of communication in those border areas, particularly in Assam and NEFA. I want to know from the Minister whether he is going to seek necessary co-operation so that we have enough of communication, and the Border Security Force properly act there.

I also want to know from the Minister what is being done to have a sense of nationalism in those areas. It is much more important to secure the border if a spirit of nationalism also grows in those areas.

These are some of the points I wanted to highlight while I discussed this border security question. I will now only refer to one or two clauses for the consideration of the Minister because there is not enough time. In sub-clause (2) of clause 6 the provision is :

"Notwithstanding anything contained in this Act and the rules, every person who has, for a continuous period of three months, been in receipt of pay as a person enrolled under this Act and borne on the rolls of the Force shall be deemed to have been duly enrolled."

[Shri Banka Behary Das]

Why is this discrimination being made? If only a person has been enrolled in the Border Security Force for a continuous period of three months, he will be regarded as a member of the Border Security Force. I want that this sub-clause should be omitted, so that anybody who is recruited will be regarded as one of the personnel of the Border Security Force.

Then I want to refer to clause 14, where certain penalties have been given. It is very unfair and particularly uncivilised, I will say, that even in this case we have said that death sentence can be given to all those who do not behave according to the standards that have been prescribed to the Border Security Force. In this age when we are discussing abolition of death penalty, and even in U.N.O. and other organisations that proposal is being made, we should omit the death sentence, and we can impose all sorts of other punishment including life imprisonment. So I should like that the death sentence should be removed.

Thank you.

THE DEPUTY CHAIRMAN : I still have fine names with me. I would like hon. Members to put some restriction on their speeches. Mr. Jagat Narain.

श्री जगत नारायण (हरियाणा): मैडम डिप्टी चैयरमैन, यह बिल बहुत बड़ा है और जरूरी भी है और मैं इसके हक में हूँ कि इसे सेलेक्ट कमेटी को भेजा जाय। अगर आप इस बिल का मुलाहिजा करें तो आप देखेंगी की चैप्टर 1 और 2 को छोड़ कर बाकी जितने चैप्टर हैं यानी सेक्शन 14 से ले कर के सेक्शन 140 तक जो हैं वे सारे के सारे सजा देने के लिये हैं, इसके लिये हैं कि किस तरह सजा देनी है, किस तरह पकड़ना है, किस तरह ट्रायल करना है, कौन मैजिस्ट्रेट ट्राई करेगा और कितनी कितनी सजा देगा। ये सब इसके मूतालिक ही है। मैडेम, मैं बार्डर प्राविस से आने वाला हूँ और जालंधर में बी० एस० एफ० का तीन प्राविसेज का हेडक्वार्टर्स है और वहाँ पर इसके अफसर लोग और इसके सिपाही लोग रहते हैं और वे हमसे मिलते रहते हैं, उनका कहना है कि आप इतना जामिया बिल बना रहे हैं लेकिन न हमें पुलिस में गिनते हैं और न हमें आर्मी

में गिनते हैं और आपने जो बिल तैयार किया है उसमें जो सजा देनी है और जो ट्रायल वगैरह करना है और डेथ सेंटेंस देना है उस सारे को आर्मी से या एयर से या जो आर्मी का दूसरा कोई हिस्सा है उससे लिया है। उनका कहना है कि आप हमें न तो आर्मी में गिनते हैं और न पुलिस में गिनते हैं तो फिर हमारे लिये एक दूसरा मियार होना चाहिये सजा देने का भी और ट्रायल करने का भी। इसीलिये मैं समझता हूँ कि श्री चित्त बासु ने जो अमेंडमेंट पेश किया है कि इसको सेलेक्ट कमेटी में जाना चाहिये उसे मैं निहायत जरूरी मानता हूँ, इसे सेलेक्ट कमेटी में जाना चाहिये। अभी भार्गव साहब ने कहा कि उनसे मश्विरा नहीं किया तो मेरा नाम इसमें है, मेरी जगह भार्गव साहब का नाम ले लिया जाय या किसी और का नाम ले लिया जाय, लेकिन मैं समझता हूँ कि इस बिल पर अच्छी तरह से विचार होना चाहिये। मैं यह नहीं कहता कि इसमें साल भर या छः महीने लगे, इसको डिले कर दिया जाय, इसे तो एक या दो महीने में कर सकते हैं।

मैडेम, 1965 ई० में बी० एस० एफ० को आर्गेनाइज किया गया और अब तीन साल हो गये हैं, तो उनकी बात को भी कुछ सुनना चाहिये, वह अक्सर एम० पी० को मिलते हैं और दूसरे लोगों को मिलते हैं और हमें अपना प्वाइंट आफ व्यु बताते हैं, इसलिये मैं इसे निहायत जरूरी समझता हूँ कि यह बिल सेलेक्ट कमेटी को जाय और उसमें जो लोग काम करते हैं उनका खयाल कर के, अच्छी तरह से सोच विचार कर के इसे पास किया जाय। मैं श्रीनगर घूम कर आया हूँ, मैंने देखा है कि आज कल बड़ी बड़ी मुश्किल जगहों पर बी० एस० एफ० के नौजवान बंठे हुये हैं। सारा पहाड़ी बर्फानी एरिया है जहाँ से कि पिछली दफा सारे घुसपैठिये आये थे, उनसे अभी भी डर है, लेकिन हमारे इन नौजवानों ने वहाँ पर

इसको बन्द कर दिया है। वह 14 हजार और 13 हजार फुट की ऊंची चोटियों पर बैठे हुये हैं। तो वह यह मांग करते हैं कि अगर आप हमें आर्मी समझते हैं तो फिर हमें वे तमाम सहुलियतें दी जाय जो कि आर्मी के जवानों को देते हैं, फिर हमें सात दिन की छुट्टी भी दीजिये, हमारे लिये फेमिली स्टेशन भी बनाइये, जिस तरह आर्मी को सहुलियत दी है उसी तरह हमें दीजिये। पाकिस्तान की वार में मैंने खुद देखा है, उस वक्त बी० एस० एफ० का कोई आर्गनाइजेशन तो नहीं था लेकिन पंजाब में पी० ए० पी० वालों का था, और मैंने एक जर्नलिस्ट के नाते देखा कि हमारे मिलिटरी के जवानों को दूसरी तरफ पाकिस्तान में जो बिल्कुल इसी तरह का काउन्टरपार्ट आर्गनाइजेशन था उन लोगों के ठिकानों को हमारे पी० ए० पी० के जवान बताते थे। जैसा कि हमारे होम मिनिस्टर ने भी कहा कि यह फर्स्ट लाइन आफ डिफेंस है और ये जो बी० एस० एफ० के जवान हैं इन्हीं को सब से पहले किसी हमले के ब्रंट को फेंस करना है, लेकिन इनकी हालत क्या है। इनके पास जो हथियार हैं वे आवसोलीत हैं। आर्मी को तो नये हथियार दिये जा रहे हैं और मैं समझता हूँ कि जो फर्स्ट लाइन आफ डिफेंस है उसके पास भी जदीद किस्म के हथियार होने चाहिये।

[THE VICE-CHAIRMAN (SHRI M.P. BHAR-GAVA) in the Chair]

जो माडर्न हथियार हैं वह उनके पास होने चाहिये, उसके पास जीप होनी चाहिये। अभी मैं फार्वर्ड एरिया में गया, मैं बहुत आगे तो नहीं जा सकता था बिना डिफेंस मिनिस्टर की इजाजत लिए लेकिन जहाँ पर मैं गया वहाँ पर मैंने देखा कि इस फोर्स के जो जवान हैं वह 13 सौ या 14 सौ फिट की ऊँचाई पर बैठे हुये हैं लेकिन उनके पास वहाँ जाने के लिये कोई चीज नहीं है, न जीप है न घोड़ा-गाड़ी है, वहाँ उनको पैदल जाना पड़ता है। वहाँ बर्फ पड़ी हुई है। उनका सामान बड़ी दूर से पहुँचता है और

म्यूल्स पर जो सामान ले जाने वाले हैं वह न ले जाय तो और मुसीबत है, कई दफा उनके पास बैटरी नहीं होती है या और दूसरे सेट्स नहीं होते हैं जिससे कि कम्युनिकेट कर सकें। इसलिये उनकी जो ख्वाहिश है वह मैंने आपको बताया। उसको मद्देनजर रखते हुये मैं बड़े अदब से होम मिनिस्टर से कहूँगा कि यह फर्स्ट लाइन आफ डिफेंस है, ये वह लोग हैं जो कि मिलिटरी से आगे बैठे हुये हैं और इन्होंने हिन्दुस्तान और पाकिस्तान के साथ जो बार्डर है उसको सील किया हुआ है तो इनको वह तमाम अमेनिटीज देनी चाहिये जो कि आर्मी के लोगों को दे रहे हैं। यह हमारी दरखास्त है कि इनके पास जदीद हथियार होने चाहिये और सब चीजें होनी चाहिये।

दूसरी बात मैं बड़े अदब के साथ यह पूछना चाहता हूँ कि आपने यह कहा है कि इनका काम बार्डर की सिक्योरिटी का है, यह सेक्शन 4 में कहा है, तो फिर यह जो सेक्शन 7 है? वह क्यों है? सेक्शन 4 जो है वह यह है:

"There shall be an armed force of the Union called the Border Security Force for ensuring the security of the "borders of India".

यानी सिर्फ बार्डर की सिक्योरिटी के वास्ते यह फोर्स है, ऐसा बताया जा रहा है, लेकिन सेक्शन 7 में यह है:

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

तो वह पूछते हैं कि आउटसाइड इंडिया में हमारा क्या काम है।

श्री शीलमद्र याजी (बिहार) : लड़ते लड़ते घुसने तो बाहर तो जायेंगे।

श्री जगत नारायण : फिर यह कहें कि घुसने के लिये अगर जरूरत पड़ती है। वह तो और बात है, लेकिन मैं समझता हूँ कि होम मिनिस्टर यह क्लैरिफाई करें कि घुसने के लिए यह क्लोज़ रखा है। हमें तो यह सुन कर बड़ी खुशी होगी।

(Time bell rings.)

[श्री जगत नारायण]

वाइस चेयरमैन साहब, मैं अर्ज कर रहा था कि मैं यह चाहता हूँ कि होम मिनिस्टर इसको क्लैरिफाई करें। इसके साथ मैं बड़े अदब से यह पूछना चाहता हूँ कि यह जो वी० एस० एफ० है यह सिर्फ पाकिस्तान बार्डर के लिये ही है या चाइना बार्डर पर भी यह वी० एस० एफ० मामूर किया जायगा या नहीं। क्योंकि जो कुछ मुझे बताया गया है वह सिर्फ यह है कि यह इंडो पाक बार्डर के लिए है और इनका चायना के साथ ताल्लुक नहीं है। ठीक है कि पाकिस्तान आज हमारे लिए दुश्मन नम्बर 1 बना हुआ है मगर असल बात यह है कि इस वक्त जो दुश्मन नम्बर 1 है वह चाइना है जो पाकिस्तान को उकसा रहा है और चाइना का जो बार्डर है वह एक बड़ा डिफिकल्ट बार्डर है। मैं अभी हाल नेफा से होकर आया हूँ, जैसा कि बांक्विहारी दास बात कह रहे थे, मैंने वहाँ की हालात देखी हैं। तो जो कुछ मुझे पता है उससे मैं कहना चाहूँगा कि सिर्फ इंडो पाक बार्डर पर ही नहीं, इसको चाइना के साथ लगने वाले हमारे बार्डर पर भी लगाना चाहिये। इस लिए मैं चाहूँगा कि होम मिनिस्टर साहब इसको साफ करेंगे कि आया चाइना बार्डर पर भी यह बार्डर सेक्योरिटी फोर्स लगाया जायगा।

इसके साथ मैं यह भी अर्ज करना चाहता हूँ कि यह बार्डर सेक्योरिटी फोर्स जिस बार्डर में भी लगाया जाय उनमें ऐसे नौजवान जरूर ट्रेन करने चाहिये जो बार्डर की लैंग्वेज को जान सकते हैं। सबसे जादा डिफिकल्टी यह होती है कि लैंग्वेज को हमारे जवान नहीं जानते हैं और न उनको पता है कि जो हमारा नैबेरिंग मुल्क है, जिसके साथ लगे बार्डर पर हम बैठे हुए हैं, उसकी जवान क्या है। तो जब तक वह जवान नहीं जानते तब तक वह इफेक्टिवली काम नहीं कर सकते। इसलिये बार्डर

एरिया की जवान के साथ वह मुल्क जिसके साथ बार्डर लगता है उस से लगती हुई एरिया की जवान जानना भी निहायत जरूरी है ताकि वह वहाँ की हालात भी अच्छी तरह से जान सकें, अपनी मिलिटरी को भी खोज खबर बता सकें।

आखिर में मैं सिर्फ एक बात कहूँगा कि बार्डर सेक्योरिटी फोर्स के नौजवानों की ख्वाहिश है कि हम मुश्किल से मुश्किल काम करने के लिए तैयार हैं, और जाहिर है सबसे पहले गोली का शिकार मिलिटरी ने नहीं होना है क्योंकि जो पहले हमला करेंगे या घुसपेठ करेंगे उनसे उनको मोरचा लेना होगा, तो इसलिए वह चाहते हैं कि हमें वह तमाम सहुलियतें दीजिए जो आरमी वालों के लिये हैं, मैं इस बात को रिपीट कर रहा हूँ और इसलिये रिपीट कर रहा हूँ कि उनको यह शिकायत है कि आप आरमी वालों के साथ जो सलूक कर रहे हैं वह उनके साथ नहीं कर रहे हैं, काम उनसे आरमी से भी ज्यादा ले रहे हैं। इसलिये उनकी सहुलियत की तरफ, उनकी एम्प्लिटीज की तरफ, सरकार को ध्यान देना चाहिये।

SHRI JAIRAMDAS DAULATRAM (Nominated) : Sir, I am intervening briefly in this debate because of the necessity I feel to place before the Government a little experience I have had of the working of a Border Security Force. This was in Assam. At that time the Border Security Force was really the Assam Rifles. It was performing a double function. It was securing the border and at the same time keeping internal law and order. And as a result, I have a fairly intimate knowledge of the problems which face a Border Security Force. I would like to make three concrete suggestions to the Government.

The first suggestion is that the recruitment of the Border Security Force should predominantly be from the border areas. It is those who have the knowledge of the local topography and other conditions of the area who are able to operate more successfully, because they have knowledge of the people, they have knowledge of the language and the knowledge of also other

factors which enable them to function successfully. Therefore, I believe that the recruitment of the Border Security Force ought to be largely from the border areas. Now when I say "the border areas", I have reference specially to the type of border areas. Take our eastern border. Any people recruited from the plains will not be able to function effectively in the eastern border areas. It must be the people of the hills, people who are accustomed to move in the hills, the people who are accustomed to the climate of the hills and people who are able to effectively and, speedily move about in the hills. And it was the Gurkhas and the hill people, both of Assam and other areas, who enabled the Assam Rifles to function successfully. Many people do not know what the Assam Rifles succeeded in doing before the Chinese came into Tibet. Before the Chinese had entrenched themselves in Tibet it was the Assam Rifles who vindicated our border with Tibet and with Burma. And when the time came the Chinese had to admit it in the case of NEFA what they would not admit in the case of any other border area of India. They had to admit that India is in effective control of the border of the North Eastern Frontier Agency, the McMahon Line. Similarly, I feel that any Border Security Force which is functioning either in Kashmir or in Rajasthan or in Kutch must be predominantly recruited from among the local people. Otherwise they will be useless as a fighting force. I believe in all these areas we can get very fine fighting forces in our country. Therefore, my first suggestion is that the recruitment of the Border Security Force must be predominantly from the border areas, not necessarily that particular border area; but a border area whose topography is the same as of the areas for which where they are recruited. If they have to function on the hills they must be from the hill regions. If they have to function on the desert areas they must be from the desert areas of the country.

Similarly another suggestion, and that is that apart from the recruitment being from the areas of the type where they have to function, the training of the Border Security Force also must be of a special type. We are reaching an age when the technique of fighting is changing and unless the Border Security Force is also trained in the new techniques of fighting which we will have to face in the border areas, I am afraid, we will not be able to achieve all the results that we want. Take, for instance, the eastern frontier and, to some

extent, also the Kashmir frontier. I think our Border Security Force must get very fine training in what is roughly called the guerilla technique. It is no use our sending a Border Security unit which is not able to deal with the guerilla tactics of the opponents. Unless they know how the other party fights and how, therefore they have to fight, they will not be able to give us the results that we require from them. I do not want to elaborate this particular point. This is not the place for that. But I very strongly believe that a good section of the Border Security Force must have a very high standard of training in the guerilla technique.

The third point I am making is that unless there is a very good liaison arrangement between the Border Security Force and the State authorities in the region where they are functioning, I am afraid misunderstandings are likely to ensue. I also believe that wherever the Border Security Force is functioning and the liaison arrangement is not available or is not satisfactory, we are up against trouble. This point also deliberately I am not further elaborating. But I think it is very necessary to set up a liaison arrangement in each area where the Border Security Force is working. I have had the experience of this also in the NEFA and I know of certain expeditions which were a failure and certain expeditions which were a success, the result depending entirely upon the unsatisfactory or satisfactory nature of the liaison arrangements. This must be a well recognised formal practice to be followed by the Border Security Force.

And one other thing at the end. I think it is very desirable to maintain the morale of our fighting ranks, whether it is the Army or it is the Border Security Force or even if I may say so, our Police. Unless the morale of these people is maintained, they will not serve us as they ought to, they will not serve us as they wish to. Now, with regard to morale, there are various elements which enable us to keep up their morale. These details also I am not going into for sheer lack of time. But the Government know what are the items which are necessary to be included in every programme which enables us to maintain the morale of our people.

The Border Security Force, so far as I can see, has a great future before it. I think it will develop in numbers, I think it will develop also in regard to a variety of functions which it may have to dis-

charge. And I consider the Border Security Force will be on many occasions the key force which would enable us to secure success whether we have trouble on the eastern side or on the western side or in any part of India.

I am not sure whether we will not need some kind of Force with regard even to the sea coast. Just as my friend from Gujarat mentioned, there is a great need for effective action by a kind of Border Force along our sea coast. How far down south, I cannot say.

These are some of the suggestions which in a constructive mood I want to place before the Government and I hope that they will be properly and duly considered.

SHRI A. D. MANI (Madhya Pradesh) : Mr. Vice-Chairman, Sir, I want to give my very warm support to the Border Security Force Bill, and perhaps I am one of the very few voices on this side of the House which support this Bill in its present form.

My hon. friend, Mr. Bhupesh Gupta Was very critical of the provisions of the Bill regarding the liability for service of the Border Security Force in any part of India. And he construed this as an insidious attempt on the part of the Home Ministry to have a police force of its own which might interfere in the affairs of the States. I do not take this view at all. It is quite possible, if West Bengal is threatened by invasion, that there may be disturbances in Bihar which is almost the base of operations, and in a contingency of that kind, it is the duty of the Border Security Force to go to any part of India to restore law and order. And I am also glad that Mr. Chavan

SHRI BHUPESH GUPTA : Would you like it to go to any part? I want to know.

SHRI A. D. MANI : I want this country to live democratically. You are all thinking in terms of a non-Congress Government and a Congress Government. I want this country to be a stable country, to be free from internal strife and subversion, and the Border Security Force places in the hands of the Central Government a police personnel which is not available under the Constitution and I have therefore to congratulate the Government.

SHRI BHUPESH GUPTA : That is what I object to.

SHRI BRAHMANANDA PANDA : Therefore you want a national Government?

SHRI A. D. MANI : That is a different matter.

I would like to go on to some of the draconian provisions of the Bill. I have spoken to the Home Minister on this matter in the Lobby. I think that some of the penalties provided in the penal clause of the Bill are severer than those of the Army Act. For example, under clause 14, a person, a sentry, who is asleep or is intoxicated in time of active operation can be sentenced to death. Now, these men are being subjected to the penalties of the Army Act, and I would like to ask the Home Minister how much he pays these jawans. I am credibly informed that these jawans get Rs. 118.

AN HON. MEMBER : Rs. 118?

SHRI A. D. MANI : Yes, Rs. 118. For Rs. 118, they accept the liability of service under the Army Act. But they do not get the privileges of a military jawan who gets Rs. 80 but gets all sorts of allowances, gets two months' leave, gets passes for the family. Is the Home Minister going to give the same facilities to these people which are now being given to the Army people ? It is a question which he should answer when he replies to the debate. I think even the Finance Ministry does not allow such facilities to be given. He is the Home Minister and he should press for the same facilities as are given to the army jawans, to the military jawans, because these people are subjected more or less to the penalties of the Army Act.

Mr. Vice-Chairman, I would like to go on to one more point and that is about the sentences. I do not know who is going to regulate the sentences imposed under the various penal provisions. I would like to suggest to the Home Minister that where it is a question of imprisonment exceeding two years, he should get all these things at the appellate stage examined by a person who has held the rank of, for example, a District Judge, and where death sentence is involved, he should get the advisory opinion of a High Court Judge because this will give some kind of a measure of protection to those jawans who are sentenced under the various penal clauses of the Bill.

Mr. Vice-Chairman, I have been informed that though this Border Security Force will be more or less a para-military

formation, it does not have the status of such a formation. In the matter of getting equipment, military equipment, for themselves, they have to be guided by the decision of the Army. They cannot choose any weapon of their own. Whatever the Army decides should be used by the Border Security Force, and those weapons alone can be used. If we are going to have a Border Security Force, it is unfair to limit the operational efficiency of that Force by saying that the Army should decide which arms should be used and which arms should not be used by them.

SHRI AKBAR ALI KHAN : Why do you say that ?

SHRI A. D. MANI : They will be in active operation, they will have to resist the enemy and they must have weapons to defend themselves and defend the borders. But the Army has got the last voice in this matter ; the Army decides what arms should be given to the Border Security Force.

The second point with regard to equipment is this. It has got a Signals Workshop which tries to have radio equipment of its own. But for foreign exchange for getting the imported components for such equipment, they have to stand in the queue before the Finance Ministry. They are not put on a par with the Army. So far as the Army is concerned, whatever equipment it wants is given on a high priority basis. But that is not so in the case of the Border Security Force. I feel that the Home Minister should press the Government to give the Border Security the same status as the Army in regard to getting foreign exchange for the equipment that they require for their operations.

Sir, we are talking of a big Border Security Force. But only 30 doctors are available for this Border Security Force, and a doctor is started on Rs. 350. There is no base hospital. When you are thinking of having a Border Security Force which will be a para-military formation, it is necessary to give all the ordinary medical facilities to the personnel and the officers of the Force. And I would suggest to the hon. Home Minister to examine this point and to tell us when he replies what medical facilities are available to the personnel of the Border Security Force. I am not sure that with the salary that he offers to the Border Security Force he can get the best talent in the country because, as is very clear, every person holds office during the

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pleasure of the President. It is like a military formation. At any time he may be discharged. If he does not have the same security which is open to the personnel serving in the State Force, it is not right and therefore I feel that the question of amenities should get the highest priority from the Home Ministry and he should provide the necessary medical facilities.

Sir, I would like to conclude by saying that the Border Security Force is headed by a Director-General whom I knew as a boy in the Morris College in Nagpur, Mr. Rustomjee. He was a good debater.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : You were a boy there at that time?

SHRI A. D. MANI : I was the Editor of 'The Hitavada' giving advice to the people and to him. I have talked to him in his college. There was also another boy, Mr. Rajagopalan, who is his aide. Both of them are dedicated Officers. It is a matter of congratulation that two young men of the time whom I knew are now associated with the Border Security Force.

SHRI BHUPESH GUPTA : I hope they are not usually following your view point.

SHRI A. D. MANI : And one point I want to say just before I close. Since you are creating a Border Security Force I feel that it should be given a security status. It does not have the security status. Now, it may be a security organisation on paper. Such a status gives it a certain advantage in sending the staff on deputation. At present, these facilities are not available to the Border Security Force. I hope that this Border Security Force will prove to be a valuable asset in the hands.....

SHRI BHUPESH GUPTA : What about the penal clause?

SHRI A. D. MANI : I told you about the punishment. I want a District Judge to go into that. What more do you want ? I do not want to support your ideas of non-Congress Government and so on.

We must have a Security Force of this kind. We must have a Force in the hands of the Central Government to fight subversion.

I extend my support to the Bill.

SHRI BHUPESH GUPTA : Have you noted? At least we have one Editor in the country who is police-minded.

SHRI JOACHIM ALVA (Nominated): Sir, we should give no quarter to spies, saboteurs, double-crossers, smugglers and potential invaders. I am glad the hon'ble Home Minister has brought forward this Bill. As I was saying to my friend, Mr. Bhupesh Gupta, there has been a lacuna and this lacuna is being filled up by bringing forward this Bill. When we deal with spies, saboteurs, double-crossers, smugglers and potential invaders it is better that they should be dealt with by the men of the Border Security Force. But we have also to give justice and fairness unto these men. I would not have taken part in this debate at all, Sir, but for some of the clauses which I saw in this Bill.

The clauses are rather drastic. But however drastic they may be we have to put some touch of human kindness in them and also a tinge of justice.

The latest copy of the 'New Statesman' dated 14th June 1968, on page 803 gives a review of a book entitled "Reap the Whirlwind" under the heading 'Traps of Power' written by Geoffrey Bing, who was the British Adviser to President Nkrumah. He was in jail. Now he has been released. He has written this book. The book has been reviewed by Sir Kingsley Martin, a well-known writer and editor. Ending up the review there is a striking sentence stating thus :

"The British paid more attention to law when they wished to suppress a rebellion."

This is the crux of the matter. We should not forget to bring in this element of human kindness in any legislation we may bring forward. Any legislation concerning the rights of man, however big the force may be, should neither be an engine of repression or an engine of salvation. I must pay my tribute to my revered leader, Shri Jairamdas Daulatram. I think he is one of our greatest living patriots. I still remember as a college boy when he was shot in the streets of Karachi, and Mahatma Gandhi paid him a great tribute calling him a "piece of gold". He served the jail sentence with great dignity taking C class food as a B class prisoner. He has been one of our great administrators. I think he has raised the level of the debate today and I hope that he will continue to be a Member of this House as long as he is alive.

Coming to the point of the borders* Sir, we have got the Kashmir border. We have got the U.P. border, the Rajasthan border, the Gujarat border, the Himachal Pradesh border and the Assam border, and if there is any more you can add to this list. I, Sir, have been around the borders myself. I saw the Indo-Pakistan border in the Punjab where a Pakistan soldier or a policeman in green was standing erect somewhere across the border on raised bunkers. He was looking at us and never left his post. He was very alert. I have also seen the Indo-Chinese border near Tawang where there is no man's land. It has also been my privilege to see the Burmese-Chinese border on my way to China, and I know the Chinese-Mongolian border also. Why I mention this I will come to this point a little later. I have also seen the Polish-German border wherein the Poles felt that they were secure and comfortable, I have also seen the borders between German Democratic Republic and the Federal Democratic Republic of Germany. I have also observed the U.S.-Canadian and the North and South Irish borders. Why I say all this is this that these men at the borders are alert men, men of integrity, men of courage and men of devotion to duty and they strike hard at their enemies. Mr. Jairamdas Daulatram made a very important suggestion that you should recruit men from these border areas. So far so good. But I will suggest that they should be in the proportion of 60 : 40 because there are insidious and invidious movements from across the borders against the security of our land and the people of these areas cannot be exposed to temptation. I do not question their patriotism. Even in the Central Asian Republics of the Soviet Union 40 per cent, of the population now are Russians wherein once upon a time they were all Muslims there. Why I say this is that we want alert, devoted, patriotic men and men of courage to man our frontiers; otherwise we shall be in great trouble. Just as the early morning bird announces the coming of the dawn, these Border Security Police Force men will have to tell us that the enemy is coming, and unless we know that the enemy is coming how shall we be ready?

Sir, it was a stroke of history that the Chinese just invaded the N.E.F.A., almost crossed into Assam and the gates of India. And it is also one of the strokes of history that they suddenly withdrew from the N.E.F.A. almost immediately after their invasion of India. It is one of the mys-

teries which nobody can explain except probably Chairman Mao or Premier that Chou Enlai or someone from the Chinese High Command. However I want to mention one little fact.

We are sometimes shutting our eyes and mind to history. It was Mr. Rawle-Knox, one of the distinguished correspondents of the 'London Observer' in Delhi from the early fifties till last year who wrote—I still remember his words—that the Chinese armies are well trained, well-protected, well-fed, very popular in the countryside and also well-dressed. There is no distinction between their Commanders and subordinates. They wear no colour. They eat together. Therefore, Sir, it is time that we gave the men of our Forces this kind of equality.

I have some knowledge about Delhi. The wives of officers or women who are always interested in grandiloquent social service have no time to go and enquire about the wives of policemen. They need amenities. They need housing. Sir, I took part in the debate in the Delhi Police Force Bill which the hon'ble Home Minister piloted so ably. At that time I mentioned that when the policeman is on duty, when he is on firing duty, when he is on continuous duty for long hours in connection with rioting or at other times, he should be provided with free tea and coffee and cigarettes which you and I ordinarily indulge in.

SHRI A. D. MANI : What about rum ?

SHRI JOACHIM ALVA : Yes, when we went to N.E.F.A. the jawans demanded rum and meat which some Babu in the Finance Ministry cut down. In these far-off, high altitude places these are some of the facilities which we have to give ungrudgingly to our jawans.

When, Sir, I first came to Parliament I was a member of the Air Forces Select Committee. I cannot lay my hands on that Bill now. But the provisions of that Air Forces Bill were not so extensive and harsh as the present Bill. The Air Force is our right hand arm. Without the Air Force the Defence security will go off, yet the provisions in that Bill were not so harsh.

I was also a lawyer in a Bombay Court Martial in the British days. A youngster in the Army who had taken away a packet of cigarettes pleaded guilty. They gave

him six months' rigorous imprisonment for that minor offence. Then it so happened that a leading Bombay Solicitor M. R. Lam and myself said that it was a barbarous sentence. For that observation I was going to be hauled up. I rang up Sir John Beaumont, then Bombay's popular Chief Justice and he asked us not to worry. Only because of the Chief Justice who came to our help we did not care a hang about the court martial. But now it so happens that small men have no protection. One must have some kind of protection and this is where the law comes.

The harsh provisions remind me of another incident. Netaji Subhash Chandra Bose's niece, Bela Mitra, who is no more, was going to Mahatma Gandhi then in Poona to plead for the life of her husband. Four of them were hauled out of a Japanese submarine somewhere at Vishakhapatnam during the Indian National Army days of rebellion in South East Asia against British Raj. The British Government sentenced them to death. I remember Bela Mitra going to see Mahatma Gandhi. Mahatma Gandhi pleaded with the then Viceroy, Lord Wavell and saved the lives of all those prisoners. Bela Mitra never saved her own life. She is dead and is no more. But a grateful Government has built a railway station after her, called Bela Nagar. Her husband is alive. Why I mention this incident is that the highest people sometimes interfere and review cases.

Then, Sir, I demand that a High Court Judge be placed in charge of review and not a retired Judge. This morning during question hour I was not given a chance. I maintain that the character of our retired Judges is deteriorating. I was to be hauled up in the Madras High Court for contempt when I made a strong observation in my journal, the Forum, against a British judge. Therefore, I want a High Court to review the sentences of death so that every policeman has the feeling that he is getting justice. That was once the feeling of German prisoners in the Tower of London. They told the British—I have not got that book; it is in the library—that they were happy that they got the last round of justice. We are not going to pass this Bill to hand our patriotic youngmen and I policemen who are serving the country in the remotest areas of the land. You must afford them all opportunities. Clause 108 provides for review. Review by

[Shri Joachim Alva] whom? A retired High Court Judge? I may be hauled up for contempt of court. But I am sorry I have no faith in our retired Judges. That is why a Judge should be a regular, salaried High Court Judge holding that particular office.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Mr. Alva, it is time for you to wind up.

SHRI JOACHIM ALVA : I am winding up. As Mr. Jairamdas Daulatram has said, we must integrate this Border Police. Integration is very very important. These policemen are going to be our guardians, our protectors. Some armymen have complained to me that policemen get more amenities and more salaries on the border. Why is this so? I would like the Home Minister, who has the unique experience of having held two important assignments, Home and Defence, at the most critical period of our history, to look into this. One sector complains that the other is getting more and the other sector complains that they are getting less.

Then I come to the last point. Mr. Jairamdas Daulatram mentioned about altitudes. I must say that I attended the World Aviation Conference here on a hot afternoon; I did not see any other M.P. there. I was amazed at the intelligence displayed by the Indian Military doctors during the discussions and they were as good as the best in the world. They said that our soldiers and our officers from different parts of India after the Chinese war, have gone up to very high altitudes as high as or higher than the Alps, and have kept themselves fit and going. So I think the Force should include recruits from different parts of India and whoever comes to join the Force shall not be less than a Matriculate. Mr. Jairamdas Daulatram said that a very good percentage of recruits should be from that area. But I would add that they should be mixed with recruits from other parts of India so that they may all really guard our frontiers.

SHRI Y. B. CHAVAN : Mr. Vice-Chairman, Sir, I am grateful to the hon. Members who participated in this debate. Most of the Members, excepting perhaps one or two, have wholeheartedly supported this measure. Most of the Members have not only supported it but have made certain welcome and constructive suggestions about the working of the Border Security Force. I am grateful to the

hon. Members for one thing, that they have shown a great appreciation of the quality of the work of the Border Security Force. And naturally they have shown their appreciation of the dangers to which hon. Members will be exposed and have expected the Government to take more care of their amenities, the types of weapons they should be provided with, and so on. This is something very important because as it comes from this House, it will be greatly appreciated by those people on the borders who are risking their lives every day to secure the borders of the country.

Sir, I would like to go into some of the major criticisms if I may call them so. First of all, the criticism was made that this Bill mostly deals with punishments and such other matters, but does not define the functions and the organisation of the Border Security Force. Sir, I would like to meet that point because if that is not explained, it may possibly lead to further misconception not only about the Bill but about the Border Security Force. We will have to understand, first of all, the character of the legislation that we are dealing with. This is a Bill which is sanctioning the raising of a Force and, therefore, it mainly deals with the basic principles of the Force as such. It does not go into the administrative necessity and requirements. These are aspects which have to be kept flexible. For example, the size of the Force, weapons and other facilities are matters to be left to the administration and, therefore, they have to be kept flexible. They need not be gone into in detail in an Act like this. A legislation of this type must lay down the basic principles of the Force. Therefore, Sir, I would like to invite the attention of the hon. House to clauses 4, 5 and 6. Clause 3 indicates precisely as to who would be the persons to whom this Act will apply. Clause 3 reads like this ;

"The following persons shall be subject to this Act, wherever they may be, namely :

(a) officers and subordinate officers; and

(b) under-officers and other persons enrolled under this Act."

So, officers, subordinate officers, under-officers and any other persons enrolled under this Act will be subject to this Act, and this Act will be applicable to them. This is one basic principle jqci

IS laid down. Then, Sir, clause 4, sub-Clause (1) gives the authority to Government to raise this Force and at the same time very precisely defines the function and the role of this Force. Clause 4, sub-clause (1) reads ;

"There shall be an armed force of the Union called the Border Security Force for ensuring the security of the borders of India."

Sir, some Members did ask "What is the function of this Force ?" Sir, naturally any legislation has to be very precise and this legislation precisely defines the fundamental role of this Force which, really speaking, is the most important part of this Bill. I would now invite the attention of the House to sub-clause (2) of clause 4. It says :

"Subject to the provisions of this Act, the Force shall be constituted in such manner as may be prescribed and the conditions of service of the members of the Force shall be such as may be prescribed."

Naturally some of the Members felt that we are giving many of the powers under the rules. Now, Sir, if you take the Indian Air Force Act, the Indian Army Act, or the Indian Navy Act or the Armed Police Forces Act, it will be seen that their structure is of the same type because these matters of organisational details and administrative details have to be left to the rules. And the Supreme Court has confirmed the concept of such a law. It is quite legal and constitutional to delegate powers about these matters which are flexible. If a certain situation arises whereby the structure of the Force has to be changed or the size of the Force has to be changed, it will not be necessary for the Government or the country to go to Parliament again. The processes of amending laws are so lengthy that one should not be forced to resort to amendment of the Act as such in matters of detail. Again, Sir, the rule-making power is there, but that rule-making power is subject to the scrutiny of Parliament. Whenever any subordinate legislation is undertaken and rules are made, they are placed before Parliament for its scrutiny and approval. So this was one aspect I thought I should explain.

Then, Sir, Members wanted to know what exactly is the organisational structure of the Force at the present moment. r, I forgot to mention about clause 5.

This is also very important as far as the constitution and the basic structure of the organisation is concerned. It says :

"(1) The general superintendence, direction and control of the Force shall vest in, and be exercised by, the Central Government and subject thereto and to the provisions of this Act and the rules, the command and supervision of the Force shall vest in an officer to be appointed by the Central Government as the Director-General of the Force.

(2) The Director-General shall, in discharge of his duties under this Act, be assisted by such number of Inspectors-General, Deputy Inspectors-General, Commandants and other officers, as may be appointed by the Central Government."

This is the general chain of staff. Now the present structure of the Force is like this. The Director-General is at the head, at the summit of the organisation. He is the person who is the fountain-head of this organisation from whom all the authority etc. will flow. Now he is helped on a functional basis by officers of the rank of D.I.G. who are called Deputy Directors for training, for provision, for command and many other functional duties that will be expected of them. One will be in charge of organisation, one will be in charge of provision, one will be in charge of administration, one will be in charge of communication, one will be in charge of intelligence, one in charge of operations, training and so on and so forth. The headquarters will be organised on a functional basis and these Deputy Directors will help the Director-General to run his headquarters on that basis. Now the present charter of the Force is to look after the Indo-Pakistan border. This is the present charter. This charter is not given by the Act. The Act has given the general authority and this charter can be changed. But the present charter of this Border Security Force is to look after the Indo-Pakistan border. Now, Sir, the Indo-Pakistan border is distributed in three sectors which will be in the charge of three, inspectors-General.

One is the Bengal and Assam sector, the other is the Jammu and Kashmir sector, the third is the Punjab, Rajasthan and Gujarat sector. There will be one Inspector-General in charge of each of these sectors; they will in turn be assisted

[Shri Y. B. Chavan]

by the DIG and then there will be Commandants and so on and so forth. So, this is about the organisational structure.

SHRI M. RUTHNASWAMY : What about the sea-coast border?

SHRI Y. B. CHAVAN : I am going to deal with it when we come to further details. Now, Sir, this is about the first point that was mentioned by some Members. Some Members of course—Mr. Alva, Mr. Jairamdas and others—mentioned about the requirements of the Force. Well, this is a very important matter and there is no doubt about it. But, Sir, these things cannot naturally be mentioned in the Act; they will be mentioned in the suitable instructions that will be sent from time to time; they naturally depend upon the general policies of the Government from time to time. I can assure the hon. Members that I am very particular about the morale of the Force because ultimately the contentment of the Force is the greatest strength of the country. Other amenities are also more important and I can assure you that the officers and the leaders of this Force will be very particular about these things and they certainly will look after these problems and they will argue these matters with the Government, i.e. the Home Minister and I can assure you as Home Minister that I will certainly see to it that this Force is well looked after as far as their remuneration and other service conditions are concerned.

Then some Members raised the question of equipment that they will be given. This is a very important matter but here I should like to go to another basic question as to what is the role of the Border Security Force. Some Members did try to make a comparison between the Army and the Border Security Force. There is no doubt that they are doing very vital work but there is a fundamental distinction between the role of the Border Security Force and of the Army. In this connection I would refer to the political criticism by some Members when it was said "When the Army is there, why is it that we are having this Border Security Force?" They also said that we are unnecessarily multiplying the unproductive expenditure and we are rather making concealed defence expenditure. But I can tell those friends that it is not any concealed expenditure. I think some Members do not seem to be particular about the defence of our borders. Somehow I get that impression and feeling. I would

like to tell them that this is no Army. The Border Security Force ensures the security of the borders during peacetime; it is a special task in itself. I can also tell my friends that in no country does the Army look after the security of the borders during peacetime, not even in Soviet Russia. And I certainly admire Soviet Russia in this matter. I know something personally about this matter. The borders, for example, between China and Soviet Russia are very difficult borders; the whole world knows about it. But even those borders are not looked after by the Soviet Army; they are looked after by the Border Guards and they are essentially different from the Army. Their weapons are different; their training is different, though they are more oriented on those lines, that also I must concede. They are oriented that way but they are not identical, because their role is different. Therefore one must understand what is the role of the Border Security Force. Its role is of a watchdog during peacetime. And I quite agree that they may perhaps be required to take the first brunt of war, if any war is started by surprise; it is quite possible; I do not deny that possibility. But let us not try to identify the role of the Army with that of the Border Security Force. Some Members would say "Suppose suddenly the enemy comes at some place, what will happen, what will the Army do?" Well, this is a matter of strategy; this is a matter of building up intelligence. These are other matters requiring other considerations. I do not think this is an occasion when we can go into any detailed discussion with regard to this problem. The main point that I am trying to make is that the role of the Border Security Force is not identical with that of the Army. If once we see this point, then my hon. friend, Mr. Jairamdas, would also concede that the detailed considerations of guerilla warfare, etc. do not exactly fit in here—the Border Security Force. I know he says 'No'.

SHRI JAIRAMDAS DAULATRAM : I would not like to discuss it here in this House.

SHRI Y. B. CHAVAN : That is why I am saying you are making a basic mistake. Requirement of guerilla warfare in the border areas is a different matter. I am not minimising the importance of that.

SHRI JAIRAMDAS DAULATRAM :
I am refraining from discussing it here.

SHRI Y. B. CHAVAN : These are matters which can be discussed very openly. I do not attach too much importance to secrecy in these matters. These matters should be openly discussed in this country. This is what I feel and this is what I felt as the Defence Minister also. There is nothing wrong in it. Do not mix the task of guerilla tactics with the task of the Border Security Force. Certainly there will have to be some special training given to them to function in the border areas; I am not denying that. But let us not have a very wrong idea about the Border Security Force. This is the main point that I would like to make in this regard.

श्री जगदम्बी प्रसाद यादव (बिहार) :
कई अचानक हमले तो हो चुके हैं। जब
कई अचानक हमले हो चुके हैं तो उनको इस
समय नजरअंदाज कैसे करेंगे। आप
बार्डर सिक्योरिटी फोर्स को मिलिटरी ओरि-
येंटेड तो कहते हैं लेकिन उस हिसाब से
उसको बनाते नहीं हैं।

SHRI Y. B. CHAVAN : It is not a question of the Border Security Force functioning in isolation, in a vacuum. The Border Security Force also works in very close co-ordination with the Army; the Border Security Force works in very close co-operation with the local administration and the local people. It really speaking is very important. I should say. This is how I look at it. This is a very important source of our intelligence on the borders. After all he does not sit like a stone; he sits with his eyes open and ears open and sees ahead, sees behind and sees around. He is always prepared and sees if there is any element of surprise attacks by the enemy. So, these are matters to be well co-ordinated. It is only one part of the entire structure of our whole security. Well, Sir, my main point was to make a very specific distinction in the role of the Army and that of the Border Security Force. Its role is quite different from the role of the local police as well. These are all different things and I think it is much better that we educate ourselves about these new organisations when they are coming up they are coming up for very special functions which are assigned to them. We must see the distinction between them; otherwise we are likely to confuse both he things and we might blame one for the other. Unless we know what task

is of which Force, we will not be able to fix the responsibility for the mistakes or the deficiencies that we find.

4 p. m.

SHRI AKBAR ALI KHAN : What will be the approximate strength?

SHRI Y. B. CHAVAN : You are asking for details which I would not like to give at this stage. Let me come to other points. Some Members particularly mentioned about...

SHRI AKBAR ALI KHAN : Amenities-

SHRI Y. B. CHAVAN : I did answer about amenities. I do not want to repeat it.

SHRI AKBAR ALI KHAN : About widows and children.

SHRI Y. B. CHAVAN : This is a matter which we will certainly keep in mind and I can assure hon. Members that we will personally look into that. We are already looking into these—the welfare of the families of people if they are killed in action. They are given some special consideration even now. I just mentioned that even now they are given special consideration in this matter but that will be the duty of the leaders of the Force and that of the Home Minister, whoever he is, to look after all these Forces.

Now I come to weapons. At the present moment it is the weapon of the ordinary Police Force, Naturally they have the rifle which the Police have but at the same time they are being given training in the use of mortars and light machine guns and medium machine guns which are the basic weapons of the Force. Certainly one can suggest that they should have better rifles. That certainly will have to be gone into and considered. That I can understand but this is certainly an improvement. Shri Mani said that which arms are to be given to them is decided by the Army which is not true. We may consult the Army but which arms are to be given to them is to be decided by the Government.

SHRI A. D. MANI : Army also is the Government.

SHRI Y. B. CHAVAN : Then why do you not say 'Government'? Why do you say the 'Army'? It is not the Army which will take the decision. We may consult the Army. We will certainly see that

[Shri Y. B. Chavan]

there is no duplication of effort or unnecessary waste of national effort. What arms they will have will depend on the Border Force which works on the other side. What arms they have will decide the weapons here. It will depend on the terrain. In the case of even the Indo-Pakistan border, the conditions differ from place to place. The conditions in Bengal are different from the conditions in Assam. The conditions in Assam are completely different from the conditions in Jammu and Kashmir. All these three are diametrically opposite to the conditions in Rajasthan, where there is the Kutch desert and the Rajasthan desert is also there. If you go to the Kutch side—some Member made a mention about the coastal area and the Kutch creek-natu-rahya they will have to build up some sort of a sea wing and I would tell Members that our idea is to build up a small—may be a small one—sea wing and a small air wing also because they will certainly require some helicopters for transport. We are looking into those matters. Hon. Member, Pushpa Behn made a mention about the coastal area. I can assure that our Director General is in touch with the Chief of the Naval Staff and he is looking to the requirements of that part.

SHRI A. D. MANI : What about punishment and about a High Court Judge being associated ?

SHRI Y. B. CHAVAN : I am coming to that because some mention was made about it. Personally for the type of Border Force we have thought of and for the standard of discipline we expect, we have thought of some special court. It is a Court. It is on the pattern of the Army Courts, which are called 'Court-martial' and the Evidence Act is applied. The accused will be given the facility to engage a Counsel except in summary cases. Again if you see clause 107, it says :

"No finding or sentence of a General Security Force Court or a Petty Security Force Court shall be valid except so far as it may be confirmed as provided by this Act."

No punishment passed by these courts are valid unless they are confirmed by the authority. They are naturally the D.G. and the Government in this matter.

SHRI PITAMBER DAS : The authorities are mostly administrative.

SHRI A. D. MANI : Clause 108 says : "The findings and sentences of General Security Force Courts may be confirmed by the Central Government or by any officer empowered in this behalf by warrant of the Central Government."

We want you to associate some judge in this.

SHRI Y. B. CHAVAN : This is the Point. The Central Government will take care to give this authority not to any officer. It will be delegated to a very high level because ultimately he is the person who has to look after. The leaders of the Force are not interested to unduly and wrongly punish people because if they are to maintain a well-organised and well-disciplined Police Force and if they expect loyalty of their men, they naturally have also to maintain their own loyalty to their people. Loyalty in such Forces.

SHRI PITAMBER DAS : They are more administrative minded.

SHRI Y. B. CHAVAN : We are talking about an organised Force of this type and it depends on loyalty. Loyalty is not an one-way traffic. The leader of the Force cannot expect the men to be loyal to him if he is absolutely inconsiderate or rather indifferent to the feelings of his men and he just confirms whichever order comes to him. Then I think that officer will not be worth the name of officer.

SHRI A. D. MANI : You have been so accommodative to the point of view of the Opposition that I would suggest that as far as clause 108 is concerned, you may say that you are prepared to consider the question of associating an officer with judicial background. He can come from the Law Ministry. I have no objection to that but he should be somebody who has been a District Judge and he should review the sentences. Why cannot you yield on this?

SHRI Y. B. CHAVAN : I am glad that you have a very superstitious faith in the term 'judiciary'. I was going to mention another clause under which it is the right of the Government itself to annul the punishment on its own motion. Once you put a judge, he is a misfit in the whole scheme. Mostly it depends on the facts of the case concerned. Therefore he is a misfit if you ask me about it.

He does not fit into the whole scheme of the court you have given. If you are merely putting a High Court Judge or a retired Judge, then better say there will be courts under the Criminal Procedure Code. I can understand it—I may not agree with it but I can see the logic.

SHRI A. D. MANI : What about death sentences? They have to be confirmed even now by the High Courts. We want you only to say-----

SHRI Y. B. CHAVAN : Under the present Criminal Law death sentences only are to be confirmed. Here I say that every sentence has to be ultimately confirmed. That is the distinction between the court you are talking of and this. Under the Cr. P. C. it is only the death sentence that has to be confirmed by the High Court. Here every punishment has to be confirmed. That is to say you have missed what type of Force you are dealing with, what type of courts we are creating and what type of legislation we are dealing with. That is what I was trying to impress on the minds of the Members.

About those who opposed the Bill, I have tried to reply to the point about why there should be this Force when there is the Army. I have given my answer to that. Then some Members said it is not enough to have a Bill unless there is a will. I agree with this. Even a Bill does not come into existence unless there is a will.

SHRI CHITTA BASU : May be ill will or good will.

SHRI Y. B. CHAVAN : Ill will on your side and good will on my side. There is no question of ill will, on this side.

Then there was the other criticism that some of the Members made. They always suspect these things and when we seek to create this Border Security Force they are afraid that it will be always used against some of their trade union movements; I mean, this is a misconception, but at the same time I cannot guarantee that it will not be used for internal security purposes. I mean, why only the Border Security Force? Even the Army can be called in aid of civil authority. Why not the Border Security Force? It is quite possible. But I can tell you that the task that is given to the Border Security Force is so vast that I cannot

imagine that any substantial police force can ever be withdrawn from the border to deal with the troubles that they are afraid we will be dealing with. When internal security problems are also equally problems of the Security Force why should not the Force be called upon to deal with them? So, Sir, that was one fear with some of the Members. Then some Member said there is multiplicity of forces. Well, our idea is to try and minimise as far as we can and as far as the police forces are concerned and that is what we are doing at the present moment.

And then some Member dealt with the smuggling that goes on because this is also one of the tasks of the Border Security Force. This is one of the type of activities that goes on, and sometimes the smuggling activity is also made use of by the espionage workers. So we have certainly to take note of this.

SHRI BHUPESH GUPTA : In the borders there are some shops so that people...

SHRI Y. B. CHAVAN : Yes, sometimes, and that is why we have to take note of this problem.

SHRI M. M. DHARIA : Mr. Bhupesh Gupta is well aware of all this.

SHRI Y. B. CHAVAN : Then one Member said, Mr. Subramania Menon said—he was rather, I must say he has got a childish feeling in certain principles—he said that as long as there is the profit motive you cannot stop smuggling. This is a fatalistic attitude, Mr. Subramania Menon. Let us not take this position.

SHRI A. D. MANI : This happens in the Soviet Union also.

SHRI Y. B. CHAVAN : I do not want to go into that aspect, but my information is that we have got countries with different ideologies and even on the borders of these ideologically different countries smuggling goes on, even smuggling of ideas goes on.

SHRI BHUPESH GUPTA : In your country such smugglers become Ministers; in your country, in Punjab, smugglers become Ministers.

SHRI Y. B. CHAVAN : It is your remark. Well, Punjab is a part of my and your country. Punjab is not only mine; Punjab is also yours,

SHRI BHUPESH GUPTA : Minus the smugglers.

SHRI DAHYABHAI V. PATEL : Why do you forget that his home country is different although he is in this country's Parliament?

SHRI Y. B. CHAVAN : If it is all the case in Punjab, it is a matter for me to be ashamed of and it is equally for you also. If you consider that this whole country is yours, I can say that it is also mine and sometimes I feel sad, when certain things happen. But I am not impractical and am not oblivious to some of the realities that happen in other countries also. This is the only point.

SHRI BHUPESH GUPTA : You have the election nomination list of Congress candidates in West Bengal, but most of them have been accused of such things by your party itself; an analysis has been made.

SHRI Y. B. CHAVAN : We have got at least the honesty and courage to publicly criticise one another and to publish our list so that you may also emulate us and publish your lists.

SHRI BHUPESH GUPTA : Mr. Chavan, you have got the list of the Congress candidates. Another set of Congressmen have said that this is the percentage of them who have been carrying on smuggling activities, have charged them that they have been guilty of bribery.

SHRI SHEEL BHADRA YAJEE (Bihar) : Not in our party.

SHRI Y. B. CHAVAN : Mr. Bhupesh, there is yet time to start the election propaganda. Even falsehoods can be resorted to in election propaganda. We are not dealing with election propaganda here. It is not right to call them smugglers. Others may turn up and say that many of the candidates that you put up will be dacoits. What is the use of one abusing the other?

SHRI BHUPESH GUPTA : We don't say; your party-men have said; I can quote such Congressmen.

SHRI Y. B. CHAVAN : I have got the pleasure and honour of belonging to a party whose democracy functions very well; we can criticise each other. In contrast, your trouble goes on behind closed doors and you get at the throats of one another

SHRI BHUPESH GUPTA : You not only criticise; you fight with one another also.

SHRI Y. B. CHAVAN : At least we have got the honesty and the courage to criticise each other openly.

(Interruptions)

Then, Sir, I do not want to take more of the time because I want this Bill to be finished soon but at the same time I thought that I should try to meet as many points as I could, the points made in this debate

I must again express my gratefulness to this hon. House for having supported overwhelmingly this Bill. I would request Mr. Chitta Basu not to insist on his amendment for referring this Bill to a Select Committee, because this Bill is based on the Army Act and the Air Force Act which were passed by Parliament in 1950. At that time the Select Committee went into great details through the clauses in their draft form; they were all carefully gone into.

SHRI BHUPESH GUPTA : Why should a police force be governed by Army rules ?

SHRI Y. B. CHAVAN : This is my complaint against you, Mr. Bhupesh; when other people speak you take off your hearing aid. I emphasized the aspect that this is not a police force; this is something qualitatively different from a police force.

SHRI BHUPESH GUPTA : What is it ? (Interruptions) All right, call it Chavan Sena.

SHRI Y. B. CHAVAN : This is not my Sena. How do you say so? I will not call it my Sena and I will not call it Bhupesh Sena. It is the Border Security Force. It is not anybody's Sena. It is a national Force and it is a national armed Force. A task is specifically given to it which is nearer the Army's. Therefore the efficiency and the discipline that are expected of them must be of the standard of the Army.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Mr. Chitta Basu, are you pressing your amendment ?

SHRI CHITTA BASU : Yes.

THE VICE-CHAIRMAN/ i R I M P .
BHARGAVA) : I shall first put Mr. Chitta
Basil's amendment to vote. The question is :

"That the Bill to provide for the
constitution and regulation of an Armed
Force of the Union for ensuring the security
of the borders of India, and for matters
connected therewith, as passed by the Eok
Sabha, be referred to a Select Committee of
the Rajya Sabha consisting of ten
Members, namely,—

- (1) Shri M. V. Bhadram
- (2) Shri Mulka Govinda Reddy
- (3) Shri D. Thengari
- (4) Shri Prem Manohar
- (5) Shri J. P. Yadav
- (6) Shri Rajnarain
- (7) Shri Jagat Narain
- (8) Shri Kesavan (Thazhava)
- (9) Shri Brahmananda Panda and
- (10) Shri Chitta Basu

with instructions to report by the 19th of
August, 1968."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M.P.
BHARGAVA) : I shall now put the Motion to
vote. The question is :

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

The motion was adopted,

THE VICE-CHAIRMAN : We shall now take
up the clause by clause consideration of the
Bill.

Clauses 2 to 16 were adopted.

Clause 17

THE VICE-CHAIRMAN : There is an
amendment to clause 17. Are you moving it,
Mr. Subramania Menon?

SHRI K. P. SUBRAMANIA MENON: I
move :

2. "That at page 9, line 5, for the word
'death', the words, 'imprisonment for
fourteen years' be substituted."

The question was proposed.

THE VICE-CHAIRMAN (SHRI M. P.
BHARGAVA) : Any remarks?

SHRI K. P. SUBRAMANIA MENON : The
only thing I want to say is that the death
penalty provided for any of the offences
mentioned therein is too high, and I request
that the Home Minister reconsider this clause.
Of course I agree that for crimes which are
committed in collusion with an enemy or in
fear of the enemy they should be punished with
death. But for other crimes death penalty
should not be there.

SHRI Y. B. CHAVAN : I have replied to
this aspect.

THE VICE-CHAIRMAN (SHRI M.P.
BHARGAVA) : The question is :

2. "That at page 9, line 5, for the
word 'death' the word 'imprisonment
for fourteen years' be substituted."
The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. P.
BHARGAVA) : The question is :

"That clause 17 stand part of the Bill

The motion was adopted.

Clause 17 was added to the Bill.

Clauses 18 to 24 were added to the Bill.

Clause 25—Ill-treating a subordinate

SHRI K. P. SUBRAMANIA MENON: Sir,
I move :

3. "That at page 12, lines 17-18,
after the words 'uses criminal force
to' the words 'assaults, uses indecent
or provocative language' be inserted."

The question was put and the motion was
negatived.

THE VICE-CHAIRMAN (SHRI M. P.
BHARGAVA) : The question is :

"That clause 25 stand part of th Bill." The
motion was adopted.

Clause 25 was added to the Bill.

New Clause 25A

SHRI K. P. SUBRAMANIA MENON: Sir,
I move :

4. "That at page 12, after line 22,
the following new clause be inserted,
namely.

'25A. Any officer of the Force who either
wilfully or through neglect does-not look
after the health, safety, wel-

[K. P. Subramania Menon]

fare and morale of the officers or men under his charge or misappropriates, delays, denies or otherwise causes to be denied the pay, allowances, increments, rations, clothing and other necessities and amenities to which the officers or men under his charge are entitled under the law, thereby causing mental agony, physical illness or monetary loss to the officers or men under his charge shall be, on conviction by a security Force Court, liable to imprisonment for a period not exceeding five years and in addition shall be liable to reduction in rank or dismissal from service."

The question was put and the motion was negatived.

Clauses 26 to 86 were added to the Bill.

Clause 87—General rule as to evidence.

SHRIPITAMBER DAS : Sir, I move:—

5. "That at page 30, line 1, after the words and figure 'The Indian Evidence Act, 1872' the words and figure 'and the Code of Criminal Procedure, 1898' be inserted."

6. "That at page 30, line 2, after the words 'Security Force Court' the words 'and the accused will have a right to be represented by a lawyer' be inserted.

The questions were proposed.

उपाध्यक्ष महोदय, यह जो क्लॉज 87 है इसमें इंडियन एविडेंस ऐक्ट को तो लागू किया गया है, मैं यह चाहता था कि इसमें क्रिमिनल प्रोसीजर कोड को भी लागू कर दिया जाता और वकील के जरिये से मुलाजिम को हाज़िर होने का भी अधिकार दे दिया जाता। क्लॉज 141 के सब-क्लॉज 2 (जी) में यह दिया है :

"The procedure to be observed during trials by such courts and the persons by whom the accused may be defended in such trials"

इसके सम्बन्ध में नियम बनाने का अधिकार सेंट्रल गवर्नमेंट ने लिया है। इस बात का ध्यान रखते हुये और इस फोर्स का अनुशासन भी कायम रहे और मुलाजिमीन के साथ

ज्यादती भी न हो इसका ध्यान रखते हुये अगर यह प्रोसीजर बनाया गया और यह इसमें तय किया गया कि जिस के जरिये से अक्व्यूज्ड अपने मुकदमे की परखी करा सके तो मैं समझता हूँ कि अच्छा रहेगा। अगर यह हुआ तो मुझे इस अमेंडमेंट को मूव करने की ज़रूरत नहीं होगी और मैं इसको प्रेस नहीं करूँगा।

SHRI Y. B. CHAVAN : I had while replying said that as far as the lawyer is concerned we are making provision under the Rules that the accused will have the right to have a counsel except in the summary courts, otherwise the purpose of the summary courts gets defeated if the lawyer is brought in there.

SHRI PITAMBER DAS : In these circumstances I would ask for leave to withdraw my amendments.

*The amendments were, by leave withdrawn.

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA) : The question is —

"That clause 87 stand part of the Bill".

The motion was adopted.

Clause 87 was added to the Bill.

Clauses 88 to 138 were added to the Bill.

Clause 139— Powers and duties con-ferable and imposable on members of the Force.

SHRI J. P. YADAV : Sir, I move.

"That at page 46, lines 2—3, the words 'with the concurrence of the State Government concerned' be deleted."

The question was proposed.

श्रीमान्, मैं इस अमेंडमेंट को इस लिये मूव करना चाहता हूँ कि पहले भी पुलिस फोर्स सीमा सुरक्षा के लिये निश्चित की गई थी जिस में खर्चा तो केन्द्र सरकार देती थी और प्रबंध प्रदेश सरकार करती थी और उसकी अनु-पयोगिता साबित हो चुकी है। दूसरे में मंत्री

♦For text of amendments. Vide Cols-infra.

महोदय का ध्यान इस ओर आकर्षित करना चाहूंगा कि इसमें जो स्टेट गवर्नमेंट से कांफ्रेंस लेने की बात है उससे ऐसा हो सकता है कि जिस मंत्र्य से, जिस उद्देश्य से आप यह सीमा सुरक्षा बल का संगठन करने जा रहे हैं वह मंत्र्य ही शायद समाप्त हो जाय। चूंकि आप को पता है कि भारतवर्ष की जो सीमा है जहां पर गडबडियां चल रही हैं वैसे सीमा पांच हजार मील के लगभग है। वैसे हम नेपाल और बर्मा को छोड़ दें तब भी हमारा जन्मजात शत्रु पाकिस्तान पड़ता है और हमसे पूरी होड़ लेता हुआ, हम पर आक्रमण करता हुआ चीन भी पड़ता है। आज ये दोनों आपस में मिल गये हैं। आज देखने से ऐसा लगता है कि हमारे लिये साम्यवाद और इस्लाम एक हो गये हैं और दोनों का ईश्वर भी एक हो गया है। एक अल्लाह कहता है, दूसरा मार्क्स कहता है, लेकिन दोनों की पुस्तक एक हो गई है। एक कुरान पढ़ता है, दूसरा दास कैपिटल पढ़ता है, एक मिल्लत की पुकार करता है, दूसरा प्रोलिटेरिएट की पुकार करता है, मगर आप देखेंगे कि दोनों आज कामरेड हो गये हैं। दोनों मिलिटेंट हैं, दोनों इंटर-नेशनल हैं और दोनों आज मिल गये हैं और हमारे बार्डर पर आ खड़े हुये हैं। वहां पर जो हमारी फोर्स है उसके लिये यदि आप स्टेट गवर्नमेंट से कांफ्रेंस लेंगे तो हमारी सीमा सुरक्षा का काम ठीक तरह से नहीं हो सकेगा। मैं आपको एक स्मरण कराना चाहता हूं कि हमारे नन्दा साहब ने एक योजना बनाई थी और वह योजना यह थी कि आसाम बार्डर की एक मील की पट्टी खाली कराई जाय और उसको संदिग्ध लोगों से साफ कर दिया जाय, लेकिन आज तक वह मामला ठीक नहीं हो सका। दूसरी योजना यह थी कि राजस्थान में जो नहर बन रही है उस नहर का पांच मील चौड़ा और दस मील लम्बा जो क्षेत्र है वहां पर भूतपूर्व सैनिक बसाये जायें, लेकिन आप को विदित है कि वह सरकार आज तक उसको

नहीं मान रही है। कारण यह है कि वोट के लिये संदिग्ध लोगों को भी वहां से नहीं हटाया जा सकता है। इस लिए ऐसी स्थिति में देश को आवश्यकता है सेना से भी अधिक इस सीमा सुरक्षा बल की।

आपने बड़े अच्छे शब्दों में इसकी व्याख्या की कि यह पुलिस से अलग है और सेना से भी अलग है। लेकिन मैं समझता हूं कि यह किसी भी कीमत पर सेना से कम नहीं है। आज जो सीमा पर लड़ाई होती है वह लड़ाई साल भर चलती रहती है। वह युद्ध जहां पर सेना काम आती है वह कभी कभी होता है। युद्ध में भय यह रहता है कि वह कहीं वर्ल्ड वार का रूप न ले ले। इस लिए उसकी आवश्यकता कम पड़ती है। लेकिन अधिक से अधिक आवश्यकता उसकी पड़ती है जैसे जम्मू में घुसपैठ हो गई, कच्छ में घुसपैठ हो गई। आज आप देख रहे हैं कि . . .

उपसभाध्यक्ष (श्री महावीर प्रसाद भार्गव) : यादव जी, आपका अमेंडमेंट बड़ा सिम्पल है। आप केवल यह चाहते हैं कि स्टेट गवर्नमेंट की कांफ्रेंस हटाई जाय।

श्री जगदम्बी प्रसाद यादव : लेकिन कांफ्रेंस क्यों हटाई जाय इसका अगर हम एक्सप्लेन नहीं करेंगे तो मंत्री जी इसको कैसे मानेंगे। इस लिए मैं कह रहा हूं कि आज जो स्थिति है सीमा की उसमें यदि हम कोई अधिकार स्टेट गवर्नमेंट को सुपुर्द कर देंगे तो हम सीमा की सुरक्षा नहीं कर सकेंगे। सीमा सुरक्षा का जो लक्ष्य रखा गया है उसी के संदर्भ में हम कहना चाहते हैं कि आज हमारी सीमा पर अनेक समस्याएं हैं जैसे नागा लोगों की समस्या है, मीजो लोगों की समस्या है और इन समस्याओं को सीमा सुरक्षा बल को हल करना है। आज नागा चीन चले जाते हैं, पाकिस्तान चले जाते हैं और उनको हम रोक नहीं पाते हैं। आज अगर हमारा सीमा सुरक्षा बल सशक्त हो, उसके लिये

श्री जगदम्बी प्रसाद यादव]

कान्फ्रेस लेने की कोई बात न हो, केन्द्र की ही पूरी व्यवस्था हो तो हम सीमा सुरक्षा प्रभावशाली ढंग से कर सकते हैं।

इस लिये मैं चाहूंगा कि यह अमेंडमेंट स्वीकार किया जाय। यह छोटा सा अमेंडमेंट है, कोई बड़ा अमेंडमेंट नहीं है, लेकिन हो सकता है कि भविष्य में आगे चल कर इसके कारण कोई वैसी रुकावटें हमारे सामने न आ सकें जैसी कि आसाम और राजस्थान के बारे में हमने बताई। राजस्थान के उस क्षेत्र में भूतपूर्व सैनिकों को बसा कर हम सीमा सुरक्षा कर सकते हैं, लेकिन वह अभी तक संभव नहीं हो सका। इसी तरह से काश्मीर की स्थिति है, जहाँ पर घुसपैठ होती रहती है। तो मैं चाहता हूँ कि आप हमारे इस अमेंडमेंट को स्वीकार कर लें ताकि फिर वैसी बात न हो सके।

SHRI Y. B. CHAVAN : I am afraid the hon. Member has not really speaking understood the clause as such. Subclause (2) to which he has moved the amendment reads like this:

"The Central Government may, by general or special order published in the Official Gazette, confer or impose, with the concurrence of the State Government concerned, any of the powers or duties which may be exercised or discharged under a State Act..."

When we are trying to give duties and responsibilities under the State Act to our officers naturally we will have to get their concurrence but this has nothing to do with border security as such. Certainly for the security of the border no concurrence of the State Government is required but when we want to impose a duty or a responsibility on our officer which duty or responsibility is under the State Act and of the State, Police officer, naturally in that matter we will have to take the concurrence of the State Government. There is nothing wrong about that and he wants to remove the State concurrence there.

THE VICE-CHAIRMAN (SHRI M.P. BHARGAVA) : The question is :

"That at page 46, lines 2—3, the words 'with the concurrence of the State Government concerned' be deleted."

The motion was negatived.

THE VICE-CHAIRMAN : The question is :

"That clause 139 stand part of the Bill."

The motion was adopted.

Clause 139 was added to the Bill.

Clauses 140 to 142 were added to the Bill.

Clause 1, the enacting formula and the Title were added to the Bill.

SHRI Y. B. CHAVAN : Sir, I move : "That the Bill be passed."

The question was put and the motion was adopted.

THE GOLD (CONTROL) BILL, 1968

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. C. PANT) : Mr. Vice-Chairman, as the House is aware a Bill has been introduced in the Lok Sabha on the 22nd July, 1968 to replace the Gold (Control) Ordinance, 1968. A statement has already been circulated to hon. Members of this House explaining why immediate legislation by promulgation of an Ordinance was necessary to continue the law relating to Gold Control. The Lok Sabha has adopted a motion to refer this Bill to a Joint Committee of the two Houses and has sent a message to this House recommending that the Rajya Sabha do join the said Joint Committee and nominate 13 Members of the Rajya Sabha to be appointed to the said Joint Committee.

The basic gold policy of the Government has been explained on the floor of this House on several occasions and at this stage* it is not necessary for me to go into details to reiterate the justification for following this policy.

Suffice it to say that the country can ill-afford to fritter away its scarce foreign exchange resources on the clandestine imports of gold. It has to be recognised that Customs vigilance by itself cannot be sufficient to effectively combat smuggling over the long borders and vast coast lines. The anti-smuggling measures have necessarily to be supplemented by a detailed