

14.59 hrs.

**Title:** Discussion on the Army and Air Force (Disposal of Private Property) Amendment Bill, 2000. (Bill passed)

THE MINISTER OF DEFENCE (SHRI GEORGE FERNANDES): I beg to make a few observations when moving this Motion.

**1500 hrs.**

Sir, the Army and Air Force (Disposal of Private Property) Act, 1950 has a provision under Section 10 of the Act by which the private property of service personnel who are no more, is given to their next of kin or their dependants without any kind of probate or other document if the value of that property is less than Rs.10,000. Now, this has been in vogue since 1970 when that Act was first amended. We are coming before the House second time for the amendment of this Act by which we propose to raise the quantum from Rs.10,000 to Rs.2 lakh. The Bill, as moved, was referred to the Standing Committee. The Standing Committee considered the Bill and unanimously recommended it for the House to adopt and the Rajya Sabha has accordingly passed this Bill.

I beg to move :

"That the Bill further to amend the Army and Air Force (Disposal of Private Property) Act, 1950, as passed by Rajya Sabha, be taken into consideration. "

MR. CHAIRMAN : Motion moved:

"That the Bill further to amend the Army and Air Force (Disposal of Private Property) Act, 1950, as passed by Rajya Sabha, be taken into consideration. "

SHRI G.M. BANATWALLA (PONNANI): Madam, Chairman, it is a simple Bill and I support the Bill. I am sure every section of the House would support the Bill because it seeks to facilitate the quick disposal of movable and cash belonging to the service personnel who may have died in harness. Now, in order to better appreciate the Bill, some more information is wanted. The Bill says that the upper limit of Rs.10,000 be increased to Rs.2 lakh and when the movable property and the cash involved is not more than Rs.2 lakh, the moveable property and the cash can be given to the heirs without requiring them to go into the trouble of producing succession certificates, probate, and so on and so forth.

Now, I would like to know from the hon. Minister what is the rationale behind deciding this limit of Rs.2 lakh. We must be able to understand it. We support it. But why do you not fix it at rupee one lakh or at Rs.3 lakh? Some exercise must have been undertaken in order to see that there is no arbitrariness in fixing the limit. For example, one would like to know as to what is the number of people involved in securing their movable property and cash say when the amount is less than one lakh rupee and what is the number involved when the limit is more than Rs.2 lakh or when it is between Rs.2 lakh and Rs.3 lakh.

I mean to say that there must be some rationale. What is that rationale that will enable us to understand better an exercise, a good and well-intentioned exercise undertaken by the Minister of Defence.

Another small question which came to my mind is – I am sorry that I could not study it further – that the Bill applies to Army and the Air Force. What is the position with respect to the Navy? Why is it not applicable to the Navy? Is there already a provision for the Navy and if so, is there a provision of two lakhs or is it a provision of upper limit or some other figure? A question would arise about our BSF who are doing a lot of good work. I understand that the BSF does not come under the Ministry of Defence but the Ministry of Home Affairs. But I am sure that when deciding this figure of two lakhs, the hon. Defence Minister would have also looked into the position that is with respect to the BSF also. What is the position with respect to the BSF? On these two points, let us be informed so that there is a better appreciation and realisation of the good work that has been done by the hon. Minister.

With these words, Madam Chairperson, of course subject to what comment comes from the hon. Minister, I support the Bill.

MR. CHAIRMAN : There is no other speaker. Dr. Raghuvansh Prasad Singh, would you like to say something?

**डॉ. रघुवंश सिंह (वैशाली) :** मैं बोलना नहीं चाहता हूँ। मेरा निवेदन है कि इस बिल को भी बिना बोले ही पास कर दीजिए।

**सभापति महोदय :** इस बिल के लिए कोई लिमिटेड टाइम का बंधन नहीं है और न इसमें कोई ऐसा एग्रीमेंट है कि इसे बिना बोले ही पास करना है।

SHRI GEORGE FERNANDES: I would like to make the first point that it is not for me to discuss the Border Security

Force or any other paramilitary body which does not come under the Army Act. In so far as the Navy is concerned, another Bill, which has the same provisions applying to the Navy but a separate Act altogether, is also sought to be amended accordingly. Now, so far as the rationalisation behind raising the quantum from Rs.10,000 to Rs.2 lakh is concerned, it was felt that given the fact that the limit of Rs.10,000 was decided during the amendment of the Act back in 1970. Originally, it was Rs.5000 when the Act was first passed in 1950 and then, it was raised to Rs.10,000 in 1970; and looking at the general value of the rupee and money, it was felt that fixing it at Rs.2 lakhs would be a reasonable decision to take. I do not think there has been any kind of a special rationalisation that has been sought to be made in this.

The hon. Member also wanted to know the number of people who are covered by this kind of a law. We do not off-hand have any figure. But this applies only in situations where a person dies when he is on duty and when there is some private property which is in his possession and that has to be disposed of. The law is confined only to that limited extent in dealing with cash or some valuables or any other movable property that may have been in his possession. I think that satisfies the hon. Member's points.

MR. CHAIRMAN: What about the Navy (Amendment) Act? Is it coming?

SHRI GEORGE FERNANDES: As I said, for an amendment in the Navy Act, we will be coming before the House. There is a separate Act for the Navy which also has the same provisions. We will be coming with an amendment to that Act also.

SHRI SATYAVRAT CHATURVEDI (KHAJURAHO): What stopped you from bringing both of them together?

SHRI GEORGE FERNANDES: It so happened that this Bill was prepared earlier and had been moved in the Rajya Sabha back in January, 1999.

**प्रो. रसा सिंह रावत (अजमेर) :** स्भापति जी, वैसे तो मंत्री जी ने सब स्पष्ट कर दिया है कि जिस व्यक्ति की थल सेना, वायु सेना आदि में ड्यूटी करते हुए मृत्यु हो जाये या पर्सनल प्रापर्टी वाली बात कही लेकिन पिछले दिनों समाचार पत्रों में उत्तर प्रदेश की एक घटना का ब्यौरा आया, उससे अजीब स्थिति पैदा हो गई है। एक महिला का पति कारगिल के अंदर शौर्य दिखाते हुए वीरगति को प्राप्त हो गया। सरकार ने उसको 10-15 लाख रुपये दे दिये। उसके घरवालों ने उस सम्पत्ति पर अधिकार करने के लिए उसकी पत्नी को मौत के घाट उतार दिया। इस प्रकार की घटनायें सम्पत्ति के बारे में होती हैं। यह घटना को व्यक्तिगत सम्पत्ति को लेकर थी लेकिन वह भी सैनिक से संबंधित है। इस प्रकार की घटनाओं की पुनरावृत्ति को रोकने के लिए सरकार को थोड़ा कठोर कदम उठाने चाहिए ताकि उसकी पत्नी या जो भी उत्तराधिकारी हैं, उनको इस प्रकार के संकटों का सामना न करना पड़े।

**स्भापति महोदय :** महिलाओं की हालत कभी ऐसी भी होती है। Shri George Fernandes, do you want to reply to him?

SHRI GEORGE FERNANDES: Well, all that I can say is that the incident that took place in Lucknow is abominable and also it should make all of us hang our heads in shame. Unfortunately, I must say that this is not the first time that such a situation has arisen. Whether the persons have been killed or not is not the issue. But there have been constant efforts to deprive or to deny the widow of the soldier, who may be slain, the monies that have been made available to her.

Insofar as the Defence Ministry is concerned, there is very little that we can do except taking care to see that the money is kept in the bank. Earlier, cash

Need to be given. Now, we have the arrangement to have this money deposited in the bank. But beyond that, I do not think that, as the Defence Ministry, we have the authority of any kind to intervene in this. As soon as this particular case was brought to our notice, it has been taken up with the State Government. From our side, whatever we can do shall be done.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Army and Air Force (Disposal of Private Property) Act, 1950, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

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MR. CHAIRMAN: The House will now take up clause-by-clause consideration of the Bill.

The question is:

"That clauses 2 to 4 stand part of the Bill."

*The motion was adopted.*

Clauses 2 to 4 were added to the Bill.

*Clause 1, the Enacting Formula and the Long Title were added to the Bill.*

SHRI GEORGE FERNANDES: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted.*

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