

**Title:** Discussion on the Special Protection Group (Amendment) Bill, 1999, moved by Shri L. K. Advani (Not concluded).

16.55 hrs.,

MR. CHAIRMAN : We will now take up the Special Protection Group (Amendment) Bill, 1999.

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): I beg to move:

"That the Bill further to amend the Special Protection Group Act, 1988, as passed by Rajya Sabha, be taken into consideration."

This is a Bill which seeks to replace an Ordinance which was issued last month by the President. The background of this Bill is that we have an elite Force known as the Special Protection Group which attends to the security of the Prime Minister and members of his immediate family, as also former Prime Ministers and Members of their families. This Group was formed shortly after Mrs. Indira Gandhi's assassination in 1984. It came into being in 1985, but it received statutory status in 1988 when Parliament enacted the Special Protection Group Act. This Act was amended twice later on, firstly because the original Act provided that in case of former Prime Ministers it would be operative for five years after they cease to be Prime Ministers. Subsequently, it was amended and five years was made ten years. Lately, the Government considered this matter because in the case of the family of Shri Rajiv Gandhi namely, Mrs. Sonia Gandhi and her children, the SPG cover was only up to the 1st December, 1999, ten years were due to expire. So, the Government had two options either to amend the Act and make ten as 15, or to change what has been done in the Act namely, we have not changed the period for which SPG cover would be provided to former Prime Ministers and their families. That remains to be done. But it has been provided that on the basis of the assessment of the threat to former Prime Minister or his or her families, SPG cover can be continued. But it can be continued under certain circumstances when the threat is continuing, when the threat is from terrorist organisations and on that basis, the amendment was made in the SPG Act and because Parliament was due to meet on the 29th November and between 29th November and the 1st December, there were just two days and, therefore, Government thought it necessary that Ordinance be issued and today I have brought this Bill to the House for replacing the Ordinance and making it into a permanent statute.

17.00 hrs.

Since this is a short Bill with very limited provisions, the other House passed it unanimously. On that occasion, I availed of the opportunity to refer to a matter which has been bothering me ever since I assumed office last year. That issue is related to the kind of security that we provide to people in public life, the so-called VIPs.

There was a time when there was no such provision. I remember, the first time that I was in Government, there was hardly any security even with the Prime Minister. Shri Morarjibhai Desai was the Prime Minister at that time. I have gone through the earlier records and found that the first time this question of security being provided to Ministers being talked about in a formal notification from the Ministry of Home Affairs was around 1971-72. That was the first time. During the time of Pandit Nehru or earlier, there may have been nothing whatsoever. Subsequently, due to various changes in the internal security environment, changes have come about. Some of them are imperative; some of them are necessary.

The State has a responsibility in that regard. But what has happened since 1971 gradually is that this particular VIP security has been proliferating in a manner as to detract from the basic duty the State has towards its common citizens. The other day, when I was talking with some of the police officials in Delhi, I asked what the total strength of police personnel in Delhi, in the capital was. They told me that it was around 57,000 or so. I asked them what the estimated number of policemen who are entrusted with VIP security duty would be. I was shocked to hear that out of 57,000 personnel, 7,000 policemen were entrusted with the responsibility of VIP security. These figures are telling figures. Here is a city with a population of one crore or more and for that one crore population, 57,000 police personnel is a small number. And, out of this 57,000 personnel, 7,000 are to be entrusted with the duty to safeguard VIPs.

I have just secured figures of the number of so-called VIPs who are guarded and the number is 359 in Delhi. Some of them are positional, that is, because of the position that they have, they are supposed to be under certain threats and on the basis of the threat perception, the VIP security is provided. Of course, it is done by a small group of officers within the Ministry of Home Affairs, who make a periodical assessment of the threat perception. I have mentioned this because it is my view that there is a need to drastically curtail this level of VIP security.

During the last one and a half years, the attempts that have been made in this direction have met with resistance and at every point of time there is difficulty. Actually, when it is sought to be done, the Ministry itself has to listen to them. It is not merely people in public life but even officials who are in threat. I am in a position to tell the House that I have with me certain figures of the officials who used to have security some time back. In 1997, there were 118 Government officials who were provided with security guards, etc. That number had been brought down to 90 in 1998 and today it is 33. This is the direction in which I would like to continue and that too not merely in respect of officials but in respect of all those who have sought official security, Governmental security.

As I said, today, the number of such persons who have security is 359. For some of them, it is purely a positional one; they happen to be occupying certain positions and therefore, they have them. Even in that regard, perhaps, certain changes can be made, but it has to be done with their consent. But in the other cases, I do think that a lot needs to be done.

My own experience is that during the last one-and-a-half years or two years, the moment the Home Ministry decides that in a particular case there was a threat five years ago, but today that threat no longer exists and so, security should be withdrawn or that security should be cut down to a lower level, there is a reaction; and that reaction is that that decision has been taken wrongly and say that either they do not know the kind of threat that I am under or there is some prejudice, etc. It is because of that that I have mentioned this matter in the House.

I am sharing no secret – ever since a provision was made that those under threat from any militant organisation can even be provided accommodation or house, this problem of VIP security has acquired a new dimension. I have had people approaching me saying that kindly put me on Z plus category list of security since that would entitle him to get a house and otherwise it is not possible for him to live in Delhi, kindly do this or kindly do that.

Now, I am of the view that this particular dimension needs to be eliminated altogether. If the House agrees, we can do so because presently the Home Ministry is engaged in drawing up fresh guidelines in the matter of VIP security. In that regard, one proposal that is under consideration is that under no circumstances, even though a person is threatened and that threat perception may entitle him to certain security from the Government, he will be entitled to any accommodation or allotment of a house.

SOME HON. MEMBERS: Yes.

SHRI SONTOSH MOHAN DEV (SILCHAR): Some of them are having accommodation on that ground now, it should nullify that also.

SHRI L.K. ADVANI: Yes, it will. It will apply to everyone. Therefore, I have placed it before the House. It does cause inconvenience. Something has happened ten years ago or seven years ago as a result of which a facility is given to a Member. He may be a former MP or he may be a former Minister or he may be a senior public man in life. But it is on that account, that is given to him. But if a decision of this kind is taken, it has to be uniformly applied to all. The consequences are there.

SOME HON. MEMBERS: Yes.

DR. NITISH SENGUPTA (CONTAL): Those people can pay for their security.

SHRI L.K. ADVANI: That is a different matter.

As I said, in the case of officials what has been done is commendable. Already we have succeeded in bringing down the number of officers who were having security from 118 to 33 in these two years. In the case of political leaders, this is not the figure. In the case of political leaders, there has been a slight difference.

DR. NITISH SENGUPTA : I did not ask for any security when I was the Revenue Secretary.

SHRI L.K. ADVANI: It is all right. It is very good.

Therefore, I have placed this matter before the House. Similarly, SPG of course is an elite group which has been developed for the sake of the Prime Minister and the members of his immediate family. But when the National Security Guard, NSG was constituted, - the black cat commandos - the concept was that they would operate principally in the areas afflicted by terrorism. They were to be a strong, a well-trained commando-force which will deal with terrorists. They were not conceived for VIP security.

But it was a decision taken within the NSG and within the Government that they would be given the NSG. Today, having the NSG or the black cats has become a status symbol.

**कि मेरे साथ एन.एस.जी. है, मेरे साथ कमाण्डोज है, काले कपड़े पहने हुए, स्टेनगन हाथ में लिए हुए हमारे साथ घूमते हैं, चलते हैं**

Therefore, we have a proposal according to which the NSG may not be used for the VIP security. If such decision is taken, I know, many people would question that decision. There would be some kind of resistance saying that exceptions should be made in this case or in that case. So, if it has to be done, then I need the support of the entire House. Since there are only three clauses in this Bill, I am sure, that the House would readily agree to pass this Bill unanimously. I would also need the support of the House for the other proposals that the Government has in mind.

SHRIMATI SHYAMA SINGH (AURANGABAD, BIHAR): Mr. Chairman, Sir, we are discussing a very important subject regarding the security provided to no less a person than the Prime Minister and to his family members. As the hon. Minister has rightly mentioned, the SPG which was initiated and promulgated in 1988 was further amended in 1989-91. An Ordinance was promulgated last month for which the Bill has to be passed today. I fully support the Bill on various accounts. As the hon. Minister has stated, this Bill was basically enacted to provide security to the Prime Minister which is of utmost importance to this country. As we all know, the Prime Minister takes important decisions of far-reaching consequences. Many people feel that the security cover given to the VIPs is only a facade and that they have no right to inherit such a protection. That may not be always correct because the threat perception of some of the people in high places is so actual that they need it, especially for leaders like Rajiv Gandhi, the fall-out of which we saw later on. I definitely feel that the SPG must be given to all these people and to their family members as they are under constant threat from various quarters.

">At the same time, I would like to say that there are people who do not deserve any security cover. As the hon. Minister has rightly mentioned, there are some people who ask for security just because it has become a status symbol. This Government has been in power for more than a year. I personally know a case where one person has been given security cover who is neither a Member of Lok Sabha nor of Rajya Sabha. I would not like to mention his name. He was the Member of the Rajya Sabha many years ago. Even after he laid down office, he continued to enjoy the privilege of having a house which has been dismantled and demolished. I can earmark that house which is situated in the NDMC zone. The ex-MP has demolished the entire house from the roots. I do not know how was it done. He was given the permission to build a house in almost a record time of two months. The property dealer or the officers in-charge demolished the entire house and it was done for vastu reasons. He dismantled the house which was properly erected by the Government. After that he says to the public that he is the recipient of the NSG cover. He brandishes it around to everybody concerned that he is the recipient from no less a person than the highest office of this country.

">What kind of a situation is this? Is it at all fair on the public or on the people who watched this show? So, I would like to bring it to

your notice that for the last 16 months and now for the last 13 months this particular Member of the Rajya Sabha, without being a Member in either Houses, without occupying any public office, is not only misusing the Government accommodation but also in the name of threat perception using the NSG cover. I would like to bring this to the notice of the Home Minister that if action can be instituted against at least a couple of people in this country, the rest will follow in line.

">If at all the SPG cover has been discussed, the main thing is that it was created for Shri Rajiv Gandhi. It is a very unfortunate thing that because of the inadequacy of the security that was provided to our very dear Prime Minister, we lost him. The country lost a very dynamic leader. Today, the persons who are coming to high offices are the beneficiaries of the so-called cover and security.

">Hon. Home Minister has been very gracious in saying that he is keen to pass this Bill, as we are all in this House because we are concerned about the people in high offices who take decisions of very extreme nature. I am happy that this Bill is going to be passed. I fully endorse the Bill. Thereafter, I am sure, the Members will have nothing to dispute about. The rest of it my colleagues will be extending in their speeches.

SHRI P. RAJENDRAN (QUILON): Hon. Chairman, Sir, this legislation has been brought with the intention to extend the SPG facility available to VIPs at present. We should pass this legislation without any dissent. I have some reservations in the system as such.

">It is the order of the day to give more and more protection to the political leaders. I would say that it is a sign of the disorder prevailing in the country. More and more instances of violence and sabotage are being reported in our country. We are proud of being the largest democracy in the world. How can we be proud of this disorder and agony prevailing in our country? A good democratic system is one which gives every citizen a feeling that he is being governed and has a role in the governance of the country. Not only the VIPs, all the citizens should feel that they are secured. In the prevailing situation necessitated by the insurgency, nobody can hesitate to provide ample security to VIPs but in the long run we have to review it because disorder cannot be protected or supported beyond a certain limit. With these words, on behalf of my Party, I would say that this legislation should be passed.

SHRI T.M. SELVAGANPATHI (SALEM): Hon. Chairman, Sir, thank you very much for giving me this opportunity. I rise to strongly support this Bill and endorse that this Bill be passed. This Bill is concerning the SPG cover. We have absolutely no reservation on this.

">This country has witnessed many cold-blooded assassinations. Therefore, the time-limit prescribed now has to be extended. I think, the whole House would be unanimous on this particular issue.

">But as far as the NSG cover is concerned, the hon. Minister, in his introductory remark, said that it has to be given up and to substitute that, other forms of protection could be arranged depending on the cases. Sir, in my opinion, the perception of the internal security has totally changed now. We cannot take a unilateral decision regarding removal of NSG cover for the simple reason that the State security - any State for that matter - is not well equipped to combat certain modern terrorist techniques which some organisations like Liberation Tiger of Tamil Eelam and some anti-national forces in the name of minority possess. Even our hon. Home Minister was targeted in Coimbatore. The hon. Home Minister fortunately escaped because his flight was delayed by an hour. A bomb blasted very near the stage where he was supposed to appear in the public. So, the things have changed now.

">Therefore, as far as the NSG cover is concerned, I request the hon. Minister to review his opinion or even change his opinion. A specific case of our beloved and dynamic leader, Dr. J. Jayalalitha is there. She has been given the NSG cover. Today, she faces a security threat both from outside the country and within the country. I suspect that this remark is even aimed at removing the security, especially of the AIADMK leader, Dr. J. Jayalalitha. Therefore, I urge upon the Minister that it should be considered on case to case basis keeping in view the security perception, security threat and its magnitude. All such things have to be taken into consideration instead of taking a unilateral decision on the removal of the NSG. I welcome this Bill and I call upon the Government to continue the NSG protection to the leader of AIADMK, Dr. J. Jayalalitha. I also reiterate that any move to remove the security cover to her will result in a dastardly situation and we will oppose it tooth and nail.

SHRI MANI SHANKAR AIYAR (MAYILADUTURAI): Mr. Chairman, Sir, I would like to begin by expressing my deep gratitude to the hon. Home Minister for having shown, in this case, deep sensitivity to the security requirement of Shrimati Sonia Gandhi and her family. While the legislation before us is not designed for the protection of only one person or only one family, the fact is that it immediately applies to that person and her family and generically speaking to all those who fall into this category of threat. I am, therefore, wishing to bring on record my appreciation of what the hon. Home Minister himself could perhaps not be able to bring on record that it is a gracious act on his part to have extended the protection that is required by the Leader of the Opposition and her family. In doing so, he expressed his awareness of the fact that the first two or three days of this current Session of Parliament might not have been adequate to bring the legislation before the House and therefore, the recourse was to have an Ordinance which is now sought to be converted into legislation.

We are really deeply behold to him. At the same time, I feel that although I know that this piece of legislation is going to be unanimously enacted, it is not possible for us to proceed without comment to the stage of voting for, the whole issue of security has been trivialised in the public perception. It was in consequence of such trivialisation of serious issues that we had to suffer the martyrdom of Shri Rajiv Gandhi. Therefore, I would like to avail of this opportunity to seek the indulgence of the House to explain at perhaps a little greater length than might otherwise have been required why we need to distinguish the SPG legislation from the executive acts of the Government with regard to other forms of security. In that light, I regret that the Home Minister has seen fit to expatiate at length on matters that are not directly relevant to this Bill. This Bill deals only with SPG security. While my sympathies are entirely with him on the other points that he raised, I do wish to underline that we must not club matters relating to SPG security with other matters. For, to do this is to trivialise both things.

As hon. Members of this House are aware, I was a Civil Servant before I become a Member of Parliament. My last assignment as a Civil Servant was to work in the Prime Minister's Office from 1985 to 1989, the period when Shri Rajiv Gandhi was the Prime Minister. While I was given a certain number of other duties to perform in the PMO, my single most important duty was to organise the Prime

Minister's tours and to accompany him on these tours. As it happened, I got an opportunity literally unique to myself - there is nobody else in India who has had that experience - of being with Prime Minister Rajiv Gandhi on tour before the SPG was formed, of being with him on tour after the SPG was formed but before the SPG Act was passed, of being with him on tour after the SPG Act was passed, of being with him on tour after he ceased to be the Prime Minister but before the SPG cover was withdrawn from him and then being on tour with him after the SPG cover had been withdrawn from him and alternative security arrangements were made. There is not even an SPG Officer who can claim this because by definition, an SPG Officer came into the picture only after the formation of the SPG. The SPG Officer ceased to be in the picture when the SPG cover was withdrawn from this former Prime Minister. It is in the light of this experience that I would urge in the context of this discussion so that, God forbid, if we need to revert to it, these matters are brought on record that there have been two important debates in this House. One, on the 10th of May 1988 when the SPG Act was sought to be passed and the other on the 13th May of 1993 when the Verma Commission's findings were re-examined in this House. When the importance of the SPG and its distinction from other forms of security was highlighted, it needs to be highlighted in today's context for us to properly appreciate what is it that we are passing today.

Proximate security, which is referred to in the text of the Act contains an important component, that has been explicitly referred to by the Minister who piloted the original 1988 Act, in the expression "advance liaison." I think it is this advance liaison which distinguishes the form of proximate security provided by the SPG from all other forms of proximate security, because it involves sending a team out in advance to ensure proper security arrangements before the person covered by the SPG reaches the spot. Therefore, you have, within the SPG, an officer designated as the Additional Director (Functions) whose job it is to visit the spot in advance and ensure that there are no breaches of security by the local police or by any other local authority which could endanger the person arriving on the spot. This is not available to anybody else. When the Advance Security Liaison Officer goes to a spot, he is virtually endowed with dictatorial powers in respect of security arrangements. He is authorised by the law to overrule any other officer of any service even if that person be senior to him in respect of these security arrangements. He is indeed authorised to overrule the Chief Minister where the Chief Minister, for his own political reasons, wishes not to observe the regulations prescribed in what is called the Blue Book. This kind of authority...

**सभापति महोदय :** अभी आधे घंटे की चर्चा होनी है। आप कितना समय और लेंगे?

**श्री मणि शंकर अय्यर :** मुझे १५-२० मिनट और लगेंगे।

**सभापति महोदय :** आप बाद में जारी कीजिएगा।

**श्री मणि शंकर अय्यर :** अभी मैं बैठ जाऊँ।

**सभापति महोदय :** जी हाँ।

**श्री मणि शंकर अय्यर :** ठीक है।

**श्री राजीव प्रताप रूडी (छपरा) सभापति महोदय,** आधे घंटे की चर्चा का समय हो गया है।

**सभापति महोदय :** वही कर रहे हैं।

**SHRI RAJIV PRATAP RUDY :** Sir, we can have the Half-an-Hour Discussion next day...(Interruptions)

**SHRI MANI SHANKAR AIYAR :** The Advance Security Liaison Officer is, as I was saying, endowed with such significant powers...

**MR. CHAIRMAN:** You can continue tomorrow. Please take your seat now.

**SHRI MANI SHANKAR AIYAR :** All right, Sir.

-----