

Title: Consideration of the Navy (Amendment) Bill, 2005. (Bill passed.)

**14.58 hrs.**

### **NAVY (AMENDMENT) BILL, 2005**

MR. CHAIRMAN : The House shall now take up Item Number 13. The hon. Minister to move the Bill for consideration.

THE MINISTER OF DEFENCE (SHRI PRANAB MUKHERJEE): Mr. Chairman, Sir, with your permission, I beg to move:

"That the Bill further to amend the Navy Act, 1957, as passed by Rajya Sabha, be taken into consideration. "

Sir, I will just like to give a very small introduction to it. The Bill has only nine amendments and most of these amendments are quite innocuous. But, this Amendment Bill has a long history starting from 1996. We had to wait till almost nine years, up to 2005, to get the Bill passed. The Bill was introduced in 1996 and thereafter from Rajya Sabha, it came to the Standing Committee. The Standing Committee has made the recommendations. After the recommendations were considered by the Government, the Bill was again introduced in the Rajya Sabha for consideration. At that stage, somebody pointed out that the Select Committee of the Rajya Sabha was considering the Coast Guard (Amendment) Bill 2001, which had analogous provisions. Therefore, they deferred the consideration of the Navy (Amendment) Bill. In between, the Coast Guard (Amendment) Bill was converted into the Amendment Act in 2002 but the Navy (Amendment) Bill could not be taken up. The Twelfth Lok Sabha had collapsed. It was not taken up in the Thirteenth Lok Sabha. After the constitution of the Fourteenth Lok Sabha, it was considered necessary.

**15.00 hrs.**

The substantive parts of the amendments are these. Firstly, there is a great anomaly still today. Officially, it is known as 'Royal Navy'. Therefore, it is proposed to remove the word 'Royal'. Sometimes we face this problem. We re-employ the retired officers. But the definition of the officer is such that these redeployed persons cannot be brought within the purview of the definition. So, that definition is to be changed. That is why, it has been provided that an "Officer" means "(b) a commissioned officer re-employed as such". Another incongruity that prevails is this. In the original Act, there is a provision of limitation period for a period of three years. Therefore, whenever some offences were detected, no action could be taken once three years' period is passed since the date of retirement. Now, many a time, it has been found, when investigations and other things take place in between, that omissions and commissions are detected at a much later date and no action is taken because the limitation period was over. Another incongruous provision was that, even for a minor offence, there was no provision in the Navy Act to try any offence expecting Court Martial. For minor offences like extension of leave without permission etc., either you have to let off the person or go in for his Court Martial. So, through these amendments, we have tried to correct the position and bring in the punishments analogous to the other penal laws. The amendments are in conformity with them.

With these words, I commend the Bill for the consideration of the House.

MR. CHAIRMAN : Motion moved:

" That the Bill further to amend the Navy Act, 1957, as passed by Rajya Sabha, be taken into consideration."

SHRI P. KARUNAKARAN (KASARGOD): Sir, I rise to support this Navy (Amendment) Bill, 2005 as passed by the Rajya Sabha. I find no reason to have any objection in the passing of this amendment.

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**15.02 hrs** (Shri Balasaheb Vikhe Patil *in the Chair*)

So, I think that there is no need for any elaborate elucidation with regard to the processing of this Bill.

It is true that the Amendment is mainly for imposing penalties on the officers in the Navy. The Amendment also gives the Central Government more powers to impose penalties on the officers who are found guilty. As has been stated in the Amendment, the Commanding Officer, the Flag Officer and the Chief of Naval Staff are the officers who have got the authority to punish them.

It is true that our Navy has a very glorious history. I would like to take this opportunity to praise them for the noble work that they have done. We, in India, have a very long marine coastal belt. So, the duty and the responsibility of the Navy become more deep. Of course, as a big Defence unit, there are occasions when mistakes are committed and all that. So, it is to correct them and give punishments to them.

I really appreciate the Government for the functioning of the Navy in recent times. In this connection, though it is not directly connected with these amendments, let me say a few words with regard to the Defence units in Kerala. We know that Kochi is known for nationally important Defence units. The Government of India, of course, gives due importance especially to the Defence units. But, at that, for the industrial belt of the Kerala and the central functioning of the Kerala, the Government has to give more importance in the case of financial assistance and other things. The more important issue, which I would like to say in this regard is with regard to the Ezhimala Naval Academy. I appreciate the initiatives of the Defence Minister as the first phase of the Naval Academy was commissioned in the last month itself.

It is really a very beautiful place; it is a very strategic point; everyone knew this.

I would like to say something here. When this project was proposed, without any objection, all the persons in the locality have given their consent. It is a very prestigious Defence Unit, which is not only known in Kerala and in India, but also throughout the world because of its strategic importance. At the time of starting of this project, it was decided – during the discussions with all the political

parties and also the Government representatives in Kerala – that the infrastructure for this project has to be met by the Government of Kerala, because it is the need of the common people. So, hundreds of people had to give their lands. Without any objection, they have surrendered their lands; there was no struggle at all. But at the same time, it was pointed out to the authorities that roads were to be built to connect their places; railway over-bridge was to be built and there should be some medical facilities also.

I am really sad to say that many of the promises that were made were not fulfilled at all. The most important issue in this case is the pathetic condition of the poor farmers. They are now staying in different parts of the district and the State because they had already given their lands. They have sacrificed for the nation. At the same time, they have not been given the compensation as yet. They approached the State Government. The State Government has not taken any action. Then, they approached the High Court. The High Court has given a verdict to do it within the time limit. But it has not been done. The issue was not solved. So, I do fully agree with the amendments. A positive attitude was taken by our hon. Defence Minister in the commissioning of the first phase. The second phase has to be commissioned in no time. At the same time, we have to take up all these issues from the national point of view. Defence is very essential, at the same time, we have to think about the poor people who are living there. They are now scattered; they did not get compensation also.

While fully supporting this amendment, I want to place these issues before the Minister for his kind attention.

DR. COL. (RETD.) DHANI RAM SHANDIL (SHIMLA): Mr. Chairman, Sir, I rise to support this Bill further to amend the Navy Act, 1957, as passed by the Rajya Sabha and brought forward here by the hon. Defence Minister, Shri Pranab Mukherjee.

It is a well-known fact that the defence of our country is of paramount importance. There is a need to have a well-established and well-constituted system of punishment and to deal with the situation of disciplinary aspect. During the colonial period, these definitions, as brought out by our worthy Defence Minister were different. The connotation of an officer was different, in the sense that now we have a re-employed officer. We do not know whether the re-employed officer, in some cases, was an officer. Probably, that is how, the need was felt that the definition of that officer as such must be properly defined and codified. That is why, it has been brought out in this Bill, which has been passed by the Rajya Sabha.

It says that the officer means, a commissioned officer and includes subordinate officer other than a petty officer. The petty officer in armed forces means JCO. The commissioned officer was re-employed as such and it was explained duly by the hon. Defence Minister. It is a very important amendment and I feel that there is a need to have an elaborate and a well-constituted system.

There is a surge of modernisation. We are all having modern weapons. We are all having a new machinery. We are all having stresses and strains when the Forces are operating. When a naval *jawan* goes about 36 feet down, in the submarine and comes out, his condition is worth watching. He may get some letters from home. During that time, he may not have dealt with it properly or he may not have been given his due. At that time, probably the disciplinary cases may come up.

That is how the disciplinary aspect of any other *jawan* for that matter whether he is in the jungles of Assam, Arunachal Pradesh, anywhere in the North East, heights of Kargil, Siachen or in the arid base of Rajasthan, has to be seen in different perspectives today. He is not a soldier of 1957. Today, a soldier may be a B.Sc., M.Sc., a literate dealing with technologically advanced machinery, whether it is a gun fired in Jammu and Kashmir or a long distance gun fired from the naval ship. All these changes will have to be taken into account. There is an old adage very common in the Forces: "It is not the weapon but the man behind the weapon which is more important." That is why, we should concentrate more on the men.

I would like to quote Field Marshall William Slim. During the Second World War, campaigning in Burma, he said, "The single most battle winning factor is the morale of the Forces. It decides the fate of even a very-very advanced Army". We have seen over the years, whether it was the Second World War or even the earlier First World War, that it was men behind the weapon that mattered. That is why, various disciplinary aspects have to be carefully seen.

We have the system of Army, Navy and Air Force, Defence Minister and over him is the President of India who is the supreme Commander of Forces. We have different Acts for different Forces. For the Army, it is the Army Act, 1950. For Air Force, it is the Air Force Act, 1950 and for the Navy, it is the Navy Act, 1957. It has been duly explained by the Defence Minister as to how it took eight to nine long years to come to the Lok Sabha. As has been brought out earlier, with the changing circumstances in the Forces, we feel that the existing provisions be amended and certain new provisions be incorporated in the Navy Act. At this moment, since the hon. Defence Minister is here, I would only like to say a few things.

Whenever a court martial is carried against any offender, or a certain term of imprisonment or such other punishment is given, we feel the justice given to him should be quick because justice delayed is justice denied. This provision, has, of course, been followed. Whenever there is default, we have seen many cases of insubordination. We have seen the morale of the Forces is affected because of that. That is why this provision is very important. I would also like to take this opportunity, with the permission of the Chair, to say a few things on the maritime doctrine.

Today, it is not the Navy which we had at the time of Shivaji. That was, of course, a very strategic and practical force which he had created but it has changed now. We have seen, whether it was the Seventh Fleet of US, which came into the Bay of Bengal which was deterrent or whether it was the forces of U.K., USA, Russia or France coming to the Persian Gulf in August, 1990 or any other presence in the Indian Ocean, it is a matter of deterrence. We cannot go with that deterrence alone. We will have to have a stable, strategic doctrine not only in the case of Navy but it is applicable to the entire gamut of Defence Services.

With your permission I would like to quote a clipping from *The Statesman*, captioned, "Millennium maritime doctrine – We will be courting peril if we do not radically modify our outlook as a seafaring nation".

I quote:

"India's posting in the new millennium continues to harbour a standard shortfall in the nation's concept of national

security, a shortfall that has been "carried over" from the last century – inadequate comprehension of the demands on India's sea power. In the realm of the Defence Budget for a start, the Navy has always been getting the least quantum of funds in comparison to the other two services. "

I would like to supplement it. We have had an outlay of Rs.83000 crore this time for the Defence Budget. Out of which, we have given only Rs.6000 crore for the Navy. We have 7600 kilometres of coast line and 2.5 million square kilometres of Exclusive Economic Zone to defend. So, we have to keep this in mind.

Sir, *The Hindu* of 28<sup>th</sup> March says that the Navy is facing shortage of civilian staff. I know with the computerisation and modernisation of machinery, the staff requirement have been radically brought down. But I would like to quote what they have brought to our notice: It says:

"The Navy has told the Government that it would not be able to operate the facility for want of adequate civilian staff, according to the Flag Officer Commanding-in-Chief of the Western Command, Vice Admiral Madanjit Singh."

Then, *The Times of India* says:

"The Navy wants an early nod for the \$ 2 billion project to manufacture at least six 'Scorpene' submarines at the Mazagaon Docks."

I agree with it. Last time when the Standing Committee on Defence visited the Mazagaon Docks, it noticed that there is a requirement of these submarines to have a modern and well-equipped Navy. We must prepare them and put our Navy at the top.

With these few submissions, I support this Bill which will go a long way to make our Navy self-sufficient and one of the best in the world.

MR. CHAIRMAN : Your technical manpower is very much in short.

THE MINISTER OF DEFENCE (SHRI PRANAB MUKHERJEE): Mr. Chairman, Sir, I thank you. I am indeed grateful to both the hon. Members who have made their contribution on this Bill. I entirely agree with the hon. Members, especially who spoke last that some of the problems with which we are confronted include shortage of manpower. Secondly, a tremendous responsibility is bestowed

on our Navy and the overall responsibility is of the Defence Forces. They are our protectors and more often than not I mentioned that they spend sleepless nights whether it is on the high sea or on the high mountain or in the deserts or in deep forests or North-Eastern India. They protect, watch and spend sleepless nights so that the rest of us could sleep in peace in the main land. Therefore, whenever we discuss the matters relating to them, we should keep that in mind.

Keeping that at the background, I do entirely agree that our doctrine must be updated not only to protect our 750 kilometres long coast line or two million square kilometres of Exclusive Economic Zone but we have the responsibility to protect the major sea line also which carry almost 40 per cent of the world energy.

Of late, the piracy and maritime crimes have increased. In this respect, I must compliment our Navy and Coast Guard who have projected their competence while rendering services in the rescue operation, comprehending culprits in piracy cases and effectively tackling the pollution case. Very recently, there was a case of probable leakage in the oil tanker, and pollution, which could have been created was ably handled.

These works are being done. The contributions of the Navy, the Army and the Air Force in the recent Tsunami relief work are well-known. They not only provided relief and succour to our people in the Andaman group of islands and in the affected areas of the coastal districts of Andhra Pradesh, Tamil Nadu, Pondicherry and Kerala, but also to Indonesia, Maldives and Sri Lanka. These are well-recognised facts.

I am aware of the problems which have been raised. It is mainly because of technical reasons. When the Government decided to reduce the manpower with the objective of having a lean administration, the axe fell on us that in the next five years ten per cent of the sanctioned strength is to be reduced and the operational staff were excluded from its purview. But in Navy we have a very peculiar situation unlike in the Army and the Air Force. Nearly 50 per cent of the manpower of the Navy is civilian. They are not uniformed persons. Persons working in dock and such other places are required in that. I have taken up the matter with the Ministry of Finance and I do hope that I will be able to convince the Ministry of Finance and get the requisite numbers which are needed.

Sir, the Kochi project has been referred to. I am fully aware of it. I can assure the hon. Members that it would be our efforts to complete the project on schedule. There are a certain other related problems to which the hon. Member has drawn my attention in regard to providing jobs and other facilities to those who have lost their land for the project and also to build up some infrastructural facilities – it is quite a natural expectation of the people that when a big project comes in an area we have to contribute in building up the infrastructure – I would surely look into all these aspects and see what best can be done, of course in consultation with and also with the support of the local Government.

In regard to the requirement of machines and equipment I would like to say that we have started the process of modernisation of our Armed Forces in all the branches – the Army, the Air Force and the Navy. But it takes some time mainly because of the fact that the international arms market is quite ineffective in the sense that it is neither competitive nor transparent. There are certain areas where

there is exclusivity. They possess certain equipment which they would not like to transfer and even if they transfer, their conditions are high and unacceptable. So, all these aspects are to be looked into and keeping that in view, it sometimes takes time. Moreover, we had a peculiar situation before this year. Thank God, we have been able to utilise the Budgetary provisions which we got. The whole of Rs. 77,000 crore that we got was spent. For modernisation, new acquisition and for meeting our committed liabilities we have been able to utilise all the resources that were made available to us. I do hope, this year also whatever has been allocated to us we would be able to utilise it.

Sir, compared to the distribution and allocation between the Forces, manpower of Navy is much less. There is no comparison between the manpower of the Army and the Navy. The equipment and machines are much more costly. It is also a time consuming process. There is a saying that you can build up anything and everything at a shorter space, but not the Navy. It takes years. But even keeping that in view, it would be our endeavour to expedite it as fast as possible.

Sir, with these words, I once more congratulate the hon. Members for rendering their total support to the proposed amendments to the Navy Act.

It will meet the requirements. As I explained while introducing the subject, most of these recommendations are in conformity with the requirements of the Navy. For instance, we have brought certain provisions at par with the latest position in the Criminal Procedure Code. We have removed certain historical anachronisms like the title of the Royal Navy by deleting the word 'Royal'. We have also removed certain other technical infirmities which prevailed in the text of the statute. Those things have been addressed to.

With these words, I request the House to approve the proposed Navy (Amendment) Bill.

MR. CHAIRMAN : I have a small query. Will Court Martial give relief only to the Navy or to the Armed Forces and Air Force also? Will Court Martial cover only the Navy?

SHRI PRANAB MUKHERJEE: There, the provision is already there. Here, that provision was not there and that is why, we have brought it at par with the Armed Forces, Air Force and the Navy.

MR. CHAIRMAN: That is the major issue.

The question is:

"That the Bill further to amend the Navy Act, 1957, as passed by Rajya Sabha, be taken into consideration"

*The motion was adopted.*

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

Clauses 2 to 11

MR. CHAIRMAN: The question is:

"That clauses 2 to 11 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 11 were added to the Bill.*

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

SHRI PRANAB MUKHERJEE: 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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