

STATEMENT BY MINISTER
The stay of Ms. Taslima Nasreen in India

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI ANAND SHARMA): Sir, I rise to inform the House of the Government of India's stand on an issue which has attracted considerable public attention in recent days.

As hon. Members are aware, noted Bangladeshi writer, Ms. Taslima Nasreen, has been in India for some time. Throughout history, India has never refused shelter to those who have come and sought our protection. This civilisational heritage, which is now Government policy, will continue and India will provide shelter to Ms. Nasreen. Those who have been granted shelter here have always undertaken to eschew political activities in India or any actions which may harm India's relations with friendly countries. It is also expected that the guests will refrain from activities and expressions that may hurt the sentiments of our people.

While these guests are in India, the Union and the State Governments provide them with protection. These policies will also apply in Ms. Taslima Nasreen's case.

श्री उपसभापति: इस पर कल क्लेरिफिकेशन होंगे।

GOVERNMENT BILLS

The Sashastra Seema Bal Bill, 2006

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): Sir, I beg to move:

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

The Sashastra Seema Bal Bill, 2006 was introduced in the Rajya Sabha on 28.7.2006 and the same was further referred by the Chairman, Rajya Sabha to the Parliamentary Standing Committee on Home Affairs on 3rd August, 2006, for consideration. The Committee considered the draft report on the Bill in its sitting held on 22.2.2007 and adopted the same. The Committee, in the process of examining the Bill and in finalising its report took up clause-by-clause consideration of the Bill in its sitting held on 8th and 9th January, 2007 and made certain recommendations.

Regarding definition of 'enemy' and 'enrolling of non-citizens', it is proposed to amend the relevant clauses in the Bill in the following manner. Regarding the definition of enemy, as envisaged in clause 2(1), enemy includes all armed mutineers, armed rebels, armed rioters, pirates, terrorists and any person in arms against whom it is the duty of any person subject to this Act to take action. It is the same definition, as adopted in the Assam Rifles Act by Parliament in the year 2006. Regarding enrolment, as envisaged in clause 6(1) and 6(2), it is proposed to delete clause 6(1) which relates to enrolment of non-citizens of India in SSB for a limited period. Clause 6(2) is proposed to be renumbered as clause 6 which defines enrolment as persons to be enrolled to the force. The mode of enrolment and the procedure for enrolment shall be such as may be prescribed. The Bill is now renamed as Sashastra Seema Bal Bill, 2007.

With these words, Sir, I commend this Bill to this august House for consideration and approval.

The question was proposed.

DR. KARAN SINGH (Delhi): Mr. Deputy Chairman, Sir, law and order is becoming an increasingly significant and difficult task throughout the country. There are various challenges that we face. There is a challenge of Naxalites and Maoists and there is a challenge of communal and caste conflicts, and there are lots of other crimes which are happening. Basically, the responsibility for law and order is with the States. However, the Government of India does have a very special role to play and for that purpose it needs necessary instruments. Of course, we have the armed forces — the Army, the Navy, the Air Force — of which we are proud and which have done a marvellous job over these decades.

But, in addition to that, there is a whole array of para-military forces which are there to do specific tasks. There is the CRPF; there is the BSF, which is largely in J&K, and the Bangladesh border; there is ITBP, which is on the Tibet border; there is the Central Industrial Security Force; there is the National Security Force; there is Assam Rifles; and, there is the RRF. However, there is the Special Service Bureau which is now renamed as the Sashastra Seema Bal. The Sashastra Seema Bal has now been given the special task, Sir, of looking into the Nepal-Bhutan border. I would like to make just one point here. With the situation in Nepal remaining very confused and very inflammable, and our border with Nepal being so long and so porous, there are reports that the turbulence within Nepal is beginning to spill over into the bordering States, particularly in the States of Bihar and in some parts of Uttar Pradesh. Now, I am not going into the details of what is happening in Nepal but clearly the Maoist cadres there have contacts with our Naxalites who are now beginning to call themselves as Maoist, so I recall in the Nandigram episode the word 'Maoist' was used, that the Maoists are there. The Maoists in Nepal and Maoists in India, also evidently, if they use the same term now, it means they are closely in touch. How close their collaboration is a different matter. The fact of the matter is that this whole border is becoming increasingly difficult. On the one hand, we have the terrorist threat, the East-West axis as it were and then we have the Naxalite threat, the North-South axis and India is on the crosshairs of these two particular types of problems. In order to deal with this the Sashastra Seema Bal ... (Interruptions)... this is now being recast after 40 years, Sir. This was set up in 1963 in the time of Pt. Jawaharlal Nehru. Since then this has been functioning under the title of Special Service Bureau. But now at last, it is perhaps overdue, a proper Bill is being brought forth which regularises, organises this Force on proper basis. I would just like to make the point that one thing that we must avoid is duplication and overlapping activities of these Paramilitary Forces. I have some experience of this coming as I do from a border area. There are occasional areas with which one is not quite sure which force is going to look after what. So, I now suggest that with this new Force or renamed Force coming into being, we must be very clear that there is no ambiguity because these are dealing with very sensitive issues whether it is Tibet or whether it is Nepal or whether it is Bangladesh. Therefore, there must be full coordination. This is number one.

Secondly, the Forces should be fully filled because we find that in many of the Forces, even today there was a statement that there are some vacancies in the BSF and the CRPF. If you create a force, there should not be any vacancies. There are vacancies in the Armed Forces also. But that is a different matter and refers to the Defence Ministry. So, Sir, with these comments, I would like to support the Bill and I hope the newly christened Force, the Sashastra Seema Bal, will fulfil its functions very effectively. Thank you.

श्री ललित किशोर चतुर्वेदी (राजस्थान): माननीय उपसभापति महोदय, माननीय मंत्री महोदय जो सशस्त्र सीमा बल विधेयक, 2007 लाए हैं और उसको विचारार्थ तथा पारित करने के लिए सदन में प्रस्तुत किया है, मैं इस विषय में आपने विचार आपके सम्मुख प्रस्तुत करना चाहता हूँ।

महोदय, विधेयक के जो उद्देश्य और कारण हैं और उसके कथन में बताया गया है, जैसा अभी माननीय सदस्य ने भी कहा है कि सशस्त्र सीमा बल के पूर्ववर्ती जो विशेष सेवा का गठन था, वह चीनी आक्रमण के समय 1963 में किया गया था। यह उस समय मंत्रिमंडल सचिवालय के अंतर्गत हुआ करता था। तब से लेकर 2001 तक यह मंत्रिमंडल सचिवालय के अंतर्गत रहा है। यह पूर्वोत्तर सीमांत, उत्तरी असम, उत्तरी बंगाल, उत्तर प्रदेश, हिमाचल प्रदेश, जम्मू के पहाड़ी क्षेत्र से लेकर राजस्थान, गुजरात, मिजोरम, दक्षिण बंगाल, नागालैंड और अन्य सीमावर्ती क्षेत्र सिक्किम तथा काश्मीर घाटी के कुछ क्षेत्रों में विस्तारित किया गया है। जनवरी, 2001 में विशेष सेवा ब्यूरो को गृह मंत्रालय के अंतर्गत स्थानांतरित कर दिया गया है। इसे भारत-नेपाल और भारत-भूटान की रक्षा का काम सौंपा गया। जहां तक मेरी जानकारी है यह ब्यूरो पहले राँ के अंतर्गत काम करता था। उसके कोई नियम नहीं थे, पाकिस्तान सीमा की सुरक्षा के लिए बॉर्डर सिक्कोरिटी फोर्स थी, भारत-चीन सीमा की सुरक्षा के लिए आई०टी०बी०पी० थी, असम सीमा सुरक्षा के लिए असम राइफल्स विद्यमान था, संभवतः इसी कारण यह सशस्त्र सीमा बल लाया गया है। भारत-नेपाल, भारत-भूटान और बंगलादेश सीमा सुरक्षा बल को भी एक अधिनियम के अंतर्गत लाया जाए, इसीलिए माननीय मंत्री महोदय इस अधिनियम को लाए हैं। मंत्री महोदय इस अधिनियम को लाए हैं, मैं इसका स्वागत करता हूँ। किंतु जब सशस्त्र सीमा बल विधेयक का परीक्षण किया गया, तब संसदीय समिति ने परीक्षण के दौरान कहा कि 19 जून, 2001 से भारत-नेपाल, भारत-भूटान सीमा, जो 1751 किलोमीटर है, इसकी सुरक्षा करने की जिम्मेदारी, इसकी चौकसी का जो काम दिया है, उसके तीन लक्ष्य हैं - पहला, सीमावर्ती क्षेत्रों में रह रहे लोगों के बीच सुरक्षा की भावना को बढ़ाना, दूसरा, सीमा पार से होने वाले अपराधों और भारत भू-भाग में अवैध प्रवेश और यहां से होने वाले अवैध निकास को रोकना और तीसरा तस्करी और अन्य अवैध कार्य कलापों को रोकना, इन तीन उद्देश्यों को लेकर उस समय यह काम उनको दिया गया था। एसएसबी०, 21 जून, 2001 को एक लीड इंटेलिजेंस एजेंसी, इस नाते से इस क्षेत्र के लिए घोषित की गई। माननीय उपसभाध्यक्ष महोदय, जब इस परिप्रेक्ष्य में इस बात को देखते हैं तो हमें लगता है कि सुरक्षा बल की जो भूमिका है, उसके जो प्रमुख मानक हैं, वे तीन हैं - पहला, सीमावर्ती क्षेत्रों में रह रहे लोगों के बीच सुरक्षा की भावना को बढ़ावा देना, दूसरा, अवैध प्रवेश तस्करी, अवैध कार्यकलापों को रोकना और तीसरा इंटेलिजेंस सेवा देना। मैं इसका स्वागत करता हूँ कि वे यह विधेयक लाए हैं, लेकिन मेरा आपके माध्यम से माननीय मंत्री महोदय से कहना है कि ये जो तीन मानक बताए गए हैं, आज की परिस्थिति का विश्लेषण करने के बाद मुझे लगता है कि सशस्त्र सीमा बल के तीनों उद्देश्य पूरे नहीं हो रहे हैं। नेपाल और भूटान की सीमा से लगा हुआ संपूर्ण क्षेत्र, जैसाकि अभी कश्मीर से आने वाले माननीय सदस्य कह रहे थे, माओवादी सारे भारत में आतंक फैला रहे हैं। नेपाल की सरकार को तो अस्थिर कर ही रहे हैं, इसके उदाहरण देश में देखने को मिल रहे हैं।...(व्यवधान)...

डा० कर्ण सिंह: पहले कश्मीर से आता था, लेकिन अब दिल्ली से आता है।

श्री ललित किशोर चतुर्वेदी: मैं निवेदन करना चाहता हूँ कि इसी प्रकार से भूटान से लगा हुआ जो क्षेत्र है, वह भी माओवादी आतंक का शिकार हो रहा है। यह जो सशस्त्र बल है, ऐसा लगता है, माननीय मंत्री महोदय अपनी बात में इसे स्पष्ट करने की कोशिश करेंगे कि यह सुरक्षा प्रदान करने में एक प्रकार से असहाय लग रहा है। जहां तक इंटेलिजेंस सेवाओं और तस्करी का प्रश्न है, नेपाल से लगी हुई सीमाओं में जो आई०एस०आई० की प्रायोजक गतिविधियाँ हैं, फ़र्जी करेंसी है, अवैध हथियार हैं और तस्करी का अवैध प्रवाह भारत की ओर बना हुआ है, इसकी कोई सूचना उस सरकार और वहां रहने वालों को नहीं है। जिस उद्देश्य से यह बल गठित किया गया था, उन उद्देश्यों को यह कहां तक पूरा कर रहा है, यह सरकार के लिए विचारणीय प्रश्न है। संसदीय समिति की जो मूल भूमिका थी, जिसके बारे में स्पष्ट व्याख्या करने की सिफारिश की थी, अपने प्रतिवेदन में जो कहा था, मैं उसे कोट कर रहा हूँ। संसदीय समिति ने कहा, गृह सचिव उसके सामने आए थे, गृह सचिव समिति के इस मतैक्य से सहमत थे कि एसएसबी की मूल भूमिका की स्पष्ट व्याख्या की जाए। वे सहमत थे कि एसएसबी की "नागरिक कार्य योजना" को उपयुक्त रूप से स्पष्ट किए जाने की आवश्यकता है। उन्होंने समिति को आश्चर्य भी किया था कि एसएसबी सहित बीबीएफ की "नागरिक कार्य योजना" को कार्यालय आदेशों के द्वारा तैयार किया जाएगा। किन्तु मैं कहना चाहता हूँ कि समिति को आश्चर्य करने के बाद भी, यद्यपि "नागरिक कार्य योजना" को कार्यालय आदेश द्वारा तैयार करने की बात हुई है, किन्तु मुझे कहते हुए खेद है कि प्रस्तावित विधेयक में इसका कहीं कोई उल्लेख नहीं किया गया है। केवल नागरिक कार्य योजना को उपयुक्त रूप से

उल्लेख किए जाने की आवश्यकता को रेखांकित करते हुए उन्होंने कहा था कि एसएसबी तथा बीबीएफ की नागरिक कार्य योजना आदिष्ट करना, इसमें तत्करी और सूचना देने के विषयों को भी निश्चित रूप से प्रभावी किया जाएगा, तो उसका समाधान हो सकेगा।

माननीय उपसभापति महोदय, मैं माननीय मंत्री महोदय से यह भी निवेदन करना चाहता हूँ कि सुरक्षा की भावना को बढ़ावा देने के लिए सीमावर्ती क्षेत्र में जो जागरूकता और सुरक्षा सम्बन्धी सम्बलता विकसित करने का प्राथमिकता वाला कार्य है, इसकी मूल अवधारणा में लोगों को बाह्य आक्रमण, घुसपैठ और तस्करी से मुकाबला करने के लिए सम्बल प्रदान करना है, तो दूसरी ओर मैं आपके ध्यान में लाना चाहता हूँ, क्योंकि मुझे स्वयं राजस्थान की सीमा पर इसके सारे काम को देखने का मौका मिला है, एसएसबी की निर्णायक भूमिका वहाँ के विकास और कल्याण कार्यक्रमों में सीमांत क्षेत्र को साथ लेकर चलने की भी निहित है। यह उद्देश्य कभी पूरा होता था, आज पूरा नहीं हो रहा है। अगर इसके लिए आप कहेंगे कि हम नियम बना लेंगे। किन्तु, अगर विधेयक में खण्ड नहीं होंगे, अधिनियम में खण्ड नहीं आएंगे, तो बिना खण्डों के नियम कैसे बनेंगे। इसलिए कृपया इस बात को भी इसमें समाहित करने की कोशिश करें, मेरा आपसे यही निवेदन है।

मैं राजस्थान से आता हूँ। राजस्थान का बड़ा भूभाग पाकिस्तान से लगा हुआ है। इस क्षेत्र में सीमा जनकल्याण के लिए बॉर्डर सिक्क्योरिटी फोर्स काम करता है। मैं उससे परिचित हूँ। 1992-94 में मुझे शिक्षा, चिकित्सा और ग्रामीण विकास की दृष्टि से एसएसबी के काम को देखने का मौका मणिपुर और त्रिपुरा के क्षेत्र में मिला है। मैं आपको कहना चाहता हूँ, याद दिलाना चाहता हूँ कि वहाँ एसएसबी के नाम की चर्चा थी कि एसएसबी क्या करती है। सबके सहयोगी बनो—एसएसबी नाम है। सबके सहयोगी बनो भी एसएसबी है। क्षेत्र के लोग निश्चित रूप से एसएसबी के लोगों को अपने परिवार के सदस्य के नाते मानते थे और जो घुसपैठ होती थी, तस्करी होती थी, जो बाधा उत्पन्न करती थी, उसमें सहायक होते थे। किन्तु आज मुझे कहते हुए दुख है, मैं जब इस बात को देखता हूँ, मैं तो कहना चाहता हूँ कि जिस समय यह काम मंत्रिमंडल से गृह मंत्री जी के पास स्थानांतरण हुआ था, उस समय विरोध हुआ था, हड़तालें हुई थीं। उसके पीछे का उद्देश्य था कि उसका कारण केवल सामरिक बात को ही महत्व दिया जाता है, असामरिक बात को महत्व नहीं दिया जाता। मैं आपसे कहना चाहता हूँ कि यह दो पक्ष हैं। एक सामरिक कार्य और दूसरा गैर-सामरिक कार्य। इन दोनों की जो भूमिका है, वह अलग-अलग होती है। सशस्त्र सीमा बल अन्य बलों की तरह सामरिक पक्ष को तो प्रमुखता देता है, किन्तु असामरिक पक्ष, धीरे-धीरे लोगों के साथ जो सम्पर्क, उनके मन की भावना बनाना, उनका सहयोग लेना, उस सहयोग के आधार पर सारे काम को करना, उसमें पीछे होता चला जा रहा है और जब संसदीय समिति के समक्ष साक्ष्य प्रस्तुत किए गए, उससे यह भासित होता है कि सामरिक पक्ष प्रमुख रहेगा और असामरिक पक्ष में कार्य करने वाले लोगों की छटनी तो नहीं की जाएगी किन्तु सिविल घटक में कोई नई नियुक्ति नहीं की जाएगी। माननीय मंत्री महोदय यह देखने की कृपा करें कि अगर आप सिविल घटक में नियुक्ति नहीं करेंगे तो धीरे-धीरे वह कैडर ही खत्म हो जाएगा और कैडर खत्म होने के कारण जो सशस्त्र सीमा बल की मूल और मुख्य भूमिका है, वह इस विधेयक में नहीं रहेगी और इसका पालन नहीं होगा। यदि गैर सामरिक पक्ष को सशस्त्र सीमा बल से समाप्त करना है तो उनका काम कौन करेगा? गैर सामरिक भूमिका का निर्वाह कौन करेगा? मैं समझता हूँ माननीय मंत्री महोदय अपने वक्तव्य में इस बात को भी स्पष्ट करने की कृपा करेंगे।

इस विधेयक में उन्होंने एनोलमेंट की चर्चा की है। एनोलमेंट के विषय में खंड 6(2) में भारत के नागरिक से भिन्न किसी अन्य व्यक्ति को अभ्यावेशित करने के प्रावधान पर संसदीय समिति ने जो सिफारिश की थी, उन्होंने इसका अनुसरण किया, इसके लिए मैं उन्हें मुबारकबाद देता हूँ, बधाई देता हूँ। किन्तु साथ ही यह भी कहना चाहता हूँ कि यह बहुत की संवेदनशील मामला है और एनोलमेंट करते समय कर्मचारियों की निष्ठा असंदिग्ध हो।

मुझे याद है, जिस समय श्रीमती इंदिरा गांधी जी ने इस काम को प्रारम्भ किया और आगे बढ़ाया था, उन्होंने इस बात की बहुत चिन्ता की थी। उस समय नियम बहुत कठोर थे, किन्तु आज नियम उतने कठोर नहीं हैं। कभी-कभी मुझे यह लगता है कि हमें इस बात की चिन्ता करने की भी आवश्यकता है कि कहीं यह सीमा बल स्मरलिंग बल न बन जाए। अतः मैं माननीय मंत्री महोदय से निवेदन करना चाहता हूँ कि उस समय जो कठोर नियम बने थे, उनको भी स्टडी करें और जिस प्रकार का डायल्यूशन बाद में आ गया है, उस डायल्यूशन को समाप्त करने की चिन्ता करने की आवश्यकता है।

अध्याय 'तीन' में अनुच्छेद 16 से लेकर 50 तक केवल एक बात की चर्चा की गई है कि सीमा बल में कार्य करने वाले लोगों द्वारा अपराध किए जाने पर उनको क्या दंड दिया जाए। यह सब पढ़ने के बाद कभी-कभी तो मुझे लगता है कि इस विधेयक में सकारात्मक पहलू तो कम है, लेकिन नकारात्मक पहलू पर विशेष ध्यान दिया गया है। इसके लिए जब नियम बनाए जाएं, तब इस बात की विशेष चिन्ता की जाए।

एक अन्तिम बात कह कर मैं अपनी बात को समाप्त करूंगा। माननीय उपसभापति महोदय, संसदीय समिति ने विधेयक का परीक्षण करते हुए पाया कि इस विधेयक के अन्तर्गत 'शत्रु' शब्द की परिभाषा बड़ी त्रुटिपूर्ण है। माननीय मंत्री महोदय ने एक शब्द तो ले लिया, जिसके ऊपर चर्चा हुई और जिसके लिए यहां पर वह संशोधन प्रस्तुत करेंगे, किन्तु वह शब्द त्रुटिपूर्ण है, अगर उसमें अवैध अप्रवासियों को शामिल नहीं किया गया। आज अगर इस परिभाषा में आईएसआई और जाली मुद्रा रैकटों और उसमें संबंधित गतिविधियां करने वाली एजेंसीज़ को नहीं लाया गया, तो इसका मतव्य पूरा नहीं होगा। यह बात सिलेक्शन कमेटी ने भी कही और स्टैंडिंग कमेटी ने भी। माननीय मंत्री महोदय ने एक बात तो ले ली, किन्तु मैंने जिन तीन बातों का उल्लेख किया है, वे आखिर क्यों नहीं ली गईं, मेरी दृष्टि में यह उचित नहीं है।

बंगलादेशी, पाकिस्तान एवं नेपाली अवैध अप्रवासी, किस प्रकार आतंकवादियों के साथ मिल कर राष्ट्रविरोधी गतिविधियां चला रहे हैं, मुझे इसका वर्णन करने की आवश्यकता नहीं है। आन्ध्र प्रदेश, महाराष्ट्र और उत्तर प्रदेश में जब विस्फोट हुए, सैकड़ों लोग हताहत हुए, उसमें अवैध अप्रवासियों की क्या भूमिका है, इस बात को सभी जानते हैं। असम की मैं ज्यादा चर्चा नहीं करना चाहता हूं, उसके कारण कौन-कौन सी बड़ी समस्याएं पैदा हो गईं। यह बात सच है कि हमें इस संबंध में सावधानी रखनी होगी कि उनमें से कौन वास्तविकता में शरणार्थी हैं और कौन ऐसे अप्रवासी लोग हैं, जो निश्चित रूप से इस प्रकार का अनैतिक काम कर रहे हैं। अगर उनके बारे में स्पष्ट दृष्टिकोण नहीं रखा गया और उन्हें भी इस शत्रु की परिभाषा में नहीं लाया गया तो मैं आपसे निवेदन करना चाहता हूं कि हम जिन बातों को लेकर चलने वाले हैं, उन बातों को हम पूरा नहीं कर पाएंगे।

वस्तुतः इस विधेयक का उद्देश्य सशस्त्र सीमा बल को एक वैधिक स्वरूप देना है। इसलिए आईटीबीपी अथवा बीएसएफ आदि दलों के लिए पारित विधेयक के आधार पर यह विधेयक प्रस्तुत कर दिया गया है, किन्तु अभी कुछ गहराइयों पर और विचार करने की आवश्यकता है। इसके पीछे की जो भूमिका और भावना है, उसका गंभीरता से अध्ययन करने की आवश्यकता है। मेरा मानना है कि सरकार इसके मूल स्वरूप को बरकरार रखते हुए, इसके गैर सामरिक पक्ष को प्रबल रखे। आप पुरानी फाइल उठाकर देख लीजिए। गैर सामरिक पक्ष कितना प्रबल था और इसका फायदा कितना होता था, उसको हमने राजस्थान की सीमा पर देखा है। इसलिए मुझे लगता है कि यह विधेयक आधा-अधूरा है। इस पर पुनर्विचार करना चाहिए और इसको लाने के बाद एक संशोधन प्रस्ताव लाने की आवश्यकता है। एक नियम बन गया है, इसका तो मैं स्वागत करता हूं, किन्तु यह आधा-अधूरा है, इसलिए इस परिक्रम को पूरा करते हुए एक नया विधेयक माननीय मंत्री महोदय लाएं। मैं इसका इस रूप में समर्थन नहीं कर सकता। धन्यवाद।

श्री बृजभूषण तिवारी (उत्तर प्रदेश): उपसभापति महोदय, यह जो सशस्त्र सीमा बल विधेयक लाया गया है, इस पर संसदीय समिति ने बहुत ही गहराई से विचार किया और विचार करने के बाद अपनी संस्तुति के साथ इस विधेयक को यहां भेजा है।

जैसा कि माननीय मंत्री जी ने इसके उद्देश्यों की चर्चा करते हुए बताया कि इंडो-नेपाल, इंडो-भूटान, मतलब नेपाल और भूटान से लगी हमारी सीमा की रक्षा करने की, सुरक्षा प्रदान करने की जिम्मेदारी इस बल को है। हमारे देश में 15 हजार किलोमीटर जमीनी सीमा है और 7 हजार किलोमीटर के करीब कोस्टल सीमा है। इस प्रकार इतनी बड़ी सीमा, जो हमारे पड़ोसी देशों से लगी हुई है, उसको सुरक्षा प्रदान करना, रक्षा करना बहुत ही कठिन काम है। जो भी हमारे पड़ोसी देश हैं, उनकी जलवायु, उनके तरीके में भी बहुत फर्क है। इसलिए इतनी बड़ी सीमा को मात्र किसी एक सुरक्षा बल के अधीन रख कर उसके सुरक्षा की व्यवस्था करना व्यावहारिक भी नहीं है और कठिन भी है। इसी मकसद को लेकर हलका, जैसे हमारा जो इंडो-तिब्बत बॉर्डर फोर्स है, वह तिब्बत, बर्मा या बांग्लादेश, पाकिस्तान आदि की सीमाओं पर जो हमारी दूसरे फोर्सेज़ लगी हुई हैं, उनमें एक बात तो यह है कि वे फोर्स बहुत ही पुरानी हैं, उनका अपना एक इतिहास रहा है और उनका संचालन, उनका कार्य भी बहुत अच्छा रहा है। उनको डिस्मेंटल करके, उनको भंग करके और केवल एक संगठित सुरक्षा बल गठित करके उससे अपनी सारी सीमाओं की सुरक्षा का काम नहीं लिया जा सकता। इसी उद्देश्य को लेकर के यह सीमा सुरक्षा बल का गठन किया गया। जैसा कि कहा गया है कि 1962 के चीनी हमले के बाद यह सोचा

गया कि एक ऐसे ही फोर्स की आवश्यकता है जिससे की सीमावर्ती क्षेत्र में जो लोग हैं, उनमें सुरक्षा की भावना पैदा की जाए। उसके साथ ही साथ इन पड़ोसी देशों से काफी बड़े पैमाने पर माइग्रेंट्स आते हैं और उन्हीं माइग्रेंट्स के साथ तमाम प्रकार के अपराधी, तस्कर भी वहां से आ जाते हैं तथा अब जिस तरीके से आतंकवादियों का गिरोह सक्रिय हो रहा है, तो उनसे देख-भाल और उनसे सुरक्षा प्रदान करने की जिम्मेदारी भी सीमा सुरक्षा बल को दी गई है।

मान्यवर, आज जिस तरीके से आतंकवादी संगठन सक्रिय हो रहे हैं। और वे सक्रिय ही नहीं हो रहे हैं, उनकी संगठन-क्षमता उनके शस्त्र और हथियारों की क्षमता, नए-नए आधुनिक उपकरण उनके पास हैं और वह जिस तरीके से घुसपैठ करते हैं तथा नाना प्रकार के ऐसे

उपसभाध्यक्ष (श्री उदय प्रताप सिंह) पीठासीन हुए

अपराध गठित हो रहे हैं—हम तो नेपाल से सटी सीमा के निकट रहते हैं। हम जानते हैं कि किस तरीके से वहां पर ऐसा संगठित आपराधिक गिरोह है, जो नकली मुद्रा का धंधा करते हैं। तमाम प्रकार की ड्रग्स का धंधा करते हैं। ऐसे तमाम प्रकार के लोग हैं जो हमारे क्षेत्र में, हमारी सीमा में घुस आएंगे, अपराध करेंगे और चले जाएंगे। इसलिए इस मकसद को लेकर जो सीमा सुरक्षा बल का गठन किया गया है, यह एक अच्छा काम है। साथ-ही-साथ उन को नए हथियारों व नए उपकरणों से लैस करने की जो बात कही गयी है, यह भी अच्छा काम है। महोदय, मैं ऐसा मानता हूं कि इस प्रकार से यह केवल सशस्त्र सेना के रूप में ही काम नहीं करेंगे, परंतु इनका यह भी काम होना चाहिए कि जो हमारे सीमावर्ती क्षेत्र में रहने वाले लोग हैं, उनके अंदर भी सुरक्षा की भावना पैदा हो। महोदय, इनके द्वारा कुछ कल्याणकारी काम जैसे—बीमार लोगों की मदद करना, उनके आपस में अच्छे संबंध बनाए रखने के काम भी किए जाने चाहिए। परंतु एक बात हमें अपने सीमावर्ती क्षेत्रों में व्यवहार में देखने को मिली है कि कभी-कभी ये भी अपराधियों से मिल जाते हैं। ये बजाय लोगों को सुरक्षा प्रदान करने के, आतंक का वातावरण पैदा करते हैं और लोगों को डराते-धमकाते हैं। जो वहां तस्करी करने वाले लोग हैं, उन को रोकने के बजाय, खुद उनमें शामिल हो जाते हैं। इस प्रकार की शिकायतें भी अक्सर आती रहती हैं। इस बारे में नजर रखने की आवश्यकता है। महोदय, अगर हमारा सुरक्षा बल ईमानदार नहीं होगा, उस में integrity नहीं होगी और सही मायने में उनके अंदर यह भावना नहीं होगी तो उस क्षेत्र के लोगों में असंतोष बना रहेगा। महोदय, वहां युद्ध नहीं होता, वहां घुसपैठ होती है और कुछ लोग वहां तमाम प्रकार की पॉकट्स बनाते रहते हैं। नेपाल भी पहले बहुत disturb था। वहां पर माओवादी थे या वहां के तस्कर थे और वहां तस्करों के बड़े-बड़े अड्डे बन गए थे। ये लोग अपने कैरियर्स से, जो लोकल छोटे-छोटे लोग हैं, उन को अपने यहां रखकर इस प्रकार के अपराध कराते हैं, उन को पकड़ने के लिए या उन के ऊपर रोक लगाने के लिए इस बल को बहुत अनुशासित होना पड़ेगा। इस कार्य के लिए उसे बहुत ही कड़ाई बरतनी पड़ेगी, सख्ती करनी पड़ेगी। इसलिए वहां के अधिकारियों को स्पष्ट निर्देश दिए जाने चाहिए। अगर यह बल अनुशासित नहीं होगा तो हमारे मकसद को हम हासिल नहीं कर पाएंगे, हमें अपने उद्देश्य से सफलता नहीं मिलेगी। इसलिए इस में कोर्ट्स का भी प्रावधान है और दंड देने का भी प्रावधान है। साथ-ही-साथ में इस में नियुक्तियों का प्रावधान है जोकि ठीक लगता है कि हम इस में केवल भारत के ही लोगों को शामिल करेंगे, बाहर के लोगों को शामिल नहीं करेंगे। परंतु इस में यह भी प्रावधान है कि सेंट्रल गवर्नमेंट की परमिशन से दूसरी जगह के आदमी को भी इस फोर्स में शामिल किया जा सकता है, लेकिन जैसाकि अभी माननीय सदस्य ने कहा कि इस बारे में काफी चौकसी बरतने की आवश्यकता है। इसके लिए उन्हें सही मायने में साधन उपलब्ध कराए जाने की आवश्यकता है। उन की ट्रेनिंग अच्छी हो और उन्हें आधुनिक-से-आधुनिक हथियारों से लैस किया जाए। इसके साथ-साथ जो वहां के लोगों के लिए कल्याणकारी काम करने और वहां के गरीबों और दूसरी आबादी के लोगों से रिश्ता कायम किया जाना भी जरूरी है अन्यथा जैसे लोकल पुलिस के प्रति लोगों में अविश्वास भी पैदा हो जाता है क्योंकि वह भ्रष्टाचार रोकने या अपराध को रोकने के बजाय उस में शामिल हो जाती है, अगर वह चरित्र एस०एस०बी० का हो जाएगा तो बहुत दिक्कत होगी और हमारे मकसद में हमें कामयाबी नहीं मिलेगी। इस विधेयक में प्रावधान है कि सीमा सुरक्षा बल के नियंत्रण और संचालन में और उन के क्रियाकलापों पर अंकुश रखा जा सके, उन पर नजर रखी जा सके। मैं समझता हूं कि यह मकसद बहुत अच्छा है और इस विधेयक का इस आशा के साथ समर्थन भी करता हूं कि इस पर नजर रखने की आवश्यकता है। आप इसे अधिक-से-अधिक आधुनिक और प्रभावी बनाएं, तभी हम इतने बड़े मकसद को हासिल कर सकते हैं और हमारे पड़ोसी देशों में जो आपराधिक गतिविधियां हो रही हैं, हमारे सीमावर्ती इलाकों के अंदर सुरक्षा की बात है, वह सुरक्षा भी की जा सके, आपराधिक गतिविधियों पर रोक लगाई जा सके।

इन्हीं शब्दों के साथ, मैं इस बिल का समर्थन करते हुए अपना स्थान ग्रहण करता हूँ।

SHRI PRASANTA CHATTERJEE (West Bengal): Sir, we support this Sashastra Seema Bal Bill, 2006. The Standing Committee had discussed the Bill elaborately and made certain recommendations. The hon. Minister has also made certain comments about those recommendations. It is based on that actually that our Party supports this Bill. We all know that the Sashastra Seema Bal is charged with guarding of Indo-Nepal and Indo-Bhutan borders and it seeks to ensure that the standards of efficiency and discipline of the force are of high order. Sir, the Special Service Bureau was changed to Sashastra Seema Bal with effect from 27th March, 2004. But I would like to point out one thing here once again and that is that the Padmanabhaiah Committee made a recommendation for the organisation's motivational role for security preparedness in border areas and they laid emphasis on it so that the SSB enjoyed goodwill and popular support in the border areas. This point had also come up before the Standing Committee; and this special role of our border security should be given high importance. I want the hon. Minister to let us know the position on this particular point. The Home Secretary had agreed on this point before the Standing Committee. So, I would be glad if the hon. Minister could let us know how the Ministry is working on this aspect of the matter and lay emphasis on this point while replying to the debate. The civic action programme, the national awareness and security consciousness of the border people and such aspects should be given greater importance.

Now, one point was discussed in the Standing Committee and that was that there are different kinds of BGF working in our country in the name of Border Security Force and in other names also on the Indo-Tibetan border and their duties are almost the same, their functions are also almost the same. So, why can't we have one common BGF? This point was discussed. In the Standing Committee, the officials also placed their views and their argument was that the sensitivity of different border stretches is different. They had also added that cadre management is also very important. That is why these forces functioned in that manner. So, I want the hon. Minister to explain these aspects also.

So far as the term 'enemy' is concerned, the Committee also made its recommendations that a more comprehensive definition bringing persons involved in illegal and other such activities within its ambit should be there. The Committee had made such a recommendation. Lastly, I would like to point it out here that Dr. Karan Singh has referred to the Maoists issue here. We know that 32 Naxalite-Maoist factions are working in the country. Our party's position is very clear that they should leave the arms and join the mainstream. So far as Nepal Maoists are concerned, they have joined in the mainstream leaving the arms and ammunition. That is our position so far as the Maoists are concerned. In our country, in Bihar, in Jharkhand, in certain areas of West Bengal and in some border areas of Andhra, we know that regular attacks are going on weakening the national security. So, this is our position so far as the Maoists are concerned. With these observations, we support the Bill. Thank you.

श्री राम देव भंडारी (बिहार): मान्यवर, मैं अपनी ओर से तथा अपनी पार्टी की ओर से 'सशस्त्र सीमा बल विधेयक, 2006' का समर्थन करने के लिए खड़ा हुआ हूँ।

महोदय, मैं उत्तरी बिहार से आता हूँ। भारत-नेपाल सीमा पर मेरा घर है, सीमा पर जो गतिविधियाँ होती हैं, उनकी जानकारी मुझे मिलती रहती है। समाचार पत्रों और टेलिविजन के माध्यम से देश के अन्य भागों में भी वह जानकारी जाती है। दो-तीन तरह की कठिनाइयाँ, जो मैं अपने अनुभव के आधार पर बता रहा हूँ, सीमा पर होती हैं। 800 किलोमीटर भारत-नेपाल की सीमा बिल्कुल खुली हुई है। यहाँ से स्मगलिंग, तस्करी बड़े पैमाने पर होती है। दूसरे, नेपाल के जो क्रिमिनल्स हैं, वे वहाँ क्राइम करने के बाद भारत में आ जाते हैं और भारत के क्रिमिनल्स क्राइम करने के बाद नेपाल में

चले जाते हैं। सीमा खुली होने के कारण आतंकवादी कार्रवाइयां भी, अभी माओवादियों के बारे में चर्चा हो रही थी, होती हैं। हमारी पार्टी के एक सांसद, जो अभी भी लोक सभा में हैं, उनपर हमला हुआ था। मैं माननीय गृह मंत्री जी का आभारी हूँ कि उन्होंने उनकी सुरक्षा की विशेष व्यवस्था की है। भारत-नेपाल सीमा पर और भारत-भूटान सीमा पर सीमा सशस्त्र बल की बहुत आवश्यकता थी। मैं केवल भारत-नेपाल सीमा के बारे में ही चर्चा करना चाहूँगा। पहले जिसको हम विशेष सेवा ब्यूरो कहते थे, गृह मंत्रालय के अंतर्गत आने के बाद गृह मंत्री ने इस बिल के माध्यम से सीमा सशस्त्र बल का नाम देते हुए उसकी दक्षता बढ़ाने के लिए उसमें अनुशासन उच्च स्तर का होने के लिए इस बिल में प्रावधान किया है।

महोदय, सीमा पर बल का काम कठिन है। बहुत बड़ी जवाबदेही है जो सीमा पर काम करते हैं। निश्चित रूप से उनकी दक्षता और उनमें अनुशासन की भावना उच्च स्तर की होनी चाहिए। श्री बृजभूषण जी कह रहे थे कि सीमा पर जो गांव हैं, उनके निवासियों के साथ सौहार्दपूर्ण संबंध बनाए रखना भी उनकी एक जवाबदेही होती है। उपसभाध्यक्ष महोदय, मेरे पास भी कई बार इस प्रकार की शिकायतें आई हैं—मैं सभी गांवों की बात नहीं कर रहा हूँ, एक-दो गांव हो सकते हैं—सीमा पर जो गांव, उनके निवासियों के साथ कुछ अच्छा व्यवहार नहीं करते हैं इसके बारे में लिखकर भी शिकायतें आती हैं जब मैं अपने क्षेत्र में जाता हूँ, तो वहां लोग शिकायत करते हैं, लेकिन ये इक्का-दुक्का शिकायतें हैं। सीमा पर जब से इस बल की नियुक्ति हुई है, इस बल के बारे में अच्छी खबरें आ रही हैं कि इस बल की नियुक्ति के बाद निश्चित रूप से crime और smuggling कम हुई है। इसलिए इस बल की आवश्यकता थी और आगे भी निश्चित रूप से इस बल के द्वारा निगरानी की आवश्यकता है। इसके बड़े पदाधिकारी हैं, उनके द्वारा या केन्द्र से भी कभी-कभार अधिकारी द्वारा निगरानी होनी चाहिए। इस बल को जो जवाबदेही दी गई है, उसके बारे में यह बल सही ढंग से काम कर रहा है या नहीं कर रहा है, उसकी निगरानी केन्द्र की ओर से होती रहनी चाहिए।

उपसभाध्यक्ष महोदय, मुझे यह आशा और विश्वास है कि इस बल की नियुक्ति के बाद सीमाओं पर जो हमारी समस्याएं हैं, जिनकी ओर मैंने सदन का ध्यान आकृष्ट किया है, उनमें कमी होगी। मैं भारत-नेपाल के बारे में एक बात कहना चाहूँगा कि वहां लगभग आधे लोग "मधेसी" हैं, "मधेसी" का मतलब यह है कि वे लोग भारतीय मूल के हैं पिछले कुछ महीनों से लगातार उनके विरुद्ध हिंसात्मक कार्यवाही हो रही है। जो नेपाल के मूल निवासी हैं या माओवादी हैं, उनकी ओर से यह हिंसा "मधेसियों" पर की जा रही है। मैं सरकार से अनुरोध करता हूँ कि राजनीतिक स्तर पर इस समस्या का समाधान किया जाए। मेरी जानकारी के मुताबिक नेपाल की आबादी ढाई करोड़ की है और उनमें से आधे लोग "मधेसी" हैं। उनके पूर्वज, उनके दादे-परदादे वहां गए हैं और तब से वहां रह रहे हैं। नेपाल को आर्थिक रूप से मजबूत बनाने में उनका बड़ा भारी योगदान है और वे सामाजिक रूप से भी वहां के लोगों में घुल-मिल गए हैं। इस प्रकार से यदि उन पर हमला होगा, उन्हें नेपाल से भगाया जाएगा, तो यह एक बड़ी समस्या है, जिसकी ओर मैं सरकार का ध्यान आकृष्ट करना चाहूँगा। सीमा पर जो बल की नियुक्ति की गई है, उनकी भी जवाबदेही बनती है कि अगर उनको सीमा से खदेड़ा जाता है, तो उनकी रक्षा किस प्रकार की जाए। मैं इस बिल का समर्थन करते हुए, अपनी बात समाप्त करता हूँ। धन्यवाद।

KUMAR DEEPAK DAS (Assam): sir, in support of the Bill, I would like to speak only two lines. In 1963, the Special Service Bureau was raised in the name of SSB. On 27.03.2004, this name was changed to Sashastra Seema Bal. Sir, at the time of Chinese aggression, this SSB was formed. I remember, during my school days, these SSB people used to train us with respect to self-protection and also to fight against crimes including bomb-attacks. Whether this force will take up the same job in our Border States. That is my question, which I would like to be clarified by the hon. Home Minister.

Sir, in our country, particularly, in the North-Eastern States, it will definitely be more effective to fight with the growing terrorism and stop such activities alongwith protection of the borders.

Sir, alongwith this cross-border terrorism, unlawful cross-border activities are also going on. At the Indo-Nepal and the Indo-Bhutan border, many illegal activities like smuggling are going on. So, I request the hon. Minister to pay attention on such a problem in our States and protect the borders as well as the people of the States. (Interruptions)

डा. (श्रीमती) नजमा ए. हेपतुल्ला (राजस्थान): सर, आपने announce किया था कि लंच ब्रेक नहीं होगा ... (व्यवधान)...

THE VICE-CHAIRMAN (SHRI UDAY PRATAP SINGH): It has already been decided...(Interruptions)...

DR. (SHRIMATI) NAJMA A. HEPTULLA: Sir, I am sorry to say that I have to get up and point out about the procedure that has to be followed. A decision taken in the Chamber has to be announced in the House. If the decision was taken that due to some important business in the House, we would not be going to have the lunch-break, then, at least, inform the Members about it, and, then, take the sense of the House. We have no objection. We are not hungry. That is not the point. Yesterday also, I mentioned that the procedure of the House has to be followed, however, everybody agreed not to have lunch. Surely, everybody will have lunch but not the lunch hour.

उपसभध्यक्ष (श्री उदय प्रताप सिंह): चलिए(व्यवधान).... एक मिनट, मैं आपका अभिमत(व्यवधान)....

SHRI SHIVRAJ V. PATIL: There were hardly one or two Members speaking on this...(Interruptions)...

DR. (SHRIMATI) NAJMA A. HEPTULLA: That is not the point, Sir. You don't have lunch. You may go after it is over. (Interruptions). I am only trying to bring in the procedure. Sir, you had been the Speaker of Lok Sabha. (Interruptions)

SHRI V. NARAYANASAMY (Pondicherry): Madam, when you were the Deputy Chairman ...(Interruptions)... have been reminding...(Interruptions)...

DR. (SHRIMATI) NAJMA A. HEPTULLA: No, Sir. Not only as a Deputy Chairman, as a Member also, I had said. More so, the former Speaker of Lok Sabha is with us. He will agree with me. That is the only thing.

SHRI SHIVRAJ V. PATIL: You are right, Madam.

KUMAR DEEPAK DAS: Sir, I don't want to say anything more on this issue. With these words, I support the Bill. Thank you.

DR. GYAN PRAKASH PILANIA (Rajasthan): Thank you, Sir, for the kind indulgence. A new feather has been added to the resplendent cap of hon. Home Minister by formally giving a new name to this old organisation of 44 years vintage. He has already Central Armed Forces under his tutelage, CRPF being the oldest one, BSF, ITBP, CISF and Assam Rifles. It is understandable that functions in general will be nearly same as of any Central Armed Force except that their postings will be at different places and for different purposes. This Bill is very well drafted for which the hon. Home Minister deserves kudos and congratulations. I wish the other Central armed police organisations also got the benefit of this Bill in redrafting or restructuring their old structure. However, as far as this organisation is concerned, as has been already pointed out, it was a bureau earlier, with a very special intention and purpose. Now, it is not a bureau; it is an armed force now. Character has been definitely changed. As it was pointed out, earlier, it was a kind of collection of intelligence, espionage, counter espionage, preparing self-defence groups. It was the same kind of covert organisation as is usually under Intelligence Bureau or other bureaux. Now, it is an open organisation with an armed structure, with a very specific duty, with a very new role of border guarding force of two borders, Indo-Nepal and Indo-Bhutan. As has been very well

pointed out by hon. Members, these international borders are very important for us. They are very sensitive for us also. But, unfortunately, they are porous and because of their being porous, they are open to infiltration, smuggling, terrorist activities, etc., because, as the hon. Home Minister knows so well, criminals respect no international borders. So, cross border anti-national activities shall have to be very specifically watched and cared for by this new organisation. It shall have to act as a watchdog for guarding these two very sensitive borders. As has been rightly pointed out by another hon. Member, as this is the latest new armed unit, its training, its equipment, its arms are expected to be of better order than the earlier ones, and, I am sure, the hon. Home Minister will ensure that. It need not be emphasised that along with armed posture, this new force has to keep a friendly face with border villages and amicable relations have to be developed with them because without that, a border cannot be guarded. No armed force can guard a border without the help of people living on that border and without those people having patriotic sentiments for the security of the nation.

I will like to sound a word of caution, Sir, on two or three points. One is the rate of attrition. Somehow, It has to be secured that rate of attrition in this new force is not as bad as it is in old forces. I am sure that the hon. Home Minister is aware that nearly 41,000 border security force personnel, one in five in the 2.09 lakh force, have quit their jobs over the last 30 months. It is a matter of very serious concern and, I think, the whole House will take cognisance of that. Within 30 months, 41,000 trained personnel of BSF have quit their jobs. There must be something which troubles them. It can be their prologned duties. Most of the time they are away from their families. They are not having quarters for their families or other kinds of comforts. They face difficulty in getting leave from office. This attrition is not peculiar only to the BSF.

Out of these peronnel who quit the job, 7000 men were deployed along the Indo-Pakistan Border and the Indo-Bangladesh Border. They put in their papers in the first half of 2007. Nearly 16,200 quit in 2006 and more than 17,000 in 2005. It was not peculiar for one year. A trend has been set and it has to be looked into why it is there. And, primarily, those who quit were constabulary who spent prime of their life at the border. The annual attrition rate is 8 per cent. I am quoting from statistics. But the BSF peronnel are not the only peronnel affected by that.

My concern is that this infection should not spread to the new force which you have now renamed and which you are bringing up through a new legislation. Nearly 2000 personnel quit the CRPF. It is a force of 2.48 lakh personnel. It is the oldest vintage force of your armed organisations. Nearly 1,500 personnel quit the Assam Rifles. Nearly 1,000 peronnel quit the Central Industrial Security Force.

More alarming is the suicide rate in the BSF which is three times higher than the Army. Last year, 41 BSF personnel committed suicide. Suicide rate in the BSF is 20.5 per lakh against 6.6 per lakh in the Army. Why is it so? It is for you to look into it. But it is a matter of alarm.

Obviously, as I am able to visualise, our security forces have had enough of tough life, long periods away from home and few rewards. They are not satisfied with the role they are playing. This infection should not spread to the new force which you are raising. I thought I would bring this fact to your notice. You may already be aware of it. What is the tension which is eating into them?

In this beautifully drafted Bill, you have put so many restrictions. One restriction is about the right to form associations which is a fundamental right given in the Constitution. We are denying it to our Armed Forces. Other is freedom of speech.

You may be aware, Sir, that a mutiny took place in certain armed forces of States as well as Central Armed Forces. And it was with a very great difficulty that the nation was able to get over it. One commandant of Provincial Armed Constabulary was shot dead by his own people in Uttar Pradesh. It was because too many restrictions were there. It was because their voice was throttled. It was because their grievances were not redressed. And it was because officers mal-treated their constabulary. Constable and Head Constable consist of 90 per cent of any force, and rest are officers. I just want to emphasise the point that there must be a proper redressal grievance forum for them and they should be permitted to form their welfare societies which are there in all armed wings and other wings of State services. They may not form a kind of trade union. There is a difference between a trade union and a welfare association. That should be there. I think, there may be some kind of thinking on this line and may be, already, some kind of mechanism is there. But, it needs very special care because as I said, Sir,

“बीजा के तार आपने बहुत कस दिए तो आवाज नहीं आएगी, और बहुत ढीले कर दिए तो भी आवाज नहीं आएगी। ज्यादा कसने से टूटेंगे, ढीले करने से सुर पैदा नहीं होगा।”

So, that matter is to be taken care of because already we have suffered in our country because of revolt or mutiny. There is a clause of mutiny here. I didn't like this word 'mutiny' being used in our armed organisations. It is not a very happy nomenclature. That is what I was feeling. I have not talked about incidents of fragging. I have talked about suicides; I have talked about attrition. Fraggings are there which is a matter of very serious concern. Fraggings means a person of the same organisation killing his brother officer or brother colleague - BSF man, with rifle, killing his own commandant or CRPF man killing his own colleague. That is fragging. It is taking place at a higher pitch in Central paramilitary forces than in the Army. There is something wrong somewhere. What it is, that has to be looked after.

Tension, no leave, inhuman treatment, etc. have to be taken care of. Last, but not least, there is a Maoists threat which is very obvious across Indo-Nepal border. It has to be specially taken care of by this force which is meant exclusively for Indo-Nepal border and Indo-Bhutan border. Prof. Bhandary has very rightly and very pertinently pointed out the plight of the Madheshis. I mean, there is a genocide. There is a kind of नरसंहार going on. It may not be relevant for this issue, but, it is something which needs attention. When we got an opportunity, we thought, we may mention it to you. More than 90 lakh Madheshis are there who have put their blood and seat to bring Nepal up economically, agriculturally and industrially. And, today, they are being butchered; they are being persecuted; and, they are running across the border. I think, the hon. Home Minister is aware of the problem and he will find some kind of refuge for them. They deserve it, Hon. Minister. I think, I have taken enough of your time. I have no pretension to teach things or to tell new lessons to the hon. Home Minister. He is so well versed in his portfolio. I just wanted to make certain submissions which are there. Sir, I congratulate him for bringing forward a comprehensive and well-drafted Bill. But, at times, way to hell is paved with best intentions. Let us take care that this organisation becomes the best organisation out of all the Central Police Armed Organisations which are under his kind care. Let it be the best feather in his cap. Sir, I wish him the best of speed and the best of time. Thank you for your indulgence and bearing with me for so long. Thanks to the Chair for his kindness.

SHRI SHANTARAM LAXMAN NAIK (Goa): Sir, I stand here to support the Sashastra Seema Bal Bill, 2006. Sir, there are about 156 sections in this Bill, which are quite exhaustive. We, at this stage, need not dwell into each of the clauses. Let us see the working of this legislation and only when some difficulties may arise, we may venture into suggestions or amendments at a future date. I would like to make a few broad suggestions at this stage. Sir, we are aware that our Armed Forces and Paramilitary Forces remain awake so that we get sound sleep. Tears came down in Jawaharlal's eyes when he heard Lata Mangeshkar singing "कुछ बाद उन्हें भी कर लो, जो लौटकर घर न आए।" This is the sense of patriotism and feelings we have towards our Armed Forces. Sir, just as sometimes we feel bad if we don't get an opportunity to speak in Parliament or to ask a supplementary, similarly, our Armed Forces also get hurt when they don't get an opportunity to face bullets of the enemies. This is the type of patriotism they have. We only say that we do not get a chance to speak, but they would like to venture into dangerous zones and face bullets. If they don't get a chance, they feel sometimes, hurt. Sir, it is a good thing that in recent times, people from the film industry, actors and actresses, have been going to the borders and trying to entertain them. It is a good venture that our film industry is having, and many times, it has been seen that this interaction has brought some sort of solace on their faces. But I would like to say that despite all these things, the Armed Forces or the Paramilitary Forces are supposed to face any given situation, that is, to go to the borders and protect us. But it is our duty, duty of the politicians, duty of the Government that we do not unduly expose our Armed Forces to aggression. It had happened during the Kargil war because of the failure of the then Government that we could not visualise the Kargil situation. When Vajpayeeji was riding a bus, the Kargil war was very much happening. The Government did not know about it. When Vajpayeeji was in Arunachal Pradesh, intrusion of the Chinese was already there in Arunachal Pradesh. When Vajpayeeji was in China, intrusion of the Chinese was there in Arunachal Pradesh. So, Sir, the Government has to be awakened all the time so that the Army or the paramilitary forces are not exposed unnecessarily on account of our failures. Now, Sir, in view of the Pakistani scenario, the Government has rightly kept the Army on alert during all these developments. And even now, when Musharraf is giving up uniform, and installing another Chief of the Army, he may try to do something across the border and put the blame on the Chief of the Army saying that he was not knowing about it, it was done by the Army, or otherwise, to scuttle the democratic process also, Pakistan may venture into something for which again, we have to be quite alert. The Forces are supposed to protect Nepal and Burma border also. But, may I ask whether protecting out borders in a particular area means only physically standing there on the borders? Is it not our duty to see what is happening in Burma? It is only when we create an atmosphere there that there will be less incursion, whether by the Forces or otherwise. Therefore, physically standing on the borders may not necessarily give results. We have to see what is happening in Burma and we have to play our role to see that the democratic rights of the people of Burma are established so that we do not face problems on our borders. As far as the jurisdiction of the court in a matter decided by the court of the Armed Forces is concerned, how far are we going to allow normal courts to interfere with the decision-making process of a different hierarchic system which we established under an Act? Earlier the decisions, whatever it be, which were given by the Court Martial Authorities were not questioned in a court of law. In recent times, the courts have started to interfere and there is no judgement of a Court Martial Authority of the Armed Forces which is questioned in a court of law. If the same situation is going to arise in this case also, there will be difficulty. There are so many hierarchies of courts here. In each case, if the decisions are challenged in a court of law, there will be no end to it and it will not be conducive to maintaining discipline in these Forces.

Another point that I would like to rise is not directly related to this legislation itself. As far as unified command is concerned, we have got a unified command. It was considered not desirable to have a unified command. Our predecessor Governments had wisely not opted for a unified command. But thereafter the Government has a unified command. I would like to know whether the Home Ministry has got any information whether the unified command is going to be disbanded. In fact, I feel that there should not be any unified command among our Armed Forces.

As far as transportation of Paramilitary Forces and Armed Forces is concerned, their transportation is an important matter of concern. You must have heard, Sir, that there were conflicts between the civilians and the people from Paramilitary Forces while travelling in the trains. There are conflicts and fights in the railway stations. Therefore, I would suggest that, as far as possible, separate bogies should be attached for the transportation of the Armed Forces. I know that there are arrangements. But still they are not sufficient. There should be sufficient separate bogies for transportation of the Armed Forces from place to another.

Secondly, now the airlines have become very cheaper and, I think, the Forces can travel from one place to another by airlines, of which the fares are not much more than 2nd AC or 3rd AC. Therefore, this option should also be explored.

Another aspect is relating to the communication system. Earlier members of the Armed Forces hardly used to have any mode of communication with their family members. They used to write letters and the letter used to reach their houses after 15 or 20 days; and there was joy in the family when they received the letters, etc. Now, on account of the improvements in the communication system, the Armed Forces can access their family members easily. I think, there is further scope for improvement on this aspect. I would suggest that there should be visual communication between the members of the Armed Forces and their families. Video communication between the members of the Armed Forces and their families should be allowed, from time to time, so that they can see their family members in their houses on the video system. This will give them a feeling that they have gone to their houses, met their children and other family members.

Another aspect which I would like to mention is that we should try to avoid corruption. In many departments of the Armed Forces, especially in the purchase of commodities and food items, we find that several cases of corruption are going on. They should be minimized because the image of the Armed Forces — it is not a question of corruption only — among the civilized society gets tarnished. We see them in a different light and this should not happen.

Lastly, I would like to stress, as has already been stressed by many hon. Members from time to time, that we should try to use the services of the Armed Forces and Paramilitary Forces for the purpose of controlling law and order situation to a minimum extent because when the Armed Forces or the Paramilitary Forces wield *lathis* or arms, it is the civilian society which accuses them. The civilian society accusing the members of the Armed Forces is not a healthy thing. Therefore, to keep them away from accusations by the civilian society, we should see to it that the services of the Armed Forces are used very rarely to control the law and order situation. Thank you.

SHRI SHIVRAJ V. PATIL: Sir, I would like to start my statement by saluting the memory of the martyrs who have laid down their lives while guarding our borders. I would also like
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to thank the hon. Members who are present in the House because their presence indicates their support to this Bill. Definitely, I would like to thank the other hon. Members who have spoken and supported this Bill. Almost all the Members who have spoken, have supported this Bill. This Bill provides for the constitution of the Force and the conditions of services of the members of the Force. It provides for the offences, punishments, deductions from pay and allowances, arrests and proceedings before trial, procedures of code, confirmation, revision of proceedings, execution of sentences, pardon and remissions. This Bill will become a law and will help the Force to function in a manner in which other Forces are working. The BSF was created by a statute. The CRPF was also created by a statute. Other Forces, like the ITBP, the Assam Rifles also have statutes. Now, this Force also will have a statute and it would be helpful to see that this Force functions in a proper manner.

Sir, there are a few points which have been raised by the hon. Members. One of the points raised is, why should we have many border forces. We have the BSF, the Sashastra Seema Bal, the ITBP, the Assam Rifles and then the CRPF, the CISF and the NSG. Out of these forces, only the BSF, the SSB, the ITBP and some men and officers of the Assam Rifles are guarding our borders. Our borders are very long. It is not realised that a very long area of more than 7,000 kilometres has to be guarded. One of the most important things is that this border is in the Himalayan region. These are very, very difficult areas. It is not easy to live in these areas and remain there during winter, when there is not even a blade of grass or not even a tree standing over there. Now these are very, very difficult areas. Some of these officers and men are living at a very, very high altitude, that is, at a height of 18,000 ft. and some of them tell me that if they live there for one year, it is equivalent to three years of their lifetime, that is, their life is reduced by three years. They are living in very, very difficult areas. Nobody realises what kind of duties they have to perform living in these difficult areas and guarding the borders. This has to be realised. Now because of different kinds of terrain and different kinds of geographical areas which have to be guarded, the Forces have to perform their duties little differently. That is why the Forces, which are guarding the border which is between Bangladesh and India, will be living in a different kind of an atmosphere, and a different kind of a terrain, while the Forces which are guarding the border between Pakistan and India are living in a different kind of a terrain. The Forces, which will be guarding the borders between Nepal and India, or, Bhutan and India, will also be in a different kind of a geographical area. And the Forces, which are guarding the area between Tibet and India, will also be having a different kind of a terrain. Also, they were brought into existence at different times. The Assam Rifles is as old as 100 years, whereas the BSF was brought into existence in the 60s. Also, the other Forces were brought into existence at different times. So, the time at which they were brought into existence and the area in which they are functioning are different. That is why the character, which they have developed, has to be maintained, and it is going to be helpful. Moreover, if you have such a long border, and if you have such a large Force of say 8 lakh officers and men working over there, it becomes very difficult to control them and maintain the discipline from one office. Even, for that purpose, it would become necessary to see that different divisions are created and they work there. Now that they are in existence under different names and there are different Forces, these things are continued and the Government does not have any plan of merging them into one Force or having only one force. It is also not necessary. It is good that they are working in this fashion. It is good that they have their own expertise, and they are using that expertise. One of the hon. Members spoke about attrition. Now it is true that the Members of these forces are working in very, very difficult conditions, and the rate of attrition is very, very high. As a matter of fact, it is not the defence forces which are in the first line. It is the

paramilitary forces which are in the first line in guarding the international borders. It is only on the actual Line of Control that the defence forces are in the first line. But at other places, the paramilitary forces are there. And because they are living at very high altitudes and in very difficult areas, even the supplies are sent to them through helicopters, and when the food material is dropped or other materials are dropped, sometimes the material is lost. And sometimes they find it very difficult and yet they are there to get the necessities of life. Then, their loneliness; I have seen the boys living in bunkers and forward areas. One or two boys live there for days together, and there is nobody to give them the company nor is there any entertainment for them. But, in that area, they live for months together, and it becomes very difficult. That kind of a difficult life is responsible for attrition. What has been done by the Government? We have taken certain steps and we will also take more steps. It is not necessary for me to explain the kind of steps that we have already taken, but we have taken many steps and we would like to take many more steps in order to see to it that the life they live over there becomes easier and it becomes possible for them to live there a little more comfortably than they have been living now.

There was a question raised by one of the hon. Members relating to the Unified Command. This Unified Command, Sir, is not there everywhere. It is there only in a few States. In Jammu & Kashmir, the Jammu & Kashmir Police as well as, initially, the BSF and the CRPF were the forces which were helping the Jammu & Kashmir Government in maintaining the law and order over there. In Assam also, the Army and the Paramilitary forces are helping the Government. In Manipur too, they are helping the Government in this manner. So, if the Army is there, if the paramilitary forces are there and if the State Police is there, there should be a machinery to coordinate their activities. So, in order to see to it that kind of coordination is achieved, the concept of having a Unified Command is accepted. That Unified Command is chaired, generally, by the Chief Minister of that State and the Chief Minister coordinates the activities.

An hon. Member has suggested that the paramilitary forces should be allowed to use civil aviation facilities like aircraft, etc. Now, we are accepting this principle to the extent possible. This kind of assistance has already been given; this kind of assistance is given to the Army; this kind of assistance is given to some paramilitary forces also in some areas. But depending upon the availability of aircraft, etc., this kind of facility will be given to them. One of the very good points which has been made by the hon. Member from Goa is regarding food material. Quality food material provided to them should be good and we have made some special arrangement for this purpose. It was suggested that the paramilitary forces should not be used for the maintenance of law and order. Sir, I have explained in this House, not once but many times, that the main task which is performed by the paramilitary forces is that of guarding the borders of India. The paramilitary forces are helping the State Police in some areas but that is not their main task and that is not their main responsibility. They remain standing; more than 70 to 80 per cent of these people remain standing while guarding our borders. Now, 30 per cent of them are helping the State Governments in the maintenance of law and order. We are not allowing them to interfere in the State machinery. We are not allowing them to interfere in any manner with the State Governments' activities in maintaining the law and order. But when they ask for assistance, we do send some forces to help them in the maintenance of law and order. This is not realised. Anything happening anywhere is now becoming the responsibility of the Union Government and, unfortunately, we are asked to explain this; and we explain this. Unfortunately, most of the Members do not realise that we have no right to go there on our own and interfere in the matter. We go there only when we

are invited. Or, by imposing the President's Rule we can go there. This is not realised. I have been repeating it. These kinds of discussions were not allowed to take place in the House in the past. Such discussions were allowed in the State Legislatures. But now that they are allowed, we are replying to them and we will continue to reply to these kinds of discussions if they are allowed. But this is the real and the correct position and that is why I am in a position to say that we are very sparingly allowing the paramilitary forces to be used by the State Governments to maintain the law and order and the paramilitary forces are not used for maintaining the law and order everywhere and generally. This is what I just wanted to say. I don't think, Sir, I have to say anything more on this. All the hon. Members have supported this Bill. One issue was raised relating to Nepal. Nepal border is also very long. One of the difficulties with the Nepal border is that we are freely allowed to go to Nepal and they are allowed to come to India freely. It is not possible for us to stop anybody coming here or going there if they are coming and going without papers. But we are trying to increase the number of posts on the Nepal border and the Bhutan border also. We are trying to increase the patrolling in that area. The SSB is going to raise a few more battalions and when they are raised, it will be possible for us to reduce the distance between the posts and it will be possible for us to provide better border guarding facility in that area.

This is what I just wanted to say. I do not think I have to say anything more than this. All the hon. Members have supported this Bill, I would like once again, to thank the hon. Members for supporting this Bill.

MR. DEPUTY CHAIRMAN: 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, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill. There is one Amendment (No. 3) to clause 2 by the Minister.

Clause 2

Definitions

SHRI SHIVRAJ V. PATIL: Sir, I beg to move:

3. That at page 2, for lines 21 TO 23, the following be substituted, namely:—

(i) "enemy" includes all armed mutineers, armed rebels, armed rioters, pirates, terrorists and any person in arms against whom it is the duty of any person subject to this Act to take action;'

The question was put and the motion was adopted.

Clause 2, as amended, was added to the Bill.

Clauses 3 to 5 were added to the Bill.

MR. DEPUTY CHAIRMAN: There is one Amendment No. 4 to clause 6 by the Minister.

Clause 6

Enrolment

SHRI SHIVRAJ V. PATIL: Sir, I beg to move:

4. That at page 4, for lines 5 to 9, the following be *substituted*, namely:—

"6. The persons to be enrolled to the Force, the mode of enrolment and the procedure for enrolment shall be such as may be prescribed."

The question was put and the motion was adopted.

Clause, 6 as amended, was added to the Bill.

Clauses 7 to 156 were added to the Bill.

MR. DEPUTY CHAIRMAN: There is one Amendment No. 2 to clause 1, by the Minister.

Clause 1

Short title and commencement

SHRI SHIVRAJ V. PATIL: Sir, I beg to move:

(2) That at page 1, line 4, for the figure "2006" the figure "2007" be *substituted*.

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: There is Amendment No. 1 to the Enacting Formula by the Minister.

Enacting Formula

SHRI SHIVRAJ V. PATIL: I beg to move:

(28) That at page 1, line 1, for the word "Fifty-Seventh" the word "Fifty-eighth" be *substituted*.

The question was put and the motion was adopted.

The Enacting Formula; Hon. Minister for Home Shri Shivraj V. Patil moves that "That the Bill as amended be passed"

The Title was added to the Bill.

SHRI SHIVRAJ V. PATIL: Sir, I move:

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up the All-India institute of Medical Sciences and the Post-Graduate institute of Medical Education and Research (Amendment) Bill, 2007. (*Interruptions*). The hon. Chairman has allotted one hour for this Bill.

DR. V. MAITREYAN (Tamil Nadu): No, No. Sir (*Interruptions*)

SHRI SURENDRA LATH (Orissa): Sir, it cannot be introduced in the House. (*Interruptions*)

MR. DEPUTY CHAIRMAN: Why not? (*Interruptions*) The hon. Chairman has allotted time, the Bill has been listed, now we will take it up for consideration. ...(*Interruptions*)...

DR. V. MAITREYAN: Sir this is bulldozing the House. Rajya Sabha cannot transact business like this. (*Interruptions*)

MR. DEPUTY CHAIRMAN: It is your view. *(Interruptions)*

MR. DEPUTY CHAIRMAN: Everything is according to rules ...*(Interruptions)*... You cannot do that. ...*(Interruptions)*... It is not possible. ...*(Interruptions)*... You cannot do like this. ...*(Interruptions)*... No, you cannot do that. ...*(Interruptions)*... Motion moved ...*(Interruptions)*...

DR. V. MAITREYAN: It is not on the agenda. ... यह नहीं चलेगा। ...*(व्यवधान)*...

The All India Institute of Medical Sciences and the Post-Graduate Institute of Medical Education and Research (Amendment) Bill, 2007

THE MINISTER OF HEALTH AND FAMILY WELFARE (DR. ANBUMANI RAMDOSS): Sir, I beg to move:

"That the Bill further to amend the All-India Institute of Medical Sciences Act, 1956 and the Post-Graduate Institute of Medical Education and Research, Chandigarh, Act, 1966, as passed by Lok Sabha be taken into consideration.

"The question was put and the motion was adopted.

...(Interruptions)*...*

MR. DEPUTY CHAIRMAN: It is not additional agenda and everything is according to rules. ...*(Interruptions)*... That is your opinion. ...*(Interruptions)*... You can start it. ...*(Interruptions)*... There is one amendment by Shrimati Najma Heptulla, Shri Amar Singh, and Shri Kalraj Mishra for reference of the Bill to Select Committee of Rajya Sabha. ...*(Interruptions)*... Members may move the amendment. ...*(Interruptions)*... The Motion for consideration of Bill has been moved and now it is open for discussion. ...*(Interruptions)*... Shrimati Brinda Karat. ...*(Interruptions)*... Shri Mangani Lal Mandal....*(Interruptions)*...

DR. V. MAITREYAN: (Tamil Nadu) Sir, this is not fair. ...*(Interruptions)*... This is democracy.*(Interruptions)*...

श्री उपसभापति: क्या चाहते हैं? This is not democracy. ...*(Interruptions)*...

श्री दिग्विजय सिंह (झारखंड): सर, हाउस सरकार नहीं चलाती है ...*(व्यवधान)*...

डा. वी. मैत्रेयन: सर, सौदेबाजी नहीं होनी चाहिए। ...*(व्यवधान)*... हाउस का दुरुपयोग नहीं होना चाहिए। एक आदमी के personal agenda के लिए यह नहीं होना चाहिए। ...*(व्यवधान)*...

श्री उपसभापति: अरें बिल लिस्ट हुआ है। ...*(व्यवधान)*...

श्री दिग्विजय सिंह: कब हुआ है?

श्री उपसभापति: गवर्नमेंट लिस्ट ऑफ बिजनेस में जब बिजनेस अनाउंस करती है। ...*(व्यवधान)*... The business which the Government wants to take up, they have informed about it. ...*(Interruptions)*... The Government has informed that this Bill will be taken up. ...*(Interruptions)*... Your agitation is not in order. ...*(Interruptions)*... Everything in is order. ...*(Interruptions)*... मेरी बात । ...*(Interruptions)*... You have moved the motion. *(Interruptions)* Mr. Narayanasamy.

SHRI V. NARAYANASAMY (Poducherry): Sir, ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: इसे बाद में देखेंगे। ...*(व्यवधान)*... बिल पर आप भी बात करो, उन्हें भी बात करने दो। ...*(व्यवधान)*... प्लीज, उन्हें अपनी बात करने दो। इसे बाद में देखेंगे। ...*(व्यवधान)*... आप भी अपनी बात रखिए। ...*(व्यवधान)*... It is not for me... *(Interruptions)*... You see, it is not for me, Mr. Ahluwalia, What is the hurry? The Government should decide. How can the Chair decide? The