

**PARLIAMENT OF INDIA**  
**RAJYA SABHA**

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

**ONE HUNDRED AND THIRTY EIGHTH REPORT  
ON**

**THE CENTRAL INDUSTRIAL SECURITY FORCE (AMENDMENT) BILL, 2008**

**(PRESENTED TO RAJYA SABHA ON 13 FEBRUARY, 2009)  
(LAID ON THE TABLE OF LOK SABHA ON 13 FEBRUARY, 2009)**

**RAJYA SABHA SECRETARIAT  
NEW DELHI  
FEBRUARY, 2009/MAGHA, 1930 (SAKA)**

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**COMMITTEE ON HOME AFFAIRS**  
**(Constituted on 5 August 2008)**

1. Smt. Sushma Swaraj - Chairperson

**RAJYA SABHA**

2. Shri Rama Chandra Khuntia
3. Shri Rishang Keishing
4. Shri R.K. Dhawan
5. Shri S.S. Ahluwalia
6. Shri Janeshwar Mishra
7. Shri Prasanta Chatterjee
8. Shri Satish Chandra Misra
9. Shri Sanjay Raut
10. Shri Tiruchi Siva

**LOK SABHA**

11. Shri L.K. Advani
12. Dr. Rattan Singh Ajnala
13. Shri Ilyas Azmi
14. Km. Mamata Banerjee
15. Smt. Sangeeta Kumari Singh Deo
16. Shri Biren Singh Engti
17. Shri Tapir Gao
18. Shri T.K. Hamza
19. Shri Naveen Jindal
20. Prof. K.M. Kadermohideen
21. Shri Hemant Khandelwal
22. Shri Ram Chandra Paswan
23. Shri Sachin Pilot
24. Shri Ashok Kumar Pradhan
25. Shri M. Raja Mohan Reddy
26. Shri Baju Ban Riyan

27. Choudhary Bijendra Singh
28. \*Ms. Agatha K. Sangma
29. @ Vacant
30. # Vacant
31. Vacant

## SECRETARIAT

Shri Tapan Chatterjee, Joint Secretary  
Shri. P.P.K. Ramacharyulu, Director  
Shri D.K. Mishra, Deputy Director  
Shri Bhupendra Bhaskar, Committee Officer

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\* nominated as a Member of the Committee w.e.f. 1<sup>st</sup> December, 2008.

@ Consequent upon change in nomination as Member and appointment as the Chairman of DRPSC on Agriculture, Shri Mohan Singh ceased to be a Member of the Committee w.e.f. 5 December, 2008.

# Consequent upon vacation of his seat in Lok Sabha as a result of his election to Legislative Assembly of Chhattisgarh, Shri Ajit Jogi ceased to be a Member of the Committee w.e.f. 26 December, 2008.

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## PREFACE

I, the Chairperson 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 Thirty-eighth Report on the Central Industrial Security Force (Amendment) Bill, 2008 (**Annexure I**).

2. In pursuance of the rules relating to the Department-related Parliamentary Standing Committees, the Chairman, Rajya Sabha, referred <sup>•</sup> the Central Industrial Security Force (Amendment) Bill, 2008, as introduced in the Rajya Sabha on 18 December 2008 and pending therein, to the Committee on 9<sup>th</sup> January, 2009 for examination and report by 15<sup>th</sup> February, 2009.

3. The Central Industrial Security Force (Amendment) Bill, 2008 seeks to consolidate the law to regulate the deployment of CISF for security of private sector undertakings and joint ventures on cost reimbursement basis. The objective of the Bill are proposed to be achieved by amending Sections 3, 4, 7, 10 and 14 of the Central Industrial Security Force Act, 1968.

4. The Committee in its meeting held on 16<sup>th</sup> January, 2009 heard the presentation of the Union Home Secretary on the Bill and held preliminary discussion thereon.

5. The Committee took up clause-by-clause consideration of the Bill in its meeting held on 24<sup>th</sup> January, 2009.

6. The Committee considered the draft Report in its sitting held on 10<sup>th</sup> February, 2009 and adopted the same.

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.

8. On behalf of the Committee, I would like to acknowledge with thanks the valuable contributions made by the representatives of Ministry of Home Affairs and also the Ministry of Law & Justice who deposed before it and facilitated the Committee in formulating its views on the Bill.

**Sushma Swaraj**  
Chairperson

New Delhi  
February, 2009

Department-related Parliamentary  
Standing Committee on Home Affairs

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**Report**  
**Chapter - I**  
**Introduction**

1.0 The Central Industrial Security Force (Amendment) Bill, 2008 seeks to further amend the Central Industrial Security Force Act, 1968 to enable the Government to provide for deployment of CISF for security of private sector undertakings and joint ventures on cost reimbursement basis and in Indian Embassies or UN Peacekeeping Missions. The Bill also makes enabling provisions for administrative convenience by keeping a generic provision in the Act so that changes in the ranks and designations can be effected through notifications. Presently, the management of a PSU has to give only one month's notice for withdrawal of CISF which is proposed to be enhanced to three months as considerable amount of logistics and administrative arrangements are involved in the withdrawal of CISF.

**The background**

1.1 The Committee was informed that the CISF was formed by an Act of Parliament in 1968 to provide for better protection and security to Public Sector Undertakings after a devastating fire in HEC, Ranch in 1964 in which sabotage was suspected. Under the CISF Act, 1968 the force provides security to Central Public Sector Undertakings (PSUs) on full reimbursement basis. The Act had been amended on three occasions. By an amendment of the Principal Act in 1983, the CISF was declared as an Armed Force of the Union. The amendment made in the Act in 1989 made a provision for protection of the personnel of the PSUs as well. The further amendment of the Act in 1999 enabled the Central Government for deployment of CISF in industrial organizations owned or funded by the Central Government and to entrust any other duty to the force and also made provision for consultancy to private sector in security matters.

1.1.1 The Ministry of Home Affairs in their background note stated that under the CISF Act, 1968, the CISF provides security to Central Public Sector Undertakings (PSUs) on full reimbursement basis. Besides PSUs, the CISF also provides security to most of the airports, critical and vital, nuclear power and space installations, major sea-ports, thermal and hydel projects, petroleum and natural gas installations, industries including mines in Left Wing Extremism (LWE) affected areas, VIPs, Delhi Metro, important government buildings and Samadhis. The force was also deployed on internal security, disaster management and election related duties. Present Act, however, does not allow deployment of CISF in private sector industry.

1.1.2 The security scenario in the country has under-gone a sea-change during the last few years. In view of the growing threats due to terrorism and extremism, the private sector has been making demands for security of their establishments through CISF on cost reimbursement basis. Many vital industries in the Private Sector and Joint Ventures Sectors are producing goods and rendering services, which have contributed to the scientific and technological growth of the country and have also been playing significant role in developing machinery, equipment and gadgetry of strategic importance. Contribution by the private sector in these fields has substantially contributed in the economic growth and the rising status of India in the world in the recent years. At the same time, country's economic growth and all-round development has created vulnerabilities from forces and elements inimical to the country in terms of efforts to destabilize our economy through subversive and terrorist activities. Many of the major cities, most recently Mumbai, have suffered terrorist attacks, bomb blasts, etc. which aim at terrorising the people at large and shake their confidence in the political system. The looming threat of the terror also shakes the confidence of the private sector and the investor in the economy.

1.1.3 The CISF is already providing consultancy on security aspects to the private sector. However, in view of the drastic change in the security scenario of the country, it is now proposed to amend the relevant sections of the Central Industrial Security Force Act, 1968 to enable the deployment of CISF for security of private sector undertakings and joint ventures on cost reimbursement basis.

## **Examination of the Bill**

1.2 The Committee in its sitting held on 16<sup>th</sup> January, 2009 took cognizance of the reference of the Bill. The Chairperson of the Committee informed the Members that while Hon'ble Chairman, Rajya Sabha has referred the Bill to the Committee on the 9<sup>th</sup> January, 2009 the Hon'ble President has promulgated an Ordinance on 10<sup>th</sup> January, 2009 to amend Central Industrial Security Force Act, 1968 to bring the proposed amendments in operation. The Committee criticized the action of the executive in promulgating an ordinance when the Bill was pending in Parliament and Hon'ble Chairman has referred the same in this Standing Committee for examination and report.

1.2.1 The Committee observed that the process of reference of the Bill to DRPSC for detailed examination and report thereon, that so, within the stipulated short span of time and the simultaneous executive business of issuance of Ordinance for immediate operationalisation of the provisions of the

Bill, without any pressing need, appeared "as illogical and inconsistent" step giving impression with the purpose of circumventing the Parliamentary process and procedure.

1.2.2 On this issue, the Committee recapitulated the observation of the earlier DRPSC on Home Affairs (under the Chairmanship of Shri Pranab Mukherjee) in during the course of examination of the Central Vigilance Commission Bill, 1998, which is as under:-

"A Bill replacing an Ordinance should not be referred to the Standing Committee and asked to submit its Report within a short time as that would amount to taking proforma approval of the Committee inasmuch a particular system or scheme had already been brought into operation by promulgating the Ordinance."

1.2.3 In this context, the present Committee also took note of the observations of the erstwhile DRPSC on Home Affairs (under the Chairmanship of Shri M.M. Jacob) made in its Sixth Report on the Human Rights Commission Bill, 1993, wherein that Committee took note of the promulgation of an Ordinance by Hon'ble President on the 20<sup>th</sup> September, 1993 to provide for the constitution of a National Human Rights Commission and State Human Rights Commissions in States, whilst the Bill was under active consideration of the Committee. That Committee had discussed at length the position arising out of the promulgation of the Ordinance during the pendency of the Bill with the Committee and decided to go ahead with the presentation of its Report on the Bill to the Parliament, despite the

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promulgation of the Ordinance .

1.2.4 The concerned Committee also recapitulated various instances when Bills have been referred to DRPSC for examination and report thereon, before/after the issuance of Ordinance viz., the Central Vigilance Commission Bill, 1998; the Electricity Laws (Amendment) Bill, 1997, the Lotteries (Regulation) Bill, 1998; the Finance (Amendment) Bill, 1998; the Essential Commodities (Amendment) Bill, 1998; and the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2008.

1.2.5 The Committee unanimously decided to go ahead with the examination of the Central Industrial Security Force (Amendment) Bill, 2008 referred to it, despite the promulgation of an Ordinance on the subject.

1.2.6 The Committee, however, desired that the Home Secretary should explain the pressing circumstances which necessitated promulgation of the CISF (Amendment) Ordinance, 2009 on 10 January, 2009, after reference of the Bill to the Committee.

## **Chapter-II**

### **Presentation on the Bill**

2.1 The Committee in its sitting held on 16<sup>th</sup> January, 2009 heard the presentation of the Home Secretary on the Bill. The Home Secretary, whilst explaining the circumstances under which the

Ordinance was promulgated on 10 January, 2009, referred the background note on the Bill as furnished by the Ministry, the relevant portion which is as under :-

"Keeping in view the urgency involved due to various incidents of terrorist attacks and with a view to reassure the private industry of the Government's readiness to provide them security, Home Minister gave notice to the Chairman, Rajya Sabha and Secretary General, Rajya Sabha on December 15, 2008 of his intention:

- (i) to move for leave to introduce the Bill during the current session of the Rajya Sabha;
- (ii) to introduce the Bill;
- (iii) to waive the reference of the Bill to the Department-related Standing Committee; and
- (iv) to waive the provision requiring copies of the Bill to be made available for use of the Members at least two days before the day on which the Bill is proposed to be introduced under direction 19 B (1).

Though the Bill to amend the CISF Act, 1968 was introduced by the Home Minister in the Rajya Sabha on 18.12.2008, it could not be passed.

2.2 As the Parliament was not in session and the President was satisfied that the circumstances existed which rendered it necessary for her to take immediate action to give effect to the provisions of the said Bill, the President has, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, promulgated the Central Industrial Security Force (Amendment) Ordinance, 2009 on January 10, 2009."

2.3 The Home Secretary drawing the attention of the Committee, to the discussion held during the examination of Demands-for-Grants (2008-09) wherein he had commented on the issue of security providing to the private sector in the context of naxalism. The Home Secretary added as under:-

"While it is not possible to have the CISF security in every private sector unit even if there is an enabling provision, there may be some critical sectors where this kind of thing can be provided and we are looking at the possibility of how we can provide an enabling clause to do this. Now, in the wake of the attacks in Mumbai where basically apart from the Railway station premises, which is a public premises, there were two major private sector units which had been attacked and which have a certain degree of importance in terms of reflecting the growth, development and other aspects of the country."

2.4 As regards the immediate necessity of the Bill, the Home Secretary further added as under:-  
"One of the intentions also was to create a degree of assurance among the people that we are going to take measures across the board, including measures of this nature where governmental security can be provided to critical private sector units.

2.5 On the issue of promulgation of the Ordinance after reference of the Bill to the Committee by Hon'ble Chairman, the Home Secretary stated that the Ministry was not aware of that fact. We observed as follows:-

"We were of course not aware that when the process of the Ordinance was going on, which was again for the same reason. Basically, there was a feeling that we need to do things, ... aimed at creating a sense of assurance. So, it was that background which also informed the proposition of issuing an Ordinance. Now, we were not aware of it at that point in time, because, for the Ordinance, we went through the Cabinet approval process and, in fact, when the Cabinet approval was sought, we had also sought, apart from the Ordinance, an approval that we will move official amendments which means that we are not saying that the Bill has gone for or we did not say that we will withdraw this and then replace the Ordinance with a separate Bill and so on. We did not. We were not aware of it because of the Cabinet approval; and whatever is done after that, in terms of the Ordinance going to the Hon. President and so on, takes its own process. We were also not aware of the other developments that had taken place in terms of the reference of the Bill and the dates and so on. There was first the idea of wanting to see that the Bill could pass through Parliament after certain waivers. When that could not become possible, it was for the same reasons that the Ordinance was promulgated."

2.6 The Committee, while taking note of the explanation of the Ministry of Home Affairs, felt that this situation could have been avoided, had the Ministry been in touch with the Offices of Hon'ble Speaker, Lok Sabha/Hon'ble Chairman, Rajya Sabha to keep itself at abreast of any development regarding reference of the Bill to DRPSC on Home Affairs. To this, the Home Secretary replied that the proposal for Cabinet approval was moved on 31<sup>st</sup> December, 2008. The Cabinet approved it on 2<sup>nd</sup> January, 2009 and by that date, the Bill was not referred to the DRPSC on Home Affairs.

2.7 The Home Secretary then elaborated the main components of the amendments which are as under:

- (i) enable deployment of CISF in joint venture and private sector undertakings;
- (ii) generic clause for rank structure for supervisory officers to avoid frequent amendments;
- (iii) enhancing the notice period for withdrawal of CISF from one month to three months; and
- (iv) enabling deployment of CISF outside India.

2.8 The Joint Secretary, Ministry of Home Affairs in a powerpoint presentation, dwelt upon the following points:-

- (i) Heightened threat perception after terrorist attack at Indian Institute of Science, Bangalore, and recent terrorist attacks in Mumbai etc. has necessitated the piloting of the Bill for incorporating some enabling provisions in the CISF Act, 1968 for administrative



convenience;

- (ii) CISF has been entrusted with the security of Airports, important monuments (including Taj Mahal based on orders of Supreme Court in 2002), Government buildings, VIP security (SSG), Delhi Metro Rail Corporation and UN Mission in Haiti;
  - (iii) As of now, CISF is deployed in 189 PSUs, 49 Government Buildings, 57 Airports and 33 other units like Delhi Metro, Monuments, Samadhis etc;
  - (iv) CISF consultancy wing is ISO certified which has provided consultancies to 63 public and private sector units, i.e. security consultancy to 24 units, fire consultancy to 9 units and combined security & fire consultancy to 30 units;
  - (v) CISF is not deployed in battalion/coy form, except six Reserve Battalions. Posts are sanctioned on the basis of PSU location, lay out etc., which may not conform to coy structure;
  - (vi) Induction is made by using Reserve Battalion, followed by recruitment and training against new posts, and the infrastructure is provided by client units;
  - (vii) Request for induction of CISF is examined in terms of priority and threat perception which is followed by joint survey for assessment of manpower, equipment and logistics;
  - (viii) Approval of MHA for induction, and creation of posts, deployment using Reserve Battalions, followed by recruitment and training against new posts; and
  - (ix) Ceiling of strength has been raised to 1,45,000 for the period upto 2011; review of strength is proposed to be done in 2011.
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## **Chapter - III**

### **Issues raised by Committee and comments of Ministry thereon**

3.0 The Committee in its sitting held on 16<sup>th</sup> January, 2009 heard the presentation of the Home Secretary on the Bill. During the course of the presentation, the Members of the Committee raised certain queries pertaining to the provisions and implications of the Bill. The issues raised, replies of the Home Secretary and Committee's observation/recommendation thereon, are given in the succeeding paragraphs:-

#### **ISSUE**

##### **(i) Recruitment procedure and existing strength in CISF**

3.1 Several queries were made by Members of the Committee in relation to the procedure of recruitment in CISF and the existing strength of the Force.

#### **GOVERNMENT'S RESPONSE**

3.1.1 The Home Secretary elaborating the recruitment procedure and existing strength in the CISF, stated that unlike the other Central Para Military Forces where at any given point of time the strength was fixed and a certain number of battalions were raised, there is no fixed strength at any given point of time in CISF due to the pattern of its recruitment. He also stated that approval of the ceiling within which posts would be created, depending upon the demand, was being obtained for CISF. He further added that such ceiling was increased from around 93,000 to 1,10,000 personnel and the same has now been further increased to 1,45,000 to meet the requirement.

#### COMMITTEE'S OBSERVATION/RECOMMENDATION

**3.1.2 The Committee noted that after the enactment of the Central Industrial Security Force (Amendment) Bill, 2008, there would be a considerable increase in the strength of the CISF. The Committee has been given to understand that there is stagnation in certain cadres and resultant resentment in the force. The Committee, therefore, is of the view that efforts should be made to increase the promotional avenues in all the cadres of CISF in general and in the affected cadres in particular, so that the motivational level of its personnel remain at its peak always.**

#### ISSUE

##### (ii) **Security Audit in Private Installations**

3.2 The Committee raised the issue as to whether any request from a private company to provide CISF security had been received by the Ministry of Home Affairs, and, if so, whether any security audit had been made in regard to security requirement in the private sector. The Committee also desired to know whether the present ceiling of 1,45,000 would be sufficient to meet the requirement of the current demand from private installations.

#### GOVERNMENT'S RESPONSE

3.2.1 The Home Secretary replied that the Government had received requests from various companies, like Infosys, and other IT Companies, Biocon, National Stock Exchange, Ambuja Cements, Jindal Steel & Power, Tata Steel, Reliance Energy, Reliance Petroleum, JayPee Group, etc. It was also stated that a security audit to assess the security requirement and upgrading their protective cover was underway. The security audit would also cover oil refineries located near the coastal ports, stock exchanges and big hotels in metros and beaches frequented by foreign tourists. The Committee was also informed that on receipt of the requisition from the private sector, a joint survey would be done to have a security audit especially to take stock of the requirement for deployment of CISF. It was, however, added that the final decision regarding the deployment of the forces would remain with the Ministry of Home Affairs.

#### COMMITTEE'S OBSERVATION/RECOMMENDATION

**3.2.2 The Committee feels that the Government should have undertaken security audit of the installations/industries in the private sector, prior to the introduction of the Bill, as the same would have given the right assessment of the quantum of deployment of CISF for providing security coverage in private and joint sectors. The Committee, therefore, recommends that the Government may conduct an initial comprehensive security audit for private sector before deployment of CISF.**

## ISSUE

### (iii) **Change in the Behavioural Pattern of CISF**

3.3 The Committee felt that there would be temperamental and attitudinal changes in the CISF personnel on their posting in the private and joint sectors which may cause heart burning and bitterness due to posting of some personnel in private sector in big cities vis-a-vis posting in public sector situated in some remote areas or areas having law and order problems such as naxalism infected areas. Some Members felt that every CISF personnel would prefer a leading private sector company to public sector enterprise because the environment and facilities of private sector viz. high perks, accommodation, transport facilities, medical facilities and study facilities for their sibilings, etc, would always induce a personnel to work in such tempting environment, leading to several requests for posting of choice. They, therefore, suggested that there could be a separate battalion of CISF for outsourcing and providing security to the private sector.

## GOVERNMENT'S RESPONSE

### 3.3.1 Replying to the Committee's query, the Home Secretary stated as under:-

"There may also be issues about their feeling about being relatively deprived in terms of allowances, in terms of getting much better facilities, conditions, etc. at one end, and at another end that could lead to some problems within the administration and even management problems within the CISF. Now, of course, that is something, which the CISF needs to examine because if you look at the policy, we are always trying to see that there is a certain amount of rotation between different kinds of duties and I don't know whether it will really be very practicable....I think this problem we should take note of as a possibility, which needs to be addressed within the management systems, within the policies for rotation of the force between different kinds of duties, which may be in the private sector or the public sector or in government duty. The point raised by the Hon. Member is extremely important. We will take note of that specifically and we would request the CISF to specifically deal with this matter to see how we can do it".

As regards the suggestion for raising a separate battalion, the Home Secretary deliberated upon the issue as under:-

"Now, some very relevant points have been mentioned that the conditions of deployment and

employment and things of that nature are likely to be different from what it would be where CISF personnel are deployed in the protection of a government building or a public sector unit and so on.....but I have apprehensions that if we were to raise a separate battalion, etc., there would be difficulties and that itself would create more problems. I think the best way of managing it is through rotational system and the policy where most of the force is exposed to different type of duties that they are supposed to do and which should also be taken care of by training curricula that are in force".

## COMMITTEE'S OBSERVATION/RECOMMENDATION

**3.3.2 The Committee is of the view that there would be a natural inclination amongst the CISF personnel to seek lucrative postings in the private sector. Therefore, there is need for putting in place a suitable personnel policy in the CISF to impart the required re-orientation to its personnel in the wake of the new areas of deployment, so that their devotion to duty and commitment to serve the nation remain at its peak always.**

## ISSUE

### (iv) Cost Reimbursement

3.4 Some Members of the Committee desired to know the details of the components of the costs to be charged from the private sector/joint sector in lieu of providing CISF security coverage and methodology of the billing system and whether the Government proposed to levy equal charges for both the private sector and joint venture industries.

## GOVERNMENT'S RESPONSE

3.4.1 The Ministry of Home Affairs replied that the reimbursement cost would include defraying the cost of the training and other things which go into the raising of a force and no element of profit is involved. The Home Secretary, elaborating the concept of "cost-reimbursement" further added as under:-

"Now the reimbursement cost, really speaking, would mean defraying the cost of the training and other things, which go into the raising of a force, and no element of profit is involved. Now when the Government under an Act is going to provide for a force of the Union, the good issue to be considered would be whether we look at this as an exercise of the sovereign function of the State or should we look at it by something plus because we are going to provide service to the private sector. Sir, I would not be able to respond to this immediately at this point in time. We would examine this matter and I think this is a matter on which a policy decision needs to be taken because there is a clear distinction between what we are doing as a sovereign function of the State. Now whether there should be a separate payment for it, it is something that we would examine".

The Home Secretary further added that the issue was basically whether the Government should have a differential reimbursement policy, which should to be seen in the light of an understanding in all kinds of functions to be entrusted in terms of sovereign responsibilities for any Government. Responding to the query, the Home Secretary stated that the cost would be charged three months in advance and would also include the service tax liability.

## COMMITTEE'S OBSERVATION/RECOMMENDATION

**3.4.2 The Committee is of the considered view that Government should formulate a comprehensive billing system for charging the costs from the private/joint sector which must include, among others, all cost-component viz. medical facilities, pension and gratuity, in lieu of providing CISF security coverage. Government should ensure that it does not incur any expenditure, direct or indirect, for security coverage provided in any private installation. In any case the cost for providing CISF protection to any Private industrial house must not be less than the cost for providing security protection to Government owned industrial houses, P.S.Us. and Government establishments. Private industrial houses should not be allowed to seek the CISF protection in order to save on benefits like provident fund, gratuity, retirement benefits, ESIC, etc, by suspending, terminating services of personnel already employed by them. The Committee desires that early action may be taken to examine the issue, as assured by Home Secretary.**

## ISSUE

### (v) **Inclusion of Co-operative Sector in the ambit of CISF Security**

3.5 Some Members felt that since CISF coverage is proposed to be extended to private sector, co-operative sector may also be brought under the extended coverage, so that the latter may not be deprived of this facility.

## GOVERNMENT'S RESPONSE

### 3.5.1 Replying to the query, the Home Secretary responded as under:-

"I will not be able to respond to it immediately. I have taken note of this point. Before we came in, we were ourselves discussing this issue in the context of requests made by IFFCO. Now, there are certain cooperatives, which are, in a manner of speaking, Government cooperatives. There are other cooperatives which are pure cooperatives. So, we have taken note of that. We will, certainly, examine it".

## COMMITTEE'S OBSERVATION/RECOMMENDATION

**3.5.2 The Committee is of the view that since the Government is extending the security cover of CISF to the private sector, it would be appropriate if the extended coverage could also include cooperative sector, as there are some big industries in that sector, which are also contributing to the national economic growth and development. The Committee therefore urges upon the Government to examine this aspect.**

## ISSUE

### (vi) **Criteria for Selecting Private Sector installations and joint ventures**

3.6 Some Members sought to know the criteria for selecting specific installations in the private sector and joint venture and the factors, which would decide whether a particular installation would qualify for getting CISF cover.

## GOVERNMENT'S REPOSE

3.6.1 The Home Secretary replied that the Ministry had done the following prioritization on the basis of which priority is decided for providing CISF cover:-

- (i) In the first priority, comes sectors like power, atomic energy, space, airports, science and technology, which could, perhaps, now be stretched to include Information Technology, not an isolated unit here and there, but information technology as such;
- (ii) The second priority includes some of the major units in the Naxalite or insurgency-affected areas; and
- (iii) The third category says 'Others', which may not be getting reflected in the priority units but, in a given situation, could be given security.

The Home Secretary further stated that with the proposed inclusion of private/joint sector in the ambit of CISF security, the Ministry was harping upon re-prioritization, a re-examination exercise, with a view to have a re-look into the matter. Even otherwise, the Ministry was having a regular exercise of identification of 'Vital Areas' (VA) and 'Vital Points' (VP). This exercise was being done on a regular basis even by the intelligence agencies to identify where the kind of vulnerability existed. He further stated that in wake of terrorists' attacks and in light of the requests and demands coming from the private sector, the Ministry was revisiting the whole issue of prioritization. However, he clarified that each and every private sector unit of any kind would not be given the CISF protection because provision for providing CISF cover had to be selective on the basis of the principle of 'VA' and 'VP' exercise to be determined by the intelligence related criteria.

## COMMITTEE'S OBSERVATION/RECOMMENDATION

**3.6.2 The Committee agrees with the submission of the Home Secretary about the need for re-examining the criteria for selecting the units in private and joint sector for providing CISF protection. The Committee recommends that the criteria that may be finalized for providing the CISF protection, should be scientific, reasonable and transparent, based on the ground realities viz. the threat perception, security and integrity of the country.**

#### ISSUE

(vii) **Capability of CISF Personnel in preventing cyber and digital crimes in IT Sector**

3.7 Some Members referred to the occurrence of cyber crime in digital/wireless form and sought to know the preparedness of CISF personnel in preventing such crime.

#### GOVERNMENT'S RESPONSE

3.7.1 The Home Secretary responded to the query by stating that the deployment of CISF would be for the physical security of a particular area of an IT company. While acknowledging the existence of cyber terrorism and variety of other crimes, he pointed out that MHA in co-ordination with the Ministry of Communications and IT, was looking at all such aspects.

#### COMMITTEE'S OBSERVATION/RECOMMENDATION

**3.7.2 The Committee feels that while the CISF would be entrusted with physical protection and security of the Vital Areas and Vital Points in a company, the cyber related crimes should also be appropriately addressed. If necessary, training may be given to CISF personnel and setting up of a separate IT Unit may be considered.**

#### ISSUE

(viii) **Proper training to CISF personnel**

3.8 Some Members wondered whether the CISF personnel were adequately trained, commensurate to their proposed role in the private and joint sectors, in case of chemical or biological attack.

#### GOVERNMENT'S RESPONSE

3.8.1 The Home Secretary replied that the Ministry was trying to redesign the training curricula and suitable amendments would be made in SOPs to incorporate an orientation programme. The Home Secretary added as under:-

"So far as training is concerned, the training curriculum for all the forces, including CISF,

is being continuously upgraded. Chemical and biological warfare etc. type of threats: that is a very specific area of training for which the paramilitary forces are being trained through these National Disaster Response Battalions, where the CISF has got this particular responsibility....not only that, in the NDRF, we are giving battalions by way of rotation. So, a member of the force would stay in the NDRF for five years and, then, a new member would go there. So as part of the process, a large part of the force is, naturally, getting trained for those purposes."

#### COMMITTEE'S OBSERVATION/RECOMMENDATION

### **3.8.2 The Committee noted the response of the Home Secretary.**

#### ISSUE

#### **(ix) Endowing CISF with latest weaponry and technology to enhance their preparedness**

3.9 Some Members enquired whether the CISF personnel have the latest technology to combat the onslaught of terrorists and whether the CISF have anti-aircraft guns or helicopters to protect the establishment in a quick response situation.

#### GOVERNMENT'S RESPONSE

3.9.1 The Home Secretary replied that the Ministry was trying to change the training curricula and suitable amendments would be made in SOPs to incorporate an orientation programme. The Home Secretary further replied as under:-

"In so far as anti-aircraft guns are concerned, there is no Para-Military Force of the Union, which keeps these. These are squarely within the relevant control of the Armed Forces, i.e. the Air Force, and so on. As regards the helicopters, this is a static deployment which is made in a unit".

The Home Secretary further added that in case of emergent situation requiring deployment of battalion armed with anti-aircraft guns and helicopters, there is a provision to make a requisition for deployment of army and air force to deal with such situation. He further apprised that the Government is contemplating to establish 'regional hubs' of NSG to expedite the movement of commandos. He added that anti-aircraft guns and helicopters cannot be provided to the CISF or any other para-military force.

#### COMMITTEE'S OBSERVATION/RECOMMENDATION

### **3.9.2 Since the CISF is already providing security to strategic public sector installations including atomic and nuclear energy installations and with the proposed amendment in the Act,**



**CISF would also be providing security cover to vital units of private sector and joint venture, the Committee feels that it would be appropriate to provide helicopters to CISF for quick response to meet any emergent situation. The Committee accordingly recommends to the Government examine this aspect.**

#### ISSUE

**(x) Possibility of use of CISF personnel in resolving industrial disputes**

3.10 Some Members expressed apprehension that the private/joint sector managements may use the CISF personnel for resolving industrial disputes, labor strike, land settlement, local disputes etc.

#### GOVERNMENT'S RESPONSE

3.10.1 Replying to the query, the Home Secretary clarified that the CISF personnel deployed in the private sector units would not be used in industrial disputes as that were an area of the Labour Department and the local police who would deal with such issues. The duty of the CISF was to protect the assets and the employees of the company/units of private and joint sector. The Home Secretary assured the Committee that if necessary, suitable modifications could be made in Standard Operating Procedure (SOP) to avoid involvement of CISF personnel in industrial disputes and strikes etc.

#### COMMITTEE'S OBSERVATION/RECOMMENDATION

**3.10.2 The Committee is in agreement with the views of the Ministry of Home Affairs that industrial dispute, land dispute and other local issue should be resolved by the concerned State Authorities through tripartite machineries. The Committee, however, recommends that CISF should strictly be deployed to protect the installations and machineries and production only and will not be deployed by the industry houses to interfere into industrial dispute, land dispute and other local issue.**

#### ISSUE

**(xi) Definite and defined role and responsibility of CISF personnel**

3.11 The Committee noted that the deployment of CISF personnel in the public and private sector establishments would be at the command of the employer while the State Police would be under the command of State Government. In this context, the Committee raised the issue of role and responsibility of the CISF deployed in the public and private sectors vis-a-vis the role of State Police and private security in maintaining security and surveillance at the place of deployment.

#### GOVERNMENT'S RESPONSE

3.11.1 The Ministry of Home Affairs clarified that with the declaration of CISF as an Armed Force of

the Union, there has been "doctrinal-change" in the duties of CISF. The deployment of CISF personnel would be to protect critical areas, which may relate to access control and surveillance in a unit as a Quick Reaction Team (QRT) and the other access control should be in the hands of private security guards. However, wireless communication system would be maintained by the CISF. In case of any problem, the QRT of the CISF would immediately rush to the situation. The Home Secretary stated that there is a Standard Operating Procedure (SOP) and the CISF has been functioning in the industrial units of public sector for several years.

#### COMMITTEE'S OBSERVATION/RECOMMENDATION

**3.11.2 The Committee has been given to understand that CISF and private security would work in tandem as a cohesive team, with private security agencies doing the job of watch and ward, and the CISF providing security and surveillance network. The Committee, however, is of the considered view that clear-cut role and responsibility of the CISF deployed in the private sector, must be defined in the Standard Operating Procedure (SOP) in the case of a terrorist threat, or a labour unrest or an agrarian movement and a movement connected with a local issue, so that the district police/state police/private security and the CISF personnel could perform their assigned tasks effectively and without any confusion.**

#### ISSUE

(xii) **Deployment of CISF personnel abroad and training in local language**

3.12 Some Members felt that while deploying CISF personnel abroad, there was a need for them to undergo a language course to avoid communication gap.

#### GOVERNMENT'S RESPONSE

3.12.1 The Home Secretary replied that language training to CISF personnel was precedent to their deployment abroad.

#### COMMITTEE'S OBSERVATION/RECOMMENDATION

**3.12.2 The Committee noted the reply of the Home Secretary.**

### Chapter- IV

#### Clause-by- clause consideration of the Bill

4.0 The Committee took up clause- by- clause consideration of the Bill in its sitting held on 24<sup>th</sup>

January, 2009. The observations/conclusions/recommendations of the Committee, on each clause, are enumerated below: -

## Clause 2

4.1 Clause 2 seeks to amend Section 2 of the Principal Act by inserting the definitions of “Joint venture” and “private industrial undertaking” to pave the way for expanding the ambit of CISF to private sector and joint ventures.

**4.1.1 Subject to the observations/recommendations of the Committee made in Chapter - III, the clause is adopted.**

## Clause 3

4.2 Clause 3 of the Bill seeks to amend sub-section (I) of section 3 of the Principal Act by inserting the words "joint venture or private industrial undertaking" after the words "industrial undertakings owned by that Government" which is an enabling provision.

**4.2.1 Subject to the observations/recommendations of the Committee made in Chapter - III, the clause is adopted.**

## Clause 4

4.3 Clause 4 of the Bill seeks to amend Section 4 of the Principal Act by substituting sub-section (1) of Section 4 whereupon the Central Government may appoint a person to be the Director-General of the Force and such other supervisory officers as considered necessary. Section 4 deals with appointment and powers of supervisory officers. Sub-section (1) of Section 4 stipulates that the Central Government may appoint a person to be the Director-General of the Force and may appoint other persons to be Inspector-General, Deputy-Inspector-General, Commandants, Deputy Commandants or Assistant Commandants of the Force.

**4.3.1 This amendment has been brought forward for administrative convenience and is generic in nature. The clause is adopted without any change.**

## Clause 5

4.4 Clause 5 of the Bill seeks to amend Section 7 of the Principal Act by substituting the words " an Inspector- General, a Deputy Inspector- General, a Commandant, a Deputy Commandant or an Assistant Commandant" with the words " such other supervisory officers as considered necessary".

**4.4.1 The amendments are consequential to the amendments being made in Sections 3 and 4. The clause is adopted without any change.**

## Clause 6

4.5 Clause 6 seeks to make two amendments in Section 10 of the Principal Act, which deals with the duties of the members of the Force. The first one intends to insert the words "any joint venture, private industrial undertaking and" after the word "safeguard" in clause (c). The second amendment intends to insert the words "within and outside India" after the words "any other duty" in clause (h).

4.5.1 The first amendment expands the duties of the members of the Force whereas the second amendment formalizes deployment of CISF outside India, in Indian Embassies or UN Peacekeeping Missions etc.

**4.5.2 Subject to the observations/recommendations of the Committee made in Chapter - III, the clause is adopted.**

## Clause 7

4.6 Clause 7 of the Bill seeks to make three amendments in Section 14 of the Principal Act to enable deputation of the Force to industrial undertakings in public sector, joint venture or private sector. Under the proviso to sub-section (2) of section 14, the management of a PSU has to give only one month's notice for withdrawal of CISF. This period is proposed to be enhanced from one month to three months.

**4.6.1 The Committee notes that the first two amendments are consequential and the third one is for administrative convenience, whereby the period of notice for withdrawal of CISF, from one month to three months, seems appropriate, as it involves lot of logistics and administrative arrangements. Therefore, subject to the observations/recommendations of the Committee made in Chapter- III, the clause is adopted.**

## Clause 8

4.7 Clause 8 of the Bill seeks to amend Section 15 of the Principal Act to cover the deployment of CISF outside India also. This amendment is consequential to the amendment to Section 10.

**4.7.1 Subject to the observations/recommendations of the Committee made in Chapter- III, the clause is adopted.**


## Clause 1, the Enacting Formula and the Title


**4.8 Clause 1, the Enacting Formula and the Title are adopted with some changes which are of consequential or drafting nature, namely, "2008" and "Fifty-ninth" to be substituted by "2009" and "Sixtieth", wherever these occur.**


**4.9 The Committee would like the Government to examine the observations/recommendations made by it in Chapter III of this report and initiate appropriate action, before the Bill is taken up for consideration and passing in both the Houses of Parliament. The Committee would also like the Minister of Home Affairs to apprise both the Houses of the action taken/proposed to be taken on the various issues dealt with in this report including the action the Government may be contemplating for amending the rules framed under the Principal Act and the guidelines/SOPs' framed in relation to the Force, while piloting the Bill in Parliament.**

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 To be inserted at printing stage.

 See Rajya Sabha Parliamentary Bulletin Part II No. 45658 dated 12<sup>th</sup> January, 2009.

 Please see Para 10; page-3-4 of the Committee's Sixth Report on the Human Rights Commission Bill, 1993 presented to both the Houses of Parliament on 6<sup>th</sup> December, 1993.

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