

FOURTH REPORT
STANDING COMMITTEE ON DEFENCE
(1999-2000)
(THIRTEENTH LOK SABHA)
MINISTRY OF DEFENCE
THE ARMY & AIR FORCE (DISPOSAL OF PRIVATE PROPERTY) AMENDMENT
BILL, 1999

*Presented to Lok Sabha 10 May, 2000
Laid in Rajya Sabha on 10 May, 2000*



LOK SABHA SECRETARIAT
NEW DELHI

April, 2000/Vaisakha, 1922 (Saka)

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COMPOSITION OF THE STANDING COMMITTEE ON DEFENCE
(1999-2000)

Dr. Laxminarayan Pandey — *Chairman*

MEMBERS
Lok Sabha

2. Shri S. Ajaya Kumar
3. Shri Raj Babbar
4. Shri S. Bangarappa
5. Col. (Retd.) Sona Ram Choudhary
6. Smt. Sangeeta Kumari Singh Deo
7. Shri Jarborn Gamlin
8. Shri Indrajit Gupta
9. Shri Raghuvir Singh Kaushal
10. Shri Mansoor Ali Khan
11. Shri Chandrakant Khaire
12. Shri Vinod Khanna
13. Shri K.E. Krishnamurthy
14. Shri A. Krishnaswami
15. Shri Ashok N. Mohol
16. Shri Hannan Mollah
17. Shri Sultan Salahuddin Owaisi
18. Shri Rajesh Pilot
19. Shri Gajendra Singh Rajukhedi
20. Shri Rajendrasinh Rana
21. Prof. Rasa Singh Rawat
22. Shri A.P. Jithender Reddy
23. Shri Madhavrao Scindia
24. Dr. Col. (Retd.) Dhani Ram Shandil
25. Shri Ramjiwan Singh
26. Shri C. Sreenivasan
27. Shri Vaiko
28. Dr. Jaswant Singh Yadav
29. Dr. (Smt.) Sudha Yadav
- **** 30. Shri Vjjayendra Pal Smgh Badnore

Rajya Sabha

- *** 31. Shri V.N. Gadgil
32. Shri Suresh kalmadi
33. Shri Kapil Sibal
34. Shri Suresh Pachouri
- * 35. Shri K.R. Malkani

- *****36. Shri Nilotpal Basu
37. Shri Adhik Shirodkar
*** 38. Shri Janeshwar Misra
39. Dr. Raja Ramanna
40. Shri S. Peter Alphonse
41. Shri Shanker Roy Chowdhury
42. Dr. Y. Lakshmi Prasad
** 43. Sardar Gurcharan Singh Tohra
** 44. Shri T.N. Chaturvedi
** 45. Smt. Ambika Soni

SECRETARIAT

1. Dr. A.K. Pandey — *Additional Secretary*
2. Shri P.D.T. Achary — *Joint Secretary*
3. Shri Ram Autar Ram — *Director*
4. Shri K.D. Muley — *Assistant Director*

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- * Ceased to be a Member of the Committee consequent upon his retirement from Rajya Sabha *w.e.f.* 27.01.2000.
- ** Nominated *w.e.f.* 18.02.2000.
- *** Ceased to be a Member of the Committee consequent upon his retirement from Rajya Sabha *w.e.f.* 2.4.2000.
- **** Nominated *w.e.f.* 06.04.2000.
- ***** Ceased to be a Member of the Committee consequent upon his retirement from Rajya Sabha on 2nd April 2000 and re-nominated *w.e.f.* 24th April, 2000.

INTRODUCTION

I, the Chairman, Standing Committee on Defence (1999-2000) having been authorised by the Committee to submit the Report on their behalf, present this Fourth Report on the Army & Air Force (Disposal of Private Property) Amendment Bill, 1999.

2. The Army & Air Force (Disposal of Private Property) Amendment Bill, 1999 was introduced in Rajya Sabha on 25 February, 1999 and was referred to the Committee by the Hon~ble Speaker, Lok Sabha in consultation with the Hon'ble Chairman, Rajya Sabha on 9 March, 1999 under Rule 331E of the Rules of Procedure and Conduct of Business in Lok Sabha for examination and report. Due to the dissolution of 12th Lok Sabha, it could not be taken up for examination. It was re-referred to the Standing Committee on Defence on 2.2.2000.

3. The Committee had Briefing by the representatives of Ministry of Defence on the Bill on 23 March, 2000 and undertook clause-by-clause consideration of the Bill on the same day.

4. The Committee wish to express their thanks to the representatives of the Ministry of Defence for appearing before the Committee and for furnishing the material and information which the Committee also wish to express their thanks to the representative of the Ministry of Law and Justice for giving valuable assistance to the Committee in examination of the Bill.

5. The Report was considered and adopted by the Committee at their sitting held on 27 April, 2000.

NEW DELHI;
27 April, 2000
7 Vaisakha, 1922 (Saka)

DR. LAXMINARAYAN PANDEY
Chairman
Standing Committee on Defence

REPORT

The Army and Air Force (Disposal of Private Property) Amendment Bill, 1999 further to amend the Army and Air Force (Disposal of Private Property) Act, 1950 was introduced in the Rajya Sabha on the 25th February, 1999.

2. As stated by the Ministry of Defence Under Section 10 of the Army and Air Force (Disposal of Private Property) Act, 1950, movable property and money *i.e.* (i) credit/debit balance in the pay and allowances of the personnel; (ii) amount in banks/post office; (iii) cash with the personnel at the time of their death; and (iv) personal effects like jewellery, watches, radio etc., belonging to a person subject to the Army Act, 1950 or the Air Force Act, 1950 are required to be delivered or paid by the prescribed authority to any person appearing to such authority to be entitled to such property and money, without requiring production of any probate, letter of administration, succession certificate or other such conclusive evidence of title, where the total amount or value of the property or money does not exceed Rs. 10,000. In cases where the total amount or value exceeds rupees ten thousand, the heirs of the deceased person are required to establish their title by production of evidence as mentioned above. The said limit in Section 10 of the Act was last enhanced from Rs. 5,000/- to Rs. 10,000/- in 1970.

3. Obtaining a succession certificate or evidence of title as aforesaid from a court of law involves expensive, troublesome and time-consuming procedure. The figures of the last few years shown by the Ministry of Defence indicate that a large number of cases where the amount or value of the property and money exceeded rupees ten thousand could not be disposed of within a reasonable time, mainly due to the requirement of production of succession certificate etc., resulting in great hardships to the heirs of the personnel belonging to the Army and the Air Force.

4. The following two advantages are likely to accrue as a result of the Amendment:

- (i) The heirs of the deceased Defence Personnel will be saved from the trouble of completing legal requirements in most cases.
- (ii) Government will be in a position to release the movable property and money of the deceased personnel to his heirs expeditiously.

Amendment of Sections 7 & 14

5. The Administrators General Act, 1913 and the Indian Lunacy Act, 1912 referred to in Sections 7 and 14 respectively of the Army and Air Force (Disposal of Private Property) Act, 1950 have since been repealed and substituted by the Administrators General Act, 1963 and the Mental Health Act, 1987.

The Committee note that the amendment suggests the simple changing of words and figures "the Administrator Generals Act 1913" with "the Administrators — General

Act, 1963" and "The Indian Lunacy Act 1912" with the words "Mental Health Act 1987". The Committee, therefore, agree to carry out this amendment as it relates to mere changing of names of the acts and dates.

Amendment of Section 10

6. The amendment suggests, the substitution of the words two lakhs instead of the words ten thousand. During evidence the Defence Secretary stated "the purpose of moving this amendment is very simple. It is meant to facilitate quicker disposal and payment of movable property and cash to the legal heirs of those who die in harness". The Defence Secretary further explained that as the amount of money left by the deceased in the present times is generally more than Rs. 10,000 the amendment will not only save the heirs of the deceased personnel from the legal hassles but help the Government to give payment to the heirs of the personnel in a short span of time.

7. The Committee adopt the Army and Air Force (Disposal of Private Property) Amendment Bill, 1999 further to amend the Army and Air Force (Disposal of Private Property) Act, 1950 without any amendment.

NEW DELHI;
27 April, 2000
Vaisakha 7, 1922 (Saka)

DR. LAXMINARAYAN PANDEY
Chairman
Standing Committee on Defence

MINUTES OF THE FIFTH SITTING OF THE STANDING
COMMITTEE ON DEFENCE (1999-2000)

The Committee sat on Thursday, the 23rd March, 2000 from 1100 hrs. to 1215 hrs.

PRESENT

Dr. Laxminarayan Pandey — *Chairman*

MEMBERS

Lok Sabha

2. Shri S. Ajaya Kumar
3. Shri S. Bangarappa
4. Smt. Sangeeta Kumari Singh Deo
5. Shri Jarbom Gamlin
6. Shri Raghuvir Singh Kaushal
7. Shri Chandrakant Khaire
8. Shri Vinod Khanna
9. Shri K.E. Krishnamurthy
10. Shri A. Krishnaswami
11. Shri Ashok N. Mohol
12. Shri Hannan Mollah
13. Shri Rajendrasinh Rana
14. Prof. Rasa Singh Rawat
15. Shri A.P. Jithender Reddy
16. Shri Ramjiwan Singh
17. Dr. Jaswant Singh Yadav
18. Dr. (Smt.) Sudha Yadav

Rajya Sabha

19. Shri Suresh Kalmadi
20. Shri Kapil Sibal
21. Shri Suresh Pachouri
22. Shri Nilotpal Basu
23. Shri Shanker Roy Chowdhury
24. Dr. Y. Lakshmi Prasad
25. Shri T.N. Chaturvedi

SECRETARIAT

1. Shri P.D.T. Achary — *Joint Secretary (B)*
2. Shri K.D. Muley — *Assistant Director*

REPRESENTATIVES OF MINISTRY OF DEFENCE

1. SHRI T.R. Prasad — Defence Secretary
2. Shri S.K. Misra — AS (M)
3. Shri R.P. Bagai — Joint Secretary

MINISTRY OF LAW & JUSTICE

Shri N.L. Meena — Joint Secretary & Legislative Counsel

ARMY HEADQUARTERS

Lt. Gen. H.S. Bagga — DGOP & MP

AIR HEADQUARTERS

Air Cmde. H.S. Tripathi — JAG (Air)

2. At the outset the Chairman welcomed the Defence Secretary and his colleagues to the sitting of the Committee and invited their attention to the Directions 55 and 58 of the Directions by the Speaker, Lok Sabha. The Chairman asked the Defence Secretary to brief the Committee on the Army and Air Force (Disposal of Private Property) Amendment Bill, 1999.

3. The Defence Secretary briefed the Committee on the various aspects of the above mentioned Bill. After that the Committee undertook Clause by clause consideration of the Army and Air Force (Disposal of Private Property) Amendment Bill, 1999. After some deliberations the Committee adopted the Bill without any recommendation for amendment.

4. The Chairman thanked the representatives of the Ministry of Defence for appearing before the Committee and frankly and freely sharing their views on matters concerning the Bill which came up for discussion/consideration. The Chairman also thanked the representative of the Ministry of Law and Justice for giving valuable assistance to the Committee in examination of the Bill. The representatives of the Ministry of Defence and Law then left.

5. * * * *

The Committee then adjourned.

* The matter does not relate to this Report.

MINUTES OF THE NINTH SITTING OF THE STANDING
COMMITTEE ON DEFENCE (1999-2000)

The Committee sat on Thursday, the 27th April, 2000 from 1500 hrs. to 1715 hrs.

PRESENT

Dr. Laxmmarayan Pandey — *Chairman*

MEMBERS

Lok Sabha

2. Smt. Sangeeta Kumari Singh Deo
3. Shri Mansoor Ali Khan
4. Shri Chandrakant Khaire
5. Shri Vinod Khanna
6. Shri K.E. Krishnamurthy
7. Shri A. Krishnaswami
8. Shri Ashok N. Mohol
9. Shri Hannan Mollah
10. Prof. Rasa Singh Rawat
11. Shri A.P. Jithender Reddy
12. Shri Madhavrao Scindia
13. Dr. Col. (Retd.) Dhani Ram Shandil
14. Shri V.P. Singh Badnore

Rajya Sabha

15. Shri Suresh Kalmadi
16. Shri Shanker Roy Chowdhury

SECRETARIAT

1. Dr. A.K. Pandey — *Additional Secretary*
2. Shri Ram Autar Ram — *Director*
3. Shri K.D. Muley — *Assistant Director*

2. ** ** *

3. The Committee then considered and adopted the draft Report on Army and Air Force (Disposal of Private Property) Amendment Bill, 1999.

4. The Committee also authorised the Chairman to finalise the Report for presentation to Parliament.

The Committee then adjourned.

*The matter does not relate to this Report.