

**PARLIAMENT OF INDIA
RAJYA SABHA**

143

**DEPARTMENT-RELATED PARLIAMENTARY
STANDING COMMITTEE ON HOME AFFAIRS**

**ONE HUNDRED AND FORTY THIRD REPORT
ON**

THE LAND PORTS AUTHORITY OF INDIA BILL, 2009

**(PRESENTED TO RAJYA SABHA ON 24 FEBRUARY, 2010)
(LAID ON THE TABLE OF LOK SABHA ON 22 FEBRUARY, 2010)**

**RAJYA SABHA SECRETARIAT
NEW DELHI
FEBRUARY, 2010/PHALGUNA, 1931 (SAKA)**

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NEW DELHI

FEBRUARY, 2010/PHALGUNA, 1931 (SAKA)

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COMPOSITION OF THE COMMITTEE
(Constituted on 31st August, 2009)

1. Shri M. Venkaiah Naidu - Chairman

Rajya Sabha

2. Dr. N. Janardhana Reddy
3. Shri Rishang Keishing
4. Shri S.S. Ahluwalia
5. Shri Prasanta Chatterjee
6. Vacant*
7. Shri Brijesh Pathak
8. Dr. V. Maitreyan
9. Shri Tariq Anwar
10. Shri D. Raja

Lok Sabha

11. Shri L.K. Advani
12. Dr. Rattan Singh Ajnala
13. Dr. Kakoli Ghosh Dastidar
14. Shri Ramen Deka
15. Shri Mohd. Asrarul Haque
16. Shri Naveen Jindal
17. Shri Jitender Singh Malik (Sonapat)
18. Shri Lalubhai Babubhai Patel
19. Shri Natubhai Gomanbhai Patel
20. Shri L. Rajagopal
21. Shri Nilesh Narayan Rane
22. Shri Bishnu Pada Ray
23. Shri A. Sampath
24. Shri Hamdullah Sayeed
25. Dr. Raghuvansh Prasad Singh
26. Shri Ravneet Singh
27. Shrimati Seema Upadhyay
28. Shri Harsh Vardhan
29. Shri Bhausahab Rajaram Wakchaure
30. Shri Neeraj Shekhar¹
31. Shri Dinesh Chandra Yadav

SECRETARIAT

1. Shri Tapan Chatterjee, JS
2. Shri P.P.K. Ramacharyulu, Director
3. Shri D.K. Mishra, Joint Director
4. Shri Bhupendra Bhaskar, Assistant Director
5. Shri Sanjeev Khokhar, Committee Officer

* Due to demise of Shri Janeshwar Mishra, Member, Rajya Sabha on 22nd January 2010.

¹ Shri Neeraj Shekhar nominated w.e.f. 14 October 2009 *vice* Shri Akhilesh Yadav who was nominated to the Committee on Science and Technology, Environment and Forest..

PREFACE

I, the Chairman of the Department-related Parliamentary Standing Committee on Home Affairs, having been authorized by the Committee to submit the Report on its behalf, do hereby present this One Hundred and Forty-third Report on the Land Ports Authority of India Bill, 2009 (**Annexure I**).

2. In pursuance of the rules relating to the Department-related Parliamentary Standing Committees, the Chairman, Rajya Sabha, referred* the Land Ports Authority of India Bill, 2009, as introduced in the Lok Sabha on 7th August, 2009 and pending therein, to the Committee on 14th September, 2009 for examination and report within three months i.e. by 13th December, 2009.

3. It is relevant to mention here that an identical Bill viz. the Land Ports Authority of India Bill, 2008, introduced in the Fourteenth Lok Sabha on 18th December, 2008, was referred to the previous Committee by Hon'ble Chairman, Rajya Sabha on 31st December, 2008 with the direction to report by 15th February, 2009. The previous Committee had considered the Bill in three sittings i.e. on 9th, 16th and 23rd January, 2009. As the previous Committee needed more time to complete the examination of the Bill, it sought extension of time upto 31st March, 2009 from Hon'ble Chairman, Rajya Sabha for presenting its Report, which was granted.

3.1 Due to announcement of dates for General Elections to the Fifteenth Lok Sabha, the then Committee could not complete all stages of consideration of the 2008 Bill and present its Report thereon by the extended date. With the dissolution of the Fourteenth Lok Sabha on 18th May, 2009, the Land Ports Authority of India Bill, 2008 lapsed.

* vide Rajya Sabha Parliamentary Bulletin Part II No. 46383 dated 14 September, 2009.

4. The Committee considered the 2009 Bill so far in five sittings held on 3rd and 13th November, 1st, 16th and 30th December, 2009. The Committee heard the official presentation of the Home Secretary on 3rd November, 2009. The Committee also heard the views of the representatives of Ministries of Home Affairs, Intelligence Bureau (IB), Commerce and Industry, Finance, External Affairs, Railways, Defence and other agencies in its meetings held on above dates. List of witnesses who appeared before the Committee is at Annexure-II. In view of the inadequate time available to complete all stages of consideration of the Bill, Hon'ble Chairman, Rajya Sabha, on the request of the Committee, granted for presenting its Report on the Bill upto the first day of the Budget Session 2010.

4.1 The Committee took up clause-by-clause consideration of the Bill in its sitting held on 30th December, 2009.

5. The Committee considered the draft Report in its sitting held on 9 February, 2010 and adopted the same.

6. The Committee has made use of the following documents in the finalization of the Report:-

- (i) Background Note on the LPAI Bill, 2009 and other relevant material received from the Ministry of Home Affairs.
- (ii) Oral evidence tendered before the previous Committee and present Committee.
- (iii) Written replies received from the Ministry of Home Affairs to the queries raised by the Members.

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.

(iii)

8. On behalf of the Committee, I would like to acknowledge with thanks the valuable contributions made by the witnesses who deposed before it and facilitated the Committee in formulating its views on the Bill.

M. Venkaiah Naidu

Chairman

Department-related Parliamentary
Standing Committee on Home Affairs

New Delhi
9 February, 2010

(iv)

REPORT

Chapter-1

INTRODUCTION

1.0 The Land Ports Authority of India Bill, 2009, as introduced in the Lok Sabha on 7th August, 2009, provides for establishment of the Land Ports Authority of India (LPAI) for the development and management of facilities for cross-border movement of passengers and goods at designated points along the international borders of India and for matters connected therewith or incidental thereto.

1.1 STATEMENT OF OBJECTS AND REASONS

1.1.1 According to the Statements of Objects and Reasons of the Bill, there are several designated entry and exit points on the international borders of the country through which cross-border movement of persons, goods and traffic takes place. Good border management is mandated by India's security concerns and, to this end, it is important to put in place systems, which address security imperatives while facilitating trade and commerce. Existing infrastructure available with customs, immigration, other regulatory agencies and auxiliary services at these designated entry and exit points are generally not sufficient. The regulatory and support functions are also available either under one roof or in an integrated manner. There is no single agency responsible for coordinated functioning of various Government authorities and service providers. The Bill therefore, aims at establishing Integrated Check Points at entry and exit points on international land borders through a plan scheme to regulate cross-border movement of persons and goods and also address security imperatives.

1.1.2 The Integrated Check Posts shall be sanitized zones with dedicated passenger and cargo terminals comprising offices of concerned authorities and adequate facilities and amenities in a single complex equipped with state-of-the-art modern amenities.

1.1.3 The Land Ports Authority of India Bill, 2009 aims to establish the Land Ports Authority of India to undertake the construction, management and maintenance of Integrated Check Posts. The Authority would, *inter-alia*, plan develop, construct, manage and maintain Integrated Check Posts, regulate the functions of various agencies working at such Check Posts, coordinate with various Ministries and Departments concerned of the Government of India and other agencies for regulating the entry and exit of passengers and goods and establish necessary service facilities.

1.2 SALIENT FEATURES OF THE BILL

1.2.1 The salient features of the Land Ports Authority of India Bill, 2009 are briefly as under:-

- (i) The Bill seeks to establish the Land Ports Authority of India to undertake the construction, management and maintenance of Integrated Check Posts;

- (ii) The LPAI shall consist of:-
- Chairperson;
 - a Member, (Planning and Development) and a Member (Finance);
 - not more than nine members, ex-officio, to be appointed by the Central Government from amongst the officers, not below the rank of the Joint Secretary to the Government of India, representing Ministries/Departments concerned;
 - the Chief Secretary or his nominee of the respective State where the ICPs are located;
 - the representatives, one each of traders and workers to be appointed by the Central Government, may be co-opted on case to case basis wherever necessary; and
 - such other representatives as the Central Government may co-opt for functional purposes;
- (iii) The Authority would, *inter-alia*, plan, develop, construct, manage and maintain Integrated Check Posts, coordinate with various Ministries and Department concerned of the Government of India and other agencies for regulating the entry and exit of passengers and goods and establish necessary service facilities;
- (iv) The LPAI would plan, develop, construct and maintain terminal & ancillary buildings, service facilities etc., and to establish such other facilities as may be required for facilitating trade and traffic;
- (v) The Bill enables the LPAI to involve the private sector, for management and maintenance of such non-sovereign functions of the ICPs, which may be feasible without compromising security imperatives;
- (vi) The Integrated Check Post shall be a sanitized zone with dedicated passenger and cargo terminals comprising adequate customs and immigration facilities, security and scanning equipments, health and quarantine facilities, passenger amenities like waiting areas, restaurants, rest rooms, duty-free shops, parking, warehousing, container yards, offices of transport and logistics companies, banks and financial services, dormitories for drivers, and all related facilities like service stations and fuel stations, in a single complex, equipped with state-of-the-art modern amenities.

CHAPTER- II

BACKGROUND AND NECESSITY OF THE BILL

2.1 The Ministry of Home Affairs, in its background note, explaining the reasons for introducing the Bill, made the following submissions:-

- * The infrastructure available with the Customs, Immigration and other regulatory authorities at the existing border crossing points on our land borders are generally inadequate. The supporting non-sovereign facilities are also either inadequate or absent and all regulatory and support functions are generally not available in one premise. Even where the facilities are located in close proximity, there is no single agency responsible for coordinated functioning of various government agencies/service providers.
- * To overcome such bottlenecks at such border crossing points and with a view to facilitate legitimate cross-border trade and commerce and movement of passengers, it is proposed to develop 'Integrated Check Posts' (ICPs), which are envisaged to provide required facilities for such movements in a coordinated manner to enable better administration of sovereign and non-sovereign functions.
- * The institutional arrangement to oversee the planning, construction and maintenance of the ICPs is envisaged in a statutory body viz. Land Ports Authority of India (LPAI)."

2.2 INTEGRATED CHECK POSTS (ICPs) AND LPAI

2.2.1 Giving the genesis of the ICPs, the Ministry of Home Affairs informed the Committee that the problem of inadequate infrastructure was discussed at length at various levels viz. Committee of Secretaries (CoS), National Security Council Secretariat (NSCS), Inter-ministerial Working Group (IMWG) and finally the Cabinet Committees. The idea of ICPs was first mooted in the meeting of CoS in October, 2003. The need for setting up an autonomous agency to oversee the construction, management and maintenance of integrated check posts was discussed in the meeting of Cabinet on Security in January, 2004, wherein the CoS directed the Department of Border Management to set up an Inter-Ministerial Working Group (IMWG) to recommend *inter-alia* the nature and structure of an autonomous agency to undertake the task of planning, constructing and maintaining the ICPs. An Inter-Ministerial Working Group (IMWG) was accordingly constituted comprising representatives from Ministry of External Affairs, Customs, Ministry of Commerce, Intelligence Bureau, NSCS, SSB and State Governments of Uttar Pradesh and Bihar. The IMWG on 10th January, 2005 considered various alternatives and submitted its report recommending for a statutory authority as the most suitable model for an agency to oversee and regulate construction, management and maintenance of the ICPs. The 'approach' of IMWG was approved by CoS on 27th April, 2005.

2.2.2 Dwelling upon the LPAI further, the Ministry of Home Affairs informed the Committee that the Cabinet Committee on Security (CCS), on 23rd November, 2006, accorded 'in principle' approval to the following proposals:-

- (i) The setting up of the Land Ports Authority of India as a statutory body under the Department of Border Management and framing of proper legislation for this purpose;
- (ii) The setting up of ICPs at thirteen locations on the international borders;
- (iii) The setting up of an Inter-Ministerial Empowered Steering Committee (ESC) headed by the Secretary (Border Management) in the MHA, as an interim arrangement till the LPAI comes into being; and
- (iv) The Steering Committee would function as a precursor of the proposed Authority and one of its principal task was the drawing up of legislation for setting up of the authority.

2.2.3 The Ministry further stated that while approving the proposal for setting up of the Land Ports Authority of India, the Cabinet Committee on Security (CCS) directed that the best element of the Public Private Partnership (PPP) model may be suitably integrated to deliver high quality of services and value for money. Efforts were accordingly undertaken to develop the ICPs. However, while developing the project for ICPs, it became apparent that the PPP model would not be practical or feasible at that stage.

2.2.4 The Committee was also informed that the Cabinet Committee on Economic Affairs (CCEA), however, in its meeting held on 6th November, 2008, observed that the procedures related to the PPP model required substantial time for completion and there might be concerns about how sovereign functions on strategically sensitive borders would be discharged in the PPP model. It was further stated that the CCEA, therefore, accorded approval to the following proposals:-

- (i) ICPs would be constructed with Government funding, while enabling/authorizing the ESC/LPAI to assign non-sovereign functions for development/management in the private sector.
- (ii) There would be an outlay of Rs. 635 crore in the 11th Five Year Plan for developing the ICPs.

2.2.5 The following table shows the locations, State and Border of the proposed ICPs in Phase-I and Phase-II.

S. No.	ICP Location	State	Border	Estimated Cost Rs. (in Crore)
Phase- 1				
1	Raxaul	Bihar	Indo-Nepal	120
2	Wagah	Punjab	Indo-Pakistan	150
3	Moreh	Manipur	Indo-Myanmar	136
4	Petrapole	West Bengal	Indo-Bangladesh	172
5	Dawki	Meghalaya	Indo-Bangladesh	50

6	Akhaura	Tripura	Indo-Bangladesh	60
7	Jogbani	Bihar	Indo-Nepal	34
Phase-II				
8	Hili	West Bengal	Indo-Bangladesh	78
9	Chandrabangha	West Bengal	Indo-Bangladesh	64
10	Sutarkhandi	Assam	Indo-Bangladesh	16
11	Kawarpuchiah	Mizoram	Indo-Bangladesh	27
12	Sunauli	Uttar Pradesh	Indo-Nepal	34
13	Rupaidiha	Uttar Pradesh	Indo-Nepal	29

2.3 REFERENCE OF BILL TO EARLIER COMMITTEE

2.3.1 The draft legislation for setting up the Land Ports Authority of India was approved by the Cabinet on 3rd July, 2008. As stated in the preface, Land Ports Authority of India Bill, 2008 was introduced in the Fourteenth Lok Sabha on 18th December, 2008 and referred by Hon'ble Chairman, Rajya Sabha to the Department-related Parliamentary Standing Committee on Home Affairs on 31st December, 2008. The Committee considered the LPAI Bill, 2008 in three sittings. During the consideration of the Bill by the previous Committee, the following issues were raised:-

- (a) Priority had been given to trade and commerce over the security concerns of the country;
- (b) In the Public Private Partnership (PPP) model, non-sovereign functions were proposed to be assigned to the private sector which was a matter of concern and thus not acceptable;
- (c) Keeping in view the lethal terrorist activities threatening the national security, the PPP model was not acceptable;
- (d) State Governments had not been consulted on the proposed formation of the Authority and identification of the designated points along the land borders of the country;
- (e) Security issues connected with movement of passengers and goods across the LoC had not been addressed;
- (f) Mechanism to check smuggling of Fake Indian Currency Notes (FICNs) from across the borders had not been spelt out;
- (g) As multiplicity of Ministries/Departments/Authorities were involved in the proposed ICPs, their views needed to be heard before endorsing the Bill.

2.3.2 The then Home Secretary tried to address the security concerns expressed by Members and made some observations with regard to the process of consultation undertaken by the Ministry while formulating the Bill.

2.3.3 The earlier Committee decided that in order to do justice to the examination of the Bill, it would be necessary to seek written comments of all the State Governments and to record oral evidence of the Secretaries of the concerned Ministries/Departments of the Government of India along with the officials of the agencies to be involved in the proposed Land Ports Authority. The Committee, accordingly, sought extension of time upto 31st March, 2009 from Hon'ble Chairman,

Rajya Sabha for presenting the report on the Bill and also to accord permission to seek the views of the State Governments thereon, which were acceded to.

2.3.4 As already mentioned in the Preface, the then Committee could not complete the examination of the Bill by the extended date as General Elections had been announced. Thus it could not present its Report and with the dissolution of the Fourteenth Lok Sabha, the Bill lapsed.

2.4 REFERENCE OF 2009 BILL TO PRESENT COMMITTEE

2.4.1 The Land Ports Authority of India Bill, 2009 was introduced on 7th August, 2009 in Fifteenth Lok Sabha. This Bill was referred to the present Committee by Hon'ble Chairman, Rajya Sabha on 14th September, 2009 for examination and report within three months i.e. by 13th December, 2009. The LPAI Bill, 2009 and its earlier version are identical. The Members of the Committee, in the meeting held on 1st December, 2009, felt that it would need more time to examine the critical aspects of the Bill, and the remainder of the period, available at its disposal, would be inadequate to complete the remaining stages of its consideration. The Committee, therefore, unanimously decided that Hon'ble Chairman, Rajya Sabha may be requested to grant it extension of time for presentation of the Report on the Bill. Hon'ble Chairman, Rajya Sabha granted extension of time to the Committee upto the first day of the Budget Session 2010.

CHAPTER- III

JURISDICTIONAL ISSUES

3.1 One of the important issues repeatedly raised by the Members of the Committee was the rationale for allocating the Bill to the Ministry of Home Affairs (Department of Border Management). The Committee was of the view that, in view of the thrust of the Bill for creation of infrastructure, for facilitating and encouraging cross-border trade and commerce, the Bill should have been appropriately piloted by the Ministry of Commerce or Finance rather than the Ministry of Home Affairs. The Committee's perception emanated in the light of the deliberations and decisions of the National Security Council Secretariat (NSCS), Committee of Secretaries (CoS) , Inter-Ministerial Working Group (IMWG), Inter-Ministerial Meetings and Cabinet Committees, related to creation of infrastructure, facilities and amenities in the Integrated Check Posts along the international land borders of India and promotion of trade and commerce therein.

3.2 GENESIS

3.2.1 The Committee learnt that the idea of four major ICPs on Indo-Nepal border i.e. Jogbani & Raxaul (in Bihar) and Sunauli & Rupaidiha/Nepalganj Road (in UP) was mooted in the meeting of CoS in October, 2003. It was stated in a NSCS Report that these four check posts accounted for 87% of Nepal's bilateral trade with India and 50% of its third-country trade. It was pointed that townships, which had emerged around these check-posts lacked in basic infrastructure and civic amenities. Infrastructure at the check-posts was also abysmal and essential equipments for the efficient discharge of functions were lacking. The state of back-linkages (roads) to the check-posts was appalling. It was further pointed out that the infrastructure on the Nepalese side was better than that on the Indian side. The NSCS report *inter alia* recommended the establishment of integrated check-posts for housing all essential and support services in a single complex at each of the identified check points; upgradation of infrastructure in the associated townships and improvement of road and rail linkages. It needs to be mentioned that the NSCS Report *inter-alia* recommended the establishment of integrated complexes under the overall supervision of a nodal agency i.e. Department of Border Management, Ministry of Home Affairs. What is noteworthy is the fact that this recommendation of NSCS finds mention in the minutes of CoSs meeting dated 29th October, 2003, whereas a new Department of Border Management was created in the Ministry of Home Affairs in January, 2004

3.2.2 Then came the Report of the Inter-Ministerial Working Group which was adopted by it on 27.12.2004 and subsequently approved by the Home Minister. Some points contained in the conclusions and recommendations of the IMWG Report are worth mentioning and which are summarized as under:-

- A statutory body viz., Land Ports Authority of India may be set up and all Integrated Check Posts be brought under its purview;
- It would be essential that the LPAI act only as a facilitator and regulator and not directly engage in construction, management or maintenance of any facility. These needs to be specified in its mandate itself. The LPAI would be the landlord owning the

infrastructure and exercising regulatory functions, whereas services would be provided by private operators;

- Till a statutory authority comes into being, it is proposed that a mechanism in the shape of a Steering Committee may discharge all the functions pertaining to project, development and implementation.

3.2.3 In the Inter-Ministerial meeting held on 5th June, 2006, at the Planning Commission, the then MoS for Commerce stated that in view of the poor infrastructural facilities existing at the check posts along international borders, there was an urgent need to construct Integrated Check Posts (ICPs) at major crossing points along the borders. He observed that though the decision to construct ICPs along the borders was taken long back, not much progress had been made. In the said sitting, the then Additional Secretary (Commerce) suggested that the construction of seven ICPs along Indo-Bangladesh border (Hili, Chandrabangha, Petrapole, Sutarkhandi, Dawki, Akhaura and Kawarpuchia), three ICPs along Indo-Myanmar border (Morch in Manipur, Pangshu Pass in Arunachal Pradesh and Zowkhathar in Mizoram), four ICPs along Indo-Nepal border (Jogbani, Raxaul, Sunauli and Nepalganj Road) and one ICP along Indo-Pakistan border (Wagah in Punjab) should be prioritized.

3.2.4 The Additional Secretary (Commerce) stated that the check post at Nathula along Indo-China border had already been developed under ASIDE Scheme of Ministry of Commerce. He offered to provide Rs. 30 crore during the year 2006-2007 from the Ministry of Commerce to kickstart the project of construction of ICPs along the international borders. He also offered that the Ministry of Commerce would manage the ICPs till the constitution of LPAI under Department of Border Management, Ministry of Home Affairs.

3.2.5 When the Cabinet Committee on Security accorded 'in-principle' approval on 23rd November, 2006, to the setting up of Land Ports Authority of India and ICPs at thirteen locations on the international borders, the bases for identification of thirteen ICPs were volume of trade, traffic, revenue generation and strategic importance in that order.

3.2.6 The Committee also noted that in the same genre the underlying theme of the Statement of Objects and Reasons of the Land Ports Authority of India Bill, 2009 was on facilitation of bilateral trade and commerce.

3.2.7 Be that as it may, the chronological developments leading to the introduction of the Bill and preliminary examination thereof propelled the Committee to go at length to understand as to what was the exact intention of the Government in bringing this Bill before Parliament. The Committee thus devoted a considerable amount of time spread over several sittings to understand the issue in a clear manner. In sittings after sittings, the Home Secretary could not convince the Committee as to how the Bill sought to address the security imperatives at our borders and what was the *raison detre* for the subject being assigned to the Ministry of Home Affairs when exfacie it appeared to the

Committee that the whole exercise which started way back in 2003 and culminated in the shape of the Bill in 2008 and then in 2009 were intended to create class infrastructure and facilities in one complex at designated entry and exit points In our international land borders for promotion of bilateral land trade with our neighbours.

3.2.8 During the meeting of the Committee held on 3rd November, 2009, the Addl. Secretary (Home) explaining the rationale of the Bill stated that:

"the need for discussion on the issues related to construction of integrated check posts (ICPs) along our borders with Pakistan, Nepal, Bangladesh and Myanmar was primarily triggered by Ministry of Commerce based on its analysis of volume of trade and potential of bilateral trade with these neighboring countries and evolving measure like establishing ICPs for smooth and secured flow of trade and commerce."

3.2.9 The Home Secretary informed the Committee at its said meeting that:

"This is purely for building up an infrastructure in that place to facilitate trade and also to make a more secure trade because today we do not have the type of facilities which are there... all these 13 (ICPs) which have been picked up to cover roughly 80 per cent of today's official land trade between India and neighbouring countries. That is why we have picked this."

3.2.10 The Committee felt that the origin of the Bill was intrinsically connected with better management of trade and commerce at the four check posts in the Indo-Nepal border as decided in the meeting of CoS held on 29th October, 2003. Even the basis of selection of the 13 ICPs was the volume of trade and commerce. The Committee, therefore, felt that the piloting of the Bill by the Minister of Home Affairs appeared inappropriate as the jurisdiction of Ministry of Home Affairs lay primarily on internal security.

3.2.11 The Ministry of Home Affairs, in its written reply to the queries made by the Members over the primary concern in bringing the Bill, gave the following justification for piloting the Bill:-

"the National Security Council Secretariat (NSCS) and Committee of Secretaries (CoS) in the various meetings since 2003, had also discussed the situation and had recommended to set up Integrated Check Posts (ICPs) at major entry points on international land borders. It was envisaged that these ICPs would house all regulatory agencies like immigration, customs, border security, etc. together with support facilities in a single complex equipped with all modern amenities. In the meeting of the NSCS, under the Chairmanship of the Cabinet Secretary held on 8.1.2004, it was decided that the Department of Border Management (DoBM) would set up an Inter Ministerial Working Group (IMWG) comprising representatives of the NSCS, MEA, Ministries of Finance (Department of Revenue), Commerce and Road Transport and Highways,

Intelligence Bureau, SSB and State Governments, to recommend the nature and structure of an autonomous agency to undertake this task."

3.2.12 It was also stated that the IMWG considered various alternatives and recommended a statutory authority as the most suitable model for an agency to oversee and regulate construction, management and maintenance of ICPs.

3.2.13 The Committee was further informed that the CoS considered the report of IMWG on 27.4.2005 and approved the approach suggested. The Cabinet Committee on Security (CCS), in its meeting held on 23.11.2006, also accorded 'in principle' approval to the setting up of Land Ports Authority of India (LPAI) as an autonomous agency under the Department of Border Management, and framing of proper legislation for this purpose.

3.2.14 On the justification of entrusting the work of the Land Ports Authority of India Bill 2009 and the setting up of the Integrated Check Posts to the Ministry of Home Affairs, the Home Secretary added that the main reason for assigning the subject to the Home Ministry was that under the Government of India (Allocation of Business Rules) 1961 (as amended from time to time), the Department of Border Management had been allotted to that Ministry.

3.2.15 Clarifying the concerns raised by the Members of the Committee at its meeting held on 16th December, 2009, the Secretary, Ministry of Commerce made the following submissions:-

- * The Department of Commerce is extremely supportive of the Bill and they have been, in the past, spending money in building some of the infrastructure at the land customs stations.
- * The Department of Commerce has been consulted all along in various stages of drafting of the Bill and has provided inputs to Ministry of Home Affairs.
- * It is high time that the Land Ports Authority (LPAI) is set up early because on the land borders, besides border trade/commerce, a lot of other aspects need to be looked into.
- * The trade across the border is only a very small portion of the bilateral trade between India and the neighboring countries. The main concerns on the borders are about either smuggling or other security related matters as the borders are very porous.
- * Movement of persons and goods across the borders are not merely the concern of the Department of Commerce; it also concerns many Departments of the Government. It is, therefore, appropriate that the Department of Border Management have been entrusted with the work of LPAI. It has much greater control over the security-related matters. That is the considered view of the Department of Commerce.

Observation of the Committee

3.2.16 The material on record and the oral evidence given before the Committee, lead it to believe that the very idea of setting up of ICPs was conceived to address the felt need for effective and efficient regulation of trade and commerce along the international borders. Even the criterion for selecting the ICPs is based inter-alia on the volume of trade and commerce and its future potential. Even though the Home Secretary has repeatedly tried to convince the Committee on the justification of the Home Ministry handling the Bill, which was supported by the Commerce Secretary, the Committee is, however, not convinced with their arguments mainly because the security and strategic considerations, as highlighted by both the Secretaries, are not reflected in the text of the Bill, even though the Statement of Objects and Reasons of the Bill does proclaim that it is important to put in place systems at the designated entry and exit points on the international borders, which address security imperatives while also facilitating trade and commerce.

3.2.17 It needs hardly be stated that the spirit of the Bill, as articulated in the Statement of Object and Reason, needs to be reflected in the text thereof and in the present case it is regrettably absent. It is for anyone to conclude whether it is a genuine oversight or the actual intention of the Ministry of Home Affairs has got reflected in the text as presently worded and that the SOR is to lend legitimacy to the allocation of the Bill to the Ministry of Home Affairs.

3.2.18 The Committee further deliberated on the subject. It felt that if the Bill has to be handled by the Ministry of Home Affairs, as claimed repeatedly by them and supported by the Ministry of Commerce, amongst other Ministries, then the security aspects have to be properly reflected in the long title and the text of the Bill. The Committee has therefore suggested amendments in the Long Title and the clauses of the Bill so that the spirit of the Statement of Object and Reason is reflected in the main text. The Committee's recommendations in that respect are contained in Chapter V.

CHAPTER - IV

OTHER ISSUES

(i) *Private Sector participation in Non Sovereign Functions*

4.1.1 The Committee was given to understand that under the Public Private Participation (PPP) Model in the proposed Authority, private players would be permitted to open and operate hotels, parking lots and other areas of non-sovereign functions. The Members of the Committee expressed concern over private sector participation even in non-sovereign functions of the proposed Land Ports Authority and its likely adverse effect on the security of country.

Response of the Government

4.1.2 Responding to the concern of the Members of the Committee, the Ministry of Home Affairs in its written reply made the following submissions:-

"The Cabinet Committee on Security (CCS) in its meeting held on 23.11.2006 approved the proposals for setting up of Integrated Check Posts (ICP) at 13 locations on international borders and the setting up of a Land Ports Authority of India (LPAI), as an autonomous agency under Department of Border Management and framing up of appropriate legislations for the purpose of bringing all ICPs within its purview. The CCS approved the proposals with the direction that the best elements of PPP model may be integrated suitably and efforts be undertaken to develop the ICPs accordingly. However, while developing the project of ICPs, it became apparent that the PPP model would not be practical or feasible at this stage. Subsequently, the issue was examined and deliberated in the Cabinet Committee on Economic Affairs (CCEA), in its meeting held on 6.11.2008. The CCEA noted that the procedures related to PPP model required substantial time for completion and there might be concerns about how sovereign functions on strategically sensitive borders may be implemented in the PPP model. CCEA accorded approval to undertake the construction of ICPs with Government funding while enabling/authorizing the ESC/LPAI to assign non-sovereign functions for developing/management in the private sector. The Bill seeks to empower the LPAI to this effect.

Even in case of non-Sovereign functions, where private participation is considered, security imperatives will always be prioritized and Standard Operating Procedures, as applicable to such situations, will be strictly followed."

4.1.3 Responding to the query of members as to how participation of profit-oriented Private Sector in the non-sovereign functions, would not affect the security of the country, the Home Secretary, during the course of oral evidence before the Committee, in its meeting held on 3rd November, 2009, clarified as under:-

"...We said the non-sovereign functions.... It could be a restaurant; it could be a book shop; it could be parking facilities, etc. But, even when we entrust non-sovereign functions to the private parties, there will still be a security vetting of the people or the companies to whom these works are given...what I am saying is that rather than Government running a restaurant, if there is somebody who knows this business, we will give it on lease. So, what the Land Ports Authority will do is to construct, say, a thousand square feet of earmarked space for a canteen facility. Then, they will invite tenders, or whatever it is, on various terms and conditions and then give it to somebody who will run the canteen."

4.1.4 Responding to a query as to whether there would be any mechanism to check the antecedents of the people to be employed, to discharge non-sovereign functions, the Home Secretary stated as under:-

"Security vetting will definitely be done for each individual person as well as the company or the agent who participates in the bidding. Both will be security vetted by the security agencies before it (contract) is given. That will be done because the last thing that we want is some undesirable or anti-national elements taking control of a canteen. We will definitely take care of that aspect."

Observation and recommendation of Committee

4.1.5 The proposal to set up hotels in the ICP premises under the PPP model and such other activities may be a security threat. The Committee is of the firm view that the Government should involve only PSUs in all such activities in the LPAI. It needs hardly be emphasized that in the overall scheme of ICPs, overriding objective must be the security of the country. The Committee has accordingly proposed certain amendments in the relevant clauses of the Bill which are included in Chapter V of the Report.

(ii) Consultation with States

4.2.1 The ICPs are proposed to be located at thirteen locations in as many as nine States, namely Assam, Bihar, Manipur, Meghalaya, Mizoram, Punjab, U.P. and West Bengal. Therefore, it is imperative that the Ministry of Home Affairs should have detailed consultation with the concerned States not only as the concerned States would be called upon to provide the basic infrastructure for ICPs, including land, but would also be primarily instrumental in ensuring secure and safe ambience for efficient and effective functioning of ICPs within their respective States. This being the case, the Members of the Committee wanted to know whether State Governments and other agencies had been consulted by Ministry of Home Affairs before drafting the Bill.

4.2.2 The Ministry of Home Affairs, in its written reply, made the following submissions:-

"The ICPs are being developed at existing locations of Land Customs Stations (LCSs)/Immigration Check Posts which are already functional. These are notified by appropriate authorities under the Customs Act

1962/the Foreigners Order, 1948 read with the Foreigners Act, 1946 and are well settled places of entry and exit on the international border. The proposals of ICPs are basically to develop these existing entry/exit points in a more systematic manner. Formal consultation with the State Government has not been considered necessary at this stage. However, the State Governments are actively associated in the implementation process, which commences with the site-selection and land acquisition for the ICPs. Representatives of State Governments have, as and when necessary, participated in the meetings of the Empowered Steering Committee (ESC), which is an interim inter-ministerial body under the Secretary (Border Management), overseeing work on ICPs, pending the setting up of the LPAI. State Government concerned will have a major role to play in the development of the ICPs, once the LPAI becomes functional since they are all represented as members of LPAI through their Chief Secretary or his nominee under Clause 3(3) (d) of the Bill.

4.2.3 During the oral evidence tendered before the Committee in its meeting held on 3rd November, 2009, the Secretary, Border Management, added:-

"As we have submitted in our written response, consultation with these State Governments, at this stage, was not required because we were discussing the existing facilities. But once we started taking it further, consultation with the State Governments would take place at every stage, whether it was at the stage of acquisition of land, or discussion of the kind of projects that we have to do, etc. We are involving them at every stage."

4.2.4 The Home Secretary further clarifying on the issue, submitted that the State Governments were very much in the scene. The design of the new Petrapole Integrated Check Post had been developed in consultation with the State Government. For Moreh also, it was done in consultation with the State Government. The land acquisition was almost completed in that sense. In Wagah, the land had been acquired and handed over to the Central Government by the State Government.

4.2.5 The Committee sought written views/comments of concerned State Governments on the Bill. However, till date only five State Governments viz. Uttarakhand, Himachal Pradesh, J&K, Nagaland, and Sikkim have furnished their comments. The Governments of Nagaland, Uttarakhand, J&K have no objection to the Bill. The Government of Sikkim has no comments to offer. The Government of Himachal Pradesh suggested some amendments in Clauses 8(1), 10, 12 and 16 which are as under:-

- (i) In connection with the decision regarding time and place of meeting of the Authority and formulation of rules of procedure in regard to the transaction of business at its meetings (including quorum at such meeting), as may be provided by regulations, under Clause 8(1), the participation of the nominees of State Government may be considered.
- (ii) A provision to provide employment to the local residents be made in the regulations to be framed, under clause 10 in the appointment of officers and other employees of the Authority.

(iii) In clause (12) (1) participation of the State Police in border guarding duties at the integrated check post may be considered, in consultation with the State Government.

(iv) A provision may be included in clause 16 to the effect that while acquiring land for the authority, under National Highways Act, 1956, due regard shall be paid to the local land laws.

Observation and recommendation of Committee

4.2.6 In a federal country like ours, the States should be consulted and involved at every stage of establishment of the proposed Land Ports Authority of India and Integrated Check Posts along with the land borders of India. The Committee is constrained to note that the Ministry of Home Affairs did not consider it necessary to hold formal consultations with the concerned State Governments before piloting the Bill. The Ministry of Home Affairs ought to have held detailed consultation with the concerned States not only because these States would be tasked to provide land, basic infrastructure for ICPs, but would be primarily instrumental in ensuring secure and safe ambiance for efficient functioning of ICPs within their jurisdictions.

4.2.7 As already discussed earlier, the Committee had sought the views of all the concerned States and out of those States only five had responded. The Committee notes that out of five States, four have supported the Bill and one has not offered any comment. As regards the States which have not responded, the Committee presumes those are supportive of the Bill.

(iii) Identification of the ICPs

4.3.1 The Government proposes to set up thirteen Integrated Check Posts, namely, Raxaul, Wagah, Petrapole, Moreh, Dawki, Akhaura, Jogbani in the first phase and Hili, Chandrabangha, Sutarkhandi, Kawarpuchia, Sunauli, Rupaidiha/Nepalganj in the second phase. Some Members of the Committee wanted to know the mechanism adopted for identification of the thirteen ICPs at the designated points on the borders and also whether Government was considering to set up more ICPs in addition to the proposed ones. Members also sought to know the status of check posts in Adusa in Baramulla, Srinagar-Salamabad-Muzafarabad Road and Poonch-Chakandabad.

Response of Government

4.3.2 The Ministry of Home Affairs, in its written reply, made the following submissions:-

- Integrated Check Posts (ICPs), having fully integrated infrastructure and facilities at one place, was a long felt need;
- Initially 13 locations, which are already functional as entry/exit points on the international borders have been identified;

- Volume of trade, traffic, revenue generation {Petrapole (West Bengal) & Raxaul (Bihar)} and in some cases, strategic importance of their location for the country {Moreh (Manipur), Kawarpuchaiah (Mizoram) and Akhaura (Tripura)} have been the factors while identifying their initial location;
- These 13 ICPs are proposed to be constructed on borders with Nepal, Bangladesh, Pakistan and Myanmar;
- Seven locations of the ICPs on India-Bangladesh border have been identified in a study based on the visit of NSCS team in September, 2004.
- Four ICPs on India-Nepal border have been recommended by the Ministry of External Affairs based on the study conducted by RITES.
- One ICP each at Moreh (India-Myanmar Border) and Wagah (India-Pakistan border) have been included keeping in view the volume of trade, traffic and strategic importance.
- More ICPs would be required in due course depending on the volume of goods/passengers traffic.

4.3.3 The Home Secretary, further explaining the position during the oral evidence stated that the Bill was not to regulate the entire land border which was 15000 kilometers. The Bill was designed to set up infrastructure, Integrated Check Posts at the land customs stations in India. He further clarified that the thirteen points did not figure in the Bill. The Home Secretary also informed the Committee that Government was only improving facilities at the existing land customs stations.

Observation and recommendation of Committee

4.3.4 The Committee notes that the thirteen locations of ICPs along the land borders of India have been identified and prioritized on the basis of some studies, criteria and recommendations of other concerned Ministries. The Committee, however, recommends that the Government should examine setting up of more ICPs at an appropriate stage, after assessing the requirement, giving primacy to the security imperatives, besides the volume of trade and other relevant considerations.

(iv) Multiplicity of Authorities and Synergy among various agencies

4.4.1 Since large number of authorities i.e. Home Affairs, External Affairs, Revenue, Commerce, Road Transport and Highways, Railways, Defence, Agriculture and Cooperation, Law and Justice are involved in the overall functioning of the proposed LPAI, the Members of the Committee sought clarifications about the role of the Authority in the proposed set up.

4.4.2 Responding to the query of the Committee, the Ministry of Home Affairs, in its written submission, made the following submissions:-

- The LPAI was envisaged as a statutory institutional mechanism which would plan, develop, manage and co-ordinate the facilities provided at the ICPs.
- While each of the statutory agencies would be functioning in their respective spheres under the laws governing them, the LPAI would be the overall coordinating agency.
- The LPAI would also be responsible for planning, developing, managing and coordinating the facilities required for providing non-sovereign facilities, such as restaurants, parking, etc.
- There is no ambiguity in the role envisaged for the LPAI and the functions to be discharged by various agencies.

4.4.3 The Home Secretary while deposing before the Committee on 3rd November, 2009 further clarified as under:-

"The Land Ports Authority is in effect something like the GMR of Delhi Airport. It is for running of the port, for water, electricity and all that infrastructure, you can say. The infrastructure is provided by this agency, for construction, etc. Otherwise what happens is, the customs people will go and set up a small office with four chairs and a table; immigration people will set up a small office with two people. At some places like Sutrakhandi, you will have customs office in one small building; you pass through customs, walk another kilometer, you will find another small building and there immigration people would be sitting. Now, we would like everything, under one roof, so that the flow of people, traffic and goods is coordinated so that it becomes modern and also which facilitates movement of goods and people in a smoother way."

4.4.4 The representative of the Ministry of External Affairs, also clarifying the position to the Committee, in its meeting held on 3rd November, 2009, stated that as under:-

"The main problem that had been faced at the existing land customs stations, was lack of coordination between different agencies. In the case of Attari and also in the case of Bangladesh border, one common complaint was that the electricity bills were not paid and, therefore, x-ray machines were not working. There was a question as to who was supposed to pay the bill. The Budget should be from the Customs or the Immigration or the BSF or anyone else. Because of some problem, the whole operation would get affected."

4.4.5 Further explaining the gravity of the problem, he stated:

"this sort of problems lead to frequent complaints from the neighbouring countries. Like in the case of Bangladesh, they would

say, 'You are not improving the infrastructure. It is purposefully being done to affect our exports to India. This kind of negative impression gets created and the present proposal tries to smoothen the overall coordination. Essentially somebody is willing to foot the bill for all the agencies and ensure that there is a smoother flow of people and traffic.'

Observation and recommendation of Committee

4.4.6 The Committee hopes that when the proposed LPAI becomes operational and the various agencies involved in the system start discharging the functions, there would be adequate coordination and harmony amongst them. Synergy amongst various agencies would enhance the accomplishment of the objectives. Therefore, the Committee urges upon the Ministry of Home Affairs to ensure that each of these participating agencies does function in smooth manner and there is clearly demarcated jurisdiction, power and responsibility amongst them.

(v) Security along the LoC

4.5.1 In regard to the Trade facilitation Centres at the LOC in J&K, the Home Secretary informed the Committee that it had not been notified because the Government of India's position is POK is part of Indian territory. The Members of the Committee raised security related issues at these centres at the LOC. The Committee, accordingly, sought to know from the Ministry the steps being taken for checking illegal trade of narcotics and sophisticated arms and ammunition across LoC.

4.5.2 The Ministry of Home Affairs, in its written reply stated that the overall security at the LoC was handled by the Indian Army in a multi-tier arrangement which included a forward tier of troop deployment, deployment of surveillance devices, construction of fencing along the LoC and a second tier deployment in conjunction with the fence. The entire length of 734 kms of fencing along the LoC had been completed by the Ministry of Defence. In addition, 14 battalions of the Border Security Force (BSF) were deployed along the LoC. The Ministry further stated that the collective measures taken by the Indian Army and the Border Guarding Force were aimed at dealing effectively with the security aspect of the movement along the LoC.

4.5.3 The Ministry of Home Affairs also made the following submissions:-

- During the meeting of the Prime Minister of India with the President of Pakistan on the sidelines of 63rd UN General Assembly Session on 23rd September, 2008, it was agreed by both the leaders to commence cross LoC trade from 21st October, 2008. Consequently, cross LoC trade on Srinagar-Muzaffarabad and Poonch-Rawalakote axis commenced on 21st October, 2008. Till 29th October, 2009, 959 trucks have crossed over to PoK and 1513 trucks have crossed over to our side. On Poonch-Rawalakote axis, till 29th October, 2009, 864 trucks have crossed over to PoK and 1053 trucks have crossed over to our side.

- The cross LoC trade is mainly based on barter system and is being done on zero duty basis as the trading is from Indian Territory (POK) under Pakistan's control.
- While firming up the modalities of cross LoC trade, it was felt that trade between J&K and PoK would be symbolic and of small volume.
- With the increase in trade, particularly from March 2009, a need has been felt for providing better infrastructure at the Trade Facilitation Centres; upgradation of roads and bridges; allowing telecommunication facilities across the LoC for traders; legalized mode of financial transactions to replace the barter system; whole body Truck Scanner from security angle; making the list of items to be traded more specific.
- Representations have been received to increase the number of trading days per week in view of increase in volume of trade. The issues are being considered in consultation with other Ministries and Government of Jammu & Kashmir.

4.5.4 Elaborating on the security imperatives at the LOC, the Director, IB stated as under:-

"We are very acutely aware of the need for adequate security measures at each and every land check-post. I may refer to the two trading posts in Jammu and Kashmir, i.e., Kaman and Chakandabad. You are very right, Sir, we are always on the watch that in the garb of trade whether the militants from across would try to infiltrate weapons, ammunition and other items to aid the terrorists who are already in our country..... So, this is something on which we will have to maintain a vigil all the time because whether it is in Jammu and Kashmir or it is in Attari, I am afraid, I know for a fact that the ISI and the militants still try to infiltrate. So, we assume that the infiltration of material will take place and, therefore, there is need for adequate precautionary measures."

4.5.5 Deliberating on the issue, the Home Secretary informed the Committee on 3rd November, 2009, that about the LoC trade on Indo-Pak border, there was a problem because, even though the Customs people were there, it was an informal arrangement. Government did not want to issue a formal notification because PoK was considered as part of India. Almost day-to-day, some sort of barter trade was taking place. He further stated that there was a lot of confusion in that. A little bit of hawala was taking place. The Home Secretary further added that the Government was trying to see how best it can sort this out by opening banks on either side so that a formal letter of credit was there.

4.5.6 Dwelling upon the issue, the Foreign Secretary apprised the Committee about the decision of the Prime Minister of India and the President of Pakistan for expansion of

people-to-people contact, commerce and economic co-operation as an effective platform to develop and strengthen bilateral relations and to commence the trade along the LoC on the Srinagar-Muzaffarabad and Poonch-Rawal Kot routes in October, 2008. Twenty-one items of trade were identified both ways for duty-free passage.

4.5.7 Speaking on the security implication of trade and travel across the Line of Control, the Foreign Secretary stated as under:-

- *The cross LoC measure, as we have devised, are primarily confidence building measures between the two sides.*
- *In the current security climate, the concerned Ministries of the Central and State Governments have to be very vigilant.*
- *The MEA is in touch with the organizations concerned and would work together with them.*
- *There is no denying that there has been some positive impact of these measures on the local people because they have been in touch after many, many years.*
- *On the political front also, this would have had a salutary impact had it not been for the Mumbai terror attacks.*
- *The positive impact is also evident from the demand to include more items from both sides in the trade across the LoC. But we have to be constantly vigilant from the security point of view because, from time to time, our suspicions are raised because of certain events or certain activities of unlawful elements.*
- *Across the Line of Control, endemically, and, in fact, almost constantly, we have had to be vigilant about the infiltration and about the activities of elements which are sent across the Line of Control from the Pakistan-occupied Kashmir and by the Pakistani agencies concerned in order to foment trouble and violence on our side.*
- *Travel is now permitted under an Entry Permit that is provided to the applicant after due verification by the designated authority on each side. This includes verification of the address of the applicant as well as the person whom he or she intends to visit.*

4.5.8 The Secretary, Department of Revenue (Ministry of Finance) explaining about the problems being tackled on the customs front submitted as under:-

"This is a joint situation where we have trade facilitation centers. They are not called customs outpost. Staff mans those centers and they do have an x-ray scanner. In the arrangements at the inter-ministerial level that have been worked out, eventually Ministry of Defence is supposed to put up a big scanner. In the meantime, scanning does takes place. We have noticed that the fruits and vegetables are not necessarily only of PoK origin and this issue has been taken up at inter-ministerial level and that

is why the Ministry of Commerce is tackling it because you cannot apply the rules of origin in this situation. This is not international bilateral trade. So, we are taking these steps and we do control to the extent possible in each truck load. This is on the customs side. The loads increase at times and go down. So, we have our own problems managing it but, given that they are CBMs we do on our side, through inter-ministerial consultations, tackle the problem as they arise and the goods of Chinese origin, the fruits and vegetables as discovered have importance. It is not only that. It could be goods which are in other parts of India but not ethnic to PoK, which were coming. All this measures have been taken and we are tackling the issue.. That is all I wanted to say at this juncture on cross LoC trade issue."

Observation and Recommendation of Committee

4.5.9 It is incumbent upon the Ministry of Home Affairs to ensure foolproof surveillance and security at LoC even while Confidence Building Measures (CBMs) are underway. The Committee advises the Government that modern equipments, including scanners must be put in place to keep vigilance over the movement of persons and goods along the LoC. The Committee is of the view that broad intelligence sharing is required for information gathering, analysis, decision/policy formulation for ensuring the security and sovereignty of the country.

(vi) Cross-border crimes

4.6.1 India has a large track of porous border with Nepal, Bangladesh and Myanmar. The Members of the Committee expressed their concern over trans-shipment of arms from countries like Pakistan and China into Bangladesh and then taking the riverine route to India. The Members felt that the influx of arms and ammunition was turning the country into huge catchment of illegal weapons. They also expressed concern over the operation of fundamentalist and insurgent groups, jeopardizing the internal security.

4.6.2 Responding to the concern of the Members, the Ministry of Home Affairs, in its written reply, made the following submissions:

- As a general policy of the Government, one border-one Border Guarding Force has been adopted.
- The Border Guarding Forces (BGFs) are responsible for the security of their respective borders. BGFs are keeping strict vigil on their respective borders.
- Effective domination of the border by carrying out round the clock surveillance like patrolling, laying naka, establishment of observation posts.
- On the India-Bangladesh and India-Pakistan sectors, measures like erection of fencing and floodlighting, construction of border roads to facilitate border patrolling, and regulation/monitoring the movement of people and curtailment of cross-border crime.

- Constant liaison with the civil administration, customs, intelligence agencies and police and joint operations are carried out regularly based on intelligence inputs.
- On the Indo-Nepal border, constant vigil is maintained and cross-border crimes are checked by effective intelligence inputs from both the civil administration and intelligence agencies along with their counterparts in Nepal.
- There are institutional mechanisms to address the security and crime related problems through Home Secretary-level talks, Joint Working Groups and Border District Coordination Committees and intelligence sharing.

4.6.3 Further explaining the steps taken on the Indo-Bangladesh Border, the Home Secretary stated that as regards the smuggling of arms and ammunition from across Bangladesh border, Government had taken up fencing and floodlighting of the Indo-Bangladesh border, which had been done partially. In one of the borders, almost complete fencing had been done and to that extent, there was a considerable reduction in infiltration as well as smuggling. He, however, agreed that movement/infiltration of the people was still reported and on Bangladesh border, there were still a large number of areas which were unfenced.

4.6.4 On the porosity of the Indo-Nepal Border, the Foreign Secretary explained the steps taken in the matter as under:-

"The Nepal border is an extremely porous border. It has an open border, and the common people and residents on both the sides, have traditionally moved freely across this open border. What has happened is that we have had concerns which have been particularly evident and have become more serious in recent years through the appearance and increased level of activities, in these particularly open border areas, by all elements engaged in anti-national activities against India, and by people who have indulged in smuggling of arms and ammunitions, and bringing in fake currencies. So, we have a Border Management Regime with Nepal, not only at the ground level, but also with the Government in Kathmandu. ... regarding porousness of the border, the need to improve security, and conveying our security concerns to the Nepalese Government in suitably serious and effective way, these are being done constantly. "

Observation and recommendation of Committee

4.6.5 The Committee, taking note of anti-national activities being carried out across the border, recommends that the Ministry of Home Affairs should come forward with a sustainable mechanism in the LPAI Bill, 2009 to address the security imperatives and for prevention of cross-border crimes. Unless that was done, LPAI would not serve the purpose for which it was proposed to set up.

(vii) Mechanism to check movement of Fake Indian Currency Notes (FICN)

4.7.1 During the consideration of the Bill, the Members sought to know whether there was any mechanism in the proposed LPAI system to check the movement of Fake Indian Currency Notes (FICN).

4.7.2 Replying to the Committee's query, the Ministry of Home Affairs informed as under:-

"In so far as the proposed ICPs were concerned, they would be suitably technology-enabled (X-ray machine, scanner etc.) to detect FICN being carried either by persons or in goods crossing the borders. Border Guarding Forces (BGFs) are keeping strict vigil on their respective borders. Effective domination of the border by carrying out round the clock surveillance like patrolling, laying naka, establishment of observation post is done. Further on the India-Bangladesh and India-Pakistan sectors, erection of fencing and flood lighting, construction of border roads to facilitate border patrolling also seek to regulate/monitor the movement of people and prevent illegal cross-border activities including transportation of FICN. Constant liaison is maintained with the civil administration, customs, intelligence agencies and police and joint operations are carried out regularly based on intelligence inputs."

Observation and recommendation of Committee

4.7.3 The Committee is not convinced by the response of the Ministry. In spite of all these steps having being taken, smuggling of FICN continues unabated and on a large scale. The Government has not come forward with a roadmap to effectively deal with this menace. The Committee is of the view that adequate mechanism must be put in place to check the inflow of FICN in the country because such activities not only pose a serious threat to national security but also possess tremendous potential to wreck the national economy from inside.

CHAPTER- V

CLAUSE-BY-CLAUSE CONSIDERATION OF THE BILL

5.1.1 The Committee took up clause-by-consideration of the Land Ports Authority of India Bill, 2009 in its sitting held on 30 December 2009, wherein the Home Secretary, the representatives of the Home Ministry and other concerned Ministries, the Secretary, Legislative Department and the Law Secretary, Department of Legal Affairs were present. The observations/recommendations of the Committee on the various clauses are given in the succeeding paragraphs.

Statement of Objects and Reasons

5.1.2 The Committee, in the first instance, mulled over a proposal to substitute the word “regulate” by the word “coordinate” in para 3, line 4 of the Statement of Objects and Reason of the Bill. Some Members were of the view that since the Land Ports Authority of India had to regulate activities of various agencies, from time to time, the word “regulate” was the appropriate word and it should remain in the SOR. It was argued in favour of the former proposal that in accordance with the provisions of Clause 11 (2) (k) of the Bill, the Authority will co-ordinate and facilitate the working of agencies who have been engaged to undertake various activities at the integrated Check Posts, in accordance with the respective laws, for the time being in force. As per Clause 12 (3), the customs, immigration, quarantine and other officials shall coordinate with the Authority for the effective discharge of its functions. It was thus argued that the role envisaged for the Authority was not that of a ‘regulator’ but of a ‘facilitator’ and ‘co-ordinator’.

5.1.3 The word ‘regulate’ used in the ‘Statement of Objects and Reasons’ sought to create an erroneous impression as though the Authority would act as a super regulator of authorities who perform their functions in accordance with the respective laws.

5.1.4 On reconsideration, the Committee agreed that the word 'regulate' used in para 3, line 4 of the Statement of Objects and Reasons should be substituted by the word 'coordinate'. Consequentially, in line 5 of the said para, the word 'also' may be inserted before the word 'coordinate'.

5.1.5 The Committee accordingly recommends that the Ministry of Home Affairs may circulate a revised Statement of Objects and Reasons before the Bill is taken up for consideration in the Lok Sabha.

Long title

5.1.6 **The Committee is of the view that the spirit of the Statement of Objects and Reasons of the Bill should be reflected in its Long Title. The Committee, therefore, suggests that in the first line of the Long Title, before the words ‘for the development’, the words “to put in place systems, which address security imperatives and” may be inserted.**

5.1.7 **The Long Title is adopted, as amended.**

Clause 2

5.2.1 The clause provides for definitions of certain terms used in the Bill.

5.2.2 The clause is adopted without any change.

Clause 3

5.3.1 The clause deals with the constitution of the Land Ports Authority of India and provided for its composition.

sub-clause 3(b)

5.3.2 **The Committee feels that sub-clause 3(b) needed some drafting change. The Committee recommends that the existing sub-clause 3(b) may be substituted by the following:-**

"Two Members, one Member (Planning and Development) and one Member (Finance)"

sub-clause 3(d)

5.3.3 **The Committee feels that the nominee of the Chief Secretary of the concerned State Government should not be below the rank of Secretary to the Government of the State. The Committee, accordingly, recommends that in sub-clause (3)(d), after the word 'nominee' the following words may be inserted:**

"not below the rank of Secretary to the Government"

sub-clause 3(e)

5.3.4 **The Committee recommends that the existing sub-clause 3(e) may be substituted by the following:**

"the representatives, one each of traders and workers, to be appointed by the Central Government from amongst the representative bodies of trade and workers;"

sub-clause 3(5)

5.3.5 **The Committee feels that knowledge and experience in security-related matters should also be prescribed for a person to be eligible for being considered for appointment as Chairperson of the Authority. The Committee accordingly recommends that the word "security" may be inserted before the word "transport".**

Clause 4

5.4.1 This clause lays down the grounds of disqualification for being appointed as a Member of the Authority. If the Central Government is of the opinion that a conviction and sentencing to imprisonment for an offence of a person involved moral turpitude, or he has such financial or other interest in the Authority as is likely to affect prejudicially the discharge by him of his functions as a member, such a person shall be disqualified for being appointed as a member as such.

5.4.2 Some Members of the Committee were of the view that the determination of the said grounds of disqualification was dependent upon the opinion of the Central Government which at times could be subjective and defeat the purpose of the clause. Those Members felt that adequate safeguards should be provided in this clause to rule out the element of subjectivity in forming an opinion by the Central Government. One of the suggestions which came up during discussion was that the words "in the opinion of the Central Government" could be tempered by adding the words "to be recorded in writing".

5.4.3 The Committee is of the view that the Ministry should address the concern of the Committee in the matter and come out with suitable formulation at the time of piloting the Bill in Parliament.

5.4.4 Subject to the above, the clause is adopted.

Cluses 5 to 7

5.5.1 These clauses are adopted without any change.

Clause 8
sub-clause (1)

5.6.1 Some Members were of the view that sub-clause (1) was vaguely worded as it was not clear as to where (places) the Authority could meet. The Committee feels that the word 'places' should be clarified to mean that the Authority can meet at such places where ICPs are located or where the registered office of the Authority is located. The Committee recommends that this aspect may be taken care of while framing regulations.

5.6.2 Subject to the above, the clause is adopted.

Clause 9

5.7.1 The clause lays down the circumstances, which shall not invalidate the proceedings of the Authority. **The Committee observes that there should be a time limit within which the vacancies in the Authority should be filled up. The Committee, accordingly, recommends that a provision may be inserted in the clause to provide that no vacancy in the Authority shall remain unfilled for more than six months.**

5.7.2 Subject to the above, the clause is adopted.

Clause 10

5.8.1 The clause is adopted without any change.

Clause 11

5.9.1 As per the Statement of Objects and Reasons of the Bill, the proposed Authority has to put in place systems at the Integrated Check Posts which address security imperatives while also facilitating trade and commerce. **The Committee notes that this aspect is missing in the clause which delineated the functions of the Authority. The Committee accordingly recommends the following amendments in sub-clauses (1) and (2).**

sub-clause (1)

5.9.2 The Committee recommends that the word "sanitise" may be inserted before the word "develop".

sub-clause (2)

5.9.3 The Committee recommends that the following may be added as the first item:-

"(a) put in place systems which address security imperatives at Integrated Check Posts"

Items (h) & (j)

5.9.4 With a view to making security arrangements better and comprehensive at Integrated Check Posts, the Committee recommends that the words "watch and ward at various sensitive installations" appearing in item (h) may be substituted by the words "the security of Integrated Check Posts".

5.9.5 The Committee also recommends that the word "plying" occurring in item (h) may be substituted by the word "movement".

5.9.6 Likewise, the Committee recommended that the word "plying" also appearing in item (j) be substituted by the word "movement".

Items (m), (n) and (o)

5.9.7 The Committee discussed item (m) which enabled the Authority to form one or more companies under the Companies Act, 1956 or under any other law relating to companies for efficient discharge of functions assigned to it. In this context the Committee noted that item (o) also empowered the Authority to set up 'joint ventures' for the discharge of any of the functions entrusted to it.

5.9.8 The Committee is of the view that as the Authority could set-up joint ventures, there was no necessity for empowering it to form companies also, for the efficient discharge of any of its functions. The Committee accordingly recommends omission of item (m).

5.9.9 As already stated earlier, security is the prime concern at the designated points along International Borders of India where Integrated Check Posts are

proposed to be set up. Keeping that in view, the Committee recommends that a suitable proviso be inserted in item (n) to ensure that sovereign functions of the Authority shall not be assigned to any private entity. Accordingly the Committee recommends that the following proviso be inserted in item (n):-

"Provided that the sovereign functions of the Authority shall not be assigned to any private entity".

5.9.10 Likewise, the Committee is of the view that the Authority should set up 'joint ventures' only in public sector as involvement of private sector enterprises in the border areas for discharge of functions of the Authority, will not be desirable. The Committee therefore, recommends that in item (o), the words "in the public sector" be inserted after the words "joint ventures".

5.9.11 The Committee also recommends that consequent upon its recommendations for addition and omission of certain items in sub-clause (2), the existing items (a) to (p) be renumbered accordingly.

5.9.12 The clause was adopted as amended.

Clause 12

5.10.1 Sub-clause (2) of the clause empowers the Authority to seek the assistance of Armed Forces, Central Para-Military Forces or State Police, whenever considered necessary to do so for ensuring peace and security at an Integrated Check Post. The Committee is of the view that the said sub-clause is deficient inasmuch as the Authority by itself cannot seek such assistance and has to follow the procedure established by law.

5.10.2 The Committee, therefore, with a view to making the sub-clause self-contained, recommends that the words "as per the provisions of the law", be added at the end.

5.10.3 The clause is adopted as amended.

Clauses 13 to 15

5.11.1 These clauses, dealing with property and contract, are adopted without any change.

Clause 16

5.12.1 This clause provides that any land acquired by the authority for discharge of its functions shall be deemed to be needed for a public purpose and the same may be acquired for the Authority under the provisions of the National Highways Act 1956 or any other law for the time being in force.

5.12.2 A point was raised that the process of acquisition of land for the Authority should involve the concerned State Government and the notification for acquiring of land may be issued after obtaining the consent of the concerned district authorities of the State.

5.12.3 The Committee accordingly recommends that the issue raised by it should be considered by the Government and if necessary, suitable provision may be inserted in the clause.

5.12.4 Subject to the above, the clause is adopted

Clauses 17 to 18

5.13.1 These clauses are adopted without any change.

Clause 19

5.14.1 This clause empowers the Authority to determine and charge fees or rent, not being a statutory levy under any other Act, as may be provided by regulations, separately for each Integrated Check Post with the previous approval of the Central Government.

5.14.2 The Committee is of the view that since the Authority is a statutory body consisting of, amongst others, nine members, *ex-officio*, to be appointed by the Central Government from amongst the officers, not below the rank of Joint Secretary to the Government of India, representing concerned Ministries, the requirement of obtaining previous approval of the Central Government, for determining and charging fees or rent etc., may be done away with. The Committee is of the view that the Authority should be fully empowered in that regard.

5.14.3 The Committee, accordingly, recommends that the word "with the previous approval of the Central Government" be omitted.

5.14.4 The clause is adopted as amended.

Clauses 20 to 31

5.15.1 These clauses are adopted without any change.

Clause 32

5.16.1 This clause empowers the Central Government to supersede the Authority.

5.16.2 The Committee feels that the word "defaulted" appearing in sub-clause (1)(b) need not be qualified by the word "persistently". The Committee, therefore, recommends that the word "persistently" appearing in sub-clause (1)(b) may be omitted as being unnecessary.

5.16.3 Sub-clause (4) provides for laying of a full report of any action taken under this clause and the circumstances leading to such action, to be laid before both Houses of Parliament 'at the earliest opportunity'. **The Committee is of the view that the said expression is open-ended, vague and needed to be made specific.**

5.16.4 **The Committee, therefore, recommends that sub-clause (4) may be amended so that it is in tune with clause 36 which is based on the standard formulation for laying of papers on the Table of the Houses and specified the period within which rules, regulations and notifications to be issued under the proposed Act are to be laid before each House of Parliament.**

5.16.5 **Subject to the above, the clause is adopted.**

Clauses 33 to 37

5.17.1 **These clauses are adopted without any change.**

Clause 1, Enacting Formula and Title

5.18.1 **Clause 1, the Enacting Formula and the Title are adopted with some changes which are of consequential or drafting nature, namely the figures and the word, '2009' and “sixtieth” to be substituted by “2010” and “Sixty first”, wherever these occurred.**

5.18.2 **The Committee adopts the Bill subject to the changes proposed and suggestions made in the preceding paragraphs. The Committee recommends that the Government may bring forward the amendments suggested while piloting the Bill for consideration in Parliament. Other suggestions relating to rules/regulations may be kept in view while framing those.**

5.18.3 **The Committee recommends that the Land Ports Authority of India Bill, 2009 be passed as amended.**

CHAPTER- VI

OBSERVATIONS/CONCLUSIONS AND RECOMMENDATIONS OF THE COMMITTEE- AT A GLANCE

JURISDICTIONAL ISSUES

The material on record and the oral evidence given before the Committee, lead it to believe that the very idea of setting up of ICPs was conceived to address the felt need for effective and efficient regulation of trade and commerce along the international borders. Even the criterion for selecting the ICPs is based inter-alia on the volume of trade and commerce and its future potential. Even though the Home Secretary has repeatedly tried to convince the Committee on the justification of the Home Ministry handling the Bill, which was supported by the Commerce Secretary, the Committee is, however, not convinced with their arguments mainly because the security and strategic considerations, as highlighted by both the Secretaries, are not reflected in the text of the Bill, even though the Statement of Objects and Reasons of the Bill does proclaim that it is important to put in place systems at the designated entry and exit points on the international borders, which address security imperatives while also facilitating trade and commerce.

It needs hardly be stated that the spirit of the Bill, as articulated in the Statement of Object and Reason, needs to be reflected in the text thereof and in the present case it is regrettably absent. It is for anyone to conclude whether it is a genuine oversight or the actual intention of the Ministry of Home Affairs has got reflected in the text as presently worded and that the SOR is to lend legitimacy to the allocation of the Bill to the Ministry of Home Affairs.

The Committee further deliberated on the subject. It felt that if the Bill has to be handled by the Ministry of Home Affairs, as claimed repeatedly by them and supported by the Ministry of Commerce, amongst other Ministries, then the security aspects have to be properly reflected in the long title and the text of the Bill. The Committee has therefore suggested amendments in the Long Title and the clauses of the Bill so that the spirit of the Statement of Object and Reason is reflected in the main text. The Committee's recommendations in that respect are contained in Chapter V.

(Para 3.2.16, 3.2.17 and 3.2.18)

PRIVATE SECTOR PARTICIPATION IN NON-SOVEREIGN FUNCTIONS

The proposal to set up hotels in the ICP premises under the PPP model and such other activities may be a security threat. The Committee is of the firm view that the Government should involve only PSUs in all such activities in the LPAI. It needs hardly be emphasized that in the overall scheme of ICPs, overriding objective must be the security of the country. The Committee has accordingly proposed certain amendments in the relevant clauses of the Bill which are included in Chapter V of the Report.

(Para 4.1.5)

CONSULTATION WITH STATES

In a federal country like ours, the States should be consulted and involved at every stage of establishment of the proposed Land Ports Authority of India and Integrated Check Posts along with the land borders of India. The Committee is constrained to note that the Ministry of Home Affairs did not consider it necessary to hold formal consultations with the concerned State Governments before piloting the Bill. The Ministry of Home Affairs ought to have held detailed consultation with the concerned States not only because these States would be tasked to provide land, basic infrastructure for ICPs, but would be primarily instrumental in ensuring secure and safe ambiance for efficient functioning of ICPs within their jurisdictions.

As already discussed earlier, the Committee had sought the views of all the concerned States and out of those States only five had responded. The Committee notes that out of five States, four have supported the Bill and one has not offered any comment. As regards the States which have not responded, the Committee presumes those are supportive of the Bill.

(Para 4.2.6 and 4.2.7)

IDENTIFICATION OF THE ICPS

The Committee notes that the thirteen locations of ICPs along the land borders of India have been identified and prioritized on the basis of some studies, criteria and recommendations of other concerned Ministries. The Committee, however, recommends that the Government should examine setting up of more ICPs at an appropriate stage, after assessing the requirement, giving primacy to the security imperatives, besides the volume of trade and other relevant considerations.

(Para 4.3.4)

MULTIPLICITY OF AUTHORITIES AND SYNERGY AMONG VARIOUS AGENCIES

The Committee hopes that when the proposed LPAI becomes operational and the various agencies involved in the system start discharging the functions, there would be adequate coordination and harmony amongst them. Synergy amongst various agencies would enhance the accomplishment of the objectives. Therefore, the Committee urges upon the Ministry of Home Affairs to ensure that each of these participating agencies does function in smooth manner and there is clearly demarcated jurisdiction, power and responsibility amongst them.

(Para 4.4.6)

SECURITY ALONG THE LOC

It is incumbent upon the Ministry of Home Affairs to ensure foolproof surveillance and security at LoC even while Confidence Building Measures (CBMs) are underway. The Committee advises the Government that modern equipments, including scanners must be put in place to keep vigilance over the movement of persons and goods along the LoC. The Committee is of the view that broad intelligence sharing is required for information gathering, analysis, decision/policy formulation for ensuring the security and sovereignty of the country.

(Para 4.5.9)

CROSS-BORDER CRIMES

The Committee, taking note of anti-national activities being carried out across the border, recommends that the Ministry of Home Affairs should come forward with a sustainable mechanism in the LPAI Bill, 2009 to address the security imperatives and for prevention of cross-border crimes. Unless that was done, LPAI would not serve the purpose for which it was proposed to set up.

(Para 4.6.5)

MECHANISM TO CHECK MOVEMENT OF FAKE INDIAN CURRENCY NOTES

The Committee is not convinced by the response of the Ministry. In spite of all these steps having been taken, smuggling of FICN continues unabated and on a large scale. The Government has not come forward with a roadmap to effectively deal with this menace. The Committee is of the view that adequate mechanism must be put in place to check the inflow of FICN in the country because such activities not only pose a serious threat to national security but also possess tremendous potential to wreck the national economy from inside.

(Para 4.7.3)

STATEMENT OF OBJECTS AND REASONS

On reconsideration, the Committee agreed that the word 'regulate' used in para 3, line 4 of the Statement of Objects and Reasons should be substituted by the word 'coordinate'. Consequentially, in line 5 of the said para, the word 'also' may be inserted before the word 'coordinate'.

(Para 5.1.4)

The Committee accordingly recommends that the Ministry of Home Affairs may circulate a revised Statement of Objects and Reasons before the Bill is taken up for consideration in the Lok Sabha.

(Para 5.1.5)

Long title

The Committee is of the view that the spirit of the Statement of Objects and Reasons of the Bill should be reflected in its Long Title. The Committee, therefore, suggests that in the first line of the Long Title, before the words 'for the development', the words "to put in place systems, which address security imperatives and" may be inserted.

(Para 5.1.6)

The Committee feels that sub-clause 3(b) needed some drafting change. The Committee recommends that the existing sub-clause 3(b) may be substituted by the following:-

"Two Members, one Member (Planning and Development) and one Member (Finance)"

(Para 5.3.2)

sub-clause 3(d)

The Committee feels that the nominee of the Chief Secretary of the concerned State Government should not be below the rank of Secretary to the Government of the State. The Committee, accordingly, recommends that in sub-clause (3)(d), after the word 'nominee' the following words may be inserted:

"not below the rank of Secretary to the Government"

(Para 5.3.3)

sub-clause 3(e)

The Committee recommends that the existing sub-clause 3(e) may be substituted by the following:

"the representatives, one each of traders and workers, to be appointed by the Central Government from amongst the representative bodies of trade and workers;"

(Para 5.3.4)

sub-clause 3(5)

The Committee feels that knowledge and experience in security-related matters should also be prescribed for a person to be eligible for being considered for appointment as Chairperson of the Authority. The Committee accordingly recommends that the word "security" may be inserted before the word "transport".

(Para 5.3.5)

The Committee is of the view that the Ministry should address the concern of the Committee in the matter and come out with suitable formulation at the time of piloting the Bill in Parliament.

(Para 5.4.3)

Clause 8
sub-clause (1)

Some Members were of the view that sub-clause (1) was vaguely worded as it was not clear as to where (places) the Authority could meet. The Committee feels that the word 'places' should be clarified to mean that the Authority can meet at such places where ICPs are located or where the registered office of the Authority is located. The Committee recommends that this aspect may be taken care of while framing regulations.

(Para 5.6.1)

Clause 9

The clause lays down the circumstances, which shall not invalidate the proceedings of the Authority. The Committee observes that there should be a time limit within which the vacancies in the Authority should be filled up. The Committee, accordingly, recommends that a provision may be inserted in the clause

to provide that no vacancy in the Authority shall remain unfilled for more than six months.

(Para 5.7.1)

Clause 11

As per the Statement of Objects and Reasons of the Bill, the proposed Authority has to put in place systems at the Integrated Check Posts which address security imperatives while also facilitating trade and commerce. **The Committee notes that this aspect is missing in the clause which delineated the functions of the Authority. The Committee accordingly recommends the following amendments in sub-clauses (1) and (2).**

(Para 5.9.1)

sub-clause (1)

The Committee recommends that the word "sanitise" may be inserted before the word "develop".

(Para 5.9.2)

sub-clause (2)

The Committee recommends that the following may be added as the first item:-

"(a) put in place systems which address security imperatives at Integrated Check Posts"

(Para 5.9.3)

Items (h) & (i)

With a view to making security arrangements better and comprehensive at Integrated Check Posts, the Committee recommends that the words "watch and ward at various sensitive installations" appearing in item (h) may be substituted by the words "the security of Integrated Check Posts".

(Para 5.9.4)

The Committee also recommends that the word "plying" occurring in item (h) may be substituted by the word "movement".

(Para 5.9.5)

Likewise, the Committee recommended that the word "plying" also appearing in item (j) be substituted by the word "movement".

(Para 5.9.6)

The Committee is of the view that as the Authority could set-up joint ventures, there was no necessity for empowering it to form companies also, for the efficient discharge of any of its functions. The Committee accordingly recommends omission of item (m).

(Para 5.9.8)

As already stated earlier, security is the prime concern at the designated points along International Borders of India where Integrated Check Posts are proposed to be set up. Keeping that in view, the Committee recommends that a

suitable proviso be inserted in item (n) to ensure that sovereign functions of the Authority shall not be assigned to any private entity. Accordingly the Committee recommends that the following proviso be inserted in item (n):-

"Provided that the sovereign functions of the Authority shall not be assigned to any private entity".

(Para 5.9.9)

Likewise, the Committee is of the view that the Authority should set up 'joint ventures' only in public sector as involvement of private sector enterprises in the border areas for discharge of functions of the Authority, will not be desirable. The Committee therefore, recommends that in item (o), the words "in the public sector" be inserted after the words "joint ventures".

(Para 5.9.10)

The Committee also recommends that consequent upon its recommendations for addition and omission of certain items in sub-clause (2), the existing items (a) to (p) be renumbered accordingly.

(Para 5.9.11)

Clause 12

Sub-clause (2) of the clause empowers the Authority to seek the assistance of Armed Forces, Central Para-Military Forces or State Police, whenever considered necessary to do so for ensuring peace and security at an Integrated Check Post. **The Committee is of the view that the said sub-clause is deficient inasmuch as the Authority by itself cannot seek such assistance and has to follow the procedure established by law.**

(Para 5.10.1)

The Committee, therefore, with a view to making the sub-clause self-contained, recommends that the words "as per the provisions of the law", be added at the end.

(Para 5.10.2)

Clause 16

The Committee accordingly recommends that the issue raised by it should be considered by the Government and if necessary, suitable provision may be inserted in the clause.

(Para 5.12.3))

Clause 19

The Committee is of the view that since the Authority is a statutory body consisting of, amongst others, nine members, *ex-officio*, to be appointed by the Central Government from amongst the officers, not below the rank of Joint Secretary to the Government of India, representing concerned Ministries, the requirement of obtaining previous approval of the Central Government, for determining and charging fees or rent etc., may be done away with. The Committee is of the view that the Authority should be fully empowered in that regard.

(Para 5.14.2)

The Committee, accordingly, recommends that the word "with the previous approval of the Central Government" be omitted.

(Para 5.14.3)

Clause 32

The Committee feels that the word "defaulted" appearing in sub-clause (1)(b) need not be qualified by the word "persistently". The Committee, therefore, recommends that the word "persistently" appearing in sub-clause (1)(b) may be omitted as being unnecessary.

(Para 5.16.2)

Sub-clause (4) provides for laying of a full report of any action taken under this clause and the circumstances leading to such action, to be laid before both Houses of Parliament 'at the earliest opportunity'. The Committee is of the view that the said expression is open-ended, vague and needed to be made specific.

(Para 5.16.3)

The Committee, therefore, recommends that sub-clause (4) may be amended so that it is in tune with clause 36 which is based on the standard formulation for laying of papers on the Table of the Houses and specified the period within which rules, regulations and notifications to be issued under the proposed Act are to be laid before each House of Parliament.

(Para 5.16.4)

Clause 1, Enacting Formula and Title

Clause 1, the Enacting Formula and the Title are adopted with some changes which are of consequential or drafting nature, namely the figures and the word, '2009' and "sixtieth" to be substituted by "2010" and "Sixty first", wherever these occurred.

(Para 5.18.1)

The Committee adopts the Bill subject to the changes proposed and suggestions made in the preceding paragraphs. The Committee recommends that the Government may bring forward the amendments suggested while piloting the Bill for consideration in Parliament. Other suggestions relating to rules/regulations may be kept in view while framing those.

(Para 5.18.2)

The Committee recommends that the Land Ports Authority of India Bill, 2009 be passed as amended.

(Para 5.18.3)

MINUTES

VII

SEVENTH MEETING

The Committee met at 03.30 P.M. on Tuesday, 3 November, 2009 in Room No. 63, Parliament House, New Delhi.

MEMBERS PRESENT

1. Shri M. Venkaiah Naidu - Chairman

RAJYA SABHA

2. Shri Rishang Keishing
3. Shri S.S. Ahluwalia
4. Shri Prasanta Chatterjee
5. Shri Tariq Anwar
6. Dr. V. Maitreyan
7. Shri D. Raja

LOK SABHA

8. Dr. Rattan Singh Ajnala
9. Dr. Kakoli Ghosh Dastidar
10. Shri Ramen Deka
11. Shri Mohd. Asrarul Haque
12. Shri Naveen Jindal
13. Shri Jitender Singh Malik
14. Shri Natubhai Gomanbhai Patel
15. Shri A. Sampath
16. Dr. Raghuvansh Prasad Singh
17. Shri Harsh Vardhan
18. Shri Bhausheb Rajaram Wakchaure
19. Shri Dinesh Chandra Yadav

SECRETARIAT

1. Shri Tapan Chatterjee, Joint Secretary
2. Shri P.P.K. Ramacharyulu, Director
2. Shri D.K. Mishra, Joint Director
3. Shri Bhupendra Bhaskar, Assistant Director

Representatives of Ministry of Home Affairs

1. Shri Gopal K. Pillai, Home Secretary
2. Shri Vinay Kumar, Secretary (BM)
3. Shri A.E. Ahmed, Additional Secretary
4. Shri Asim Khurana, Joint Secretary
5. Smt. R. Jaya, Director
6. Shri L. Vishwanathan, Director
7. Shri J.L. Chugh, Director
8. Shri Anuj Sharma, Director

Representative of Bureau of Immigration

Shri Arun Choudhary, Joint Director

Representative of Ministry of Communications and Information Technology (Department of Telecommunications)

Shri Subodh Kumar, Additional Secretary

Representatives of Ministry of External Affairs

1. Shri Suresh Kumar Reddy, Director (BSM)
2. Shri K.S. Reddy, US (Pak)

Representatives of Ministry of Agriculture

1. Dr. A.P. Negi, Joint Commissioner, Livestock Health, Department of Animal Husbandry, Dairying & Fisheries
2. Dr. P.S. Chandrurkar, Advisor

Representative of Ministry of Commerce & Industry (Department of Commerce)

Shri Arvind Mehta, Joint Secretary

Representatives of Ministry of Law & Justice (Legislative Department)

1. Shri P.B. Singh, Joint Secretary
2. Shri K.V. Kumar, Assistant Legislative Counsel

Representative of RITES

Shri Arun Chaturvedi, General Manager

Representative of Ministry of Finance (Department of Revenue)

Shri P.S. Pruthi, Commissioner, Central Board of Excise and Customs

Representative of Ministry of Road Transport and Highways

Shri V.L. Patankar, Chief Engineer

Representatives of Ministry of Defence

1. Col. Rupinder Singh, Director (MO),
2. Brig Rajeshwar Singh, DDG, MO (E)

Representative of Ministry of Railway Board

Shri Rajeev Chaudhary, Executive Director

2. The Chairman informed the Members that the meeting had been convened to hear the representatives of the Ministry of Home Affairs on the Land Ports Authority of India Bill, 2008. He also informed the Members that senior officers of the Ministries of Commerce and Industries, External Affairs, Agriculture, Communications and IT, Finance, Defence, Railways and agencies such as RITES had also been invited to the sitting so that they could respond to the queries of the Members.

[At this stage the witnesses were called in]

3. The Chairman welcomed the Home Secretary and other officials of other Ministries/Departments/Organisations. He then asked the Home Secretary to commence the presentation on the Bill.

4. The Home Secretary gave a brief background to the Bill. Thereafter, the Secretary (BM) made a presentation on the salient features of the Bill. The highlights of the presentation were as follows.

- * There are several designated entry and exit points on the international land borders of our country through which cross border movement of persons, goods and traffic take place and it is important to put in place a system to address security imperatives while facilitating trade and commerce in an organized manner and hence the said Bill.
- * The Bill proposes to establish a statutory body to undertake planning, construction, management and maintenance of the Integrated Check Posts (ICPs).
- * The Land Ports Authority of India will coordinate the management of the ICPs and will be vested with powers similar to bodies like the Airports Authority of India.
- * The Authority will be a statutory body responsible for development of infrastructure, coordination and cooperation with various Ministries/Departments of Government of India and other agencies at each ICP.

- * The Authority would plan, develop, construct and maintain terminal and ancillary buildings, services and all other facilities that may be required for facilitating trade and traffic.
- * The Authority would own land and infrastructure and exercise developmental and regulatory functions.
- * Various Government Departments/Agencies operating from the ICPs would look after their own sphere of activities, including sovereign functions, under the respective laws.

5. The Chairman informed the Members that the erstwhile Committee had sought written comments of seventeen State Governments on the earlier Bill namely, the Land Ports Authority of India Bill, 2008 and that only three States had sent their views.

6. The Chairman and the Members of the Committee, thereafter, raised several issues and queries regarding the Bill which were as follows.

- * Whether State Governments and other agencies have been consulted by Ministry of Home Affairs before drafting the Bill?
- * What is the primary concern of the Bill – Security or facilitation of trade and commerce?
- * What is the justification for allocating the Bill to Ministry of Home Affairs when the primary objective thereof is trade and commerce?
- * Whether private sector participation in non-Sovereign functions at the proposed Land Ports would not threaten the security of our country?
- * The one each representative of traders and workers, to be appointed by the Central Government on the Authority, is to be co-opted on case-to-case basis, wherever necessary. What mechanism is likely to be adopted for these appointments by the Government?
- * How the Home Ministry is contemplating to check illegal trade of narcotics and sophisticated arms and ammunition and the illegal trafficking of women through the landlocked borders of India?
- * If the main objective of this Bill is to ensure security as claimed by Home Ministry, then why it is not setting up Land Ports at Nathu La in Sikkim and LoC in J&K?
- * What steps have been taken by Government to plug the porous land-locked borders with neighbouring countries namely, Bangladesh, Nepal, Myanmar, etc.?
- * Besides the proposed 13 ICPs, the Government should set up more ICPs where those are needed the most.

7. The Home Secretary and other officials replied to the queries and issues raised by the Members. The Committee was not satisfied with most of the responses. Some Members made further observations on those issues.

8. The Chairman then asked the officials to send written replies to the queries not replied orally. The Committee also taking note of the fact that since several Ministries/Departments/Agencies were involved in the setting up of the Land Ports Authority of India and also security issues were involved therein, it should seek clarifications from the Secretaries of the concerned Ministries/Departments. The Committee, accordingly decided to seek further clarifications from the Secretaries of the concerned Ministries/Departments in the next meeting and also take up clause-by-clause consideration of the Bill.
9. A verbatim record of the proceedings of the meeting was kept.
10. The Committee then adjourned at 4.55 P.M.

VIII

EIGHTH MEETING

The Committee met at 11.30 A.M. on Friday, 13 November, 2009 in Main Committee Room, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri M. Venkaiah Naidu - Chairman

RAJYA SABHA

2. Shri S.S. Ahluwalia
3. Shri Prasanta Chatterjee
4. Dr. V. Maitreyan
5. Shri Tariq Anwar
6. Shri D. Raja

LOK SABHA

7. Dr. Rattan Singh Ajnala
8. Dr. Kakoli Ghosh Dastidar
9. Shri Ramen Deka
10. Shri Mohd. Asrarul Haque
11. Shri A. Sampath
12. Shri Harsh Vardhan
13. Shri Neeraj Shekhar
14. Shri Dinesh Chandra Yadav

SECRETARIAT

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4. Shri Bhupendra Bhaskar, Assistant Director

Representatives of Ministry of Home Affairs

1. Shri Gopal K. Pillai, Home Secretary
2. Shri Vinay Kumar, Secretary (BM)
3. Shri A.E. Ahmed, Additional Secretary
4. Shri Sadakant, Joint Secretary
5. Smt. R. Jaya, Director
6. Dr. V. Candavelou, Deputy Secretary

Representatives of Ministry of Finance (Department of Revenue)

1. Shri Jose K. Cyriac, Additional Secretary
2. Shri S.K. Goel, Member (Customs), Central Board of Excise and Customs
3. Shri P.S. Pruthi, Commissioner, Central Board of Excise and Customs

Representative of Ministry of Commerce & Industry (Department of Commerce)

Shri Arvind Mehta, Joint Secretary

Representatives of Ministry of Law & Justice

Department of Legal Affairs

1. Shri D.R. Meena, Law Secretary
2. Shri R.L. Koli, Additional Secretary
3. Shri M. Khandelwal, Assistant Law Officer

Legislative Department

1. Shri P.B. Singh, Joint Secretary and Legislative Counsel
2. Shri K. V. Kumar, Assistant Legislative Counsel
3. Smt. Akali V. Konghey, Assistant Legislative Counsel

Representatives of Central Police Organisations

1. Shri Raman Srivastava, DG, BSF
2. Shri R.K. Medhekar, Special DG, BSF
3. Shri Alexander Daniel, ADG (Ops), BSF
4. Shri M.V. Krishna Rao, DG, SSB

Representative of Ministry of Railways (Railway Board)

Shri Rajeev Chaudhary, Executive Director

Representative of RITES

Shri Arun Chaturvedi, General Manager

Representatives of Ministry of External Affairs

1. Shri Suresh K. Reddy, Director (BSM)
2. Shri Gopal Baglay, Director (PAK)
3. Shri Sanjiv Ranjan, Director (North)

2. The Chairman welcomed the newly appointed Member of the Committee, Shri Neeraj Shekhar, Member, Lok Sabha.

3. The Chairman then made reference to the passing away of Shri Mahendra Sahni, a sitting Member of Rajya Sabha, representing the State of Bihar. The Committee observed a minute's silence, all Members standing, as a mark of respect to the memory of the departed soul. The Chairman then directed the Secretariat to forward a copy of the obituary reference to the next of kin of the departed.

4. The Chairman then informed the Members that the day's meeting had been convened to take up clause-by-clause consideration of the Land Ports Authority of India Bill, 2009. He reminded Members that the Committee was called upon to submit its report on the said Bill on or before 13th December, 2009.

5. The Chairman thereafter mentioned that a communication had been received from Shri S.S. Ahluwalia, MP, Rajya Sabha and a Member of the Committee raising certain issues and concerns about the provisions of the Bill. He also mentioned that Shri Ahluwalia had expressed reservations on certain issues concerning the role of MHA in the proposed Land Ports Authority. The Chairman also drew attention of the Members to the suggestion made by Shri S.S. Ahluwalia that the Committee should hear representatives of the nine States viz., Bihar, Punjab, West Bengal, Manipur, Meghalaya, Tripura, Assam, Mizoram and Uttar Pradesh, wherein the thirteen ICPs were proposed to be set up, before proceeding further with the Bill. In this regard, the Chairman informed that during the course of consideration of the 2008 Bill, by the previous Committee, the Committee sought written comments from seventeen State Governments, including the States suggested by Shri S.S. Ahluwalia, on the Bill. However only three State Governments viz. Uttarakhand, Sikkim and Nagaland responded and none of the nine State Governments where the thirteen ICPs were proposed to be set up, had furnished their views in spite of being reminded to do so. The Chairman, therefore, stated that it would not be necessary to call Chief Secretaries of the nine States suggested by Shri S.S. Ahluwalia, for oral evidence before the Committee. He also stated that Shri Ahluwalia had called for certain documents which had been made available to him and copies of the minutes of the Inter-Ministerial Meeting held in the Planning Commission on 05.06.2006 had been circulated to all Members.

6. The Chairman further informed that Shri Prasanta Chatterjee, a Member of the Committee had suggested some amendments in the Bill which had been forwarded to MHA and also circulated amongst Members. Besides, the comments of MHA on the various issues raised in the previous sitting held on 3rd November, 2009 had also been received and circulated to the Members.

7. The Chairman then informed the Members that since several Ministries and agencies were involved in the setting up of Land Ports Authority and the Integrated Check Posts, besides the Home Secretary, the Law Secretary and the Secretary, Legislative Department, the Commerce Secretary, the Revenue Secretary and the Foreign Secretary were also invited to attend the meeting. He further informed that Shri P.V. Bhide, Revenue Secretary sought exemption from personal appearance as he had some official engagements outside Delhi, which was granted by him and Shri Bhide had deputed Additional Secretary, Department of Revenue and Member (Customs), Central Board of Excise and Customs, to represent the Department of Revenue. The Chairman further stated that Dr. Rahul Khullar, Commerce Secretary also sought exemption from personal appearance on medial grounds which was granted and Shri Arvind Mehta, Joint Secretary was deputed to represent the Department of Commerce. In that context, the Chairman stated that he had come to know that Dr. Khullar attended his office the previous day. About Shri V.K. Bhasin, Secretary, Legislative Department, the Chairman mentioned that as he was unable to appear before the Committee because of heavy legislative agenda for the ensuing Winter Session, his request for exemption from personal appearance had been conceded and that Department was represented in the meeting by concerned senior officers.

8. The Chairman apprised Members that as the ICPs were proposed to be set up along India's borders with Pakistan, Nepal, Bangladesh and Myanmar, the Foreign Secretary was also asked to appear before the Committee and a communication in the matter was sent by the Secretariat to the Foreign Secretary on 6th November, 2009 but the Committee's Secretariat had not received any confirmation from the Foreign Secretary's Office whether she would be appearing before the Committee or not. He mentioned that the Secretariat advised the MEA about the need to send written confirmation regarding the appearance of the Foreign Secretary before the Committee and also the procedure to be followed, in case she was unable to come in person. Despite that advice, the Ministry of External Affairs failed to communicate anything to the Secretariat. The Chairman stated that non-appearance of the Foreign Secretary before the Committee and lack of any communication from MEA to the Secretariat of the Committee, was a serious matter and a breach of established parliamentary practice and procedure and the Committee should take a view on this.

9. The Members of the Committee took serious note of the non-appearance of the concerned Secretaries before the Committee and felt that explanation should be sought from the Secretaries.

[At this the witnesses were called in]

10. The Chairman then welcomed the representatives of the Ministry of Home Affairs, and other Ministries/Departments/Agencies.

11. The Chairman then referred to the absence of some Secretaries in the meeting. He stated that though the Commerce Secretary took permission from him for being absent on medical grounds, he was attending the office and in that case he should have come to the Committee meeting and expressed his difficulty. He took serious exception to the Foreign Secretary's absence in the meeting, without seeking permission from him and also to the presence of only Director level officers from the Ministry of External Affairs. The Chairman observed that the Committees were Mini-Parliaments and the Secretaries to the Government should respond positively and adequately well before time, to the Secretariat, through a letter or a telephone call and seek permission for being absent and depute other senior officers. He also referred to the Direction No. 59 of the Direction issued by the Speaker, Lok Sabha which prescribed the procedure relating to oral evidence of officials of Government of India and Undertakings. The Chairman further observed that all the Ministries/Departments were duty bound to abide by that Direction. The Chairman then told the Members that he would take up the matter appropriately with Hon'ble Chairman.

12. In view of the absence of key officials of the concerned Ministries, the Committee decided not to proceed with the clause-by-clause consideration of the Bill. The Committee also directed that the Legislative Secretary, the Law Secretary, the Home Secretary, the Commerce Secretary, the Foreign Secretary, the Revenue Secretary and the Director, IB should be present in the next meeting, when it would take up clause-by-clause consideration of the Bill.

13. A verbatim record of the proceeding of the meeting was kept.

14. The Committee adjourned at 12.25 P.M.

IX

NINTH MEETING

The Committee met at 3.00 P.M. on Tuesday, 1 December, 2009 in Room No. 63, Parliament House, New Delhi.

MEMBERS PRESENT

1. Shri M. Venkaiah Naidu - Chairman

RAJYA SABHA

2. Shri S.S. Ahluwalia
3. Shri Prasanta Chatterjee
4. Shri D. Raja

LOK SABHA

5. Dr. Rattan Singh Ajnala
6. Dr. Kakoli Ghosh Dastidar
7. Shri Ramen Deka
8. Shri Mohd. Asrarul Haque
9. Shri L. Rajagopal
10. Shri Nilesh Narayan Rane
11. Shri Bishnu Pada Ray
12. Shri A. Sampath
13. Shri Ravneet Singh
14. Shri Harsh Vardhan
15. Shri Neeraj Shekhar

SECRETARIAT

1. Shri Tapan Chatterjee, Joint Secretary
2. Shri P.P.K. Ramacharyulu, Director
3. Shri D.K. Mishra, Joint Director
4. Shri Bhupendra Bhaskar, Assistant Director

Representatives of Ministry of Home Affairs

1. Shri Gopal K. Pillai, Home Secretary
2. Shri Vinay Kumar, Secretary (BM)
3. Shri Sada Kant, Joint Secretary (BM)
4. Smt. R. Jaya, Director
5. Shri L. Vishwanathan, Director

Representative of Intelligence Bureau

Shri Rajiv Mathur, Director

Representatives of CPFs

1. Shri Raman Srivastava, DG, BSF
2. Shri R.K. Medhekar, Special DG, BSF
3. Shri Hemant Desai, IG (Ops.), BSF
4. Shri M.V. Krishna Rao, DG, SSB

Representatives of Ministry of External Affairs

1. Smt. Nirupama Rao, Foreign Secretary
2. Shri Y.K. Sinha, Joint Secretary, Pakistan, Afghanistan, Iran (PAI)
3. Shri Satish C. Mehta, Joint Secretary (North)
4. Shri T.S. Tirumurthy, Joint Secretary, Bangladesh, Sri Lanka, Myanmar (BSM)

Representatives of Ministry of Finance (Department of Revenue)

1. Shri P.V. Bhide, Revenue Secretary
2. Shri S.K. Goel, Member, Central Board of Excise & Customs
3. Shri K. Jose Cyriac, Additional Secretary
4. Shri P.S. Pruthi, Commissioner, Central Board of Excise & Customs

Representatives of Ministry of Law & Justice

Department of Legal Affairs

1. Shri D.R. Meena, Law Secretary
2. Shri R.L. Koli, Additional Secretary

Legislative Department

1. Shri V.K. Bhasin, Legislative Secretary
2. Shri P.B. Singh, Joint Secretary

Representatives of Ministry of Commerce & Industry (Department of Commerce)

1. Shri R. Gopalan, Additional Secretary
2. Shri Arvind Mehta, Joint Secretary

Representatives of Ministry of Agriculture

1. Dr. P.S. Chandurkar, Advisor, Plant Protection, Department of Agriculture
2. Dr. A.B. Negi, Joint Commissioner, Livestock Health, Department of Animal Husbandry, Dairying and Fisheries

Representative of Ministry of Railways (Railway Board)

Shri Rajiv Choudhary, Executive Director

Representative of RITES

Shri Arun Chaturvedi, G.M.

2.0 The Chairman announced that the day's meeting had been convened to take up clause-by-clause consideration of the Land Ports Authority of India Bill, 2009. He reminded Members that the Committee was called upon to submit its Report on the Bill on or before 13th December 2009.

2.1 The Chairman recalled that due to the absence of Secretaries of some of the Ministries, particularly the Foreign Secretary and the Commerce Secretary in the previous meeting held on 13th November, the Committee could not go ahead with the clause-by-clause consideration of the Bill. Therefore, it decided that all the Secretaries concerned should remain present in the next meeting to assist it in the clause-by-clause consideration. He further stated that the Legislative Secretary, the Law Secretary, the Home Secretary, the Commerce Secretary, the Foreign Secretary, the Revenue Secretary and the Director, IB had accordingly been invited.

2.2 The Chairman also mentioned that out of the above mentioned officers, Dr. Rahul Khullar, Commerce Secretary had again sought exemption from personal appearance on account of some multilateral engagements outside the country where he was to assist the Commerce Minister. The Chairman of the Committee informed Members that he had granted the request. He also informed that Commerce Secretary had deputed Shri R. Gopalan, the senior-most Additional Secretary in the Department of Commerce to represent that Department before the Committee.

2.3 The Chairman informed Members that one more State Government i.e. Government of J&K had sent their comments on the said Bill stating that they had no objection to the proposed Bill being enacted. He also informed Members that Ministry of Home Affairs had sent its comments on the amendments suggested by Shri Prasanta Chatterjee, M.P. and Member of the Committee, on the Bill.

2.4 In regard to the requirement of completion of consideration of the Bill, within the given period i.e. by 13th December, 2009, one Member felt that the Committee should not

hastily consider the Bill clause-by-clause as it was not convinced with the explanations given by the nodal Ministry and other agencies on the fundamental issues concerning the Bill. The Committee also felt that it would be appropriate if it could devote more time to the Bill and present its Report in the first part of the Budget Session.

[At this stage the witnesses were called in]

3. The Chairman then welcomed the representatives of the Ministry of Home Affairs, and other Ministries/Departments and stated that the Committee had already discussed this Bill in its previous sittings and that the Members would like to seek clarifications from the officers on certain basic issues.

4. The Chairman and Members then sought the following clarifications, some of which were directly connected with the Bill and others having an indirect bearing thereon:-

- (i) When it is self-evident that the setting up of the Integrated Check Posts (ICPs) along the Indo-Pak, Indo-Bangladesh, Indo-Nepal and Indo-Myanmar borders and the proposed statutory Land Ports Authority of India, were to promote trade and commerce with our neighbouring countries, what is the rationale for assigning the Bill to the Ministry of Home Affairs;
- (ii) How will the Government address the security implications of movement of goods and persons across the LoC in PoK and Jammu and Kashmir;
- (iii) What are the modalities for regulating the entry and exit of persons and goods across the LoC;
- (iv) What is the mechanism at the LoC to distinguish between a genuine person from a insurgent;
- (v) How is the Government addressing the issue of increased inflow of Chinese products from PoK to Jammu and Kashmir which reportedly constitutes more than Seventy Five per cent of the cross-border trade across LoC;
- (vi) What is the position of the Government with regard to illegal arms trade and smuggling of Fake Indian Currency Notes through the porous borders with Nepal, Bangladesh and Myanmar;
- (vii) How is the Government going to address the apprehensions expressed by Members of the Committees on the possibility of the ICPs being turned into havens of illegal trade in arms and ammunition;
- (viii) How is the Government going to curb illegal activities along the riverine borders with Bangladesh, in the context of the proposed setting up of ICPs along Indo-Bangladesh border;
- (ix) What is the stand of the Government on the increased assertiveness and activism of China in the locations across the LAC in the border areas between India and China;
- (x) What stand the Government of India has taken on the reported stoppage of construction of a road at Demchok in Southern Ladakh due to objections taken by the Chinese border patrols?

5. The Foreign Secretary, the Home Secretary, the Director, IB and the Revenue Secretary responded to the aforementioned queries. On the justification of entrusting the work of the Land Ports Authority of India Bill 2009 and the setting up of the Integrated Check Posts, the Home Secretary *inter alia* stated that the main reason for assigning the subject to the Home Ministry was that under the Government of India Allocation of Business Rules, the Department of Border Management had been allotted to his Ministry. The Committee was still not convinced with the justification put forth by the Home Secretary.

6. The Members briefly discussed the matter. The Committee was of the unanimous view that it would need more time to examine the critical aspects of the Bill and the remainder of the period available at its disposal, would be inadequate to complete the remaining stages of consideration of the Bill. As the stipulated time for presentation of its Report would shortly expire on 13th December 2009, the Committee unanimously decided that Hon'ble Chairman, Rajya Sabha may be requested to grant it an extension of time upto the last day of the first week of Part I of Budget Session of 2010, for presentation of its Report on the Bill. The Committee, accordingly, authorized its Chairman to request Hon'ble Chairman for grant of extension of time.

7. The Chairman then announced that the next meeting of the Committee would be held on 10th December, 2009 to take up clause-by-clause consideration of the Bill and requested Members to remain present therein. The Chairman also directed the Home Secretary to make himself and his team available for the next sitting and he also told the Home Secretary to convey to the Commerce Secretary and others to remain present in its said sitting.

8. The Chairman asked the officials to send written responses to those queries of the Members which could not be answered orally.

9. A verbatim record of the proceeding of the meeting was kept.

10. The Committee adjourned at 4.15 P.M.

X

TENTH MEETING

The Committee met at 3.00 P.M. on Tuesday, 16 December, 2009 in Room No. 63, Parliament House, New Delhi

MEMBERS PRESENT

1. Shri M. Venkaiah Naidu - Chairman

RAJYA SABHA

2. Dr. N. Janardhana Reddy
3. Shri S.S. Ahluwalia
4. Shri Prasanta Chatterjee
5. Shri Tariq Anwar
6. Shri D. Raja

LOK SABHA

7. Dr. Rattan Singh Ajnala
8. Shri Ramen Deka
9. Shri Mohd. Asrarul Haque
10. Shri Bishnu Pada Ray
11. Shri A. Sampath
12. Shri Bhausahab Rajaram Wakchaure
13. Shri Neeraj Shekhar
14. Shri Dinesh Chandra Yadav

SECRETARIAT

1. Shri Tapan Chatterjee, Joint Secretary
2. Shri P.P.K. Ramacharyulu, Director
3. Shri Bhupendra Bhaskar, Assistant Director

Representatives of Ministry of Home Affairs

1. Shri Gopal K. Pillai, Home Secretary
2. Shri Vinay Kumar, Secretary (BM)
3. Shri A.E. Ahmad, Additional Secretary (BM)
4. Shri Sada Kant, Joint Secretary (BM)
5. Shri Asim Khurana, Joint Secretary (F)
6. Smt. R. Jaya, Director
7. Dr. V. Candavelou, Director

Representative of Intelligence Bureau

Shri Rajiv Mathur, Director

Representative of Bureau of Immigration

Shri Arun Chaudhary, Additional Director

Representatives of CPFs

1. Shri Raman Srivastava, DG, BSF
2. Shri R.K. Medhekar, Special DG, BSF
3. Shri Alexander Daniel, Addl DG (Ops.), BSF
4. Shri M.V. Krishna Rao, DG, SSB

Representatives of Ministry of Finance (Department of Revenue)

1. Shri P.V. Bhide, Secretary
2. Shri S.K. Goel, Member, Central Board of Excise & Customs
3. Shri P.S. Pruthi, Commissioner, Central Board of Excise & Customs

Representatives of Ministry of Law & Justice

Department of Legal Affairs

1. Shri D.R. Meena, Law Secretary

Legislative Department

1. Shri V.K. Bhasin, Secretary

Representatives of Ministry of Commerce & Industry (Department of Commerce)

1. Dr. Rahul Khullar, Secretary
2. Shri Arvind Mehta, Joint Secretary
3. Shri A.K. Bamba, Director

Representative of Ministry of Railways (Railway Board)

Shri Rajiv Choudhary, Executive Director

Representative of RITES

1. Shri Arun Chaturvedi, G.M.
2. The Chairman welcomed the Members in the sitting of the Committee. The Chairman then informed the Members that BPST had organized a talk on "Unique Identification Project, Issues and Challenges" by Shri Nandan Nilkani, in Parliament Library Building in the evening and suggested to them to attend the said talk as the subject was likely to be considered by the Committee shortly.
3. The Chairman then informed the Members that Hon'ble Chairman, Rajya Sabha has granted extension of time to the Committee for presentation of report on the Land Ports Authority of India Bill, 2009 up to first day of the Budget Session 2010. He sought cooperation of all Members of the Committee for presenting its report on the Bill by the extended date.

[At this stage the witnesses were called in]

4. The Chairman welcomed the Home Secretary and other officials of the Ministry of Home Affairs and senior officers of other Ministries/Departments/Organizations. He, in the first instance, asked the Secretary, Ministry of Commerce to make his submissions before the Committee on the Bill. The Secretary, Ministry of Commerce made the following submissions:-

- (i) The Department of Commerce is extremely supportive of the Bill and they have been, in the past, spending money from the Department in building some of the infrastructure of the land customs stations.
- (ii) The Department of Commerce has been consulted all along in various stages of drafting of the Bill and has provided inputs to Ministry of Home Affairs.
- (iii) It is high time that the Land Ports Authority (LPAI) is set up early because on the land borders, besides border trade/commerce a lot of other aspects need to be looked into.
- (iv) The trade across the border is only a very small portion of the bilateral trade between India and the neighboring countries. The main concerns on the borders are about either smuggling or other security related matters as the borders are very porous.

- (v) Movement of persons and goods across the borders are merely a concern of the Department of Commerce; it also concerns many Departments of the Government. It is, therefore, appropriate that the Department of Border Management have been entrusted with the work of LPAI. That have much greater control over the security-related matters. That is the considered view of the Department of Commerce.
5. The Chairman and Members of the Committee then sought clarifications from the Commerce Secretary which were replied to by him.
6. The Chairman told the Home Secretary that the information provided to Shri Bishnu Pada Ray, Dr. Kakaoli Ghosh Dastidar and Shri Raman Deka, Members of the Committee, on the queries raised by them, regarding the airfield reportedly being built by Chinese Authorities in Coco Island; cattle and arms smuggling on Indo-Bangladesh Border, was routing and unsatisfactory. He asked the Home Secretary to send detailed information to those Members.
7. The Chairman and the Members of the Committee, thereafter, sought clarifications on the following issues from the Home Secretary on the provisions of the Bill;
- (i) Setting up and running hotels are not the job of the Home Ministry. By establishing hotels, how would the Government manage the security issues as there would be movement of several persons in the integrated complex.
- (ii) How does the Bill addresses the security concerns. If seaports are allocated to the Ministry of Shipping and airports to the Civil Aviation Ministry, why LPAI should not go to the Ministry of Commerce or the Finance Minister? Is it because Integrated Check Posts on the borders?
- (iii) The Chapter in the Bill dealing with the functions of the Authority only mentions security as a secondary aspect.
- (iv) There is a shortcoming in the qualification for being appointed as Chairperson of the Authority as much as, a person who has got experience in trade, commerce, law, finance and public administration can be appointed as Chairperson of the Authority and there is no mention of the security concerns.
- (v) The Chief Secretary or his nominee has been proposed as a Member of the Authority. It should not be left to the whims and fancies of Chief Secretary to appoint a nominee. The specific rank of officer, who could be appointed as nominee of Chief Secretary should be mentioned in the Bill which may be of the rank of Secretary to the Government. There should be some criteria to appoint representatives of trade and workers on the Authority. Trader representative could be from one of the Chambers of Commerce or some such organization. The

workers' representative could be chosen amongst from the members of recognized trade unions.

8. The Home Secretary replied to the issues raised. The Committee was not convinced with the response of the Home Secretary to the issues at (i) to (iii). The Committee noted the Home Secretary responses on other issues.
9. The Chairman then decided to meet again on 30th December, 2009 to take up clause-by-clause consideration of the Bill.
10. A verbatim record of the proceeding of the meeting was kept.
11. The Committee adjourned at 4.00 P.M.

XI

ELEVENTH MEETING

The Committee met at 12.00 Noon on Wednesday, 30 December, 2009 in Main Committee Room, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri M. Venkaiah Naidu - Chairman

RAJYA SABHA

2. Shri S.S. Ahluwalia
3. Shri Prasanta Chatterjee
4. Shri Tariq Anwar
5. Shri D. Raja

LOK SABHA

6. Dr. Rattan Singh Ajnala
7. Dr. Kakoli Ghosh Dastidar
8. Shri Mohd. Asrarul Haque
9. Shri Jitender Singh Malik (Sonapat)
10. Shri Bishnu Pada Ray
11. Shri A. Sampath
12. Shri Hamdullah Sayeed
13. Shri Harsh Vardhan
14. Shri Neeraj Shekhar
15. Shri Dinesh Chandra Yadav

SECRETARIAT

1. Shri Tapan Chatterjee, Joint Secretary
2. Shri P.P.K. Ramacharyulu, Director
3. Shri D.K. Mishra, Joint Director

Representatives of Ministry of Home Affairs

1. Shri Gopal K. Pillai, Home Secretary
2. Shri Vinay Kumar, Secretary (BM)
3. Shri A.E. Ahmad, Additional Secretary (BM)
4. Shri Sada Kant, Joint Secretary (BM)

Representative of Bureau of Immigration

Shri Arvind Deep, Joint Director

Representatives of CPFs

1. Shri Raman Srivastava, DG, BSF
2. Shri R.K. Medhekar, Special DG, BSF
3. Shri Alexander Daniel, Addl DG (Ops.), BSF

Representatives of Ministry of Finance (Department of Revenue)

1. Shri S.K. Goel, Member, Central Board of Excise & Customs
2. Shri P.S. Pruthi, Commissioner, Central Board of Excise & Customs

Representatives of Ministry of Law & Justice **Department of Legal Affairs**

Shri D.R. Meena, Law Secretary

Legislative Department

1. Shri V.K. Bhasin, Secretary
2. Shri N.K. Nampoothiry, Joint Secretary and Legislative Counsel
3. Shri P.B. Singh, Joint Secretary
4. Shri M. Khandelwal, Assistant Legislative Officer
5. Shri K.V. Kumar, Assistant Legislative Counsel

Representatives of Ministry of Commerce & Industry (Department of Commerce)

1. Shri Arvind Mehta, Joint Secretary
2. Shri A.K. Bamba, Director

Representatives of Ministry of External Affairs

Shri T.S. Tirumurti, Joint Secretary

2.0 The Chairman welcomed the Members of the Committee and apprised them of the Agenda for the day. He stated that during the forthcoming Budget Session of Parliament, the Committee should present separate reports on Naxalism, Cross-Border

Terrorism and Infiltration, besides the report on the Land Ports Authority of India Bill, 2009.

(At this stage the witnesses were called in)

3.0 Thereafter, the Chairman welcomed the representatives of the Ministries of Home Affairs, Finance (Department of Revenue), Law & Justice, Commerce & Industry (Department of Commerce), External Affairs, Bureau of Immigration and Central Police Forces. The Committee took up clause-by-consideration of the Land Ports Authority of India Bill, 2009.

The Land Ports Authority of India Bill, 2009

Statement of Objects and Reasons

3.1 The Committee, in the first instance, mulled over a proposal to substitute the word “regulate” by the word “coordinate” in para 3, line 4 of the Statement of Objects and Reason of the Bill. Some Members were of the view that since the Land Ports Authority of India had to regulate activities of various agencies, from time to time, the word “regulate” was the appropriate word and it should remain in the SOR. It was argued in favour of the former proposal that in accordance with the provisions of Clause 11 (2) (k) of the Bill, the Authority will co-ordinate and facilitate the working of agencies who have been engaged to undertake various activities at the integrated Check Posts, in accordance with the respective laws, for the time being in force. As per Clause 12 (3), the customs, immigration, quarantine and other officials shall coordinate with the Authority for the effective discharge of its functions. It was thus argued that the role envisaged for the Authority was not that of a ‘regulator’ but of a ‘facilitator’ and ‘co-ordinator’. The word ‘regulate’ used in the ‘Statement of Objects and Reasons’ sought to create an erroneous impression as though the Authority would act as a super regulator of the authorities who perform their functions in accordance with the respective laws.

3.1.1 On reconsideration, the Committee agreed that the word ‘regulate’ used in, para 3, line 4 of the Statement of Objects and Reasons, should be substituted by the word ‘regulate’. Consequentially, in line 5 of the said para, the word ‘also’ may be inserted before the word ‘co-ordinate’.

3.1.2 The Committee accordingly recommended that the Ministry of Home Affairs may circulate a revised Statement of Objects and Reasons before the Bill was taken up in the Lok Sabha for second reading.

Long title

3.2 The Committee was of the view that the spirit of the Statement of Objects and Reasons of the Bill should be reflected in its Long Title. The Chairman, therefore, suggested that in the first line of the Long Title, before the words ‘for the development’, the words “to put in place systems, which address security imperatives and” may be inserted. The Committee endorsed the suggestion.

3.2.1 The Long Title was adopted, as amended.

Clause 2

3.3 The clause provided for definitions of certain terms used in the Bill.

3.3.1 The clause was adopted without any change.

Clause 3

3.4 The clause dealt with the constitution of the Land Ports Authority of India and provided for its composition.

Sub-Clause 3(b)

3.4.1 The Committee felt that sub-clause 3(b) needed some drafting change. The Committee recommended that the existing sub-clause 3(b) may be substituted by the following:-

"Two Members, one Member (Planning and Development) and one Member (Finance)"

Sub-Clause 3(d)

3.4.2 The Committee felt that the nominee of the Chief Secretary of the concerned State Government should not be below the rank of Secretary to the Government of the State. The Committee, accordingly, recommended that in sub-clause 3(d) after the word 'nominee' for following words may be inserted:

"not below the rank of Secretary to the Government"

Sub-Clause 3(e)

3.4.3 The Committee decided that the existing sub-clause 3(e) may be substituted by the following:

"the representatives, one each of traders and workers, to be appointed by the Central Government from amongst the representative bodies of trade and workers,"

Sub-Clause 3(5)

3.4.4 The Committee felt that knowledge and experience in security-related matters should also be prescribed for a person to be eligible for being considered for appointment as Chairperson of the Authority. The Committee accordingly recommended that the word "security" may be inserted before the word "transport".

Clause 4

3.5 This clause laid down the grounds of disqualification for being appointed as a Member of the Authority. If the Central Government was of the opinion that a conviction and sentencing to imprisonment for an offence of a person involved moral turpitude, or he had such financial or other interest in the Authority as was likely to affect prejudicially the discharge by him of his functions as a member, such a person shall be disqualified for being appointed as such.

3.5.1 Some Members of the Committee were of the view that the determination of the said grounds of disqualification was dependent upon the opinion of the Central Government which at times could be subjective and defeat the purpose of the clause. Those Members felt that adequate safeguards should be provided in this clause to rule out the element of subjectivity in forming an opinion by the Central Government. One of the suggestions which came up during discussion was that the words "in the opinion of the Central Government" could be tempered by adding the words "to be recorded in writing".

3.5.2 The Committee was of the view that the Ministry should address the concern of the Committee in the matter and come out with suitable formulation at the time piloting the Bill in Parliament.

3.5.3 Subject to the above, the clause was adopted.

Cluses 5 to 7

3.6 These clauses were adopted without any change.

Clause 8
Sub-Clause (1)

3.7 Some Members were of the view that sub-clause (1) was vaguely worded as it was not clear as to where (places) the Authority could meet. They felt that the word 'places' should be clarified to mean that the Authority could meet at such places where ICPs were located or where the registered office of the Authority was located. The Committee recommended that this aspect may be taken care of while framing regulations.

3.7.1 Subject to the above, the clause was adopted.

Clause 9

3.8 The clause laid down the circumstances, which shall not invalidate the proceedings of the Authority. Some Members of the Committee observed that there should be a time limit within which the vacancies in the Authority should be filled up. The Committee, accordingly, recommended that a provision may be inserted in the clause to provide that no vacancy in the Authority shall remain unfilled for more than six months.

3.8.1 Subject to the above, the clause was adopted.

Clause 10

3.9 The clause was adopted without any change.

Clause 11

3.10 As per the Statement of Objects and Reasons of the Bill, the proposed Authority had to put in place systems at the Integrated Check Posts which addressed security

imperatives while also facilitating trade and commerce. The Committee noted that this aspect was missing in the clause which delineated the functions of the Authority. The Committee accordingly recommended the following amendments in sub-clauses (1) and (2).

Sub-Clause (1)

3.10.1 The Committee recommended that the word "sanitise" may be inserted before the word "develop".

Sub-clause (2)

3.10.2 The Committee recommended that the following may be added as the first item:-
" (a) Put in place systems which address security imperatives at Integrated Check Posts"

Items (h) & (j)

3.10.3 The Committee discussed the import of the words "watch and ward at various sensitive installations" appearing in item (h) and recommended that with a view to making security arrangements better and comprehensive at Integrated Check Posts, the said words may be substituted by the words "the security of Integrated Check Posts".

3.10.4 The Committee also recommended that word "plying" occurring in item (h) may be substituted by the word "movement" which was a better expression.

3.10.5 Likewise, the Committee recommended that the word "plying" also appearing in item (j) be substituted by the word "movement".

Items (m), (n) and (o)

3.10.6 The Committee discussed item (m) which enabled the Authority to form one or more companies under the Companies Act, 1956 or under any other law relating to companies for efficient discharge of functions assigned to it. In this context the Committee noted that item (o) also empowered the Authority to set up 'joint ventures' for the discharge of any of the functions entrusted to it.

3.10.7 The Committee was of the view that as the Authority could set-up joint ventures, there was no necessity for empowering it to form companies also for the efficient discharge of any of its functions. The Committee accordingly recommended omission of item (m).

3.10.8 As already stated earlier, security was the prime concern at the designated points along International Borders of India where Integrated Check Posts were proposed to be set up. Keeping that in view, the Committee recommended that a suitable proviso be inserted in item (n) to ensure that sovereign functions of the Authority shall not be assigned to any private entity. Accordingly the Committee recommended that the following proviso be inserted in item (n):-

"Provided that the sovereign functions of the Authority shall not be assigned to any private entity".

3.10.9 Likewise, the Committee was of the view that the Authority should set up 'joint ventures' only in the public sector as involvement of private sector enterprises in the border areas for discharge of functions of the Authority, would not be desirable. The Committee therefore, recommended that in item (o), the words "in the public sector" be inserted after the words "joint ventures".

3.10.10 The Committee also recommended that consequent upon its recommendations for addition and omission of certain items in sub-clause (2), the existing items (a) to (p) be renumbered accordingly.

3.10.11 The clause is adopted as amended.

Clause 12

3.11 Sub-clause (2) of the clause empowered the Authority to seek the assistance of Armed Forces, Central Para-Military Forces or State Police, whenever considered necessary to do so for ensuring the peace and security at an Integrated Check Post. The Committee was of the view that the said sub-clause was deficient inasmuch as the Authority by itself could not seek such assistance and had to follow the procedure established by law.

3.11.1 The Committee, therefore, with a view to making the sub-clause self-contained, recommended that the words "as per the provisions of the law", be added at the end.

3.11.2 The clause was adopted as amended.

Clauses 13 to 15

These clauses, dealing with property and contract, are adopted without any change.

Clause 16

This clause provides that any land acquired by the authority for discharge of its functions shall be deemed to be needed for a public purpose and the same may be acquired for the Authority under the provisions of the National Highways Act 1956 or any other law for the time being in force.

A point was raised that the process of acquisition of land for the Authority should involve the concerned State Government and the notification for acquiring of land may be issued after obtaining the consent of the concerned district Authorities of the State.

The Committee accordingly recommended that the issue raised by it should be considered by the Government and if necessary, suitable provision may be inserted in the clause.

Subject to the above, the clause was adopted

Clauses 17 to 18

These clauses were adopted without any change.

Clause 19

3.13 This clause empowered the Authority to determine and charge fees or rent, not being a statutory levy under any other Act, as may be provided by regulations, separately for each Integrated Check Post with the previous approval of the Central Government.

3.13.1 The Committee was of the view that the Authority being a statutory body consisting of, amongst others, nine members, *ex-officio*, to be appointed by the Central Government from amongst the officers, not below the rank of Joint Secretaries to the Government of India, representing concerned Ministries, the requirement of obtaining previous approval of the Central Government, for determining and charging fees or rent etc., may be done away with. The Committee was of the view that the Authority should be fully empowered in that regard.

3.13.2 The Committee, accordingly, recommended that the word "with the previous approval of the Central Government" be omitted.

3.13.3 The clause was adopted as amended.

Clauses 20 to 31

3.14 These clauses were adopted without any change.

Clause 32

3.15 This clause empowered the Central Government to supersede the Authority.

3.15.1 The Committee felt that the word "defaulted" appearing in sub-clause (1)(b) need not be qualified by the word "persistently". The Committee, therefore, recommended that word "persistently" appearing in sub-clause (1) (b) may be omitted as being unnecessary.

3.15.2 Sub-clause (4) provided for laying of a full report of any action taken under this clause and the circumstances leading to such action, to be laid before both Houses of Parliament 'at the earliest opportunity'. The Committee was of the view that the said expression was open-ended, vague and needed to be made specific.

3.15.3 The Committee, therefore, recommended that sub-clause (4) may be amended so that it was in tune with clause 36 which was based on the standard formulation for laying of papers on the Table of the Houses and specified the period within which rules, regulations and notifications to be issued under the proposed Act were to be laid before each House of Parliament.

3.15.4 Subject to the above, the clause was adopted.

Clauses 33 to 37

3.16 These clauses were adopted without any change.

Clause 1, Enacting Formula and Title

3.17 Clause 1, the Enacting Formula and the Title were adopted with some changes which were of consequential or drafting nature, namely the figures and the word, '2009' "sixtieth" to be substituted by "2010" and "Sixty first", wherever these occurred.

4. A verbatim record of the proceeding was kept.

5. The Committee then adjourned at 1.25 p.m.

RAJYA SABHA

MINUTES OF MEETING OF DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON HOME AFFAIRS

XIV

FOURTEENTH MEETING

The Committee met at 3.00 P.M. on Tuesday, 9 February, 2010 in Room No. 139, First Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri M. Venkaiah Naidu - Chairman

RAJYA SABHA

2. Shri S.S. Ahluwalia
3. Shri Prasanta Chatterjee
4. Shri D. Raja

LOK SABHA

5. Dr. Rattan Singh Ajnala
6. Shri Ramen Deka
7. Shri Mohd. Asrarul Haque
8. Shri Naveen Jindal
9. Shri Lalubhai Babubhai Patel
10. Shri Bhausahab Rajaram Wakchaure
11. Shri Neeraj Shekhar

SECRETARIAT

1. Shri Tapan Chatterjee, Joint Secretary
2. Shri P.P.K. Ramacharyulu, Director

3. Shri D.K. Mishra, Joint Director
4. Shri Bhupendra Bhaskar, Assistant Director

2.0 The Chairman welcomed the Members of the Committee to the meeting and apprised them of the agenda for the day.

3.0 *****

4.0 *****

Draft Report on Land Ports Authority of India Bill, 2009

5.0 The Committee thereafter took up for consideration the draft One Hundred and Forty-Third Report on the Land Ports Authority of India Bill, 2009. After a brief discussion, the report was adopted with some minor changes.

5.1 The Committee decided to present the Report to Rajya Sabha and lay it on the Table of Lok Sabha on 22nd February 2010. The Committee also decided to lay on the Table of both Houses, a copy of the oral evidence tendered before it on the Bill.

5.2 The Committee authorized its Chairman and in his absence Shri D. Raja and Shri Prasanta Chatterjee, Members, Rajya Sabha to present the Report and lay the oral evidence in the Rajya Sabha. The Committee also authorized Shri Naveen Jindal, and in his absence, Shri Neeraj Shekhar, Members, Lok Sabha to lay the same on the Table of the Lok Sabha.

6.0 *****

6.1 *****

6.2 *****

6.3 *****

6.4 *****

6.5 *****

6.6 *****

7.0 *****

8.0 The Committee then adjourned at 4.00 P.M.

*****Relates to the other matters

LIST OF WITNESSES WHO APPEARED BEFORE THE DRSC ON HOME AFFAIRS ON 3RD AND 13TH NOVEMBER 2009; 1ST, 16TH AND 30TH DECEMBER 2009 IN CONNECTION WITH THE LAND PORTS AUTHORITY OF INDIA BILL, 2009

Representatives of Ministry of Home Affairs

1. Shri Gopal K. Pillai, Home Secretary
2. Shri Vinay Kumar, Secretary (BM)
3. Shri A.E. Ahmad, Secretary
4. Shri Ashim Khurana, Joint Secretary
5. Shri Sadakant, Joint Secretary
6. Smt. R. Jaya, Director
7. Shri L. Vishwanathan, Director
8. Shri J.L. Chugh, Director
9. Shri Anuj Sharma, Director
10. Dr. V. Candavelou, Director

Representative of Bureau of Immigration (MHA)

1. Shri Arvind Deep, Joint Secretary
2. Shri Arun Choudhary, Additional Director

Representative of Intelligence Bureau

Shri Rajiv Mathur, Director

Representatives of CPFs

1. Shri Raman Srivastava, DG, BSF
2. Shri R.K. Medhekar, Special DG, BSF
3. Shri Alexander Daniel, ADG (Ops), BSF
4. Shri Hemant Desai, IG (Ops.), BSF
5. Shri M.V. Krishna Rao, DG, SSB

Representatives of Ministry of Law & Justice (Legislative Department)

1. Shri V.K. Bhasin, Legislative Secretary
2. Shri P.B. Singh, Joint Secretary
3. Shri N.K. Nampoothiry, Joint Secretary and Legislative counsel
4. Shri M. Khandelwal, Assistant Legal Officer
5. Shri K.V. Kumar, Assistant Legislative Counsel
6. Smt. Akali V. Konghey, Assistant Legislative Counsel

Representatives of Ministry of Law & Justice (Department of Legal Affairs)

1. Shri D.R. Meena, Secretary
2. Shri R.L. Koli, Additional Secretary
3. Shri M. Khandelwal, Assistant Legal Officer

Representatives of Ministry of External Affairs

1. Smt. Nirupama Rao, Foreign Secretary
2. Shri Y.K. Sinha, Joint Secretary, Pakistan, Afghanistan, Iran (PAI)
3. Shri Satish C. Mehta, Joint Secretary (North)
4. Shri T.S. Tirumurti, Joint Secretary, Bangladesh, Sri Lanka, Myanmar (BSM)
5. Shri Suresh Kumar Reddy, Director, Bangladesh, Sri Lanka, Myanmar (BSM)
6. Shri Gopal Baglay, Director (PAK)
7. Shri Sanjiv Ranjan, Director (North)

Representatives of Ministry of Finance (Department of Revenue)

1. Shri P.V. Bhide, Secretary
2. Shri S.K. Goel, Member, Central Board of Excise & Customs
3. Shri K. Jose Cyriac, Additional Secretary
4. Shri P.S. Pruthi, Commissioner, Central Board of Excise & Customs
5. Ms. Kameshwari Subramanian, Joint Secretary, Central Board of Excise and Customs

Representatives of Ministry of Commerce & Industry (Department of Commerce)

1. Dr. Rahul Khullar, Commerce Secretary
2. Shri R. Gopalan, Additional Secretary
3. Shri Arvind Mehta, Joint Secretary
4. Shri A.K. Bamba, Director

Representatives of Ministry of Agriculture

1. Shri Pankaj Kumar, Joint Secretary, Department of Agriculture & Cooperation
2. Dr. P.S. Chandrurkar, Advisor, Plant Protection, Department of Agriculture & Cooperation
3. Dr. A.P. Negi, Joint Commissioner, Livestock Health, Department of Animal Husbandry, Dairying & Fisheries

Representative of Ministry of Communications and Information Technology (Department of Telecommunications)

Shri Subodh Kumar, Additional Secretary

Representative of Ministry of Road Transport and Highways (MORTH)

Shri V.L. Patankar, Chief Engineer, Project Implement Cell

Ministry of Defence

1. Col. Rupinder Singh, Director (MO)
2. Brig Rajeshwar Singh, DDG, MO (E)

Representative of Ministry of Railways

Shri Rajeev Chaudhary, Executive Director

Representative of RITES

Shri Arun Chaturvedi, General Manager