

PARLIAMENT OF INDIA

RAJYA SABHA

DEPARTMENT-RELATED PARLIAMENTARY COMMITTEE ON HOME AFFAIRS STANDING ONE HUNDRED AND TWENTY THIRD REPORT ON

SASHASTRA SEEMA BAL BILL, 2006
(PRESENTED TO RAJYA SABHA ON 27 FEBRUARY 2007)
(LAID ON THE TABLE OF LOK SABHA ON 27 FEBRUARY 2007)

RAJYA SABHA SECRETARIAT

NEW DELHI

February, 2007/Phalgun, 1928 (SAKA)

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*To be appended at printing stage

COMMITTEE ON HOME AFFAIRS
(Constituted on 5 August 2006)

1. Smt. Sushma Swaraj - Chairperson

RAJYA SABHA

2. Shri V. Narayanasamy
 3. Shri Rishang Keishing
 4. Shri R.K. Dhawan
 5. Shri S.S. Ahluwalia
 6. Shri Janeshwar Mishra
 7. Shri Prasanta Chatterjee
 8. Shri N. Jothi
 9. Shri Satish Chandra Misra
 10. Shri Sanjay Raut
- LOK SABHA

11. Shri L.K. Advani
12. Dr. Rattan Singh Ajnala
13. Shri Ilyas Azmi
14. Km. Mamata Banerjee
15. Smt. Sangeeta Kumari Singh Deo
16. Shri Biren Singh Engti
17. Shri Tapir Gao
18. Shri T.K. Hamza
19. Shri Raghunath Jha
20. Shri Naveen Jindal
21. Shri Ajit Jogi
22. Prof. K.M. Kader Mohideen
23. Shri Ramchandra Paswan
24. Shri Sachin Pilot
25. Shri Ashok Kumar Pradhan
26. Shri G. Karunakara Reddy
27. *Shri Mekapati Rajamohan Reddy
28. Shri Baju Ban Riyan
29. Choudhary Bijendra Singh
30. Shri Brij Bhushan Sharan Singh
31. Shri Mohan Singh

SECRETARIAT

Shri Tapan Chatterjee, Joint Secretary
Shri P.P.K. Ramacharyulu, Director
Shri Rohtas, Under Secretary
Shri Sanjeev Chandra, Committee Officer

* Nominated w.e.f. 10 October 2006 *vice* Shri Rahul Gandhi who is nominated to Standing Committee on Human Resource Development.

INTRODUCTION

I, the Chairperson of the Department-related Parliamentary Standing Committee on Home Affairs, having been authorized by the Committee to present the Report on its behalf, do hereby present this One Hundred and Twenty Third Report of the Committee on the Sashastra Seema Bal Bill, 2006.*

2. In pursuance to sub rule (a) of Rule 273 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, relating to the Department-related Parliamentary Standing Committees, the Chairman, Rajya Sabha on 3 August 2006 referred** the Sashastra Seema Bal Bill, 2006 (Annexure-I), as introduced in the Rajya Sabha on 28 July 2006 and pending therein, to the Committee for examination and report. The Chairman directed the Committee, under sub-rule (b) of Rule 273 of the Rules of Procedure to present the Report on the Bill within three months from the date of reference.

3. The Committee at its meeting held on 30th October 2006 felt that it would need more time to complete examination of the Bill and accordingly decided to seek extension upto the last day of the first week of Budget Session (2007). The Chairman, Rajya Sabha accordingly granted extension of time as requested by the Committee for presentation of its report to Parliament.***

4. In its meeting held on 20 September 2006, the Committee heard the presentation of the Special Secretary (Internal Security), Ministry of Home Affairs on the Bill and held preliminary discussion thereon.

4.1 In its sittings held on 8 and 9 January 2007, the Committee held detailed discussion on the Bill. The Committee thereafter considered the Bill clause-by-clause on 9 January 2007.

5. The Committee considered the draft Report on the Bill in its sitting held on 22 February 2007 and adopted the same.

* Bill published in the Gazette of India Extraordinary, Part II, Section-2, dated 28 July 2006.

** Rajya Sabha Parliamentary Bulletin Part II No. 43344 dated 3 August 2006.

*** Rajya Sabha Parliamentary Bulletin Part II No. 43511 dated 7 November 2006

(ii)

6. In examining the Bill and in finalizing its report, the Committee has made use of the following material sources:

- (i) background note;
- (ii) replies to the questionnaire (Annexure-II);
- (iii) presentation of the Special Secretary, Internal Security, MHA;
- (iv) oral evidence of Home Secretary.

7. For facility of reference and convenience, observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

NEW DELHI;

SUSHMA SWARAJ

22 February 2007

Chairperson

Committee on Home Affairs

REPORT

SPECIAL SERVICE BUREAU

HISTORICAL PERSPECTIVE

The Special Service Bureau (SSB) was raised in 1963 under the Ministry of External Affairs in the backdrop of the Chinese aggression of 1962 and pursuant to the philosophy that security of the borders was not the responsibility of armed forces alone and that it also requires a well-motivated and trained border population. The SSB came under the Prime Minister's Secretariat on January 1, 1965 and subsequently it was transferred to Cabinet Secretariat on September 1, 1965. The organization was initially functional in the region of the then North East Frontier, North Assam, North Bengal, hills of Uttar Pradesh, Himachal Pradesh and Jammu. Subsequently, its activities were extended to other border areas in Manipur, Tripura, Meghalaya, Sikkim, Rajasthan, Gujarat, Mizoram, South Bengal, Nagaland and some areas of Kashmir valley. In January, 2001, on transfer of the Special Service Bureau from Cabinet Secretariat to Ministry of Home Affairs, it was assigned the new role of a border guarding force on Indo-Nepal and Indo-Bhutan Borders. The name of Special Service Bureau was changed to Sashastra Seema Bal (SSB) with effect from 27th March, 2004.

ROLE IN EARLIER SET UP

1.1 The role of SSB in its earlier set up was to inculcate a sense of security and spirit of resistance amongst the border populace, promoting national awareness and security consciousness among the people of the border areas, generating mass support in the border areas through National Integration

Programmes and welfare activities, organizing and preparing border population to resist enemy and perform 'Stay Behind' role during invasion/occupation and countering enemy propaganda through psychological war operations and awareness campaigns.

CHANGE IN ORGANIZATIONAL STRUCTURE

1.2. The organizational structure and sphere of responsibility of the SSB have undergone a qualitative change since its inception in 1963. On January 15, 2001, the administrative control of the SSB was transferred to the Ministry of Home Affairs, in pursuance of the recommendations of the Group of Ministers (GoM) on reforming the National Security System. The GoM recommended the principle of 'one border one force' for better accountability and also recommended the necessity of comprehensive border management including management of Indo-Nepal and Indo-Bhutan Borders. Accordingly, the Ministry of Home Affairs entrusted to the SSB the role of guarding Indo-Nepal Border stretching over 1751 kms. *w.e.f.* June 19, 2001 with the following objectives, namely:

- (i) to promote a sense of security among the people living in the border area;
- (ii) to prevent trans-border crimes and unauthorized entry into or exit from the territory of India; and
- (iii) to prevent smuggling and any other illegal activities.

1.2.1 On June 29, 2001, SSB was declared as a Lead Intelligence Agency (LIA) for Indo-Nepal Border. On March 12, 2004 the Ministry of Home Affairs further assigned the task of guarding Indo-Bhutan Border to the SSB, stretching over 699 kms. The SSB seeks to achieve these objectives by policing the border through Armed Combatized Wing, which is being restructured by the Ministry of Home Affairs into 41 Battalions of 7 Companies each.

1.2.2 After transfer of SSB to MHA, both the uniformed and non-uniformed wings of the Force are functioning. However, as per the policy decision of the Ministry of Home Affairs, the Area Wing (non-uniformed) component of the SSB shall be phased out systematically on account of promotion or retirement etc. and vacancies arising thereof shall be filled up by the corresponding combatized personnel on the base posts. For the purposes of governance of the non-uniformed civilian component the same shall continue to be dealt with under the relevant Central Government Rules till they are phased out.

1.2.3 The Government now feels it necessary that a comprehensive legislation be enacted on account of the following factors on the lines of similar law enacted for the Indo-Tibetan Border Police (ITBP).

- (i) to lend statutory backing to the organisation and clothe it with a separate and independent identity at par with other Border Guarding Forces(BGFs);
- (ii) to dispense with the existing arrangement of extending selective applicability of the provisions of the CRPF Act, 1949 to SSB personnel and to introduce uniformity by enacting a

separate comprehensive legislation for the SSB;

- (iii) to reinforce superintendence, guidance and control for effective operational efficiency and management of the organization to achieve its organizational objectives as a BGF; and
- (iv) to pave way for cohesive organizational structure as also to provide for a set of rules, methods and procedures in matters of discipline and performance.

SALIENT FEATURES OF THE BILL

2. The Sashastra Seema Bal Bill, 2006 (Annexure-I) seeks to regulate the Sashastra Seema Bal *inter alia* with the following salient features:

- (a) Creation of SSB as an armed force of the Union with provision for control, direction and service conditions of the personnel;
- (b) Bringing under purview of the proposed Bill all persons appointed (whether on deputation or in any other manner) in the Force, namely;
 - (i) Officers and subordinate officers; and
 - (ii) Under-Officers and other personnel so enrolled.
- (c) Constitution of the SSB Force Courts and provision for the powers, processes and procedures to be followed, and the penalties which can be imposed. Death penalty has also been stipulated for certain grave categories of offences.

3. The Bill introduced in the Rajya Sabha on 28 July 2006 and pending therein, was referred to the Department-related Parliamentary Standing Committee on Home Affairs on 3 August 2006 for examination and report.

PRESENTATION AND DISCUSSIONS

4. The representatives of the Ministry of Home Affairs made a presentation before the Committee on 20 September 2006. Further, oral evidence of Home Secretary was recorded on 9 January 2007.

4.1 The Special Secretary and the concerned Joint Secretary in the Ministry made presentation/ observations on the history of the force, its complete makeover from its previous role to its present mandate and also on the highlights of the provisions of the Bill.

THE ISSUES

5. During the presentation and oral evidence of Home Secretary, the following points emerged on which the Committee deliberated. The Ministry's response thereto and Committee's observations on each point are as follows:-

RELEVANCE OF INITIAL ROLE:

6. As already explained earlier, the role of SSB has changed from a 'stay behind role' in the event of external aggression to a 'Border Guarding Force' after it has come under the administrative control of the Ministry of Home Affairs in 2001.

6.1 Pursuant to the acceptance of the recommendations of the Group of Ministers (GoM) on Reforming National Security System, administrative control of the SSB was transferred from the Cabinet Secretariat to the Ministry of Home Affairs with effect from 15.1.2001. Accordingly, the Ministry of Home Affairs (MHA) has entrusted the SSB with the task of guarding Indo-Nepal Border stretching over 1751 kilometres in the States of Uttaranchal, Uttar Pradesh, Bihar, West Bengal and Sikkim and Indo-Bhutan Border stretching over 699 kilometres in the States of Sikkim, West Bengal, Assam and Arunachal Pradesh and also designated it as the Lead Intelligence Agency (LIA) in the areas of deployment.

6.2 The Committee understands that the Padmanabhaiah Committee recommended for continuation of the organisation's motivational role for security preparedness in border areas where the SSB enjoyed goodwill and popular support. However, this does not find place in the present Charter of Duties of the SSB.

6.3 On the relevance of the original role of the Force i.e. 'Stay Behind Role', the Home Secretary stated that the specific mention of that role has been omitted from the Charter of Duties of the SSB. The SSB has now been reorganized. He however added that despite omission of the 'Stay Behind Role' in the Charter of the Force, as and when required, it may be asked to perform its original functions like motivating and morale boosting of the border populace, providing medical and educational aid and helping them in a variety of other ways. The Home Secretary observed that it is a very sensitive area and the people in and without uniform perform all these functions.

6.4 The Home Secretary agreed with the unanimous view of the Committee that the original role of the SSB should be clearly spelt out. He agreed that there is a need for appropriately clarifying the 'Civic Action Programme' of the SSB. He assured the Committee that the 'Civic Action Role' of all the BGFs including the SSB would be formalized by executive orders.

6.5 The Committee takes note of the fact that the role of the erstwhile SSB was *inter alia* to promote national awareness and security consciousness among the people of the border areas. The Committee feels that the original role of SSB is relevant even to this day. The Committee accordingly recommends that the erstwhile role of the SSB should be clearly spelt out in the statute. It is however apprehensive of the fact as to how effectively the uniformed force would perform the 'Stay Behind Role' so efficiently performed by its non-uniformed wing. The Committee, therefore, recommends that the Government should consider this aspect in the light of the sensitivities of the border areas. It is the considered view of the Committee that love, affection and esteem of the people cannot be gained by bullets but by benevolence. Winning hearts and minds of the people is far more important than combatised action. The Committee apprehends that the proposed combatisation of the non-combatised

wing may prove counter-productive due to lack of developmental and welfare activities. The SSB has been declared as a Lead Intelligence Agency (LIA) for Indo-Nepal and Indo-Bhutan Borders. Presently, the main tasks of LIA are being carried out in the field formations of SSB by the civil components (non-uniformed) which are receiving applause from all the quarters concerned which is possible because the civil component enjoys the love and affection of the masses and are carrying benevolent activities for the border populace. The Committee recommends that the Government may consider retaining the non-combatised wing permanently. Since the Home Secretary has agreed to include the Civic Action Programme in the role of SSB, the non-combatised wing can be better utilised for the Civic Action Programme.

COMBATISED VS. NON-COMBATISED WINGS:

7. There is a role-reversal for combatised and non-combatised personnel of the Force. Earlier, the non-combatised wing was the main wing and the combatised wing was supporting it. Now, being the Border Guarding Force (BGF), the combatised force is the main wing while the non-combatised force is being phased out. Some Members were concerned about the future of the non-combatised wing.

7.1 On a query as to whether the promotional avenues of the non-combatised force are likely to be affected, the Ministry in its written reply stated that consequent upon shifting of administrative control of SSB from Cabinet Secretariat to MHA and subsequent change in the role of SSB, the Force has been recognized as a BGF, which has led to the reorganization of the Force for rationalisation of command structure. Despite the decision to phase out the non-combatised cadres, they are being allowed promotions within their own cadre as hitherto. It has been further stated that in order to ensure that the promotion of non-combatised personnel do not suffer as a result of rationalization of the posts in SSB, the Government has already decided to give an opportunity to willing/eligible civilian personnel to opt for combatisation. Remaining civilian personnel would continue in their respective grades and enjoy the existing perks/promotional avenues.

7.2 On a query as to whether the officers of the SSB are happy with the changed role, the Additional Director-General, SSB stated that, by and large, the officers of the Force are happy to get combatised. When this offer was given, a large number of medical cadre, which was earlier non-combatised, have opted and have put on their uniform. Many more persons, particularly from engineering and para-engineering cadres as well as the veterinary and para-veterinary cadres, which are non-combatised, want to get combatised because they gain in terms of leave, various allowances such as uniform allowance, etc. Accordingly, they are now in the process of being given that option. Many officers are very keen that this should be done at the earliest. The Home Secretary further added that though the option for being combatised is given, others will not be retrenched or thrown out of service. They will continue till the time they reach their superannuation. But, there will be no fresh recruitment in non-combatised or civilian component of the force because that role has got merged into the present configuration.

7.3 The Committee is of the view that with the enactment of the Bill, the complexion of the Force is going to undergo a metamorphosis. This phase is very crucial for the personnel working in the non-

combatised wing. The Committee is given to understand that, despite a positive picture depicted by the Home Secretary and the Additional Director-General of the SSB, the decision to phase out the non-combatised Force has badly affected their morale and caused disenchantment. The Committee, therefore, recommends that the civilian cadres should be reviewed immediately to facilitate their promotional avenues at par with the combatised wing. They should continue to be allowed to work with dignity and honour without any adverse impact on their career prospects, whether they opt for the combatised wing or not.

DEFINITION OF 'ENEMY'

8. The Committee found that the definition of the term 'enemy' as contained in the Bill was deficient inasmuch as it does not include illegal migrants and needed to be re-looked. A view was also expressed that the activities of agencies such as ISI and the fake currency racketeers and related activities needed to be brought under the scope of the definition.

8.1 The Home Secretary agreed that the definition of 'enemy' was deficient and needed to be reconsidered. He, however, felt that bringing 'illegal migrants' within the scope of the definition would not be appropriate as it would involve humanitarian aspects and some international covenants to which India was a signatory.

8.2 The Committee recommends that the definition of 'enemy' may be made more comprehensive bringing persons involved in illegal and contraband activities under its scope.

ENROLMENT OF NON-CITIZENS IN SSB

9. The Bill provides for enrolment of a non-citizen for a limited period in the Force with the approval of the Central Government. The Committee was at a loss to understand the rationale of this provision, particularly when there is no such provision in the Acts of BGFs.

9.1 The Ministry in the written reply stated that the draft SSB Bill, 2006 had been framed on the basis of the Indo-Tibetan Border Police Force Act, 1992 in which enrolment has been defined in Clause 6 which is as follows:

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

In the process of finalization of the Draft Bill, a thorough examination of the instant clause was conducted and it was observed that Clause 6 of the ITBP Act, 1992 provided a scope for enrolment of non-citizens as per policy of the Government of India in vogue which envisaged that citizens of Nepal and Bhutan can be appointed to posts in the Central Government.

9.2 In this context the Ministry of Home Affairs in its written response further stated as under:

“In view of the deployment of the SSB on the Indo-Nepal and Indo-Bhutan Border, it was considered appropriate not to induct citizens of Nepal and Bhutan in SSB contemplating that such enrolment may create problems in the effective vigil of these borders. Taking into consideration the above-said administrative aspects and that no such provision exists in the BSF Act, 1968 and the ITBP Act, 1992, it was felt necessary to incorporate an additional sub-clause to Clause 6 in the Draft SSB Bill, 2006 as below:

‘(2) A person other than a citizen of India shall not be enrolled in the Force except with the approval of the Central Government, granted for a limited period, having regard to the special services required in the interest of the security of Borders of India’.

It is worthwhile to mention that the aforesaid addition to the Clause was made with an intention to exercise an administrative check on recruitment of non-citizens, simultaneously keeping the possibilities of such enrolment through specific permission of the Central Government for a limited period. It is an exception and not the rule.

However, there is no objection even if the Clause of recruiting/enrolling non-citizens for a limited period is deleted.”

9.3 The Home Secretary, during the course of his oral evidence, appreciated the concerns of the Members of the Committee. He assured the Committee that the Government will have a fresh look at the clause.

9.4 The Committee feels that enrolling of non-citizens, though for a limited period, would not be appropriate in the interest of security of the borders of India. Such services could also be taken from non-citizens without enrolling them. The Committee recommends that clause 6 (2) may be re-looked.

NEED FOR DIFFERENT FORCE NOMENCLATURE:

10. Some Members were of the view that though there are different BGFs known by different names guarding different stretches of the country's borders, basically, their function was the same. A view emerged in the Committee that instead of numerous BGFs on different Borders, there could be one common BGF, by whatever name called, indicating clearly the border that is being guarded by the force like BGF (Nepal), BGF (Pakistan), BGF (Bangladesh), etc.

10.1 On this, the Home Secretary responded that India has 15000 kilometres long land border and about 7000 kilometres coastal border. In this land border of 15,000 kilometres, different Forces are at different stretches. BSF guards Pakistan and Bangladesh Borders, whereas ITBP is on the China Border. SSB has been given the task to guard Nepal and Bhutan Borders. The sensitivities of each border are different in nature. He further elaborated that the sensitivities involved with Nepal and Bhutan are different from that of Myanmar, Bangladesh or even from Pakistan. The training given, the sensitization, the equipment are all done considering the nature of the Force and the border involved. They become specialist officers manning the particular border which is very essential.

10.2 The Home Secretary also stated that in addition to the sensitivities of the Border, 'cadre management' is an important issue. The Forces are already so huge that if they are merged together, it becomes a monolithic Force of about four lakh. This will create innumerable problems. Further, all the Forces are very old and many are older than SSB. Assam Rifles is the oldest Force; SSB, ITBP are older than BSF. Each Force has its own pride and they want to retain that. The Home Secretary, therefore, stated that it would be better to maintain the status quo.

10.3 The Committee agrees with the views of the Ministry.

DEPUTATION OF IPS OFFICERS:

11. Clause 3 provides that the person appointed, whether on deputation or in any other manner, will be subject to this Act. One of the Members raised a query as to whether the IPS officers who come on deputation to SSB would be governed by this Act or would be regulated by the All-India Services Conduct Rules.

11.1 Clarifying the issue, the Home Secretary stated that as per the guidelines of Department of Personnel and Training, deputation is with the consent of the individual. No officer is sent on deputation to another place without obtaining his consent. If an IPS officer gives his consent that he is willing to go to the SSB, for all practical purposes, he will be subjected to the regime of this Act. He further stated that the provision is also there in ITBP Act and is functioning well. The Home Secretary added that as regards those who are already serving in SSB on deputation, their consent will again be taken before the Act comes into force. He also assured the Committee to examine inclusion of such a provision in BSF & CRPF Acts also.

11.2 The Committee notes the clarification given by the Home Secretary. The Committee recommends that provisions similar to Clause 3 of the present Bill may be introduced in other Acts also.

BORDER AREA DEVELOPMENT PROGRAMME (BADP)

12. A Member expressed concern over proper utilization of funds meant for BADP. He felt that practically the BADP fund is entrusted to State Governments and in turn it is allocated under MLA Local Area Development Fund, which is utilised in the district headquarters for constructing school buildings, roads, etc. The fund thus does not reach the people actually targeted.

12.1 The Home Secretary, while replying to this issue, assured the Committee that the issue will be examined in the Ministry so that instead of the districts there would be some kind of specification i.e., a distance earmarked from the international border for application of the BADP.

12.2 The Committee therefore recommends to the Ministry to reexamine the issue expeditiously.

WEIGHTAGE IN THE RECRUITMENT

13. It was felt by some Members that weightage should be given to people residing in border areas in recruitment in BGFs who, being familiar with the topography, are better acclimatized and more suited for such forces.

13.1 Responding to this issue, the Home Secretary replied that recruitment to BGFs is made in the following manner: 20 per cent from the area being guarded, 20 percent from the militancy affected areas and 60 per cent from the rest of the country. All the forces have been instructed accordingly.

13.2 The Committee recommends that the standard norms of recruitment in BGFs should be strictly followed.

DIFFICULTIES IN GUARDING BORDERS IN BIHAR

14. SSB faces difficulties in effective guarding of some areas in Indo-Nepal border in Bihar due to intermittent floods in the riverine areas and non availability of mobile phone services in such areas due to prohibition of installing mobile phone towers upto 10-12 kms from border.

14.1 The Home Secretary replied that a policy decision has been taken in the Ministry to increase the numbers in the existing forces and provide for mobile patrolling, mobile surveillance through good border road network. As regards prohibition in installing mobile phone towers, the Home Secretary stated that as a policy, within 10 kms of the borders, particularly for sensitive borders, such installations are not encouraged due to security reasons. He stated that Nepal Border is a porous one and certain groups are operating there. Infiltration has also been noticed on several occasions. Hence establishing telelinks would involve little hazard. However, he assured that if in a particular area, facilitation is required with certain checks, it would be looked into.

14.2 The Committee notes the reply of the Ministry.

CLAUSE-BY-CLAUSE CONSIDERATION

15. The Committee took up clause-by-clause consideration of the Bill in its sitting held on 9 January 2007 and took decisions as under:

CLAUSE 2

15.1 Clause 2 seeks to define the various expressions used in the Bill.

15.1.1 Sub-clause (1) (i) of the clause defines 'enemy' and reads: "Enemy includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of any person subject to this Act to take action".

15.1.2 The Committee adopts the clause subject to its recommendation in para 8.2.

CLAUSE 3

15.2 Clause 3 seeks to specify the persons subject to the proposed legislation.

15.2.1 The Committee adopts the clause without any change.

CLAUSE 4

15.3 Clause 4 seeks to provide for the constitution of the Sashastra Seema Bal.

15.3.1 The Committee adopts the clause subject to its observations/ recommendations contained in para 6.5.

CLAUSE 5

15.4 Clause 5 seeks to provide for the general superintendence, direction and control of the Force and appointment of officers of the Force.

15.4.1 The Committee adopts the clause without any change.

CLAUSE 6

15.5 Clause 6 deals with enrolment of persons to the Force.

15.5.1 The Committee adopts the clause subject to its recommendation made in para 9.4.

CLAUSES 7 TO 156

15.6 The Committee adopts the clauses without any change.

CLAUSE 1, The Enacting Formula and the Title

15.7 Clause 1, the enacting formula are adopted without any change and the title is adopted with some consequential change, namely, “2006” to be substituted by “2007”.

GENERAL OBSERVATION/MODIFICATIONS

16. Certain improvements/modifications have been suggested in some provisions of this Bill. Similar changes are also required to be made in the corresponding Acts for other forces such as BSF Act, ITBP Act. The Committee recommends that the Ministry may bring forward necessary changes in those Acts at the earliest.

OBSERVATIONS/CONCLUSIONS/RECOMMENDATIONS AT GLANCE

RELEVANCE OF INITIAL ROLE:

The Committee takes note of the fact that the role of the erstwhile SSB was *inter alia* to promote national awareness and security consciousness among the people of the border areas. The Committee feels that the original role of SSB is relevant even to this day. The Committee accordingly recommends that the erstwhile role of the SSB should be clearly spelt out in the statute. It is however apprehensive of the fact as to how effectively the uniformed force would perform the 'Stay Behind Role' so efficiently performed by its non-uniformed wing. The Committee, therefore, recommends that the Government should consider this aspect in the light of the sensitivities of the border areas. It is the considered view of the Committee that love, affection and esteem of the people cannot be gained by bullets but by benevolence. Winning hearts and minds of the people is far more important than combatised action. The Committee apprehends that the proposed combatisation of the non-combatised wing may prove counter-productive due to lack of developmental and welfare activities. The SSB has been declared as a Lead Intelligence Agency (LIA) for Indo-Nepal and Indo-Bhutan Borders. Presently, the main tasks of LIA are being carried out in the field formations of SSB by the civil components (non-uniformed) which are receiving applauses from all the quarters concerned which is possible because the civil component enjoys the love and affection of the masses and are carrying benevolent activities for the border populace. The Committee recommends that the Government may consider retaining the non-combatised wing permanently. Since the Home Secretary has agreed to include the Civic Action Programme in the role of SSB, the non-combatised wing can be better utilised for the Civic Action Programme.

(Para 6.5)

COMBATISED VS. NON-COMBATISED WINGS:

The Committee is of the view that with the enactment of the Bill, the complexion of the Force is going to undergo a metamorphosis. This phase is very crucial for the personnel working in the non-combatised wing. The Committee is given to understand that, despite a positive picture depicted by the Home Secretary and the Additional Director-General of the SSB, the decision to phase out the non-combatised Force has badly affected their morale and caused disenchantment. The Committee, therefore, recommends that the civilian cadres should be reviewed immediately to facilitate their promotional avenues at par with the combatised wing. They should continue to be allowed to work with dignity and honour without any adverse impact on their career prospects, whether they opt for the combatised wing or not.

(Para 7.3)

DEFINITION OF 'ENEMY':

The Committee recommends that the definition of 'enemy' may be made more comprehensive bringing persons involved in illegal and contraband activities under its scope.

(Para 8.2)

ENROLMENT OF NON-CITIZENS IN SSB:

The Committee feels that enrolling of non-citizens, though for a limited period, would not be appropriate in the interest of security of the borders of India. Such services could also be taken from non-citizens without enrolling them. The Committee recommends that clause 6 (2) may be re-looked.

(Para 9.4)

NEED FOR DIFFERENT FORCE NOMENCLATURE:

The Committee notes the clarification given by the Home Secretary. The Committee recommends that provisions similar to Clause 3 of the present Bill may be introduced in other Acts also.

(Para 11.2)

GENERAL OBSERVATION/MODIFICATIONS

Certain improvements/modifications have been suggested in some provisions of this Bill. Similar changes are also required to be made in the corresponding Acts for other forces such as BSF Act, ITBP Act. The Committee recommends that the Ministry may bring forward necessary changes in those Acts at the earliest.

(Para 16)