

[Sh. M.M. Jacob]

ARMY (AMENDMENT) BILL

and if anything is necessary, it will form part of the rules.

16.52 hrs

MR. CHAIRMAN: The question is:

[English]

"That the Bill to provide for the Constitution and regulation of an armed force of the Union for ensuring the security of the borders of India and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration."

MR. CHAIRMAN: The House shall now take up Item Number 21.

Shri Krishna Kumar to speak.

*The motion was adopted*

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS AND THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI KRISHAN KUMAR): Sir, I beg to move:

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

"That the Bill further to amend the Army Act, 1950, be taken into consideration."

The question is:

"That Clauses 2 to 157 stand part of the Bill."

Our armed forces represent one of the most disciplined and patriotic sections of our society. They have adopted for themselves a career of commitment and sacrifice for the nation for defending our borders, for defending our freedom and integrity. High morale and discipline are the hallmark in the functioning of our armed forces. In order to ensure that the armed forces function effectively, the chain of command in the armed forces is kept sacrosanct both in peace time and war time to ensure that the jawans, the sailors and the airmen have avenues for redressal of their genuine grievances. The conditions of service and related matters of the armed forces are governed by separate legislation—the Army Act, the Navy Act and the Air Force Act.

*The motion was adopted*

*Clauses 2 to 157 were added to the Bill*

MR. CHAIRMAN: The question is:

"That Clause 1, the Enacting Formula and the long Title stand part of the Bill".

*The motion was adopted.*

*Clauses 1, the Enacting Formula and the long Title were added to the Bill*

SHRI M.M. JACOB: I beg to move:

"That the Bill be passed".

MR. CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted*

Sir, a law relating to the functioning of the Indian army is now covered by the Army Act, 1950. Basically, the Army Act relate to provisions, relate to commission, appointment, enrollment, conditions of service, offences, punishment procedures relating to martial and execution of sentences. For that, the army's rules and regulations gives further details regarding the manner of delay

on these issues. The Army Rules 1950 are statutory in nature. After the promulgation of the Army Act 1950, our army has expanded, the functioning has diversified. But till date, in the last four decades no major amendments have been made in this Act.

Even the Army Act, 1950, by and large, has been taken from the Army Act, 1911. Only a few additional provisions were incorporated in 1950 to bring the 1911 Act in conformity with the Constitution of India and the changed circumstances.

Sir, based on the experience of the working of the Indian Army in the last four decades, Government have thought it fit to bring before this august House certain amendments to the Act. These amendments have as their purpose, providing more flexibility and better delegation of powers in order to more effectively handle the increased manpower and resources of the Army. The second objective is to do away with the harsh, archaic and obsolete provisions which have somehow been carried forward in the Act from 1911, which were no longer in conformity with the modern jurisprudence. And some provisions relate to the elimination of disparities in the Army when compared to the conditions in the Air Force and the Navy, which are governed by Acts which have been promulgated in more recent times.

Sir, the original Army Act contains 196 sections. After careful review of all the sections, Government is now coming forward to make amendments only in 22 sections. These 22 sections can be divided into three categories.

In the first category of five sections, the amendments are merely cosmetic in nature because the Code of Criminal Procedure 1899 has been replaced by Code of Criminal Procedure 1973. But in the Army Act, the

Code of Criminal Procedure mentioned is that of 1898. So, wherever Code of Criminal Procedure 1898 is mentioned in the Act, it is proposed to be replaced by a mention of Code of Criminal Procedure 1973. It is merely a follow up of that legislation and, is therefore, not any fundamental in nature.

Another nine Sections have been necessitated because we propose to delete provisions in the Act relating to field punishment. The field punishment is a carry over from the old British days before independence, Commanding Officers were empowered to impose punishment on offending army jawans and junior officers in the nature of personal restraint on hard labour, even ropes, iron chains, fetters etc. were tied around the offender and he is attached to fixed objects for a certain period in a standing position. All these are very archaic in nature and is not in tune with modern jurisprudence. Happily, there has been not a single instance since independence where this provision, though available in the Army Act, was ever used in our Indian Army after independence nor had any Court Martial awarded some punishment. Since these provisions simply happened to be in the Act and have been carried forward and these are archaic and it is incongruous. It should not be there. So these provisions relating to field punishment are to be deleted. So, nine sections out of 22, only relate to the deletion of these provisions for field punishment.

Sir, therefore, only eight sections out of 22, are of the nature of some substance.

Five relate to the change in the nomenclature of the Code of Criminal Procedure; Nine relate to the deletion of the provisions relating to field punishment and the remaining sections sought to be amended are only eight, namely, Sections 85, 90, 122, 123, 127, 135, 142 and 169.

17.00 hrs.

I will take only a few minutes placing before the House the Rationale for the Government's submission before the House for amending these sections. Amendment to Section 85 seeks to give powers to the Commanding Officers to award reprimand or severe reprimand on JCOs. This provision is not existent in the present Act. The Army's manpower has increased manifold. Therefore it is thought that at the Commanding Officers level itself some provision for a minor punishment is necessary to enforce discipline. Also the Army cadre have been upgraded, so that 75 per cent of all Commands are now commanded by Colonels as against Lt. Colonels in the past. Therefore higher level officers are also there. So this provision is sought to be given in order to enhance the effectiveness of the Command and for greater discipline.

As regards Section 90, in the original section only the Central Government had the authority to issue order for deductions from the pay and allowances for maintenance of wife, legitimate children, etc. of officers. Now the Central Government cannot issue this order for this large Army. This is a provision which related to many decades back. Now the Central Government wishes that this power can be delegated to any prescribed authority at the subordinate level, so that administration is smoother.

The third provision relates to the period of cognizance of the offences. We want to exclude the time span during which offence do not come to the knowledge of the aggrieved persons or the authority competent from the time of three years within which an offence is cognizable. It is entirely on the analogy of Section 469 of the CRPC. The rationale again is that in a number of cases, particularly, fraud, espionage etc., by the time the offence is detected or evidence is recorded, the case becomes time-barred.

So the period required for the offence to come to the notice of the authority is sought to be excluded from these three years. This has been found necessary by experience.

Amendment to Section 123 relates to the liability of officers after retirement. Previously it used to be six months. But it has been found in our experience that many officers who are culpable and who have committed offences close to the time of their retirement escape because they cannot be brought to book within six months. There have been many such cases and on the basis of this experience we seek to exclude on persons who have been evading arrest or disciplinary proceedings at time namely period granted by stay of the court etc., from the six months period. Otherwise people will get a stay for six months and therefore become outside the net of the law. Similarly people may go into hiding and evade arrest and after six months they say that they are outside the purview of the law. So that period is sought to be excluded. Plus, the overall period is extended from six months to three years for reasons of administrative convenience taking into account the fact of the delay or the normal time that is required for legal procedure.

The next Section is extremely beneficial to the Armed Forces. In the original Act, even if the Military Court Marshal finds an officer not guilty and is let off, civil liabilities will be there, criminal liabilities will be there. So he can be charged in a criminal court by the aggrieved person. But the government feels that this is against the principles of double jeopardy and wants to delete this provision from the original Act. So, if the amendment comes into force, if he is found innocent by the court marshal he cannot then be proceeded in a criminal court later by anybody. Therefore, it is a highly beneficial section for the serving soldiers.

The next one is again necessitated by

the expansion of the activities of the Government. In the original Act only documents and examination reports of the Chemical Examiner of the Government can be produced in an evidence. Now the forensic law and the various other parameters have been expanded; there are various other technical bodies of the Government whose reports should also be brought into the evidence. Therefore, in addition to the Chemical Examiner, certain additional authorities have also been included in the purview.

Finally, in a Board of Inquiry, civilians cannot be summoned. This amendment in Section 135 seeks to ensure this. In military cases, for instance, in order to find out the reasons for an accident or an offence or anything like that, the civilians can be called by the Military Court of Inquiry for evidence.

The last section is again a beneficial one. If an officer is found guilty and if he is awarded punishment of imprisonment, then the period and if he is awarded punishment of imprisonment, then the period already spent by him in detention, in civil law, in military custody during investigation is sought to be excluded from that sentence. (Interruptions)

I have given in nutshell, an over-view for the rationale for the amendments. These amendments have been brought before the august House after a great deal of deliberation and discussion for many years in the Ministry of Defence and in the Indian Army. These amendments are over-due and they are in the nature of introducing progressive reforms in the functioning of the Army Act.

So, I request that this august House may favourably consider the new amendments. Thank you.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Army

Act, 1950, be taken into consideration".

Now, amendments to the motion.

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting the opinion thereon by 15 October, 1992". (2)

SHRI DAU DAYAL JOSHI (Kota): Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting the opinion thereon by 20 Oct., 1992." (3)

[English]

MAJ. GEN. (RETD) BHUWAN CHANDRA KHANDURI (Garhwal): Sir, I rise to speak on the Army (Amendment) Bill, 1992. It is nice to have discussion on something pertaining to the Armed Forces. This Government showed lack of wisdom unless it was a deliberate manipulation in not getting the financial requirements of the Defence for 1992-93 discussed in this House. In my opinion, it was a disservice to the national and showed lack of wisdom, if it was not deliberate. If it was deliberate, then it was too bad.

The Government of India is going to spend 13 per cent of budget during the year which is equal to the total plan expenditure. In spite of that, the Demands were got guillotined and passed without any discussion. I am told that this has never happened in this House ever before. For the first time, a new trend has been set which is bad. As it is best of time, the Defence budget gets discussed cursorily under the pretext of secrecy and is treated as a holy cow. But this year that



[Maj. Gen. (Retd. Bhuwan Chandra Khanduri)]

formality also was not gone through. This shows the attitude towards Defence.

Another example of indifference is the recent one, Western Command, which is facing Pakistan, which is supposed to be our crack formation—the best fighting formation—did not have a Army Commander for about 7-8 days. We knew that the Army Commander was retiring maybe two years back. But this Government did not have time to appoint an Army Commander who is supposed to face our enemy across Punjab. This is the type of attitude that is being shown towards Defence.

Today, we wish to amend this Army Act. This is an Act which was specifically made for the Army in 1950 under Article 33 of the Constitution so as to maintain very high standard of discipline and obedience, the ultimate aim being to ensure "combat readiness", which enables the morale of the fighting troops to what degree where they willingly and enthusiastically give up their lives. They die for the sake of the honour of the country. But the amending an Army Act or more Army Act does not constitute the combat readiness. There are many more aspects.

Today, with your permission, I would like to touch upon some of these. The most vital element of the combat readiness is training and equipment. Today, the state of training and equipment is far from satisfactory. The gross misuse of the Army in non-professional jobs over the years has resulted in a state where the training of the Army is not bothered about at all because during the peace station tenure, the Army is employed in non-professional jobs and the Army's equipment is extensively used for non-professional jobs. We have reached a stage where well-meaning service people

and probably the Government itself has given up even considering this as an impediment to the training and welfare and combat readiness of the Army.

The continued and blatant misuse of the Army for aid to civil authorities under the pretext of aid to civil authorities is well known. This thing has become so common that today when the service people are asked to go to aid the civil authorities, they just take it as if it was a part of the training, as it was something like preparation for war. This trend has become more acute after about 1963. And over all these years, it has been a gift of this Congress Party Government where it has become a tradition with the Army to be used for aid to civil authorities in a most ad hoc manner—the use of Army in Blue Star and its far-reaching implications and for which the Army is probably suffering even today. I would like to go into details of there, for obvious reasons. But I would like to remind this House and the Government that such misuse of the Army on the pretext of aid to civil authorities is bad. But what is even more surprising and worse is that even in routine matters, army is used day in and day out. I will give you two examples to substantiate this. Every year, we have floods in some part of the country or the other and every year, army is called to go and fight floods. Army equipment is used which is meant for war. Why does this happen? Why, all these years, the Government has not taken care to tell the State Governments to have their own equipment, their own organisation? Paramilitary forces can be used when some forces are required in uniform. Every year, around May, the entire army and the corps of Engineers are told to get ready; they stop their training and start preparing for flood relief, start equipping themselves and they are whistled across like a taxi or like a fore brigade for flood relief all over the country. I do not understand why this is going on and on. Nobody is bothered about the stature of equipment and training.

The other example is what is called giving safety certificates for VIP landing at various helipads. This task is also a peculiar one. There is suspicion that at helipads, some explosive might be placed by some terrorists or some people and wherever the VIP lands, the army should go and probe those helipads. Now, the army is supposed to detect the explosive under certain conditions. They do not have the equipment for this purpose. Neither are they trained nor should they be utilised for this. This matter was even put up to the Defence Ministry at one stage to consider that this is not the type of duty which the army should do. But there was no response and the army continues to do such duties. What I would like to highlight and emphasise is not to misuse the army. You can talk of army discipline and other things but the combat readiness will not come merely by having a very strict Army Act or trying to modify or amend it.

The next thing on which I would speak with great pain is the causal, indifferent and criminal manner in which the army was thrown into Sri Lanka under Operation Pawan which ought to have resulted in Nuremberg trial of those people who had butchered our men and officers on a senseless, ill-prepared and meaningless mission.

17.17 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Today, you are amending the Army Act. Why don't you think an Act to try the guilty men of Pawan? Why don't you try those people who send our forces on a mission which was not supposed to be carried out? Do you realise the pain, agony of those people who have lost their husband, old parents who have lost their children? There was a medical officer in Delhi who was a Captain. His old parents came and met me and they narrated how their son was killed. The medical officer was killed, while giving

treatment to the civilians, by the LTTE. Such things do not happen in war. But Operation Pawan was not a war. It was neither a war nor a peace time and the army was thrown into it most casually and callously. The top commander of the IPKF has said, in a book written by him, that the army was made to fight with one hand tied behind its back. Is this the way to treat the army and talk of combat readiness, high morale and good discipline? Sir, Operation Pawan resulted in nearly total breakdown of the morale of the army. It was very sad phase for the Indian Army. What was sad was that at least three of the top ranking senior officers were sacked for some mistake they had committed. Our Ministry of Defence is very good at passing on the accountability and responsibility. Nobody bothered to see as to whose mistake it was and why these senior officers failed but they were sacrificed and nobody was questioned in the Ministry of Defence, in the higher echelons and those people who sent these people on that irresponsible mission.

Coming to the end of the utilisation of armed forces in peace time, I would like to submit that the Government should realise that the army is trained to kill the enemy. It is not trained to fight its own people. Neither is it trained to be used for jobs like flood relief and finding out explosives in peace time which has become a routine. If you need such a Force, you may please have other para-military forces. There are a variety of such para-military forces and just a little while ago, we discussed one of them. Therefore, I would request that this aspect of utilisation of army in peace time in the name of aid to the civil authorities or integral security duties, needs to be seriously thought of.

The other linkage to morale is motivation of men and units. Men should be confident that they will get justice and fairplay from the society and from Government.

[Maj. Gen. (Retd. Bhuwan Chandra Khanduri)]

Regretably, very Sir, regretably, today it is completely missing. If at all there is anything, there is a growing feeling among the service people that the Government is indifferent, insensitive and is, in fact, deliberately denigrating the soldiers. And this feeling has justification. The way this Government has treated and handled the issue of one rank—one pension, is disgraceful and disgusting. The service people and especially the ex-soldiers feel cheated. After prolonged discussions and definite promises here, what has been given to the soldiers in the name of one time increase, is simply shameful. A large number of people have been eliminated. Even those people who served only for just a few months after their retirement, have also been denied this one time increase. What sort of decisions are you taking? Do you want these people to be on the streets? This is the type of justice that is being meted out to these people. Let me tell you one thing. You may amend the Army Act and you may put very tough conditions. But if you provoke them into indiscipline, then none of the Acts and amendments will hold good.

At the other end of the spectrum, we have the Service Chiefs. I have given the example of one—rank one pension to show how you have handled the soldiers. Now at the other end, we have the Service Chiefs. Today, the Service Chiefs have no authority in terms of financial powers. A desk officer in the Ministry of Defence has more financial powers than the Service Chiefs. The Service Chiefs have zero financial powers. The Arun Singh Committee has considered these aspects in great details and it is this Committee which has recommended that the Service Chiefs should at least be given power equivalent to Secretaries to Government of India, in terms of finance. But this Government is sleeping for the last one year. From

their side, there is no action or reaction on the Arun Singh Committee's report. I have asked them about this number of times but there is no response. Every time they say that it is under consideration. Why cannot you do even such simple things? Is there no concept of accountability or responsibility in the Ministry of Defence? Is there no concept of management? How is it that Service Chiefs who handle 15 lakh people and who are given under their charge equipment worth thousands of crores of rupees, cannot be depended upon to handle a few lakhs of rupees? What sort of management is being carried out in the Ministry of Defence? Kindly look into all these aspects.

In the Defence debate last year, I mentioned all these points. But the Ministry of Defence simply does not respond. Now, the Ministry of Defence appears to be very busy. They are showing a lot of activity. There is a tremendous amount of work that is going on and they are working even for 10 to 20 hours a day. And a lot of inputs are being taken from all over. But there is no output. As I mentioned earlier, during last year's debate on Defence, I raised certain points. Of course, the Ministry of Defence did not bother to act on any of these things. There is not even a response as to what has happened to all the aspects that I mentioned. So, this is the type of response that we get from them. I request the Minister of Defence that he may better be careful about the disease of "analysis leading to paralysis." in his Ministry.

Before I come to the Bill proper, I would like to touch upon another aspect and I say this very painfully. But I feel that I shall fall in my duty towards the Nation and to Parliament if I do not point out this unpleasant aspect. Therefore, very reluctantly, but with a full sense of responsibility, I say that it is very sad for our country that the selection and tenure of the Chiefs today are surrounded with unpleasant controversies. I do not like to go into details. But I would like the

Government to be careful on such issues. This type of controversies should not occur because they affect the morale right from the top to bottom.

If the Government wishes to meddle with the top appointments, then the message that is conveyed to the people down below is very very damaging. It should not be done under any circumstances.

Other aspect which is linked with this is the number of court cases that are there today. Over a period of time, the number of court cases has increased tremendously. Some of them attribute this to the change of attitude, the system in our society. But you can imagine the position when an officer of the rank of Lt. General goes to the court to seek justice, a person next to the rank of the Chief of the Army Staff, goes to a court and files an appeal against the injustice being done to him. We would like you to analyse these court cases. I hope it is being done. The message that is being sent across the country to the services of all rank is unhealthy. It is not good for the country because it is not good for the army. If an officer of the rank of Lt. General, winner of Mahavira Chakra, the second highest gallantry award, has to go to the court to seek justice then certainly there is something wrong in the system of promotions and appointments. I would say that either the Ministry of Defence is a party to it or he is permitting the manipulations that are going on in appointment as well as placement within the services. It is very dangerous trend.

The disciplined army is being thrown into a state which is going to land it into serious trouble if no immediate and corrective action is taken. You are fast slipping into a morass from where it will be very difficult to get out. Therefore, very drastic and serious action needs to be taken. I am not saying it for the sake of making a speech in the House, I say it with conviction. I request you

to ponder deep as to what is happening to the most disciplined Army of the world; where have you taken this Army today?

I now come to the various clauses of the Bill. It is nice that the Army Act is being amended. There is a book called 'Manual of Military Law'. When I was in services, it was said that this book is updated but I found it was more or less a reprint of the earlier book. We need to revise this manual of Indian Military Law and Defence Services Regulation. Large chunk of it is still taken from the good old King's regulations and Queen's regulations. Therefore, this needs to be revised.

As regards Clauses 2, 3, 4, 5 and 8, I agree with you that there is no need to keep them any longer in the Act. Clause 6 and 7 relate to summary disposal of JCOs, which is now brought down to the level of Commanding Officers. It is a good step because a lot of time was wasted in carrying out other formalities. In clause 9 the period is increased. I consider it a genuine administrative difficulty but I caution that just because time is increased it should not lead to lethargy or indifference in handling the cases. Therefore, a close watch needs to be kept.

I have objection to Clause 10, which pertains to trial.

If a man is found guilty of something which he had done while in services, upto a period of six months he could still be tried under the Army Act. The reason given by you is that the period is not adequate. Some people may abscond. Therefore, this period of six months is not enough. My suggestion is this. You have given two changes to this Clause. Firstly, you have given two changes to this Clause. Firstly, you have said that if a person is trying to avoid these six months by remaining absent or if a person goes into hiding due to medical reason, that should be eliminated. Therefore, the Government has

[Maj. Gen. (Retd. Bhuwan Chandra Khanduri)]

got this six months period to try out the case and to carry out its administrative formalities. But, simultaneously, you have also increased it to three years. I do not agree with these two things. I would like to know from the hon. Minister in how many such cases in the last five or ten years, where this six months period had been made applicable and in how many cases, they have not been able to take action'. I don't think you have many such cases. If you have any such cases, then let us know what are those cases. Otherwise, extending this period to three years is I think unfair to the people who are subject to Army Act all their lives. They have been subject to a special Act. And if you want to continue it for another three years it is like *damocle's sword* hanging over their heads which is not fair.

Now, I come to Clauses 13, 14 and 16. I have nothing much to say but just a few amusing or interesting observations. Clauses 13, 14 and 16 of the Bill intend to replace the Code of Criminal Procedure, 1898 with 1973 code. I would like to know, if this Code of 1898 became invalid or inapplicable in 1973, how is that the Army is still applying all these years -from 1973 to 1992 -this code ? How is it that this 1898 Code is being applied by the Army when, it is no more a legal document ? Therefore, there is a lapse on the part of the Army or the authorities. In fact, it should have been amended in 1973 itself.

Secondly, Clause 19 excludes, British officers being subject to our Army Act. How *hilarious* it would be to say this after 42 years! Army Act was there ever since 1950 viz. for over 42 years. British officers are still being considered subject to this Army Act. Obviously, this Act, ought to have been amended, **not in 1950, at least in 1955 or so. Now, it is too late.**

Before I conclude -I have given an Amendment -I would like to make a suggestion and that is, there should be a Special Court of Appeal against Court Martials, other than the Summary Court Martials. This is necessary. As I said a little while ago with reference to the ITBP Bill, there must be an independent agency to review the decisions of the Court Martials. The Court Martials have tremendous power. They are by and large free and fair. But, there can be cases where they are not fair. So, the accused must have the satisfaction of having a Court of Appeal which is entirely independent of the services.

Therefore, I would suggest I had given the details in my Amendment- this thing. I would not like to talk on that. But the concept of independent Special Court of Appeal should be accepted.

With this, I support the Bill, with the provisions and so on.

SHRI K. P. SINGH DEO (Dhenkanal): Mr. Deputy-Speaker, Sir, I welcome the Bill. I echo the sentiments of Maj. Gen. Khanduri because it is always a welcome feature when the armed forces or anything connected with the armed forces are discussed in this august House.

Apart from Rs. 17,000 crore which we spend without scrutiny or applying our mind to which we have had debates earlier on, I think, it is, we, who owe it to the services men and the ex-servicemen to not only show our concern but to show our solidarity with their problems.

After all, they are doing a very very difficult job under very difficult conditions; and they are a group of people whose fundamental rights are abridged; they are unable to ventilate their grievances as other normal citizens, although they do have a channel for redressal of grievances.

I congratulate the Minister of State, Shri S. Krishna Kumar for having brought this Bill, although as is the past practice, we do speak about the importance for this subject, but, we do not practise it as you can see from the attendance to the House; there may not be even 50 Members, although I am not raising the question of quorum.

Just a few days back, we did celebrate 50th Anniversary of Quit India Movement, paid *eulogising* tributes to the freedom fighters and those who struggled for India's freedom; and also we celebrated our Independence Day. But the notable role of the Defence Forces, the Naval Mutiny, which facilitated and made it possible for the independence to come at much quicker than we expected could have been eulogised also. And I share the feelings of Maj. Gen. (Retd.) Bhuwan Chandra Khanduri; and I do have firsthand knowledge, the sense of neglect and the demoralising effect it has not only on serving soldiers, but those who have given their best years of life and our ex-servicemen at the moment. I would not like to go into the very details of the role played by the armed forces today. If one were to see some of the comments in the Press one will find that it is very revealing. One says about the Army being used as fire brigade. I am quoting only a couple of lines from an article by Manendra Singh. It reads as follows:

"The intensity of fighting in recent operations to regain control of Doda in Jammu must cause worry to decision makers in New Delhi. By all accounts India lost Doda for some hours, and the operation had to depend on military help to reinforce Indian authority. To preserve the integrity of India is certainly the basis for having a military capability, but what is disquieting is the regularity with which the Centre falls back upon the Army to *extricate* itself from a tight spot.

This tendency is fundamentally flawed, for it presumes that the Army is a perennial fire brigade, and it overlooks the psychological damage done. Whether it is communal problems in Kerala, Ahmedabad or elsewhere, Delhi inevitably supposes that it is okay to use the Army."

And Maj. Gen. (Retd.) Bhuwan Chandra Khanduri, of course, has mentioned its role in its Operation Bluestar and the consequential events. It further reads as follows:

"The Army is never a solution to civil disorder, and deploying it has a *corrosive* effect. The damage caused by Operation Bluster is yet to be handled, with the mutinies appearing in its wake not suitably analysed. Army training also suffers by intervention in what are essentially political problems."

Now the armed forces and the ex-service men have not only preserved the hard won independence and freedom of ours but the integrity and sovereignty and unity of our country. Sometimes they made supreme sacrifices. It has been a saga of heroism and sacrifice. And I am sure, you must have gone to the cemetery either in Dimapur or Kohima or here in New Delhi. What hits between the eyes is the young people who have laid down their lives; whether it is British; whether it is Indians; whether it is the Indian National Army or whether it is the Indian Navy.

What does it say, "when you go back, tell them of us; for their tomorrow, we have given our today." And these are the people whom we are supposed to show concern. This year Rs. 17,000 crores' Budget, we did not discuss even.

I was in the adjoining room in a Military

[Sh. K. P. Singh Deo]

Hospital, only one and a half years back and there was a Lieutenant-General in that room. He was in-charge of discipline and welfare of the Armed Forces. He had requested Rs. 5 crores for 4,687 maimed officers and men, young people who had come back from Sri Lanka.

What did our *benign* Government do ? They said, "we will provide you Rs. 1 crore, you take the rest of Rs. 4 crores from the Canteen Funds or Canteen Profits." What did this Lieutenant-General want this for ? Half of them have been injured below the waste; some of them have lost their legs, some of them have lost their sustenance. They have become handicapped, they were going through living death. Their relations, their wives, their children came and requested the Chief of the Army Staff and the top brass. But what was our provision: Rs. 1 crore.

This is the sympathy, this is the understanding and this is the love, affection and we show to them. So the Army found Rs. 5 crores to give them orthopaedic legs, to give them artificial limbs.

The case of ex-servicemen, which was quoted by Maj. Gen. Khanduri, till now three of the most important recommendations have not *seen the light of the day*. One rank one pension, a second career because they retire or are released at the age of 33, when they still have 30 years or 28 years or 27 years of service left.

The country is losing they are not losing. They are disciplined, dedicated and the country pays for their training. They are disciplined but the nation is losing a dedicated, trained and disciplined man-power at a time when it requires.

Today, the number of ex-servicemen is

probably about 35 lakhs and we have yet to do something because we keep on passing the buck. The Centre thinks, it is a problem of the State and the State thinks it is a problem of the Centre. Ultimately they are nobody's baby.

Some of our retiring and serving Generals have also commented on this. This is the 'United Services Institute Journal' of which the President is the Supreme Commander is the chief Patron. This is an issue of which Shri R. Venkataraman, our former President and former Raksha Mantri, who was my Minister, was the Chief Patron. In this, there is an article that Armed Forces need to avoid promotional battles in the Court by Maj. Gen. (Retd.) V. K. Madhok, who was the Additional Director-General of the Territorial Army. A fine soldier, very professional, but somehow, he had to go as a Major-General.

I quote from it:

"However, it needs to be noted with great concern that nothing can be more disturbing to a soldier than to lose faith in the Systems."

The system, whether it is promotional, whether it is reward or whether it is punishment.

"because these are the motivational factors, besides idealism which impel him to sacrifice his life, if necessary and certainly not the pay packet."

A soldier does not lay down his life for a pay-packet. He does it because of idealism and the way to raise this morale, the way to get him to do super-human effort, whether it was Abdul Hamid, whether it was Col. Tarapore, whether it was Hoshiar Singh or whether it was Maj. Somnath Sharma in Kashmir is morale and discipline.

"What makes you do superhuman



efforts ? Morale ?... And an increasing number of promotion battles in the courts and dirty linen washed there helps just to do that."

Only yesterday hon. Rajya Raksha Mantri, was replying to an Unstarred Question by Dr. Sanjay Singh or somebody I think, in the Rajya Sabha, and he said that more than 800 cases of promotion and court martial are lying in courts.

I have a small cutting from the *Times of India* of the 22nd July, which says, "Ailing Army Official forced to attend Court Martial". And there are a series of these things coming out in the papers. Now, it is a fact that whether it is promotion, whether it is court martial, whether it is discipline, more and more people are depending on the law courts or are trying to get the intervention of the law courts. This is not a very healthy thing.

I agree with the hon. Rajya Raksha Mantri, When I was talking to him about 15 minutes back, he said, "How can you have law courts interfering with us? How can you move an amendment saying that there should be judicial review ?" I will come to it later. That is exactly the reason why I want a judicial review.

Coming to the service conditions, Major General Bhuwan Chandra Khanduri, had raised it also, have given rise to a phenomenon which today's *Pioneer* carries a news item, that there are 9,000 officers short in the Army, 2,000 officers short in the Navy, 600 officers short in the Air Force and people are taking voluntary retirement. I would like to be proved wrong. Because, for the last 20 years we have not had a full scale war and with the geo-political and geo-strategic events offering in our border areas, God forbid that there is a war, what would be the consequences? So, I would request the hon. Minister to take us into confidence whether there is a shortfall or what are the concrete and comprehen-

sive steps that are being taken to meet the situation, whether there is a shortfall in the officer cadre ? Because it is the Junior Officers, especially the paper mentions the rank of Captain.

It has also mentioned the cadre review. In fact, the hon. Minister was mentioning during his opening statement that as a result of the cadre review of 1979 and 1983 a lot of importance has been given to officers.

First a full Colonel used to command a Brigade. That was about 50 to 80 years back. Now a full Colonel is commanding a Battalion. Where a full Colonel was commanding 3000 troops or more, today he is commanding only 850 forces. This is the improvement sought by cadre review. There is a bulge in the middle. That is why people are leaving and enough people are not coming to fill up. Even at the Officers Training Academy in Madras only one course somehow gets fully subscribed. The second one had to be discontinued or is about to be discontinued for lack of people responding to it. So, we shall have to think about it, whether the present system of intake, and the condition of service are proper for today's environment or do we have to go in for national service ? Because now a time will come when we require young people to give us leadership.

India is a youthful nation; 24 crore is the number of our people below the age of 30. I think it is the youngest nation in the world. I think somebody has written in some book, we are also the grayest nation in the world. We have the largest number of people above the age of 60 and the largest number of people below 30, in the whole world. That is the paradox.

Now, I would like to come to the Bill proper. It is very laudable that the hon. Minister in his Statement of Objects and Reasons has stated that the Army Act, 1950



[Sh. K. P. Singh Deo]

is sought to be amended for the first time, because no changes have taken place since 1950. From 22nd July 1950, the basic structure has remained like that. What is changed circumstances? He has not elaborated that. The Statement of Objects and Reasons says:

"The Army Act 1950 is proposed to be amended with a view to remove certain archaic and obsolete provisions."

He says, one is Field Punishment. I have some reservations on this. I beg to differ with Maj. General Khanduri on this. What is Field Punishment? I would like to quote section 75 of the Army Act 1940. It says:

"Field Punishment: Where any person subject to this Act and under the rank of Warrant Officer commits any offence on active service, it shall be lawful for a court-martial to award for that offence any such punishment as is prescribed as a field punishment. Field Punishment shall be of the character of personal restraint or of hard labour but shall not be of a nature to cause injury to life or limb and shall not include flogging."

What is 'active service'? Again I quote Section 3 of the Army Act. It says:

"Active service as applied to such a person subject to this Act means the time during which such person

- (a) is attached to or forms part of as force, which is engaged in operations against an enemy; or
- (b) is engaged in military operations or is on the line of march to

a country or a place wholly or partially occupied by an enemy; or

- (c) is attached to or forms part of a force which is in military occupation of a foreign country."

It is only in active service that field punishment can be awarded. It cannot be awarded here in Delhi. It cannot be awarded in Calcutta. It can only be awarded if the three conditions given in Section 3 to the Army Act are fulfilled.

What are the types of field punishment. I quote Section 172 of the Army Rules 1954. It says:

"Field Punishment - A court martial or an officer exercising authority under Section 80 of the Army Act may, for the purpose of awarding field punishment sentence an offender for a period not exceeding in the case of a court-martial, three months, and in the case of an officer exercising authority under Section 80, 28 days, to one of the following punishments, namely

- (a) Field punishment No. 1 and (b) Field punishment No. 2."

What is Field Punishment No. 1? I would like to quote Section 173 of the Army Rules 1954... (Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY (DEPARTMENT OF ELECTRONICS AND DEPARTMENT OF OCEAN DEVELOPMENT) (SHRI RANGARAJAN KUMARAMANGALAM): Mr. Deputy-Speaker, Sir, I request you to extend the sitting of the House upto 8 O' Clock because

we have quite a lot of business to transact. We discussed with most of the other party leaders on this. Literally we have got only one day and there are other Discussions under Rule 193, which are to be discussed. Therefore, I request you, Sir, to extend the sitting of the House upto 8 O' Clock.

MR. DEPUTY-SPEAKER: I hope the House would agree with the hon. Minister.

SEVERAL HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: So, the sitting of the House is extended upto 8 O' Clock.

SHRI K.P. SINGH DEO, you can continue now.

SHRI K. P. SINGH DEO: Now, I come to Section 173 of Army Rules, 1954 Field Punishment No. 1. I quote:

"Where an offender is sentenced to Field punishment No. 1, he may during the continuance of his sentence, unless the court-martial or the officer exercising authority under Section 80, as the case may be, otherwise, directs, be punished as follows. That is to say:-

- (a) he may be kept in irons, that is to say in fetters or handcuffs, or both fetters and handcuffs and may be secured so as to prevent his escape;
- (b) when in irons, he may be attached for a period or periods not exceeding 2 hours in any one day to a fixed object, but he must not be so attached during more than three out of any four consecutive days, nor during more than 21 days in all."

That is in all, three months and 21 days. When is it used? I mean to say it is used when this army is on the march, when it is fighting a war, when it is engaged against an enemy, when it is in a foreign country/territory. So, it is not as simple as if it was happening in Delhi, in the Delhi Cantonment or Anand Parbat which is now sought to be sold in spite of the fact that Shri Anna Joshi, in the last Session, asked a question that in three years the Defence Ministry has acquired 31000 acres of land. Even to pointed question, the hon. Minister did not reply how much money the Defence Ministry paid. We remember the Rajasthan Government when it was giving land at the KK Ranges made the Government of India pay through its nose and the entire deficit was paid by the Ministry of Defence. I do not know whether 31000 acres is more than 70 times of that 400 acres. So, in spite of the discussions here, some bureaucrats, some 'babu', some desk officer-whom Maj. Gen. Bhuwan Chandra Khanduri was mentioning-is playing around with puns and words. The Parliament has only said that cantonment land will not be sold. Based on the land use pattern, it will be offered to the Air Force and Navy first and then to the State Government, then to the public sector undertakings and then to private entrepreneurs. So, some smart alea who is a *babu* has said that since the Parliament has said only cantonment land, let us get back to the days when the Britishers were here. What was the area out of cantonment at that time? It was a very small cantonment. Anything is outside, is outside the purview of the Parliament. So, in this way, we are going to start another scham.

I am only cautioning the House, unless we are vigilant, some smart alac is going *usurp*.

I am sure you must have gone to Bombay. If you have seen Santa Cruz, the entire area which belong to AD Bridge has been

[Sh. K.P. Singh Deo]

occupied by jhuggi jhopris and it has already gone out of the hands of the Ministry of Defence. Same is the case of the land inside the National Defence Academy, Ahirl and Kopre, two villages inside the National Defence Academy Khadakvasla. We have not been able to get ride of them even after 45 years. Same is the case in Colaba next to Naval Intelligence Office. The armed forces headquarters have been beating their heads but no one has come to their aid.

So, we have to be very alert before we make any changes. I do concede that this field punishment has not been used either by the Britishers or by us. But, it is a deterrent. I leave it to the wisdom of the hon. Minister. Since Maj. Gen. Khanduri has already said that he does not mind it being deleted, I would not like to have a quarrel. The hon. Minister was at pains to explain that it is so out of discipline and flexibility and modernising and the modern, incongruous with jurisprudence. So, I would like to come to a point which is incongruous to jurisprudence and which is archaic and not modern and that is the amendment which I have moved on Special Court of Review of the Court-martial proceedings other than summary court trial martial. I had brought a Bill - Special Courts Appeal for Defence Services Personnel Bill, 1981- on 21 August, 1981.

18.00 hrs.

I have only incorporated some of the provisions here because this is an Army (Amendment) Bill and the Navy and Air Force Act cannot be incorporated. I have deliberately brought it under section 127, although my Bill of 1981 was an amendment to section 164 of the Army Act. Because the Government has brought an amendment to section 127, it is to draw the attention of the Government as well as the House and to provoke a thinking in this matter. This is not

only a pet subject with me, Maj. Gen. Khanduri, a very fine soldier, a distinguished soldier, also feels the same thing, Shri Shahabuddin also feels the same thing and Maj. Sudhir Sawant from Maharashtra, a distinguished soldier who held many important Staff appointments, also feel the same thing. Why do we feel it? The Objects and Reasons which I had enumerated on 23rd April, 1981, after doing considerable research for nine years from 1972 to 1981, before I brought this Bill which also got the sanction of the President, both financial and otherwise, were:

"At present there is no Court of Appeal to hear the aggrieved prisons of the Defence Services after the Court Martial passes a verdict on them. In recent years, many Defence personnel have been taking recourse to law courts after summary disposal of their case by the Court Martial, thereby indicating that the present procedures have not been able to meet the ends of justice. The Judge Advocate General's establishment and its branches at various levels are not functioning independently of the executive authority, right from the Staff Captain (Legal) in a small formation till the Chief of the Army Staff. It is advised and guided by the same department."

I would like to pose a question that which department is going to run down its own officers instead of defending them. We have seen what has happened in the Security Scam where Rs. 4,500 crores are involved. Everyone started covering up for everyone. Therefore, this Judge Advocate General's branch cannot be independent. It has to function under certain constraints and I will tell you what the constraints are.

I go on:

" There is no adequate provision for

independent scrutiny of the findings of the Judge Advocate General against the aggrieved person. It is paradoxical that the same executive from whom the Judge Advocate General derives his authority is also empowered to review and confirm the findings of the Judge Advocate General. There should, therefore, be a provision for preferring appeals to a Special Court of Appeal, independent of Defence Services Authority, against the findings and sentences of the Court Martial. Such Courts - this is the operative word exist in the United States of America, the erstwhile U. S. S. R., United Kingdom, where the old Bailey appoints, France, where the Chamber of Deputies elect, and other countries, and they function independently, free from executive control."

This is on 23rd of April, 1981. Thereafter, when the former President Shri Venkataraman was the Raksha Mantri, on principle it was agreed that there shall be a Special Court of Appeal. But because at that time Gen. Krishna Rao was leaving and Gen. Vaidya was coming on, it was stayed so that the new Chief of Army Staff was not saddled with something his predecessor had done. It is now about nine years. So, I would request the hon. Raksha Rajya Mantri to kindly go back to the Ministry and read through the pages. He will find that the Armed Forces had agreed, the bureaucracy had agreed, the political leadership of the country had agreed to have the Special Court of Appeal. For his information I may mention that Lt. Gen. M. L. Thapar, former Vice-Chief of the Army, chaired a Seminar and a Workshop in the United Services Institute where the President of India is the Chief Patron and where all the three Chiefs are the Patrons.

It was also decided in that seminar and the workshop does recommend that there

should be a Special Court of Appeal, judicial review independent of military authorities.

Now what is the amendment ? The amendment is that any person subject to this Bill, who is awarded a sentence by a Court Martial, except a summary Court Martial, may prefer an appeal against the sentence to the Special Court of Appeal constituted for the purpose. As I said, it should have come under Section 164. But since the Government is not bringing an amendment to Section 164, if I had brought an amendment to Section 164, the Lok Sabha Secretariat would have cut it down. So I was compelled to bring it through Section 127, because we are trying to delete it, just to highlight and to bring it to the House. It does not come under Section 127. I know the fate of my amendment. The hon. Minister will not agree because he has a brief to follow also.

I continue to quote:

- "(b) There shall be constituted a Special Court of Appeal; for defence services personnel which shall consist of three judges of the rank not less than that of a High Court judge having knowledge of military law.
3. The judges to the Special Court of Appeal shall be nominated by the President of India in consultation with the Chief Justice of the Supreme Court.
  4. The procedures obtaining in High Courts for the hearing and disposal of appeals against the sentences of the lower courts shall be followed in the Special Court of Appeal which shall also consider the facts of the case.

[Sh. K.P. Singh Deo]

5. The judgements of the Special Court of Appeal shall be final and no appeal shall lie to any other authority over the judgements of the Special Court of Appeal.
6. The Special Court of Appeal shall decide each appeal preferred to it within a period not exceeding 90 days.
7. The headquarters of the Special Court of Appeal shall be in New Delhi or at such other place as may be decided by the Central Government in consultation with the Supreme Court".

Sir, I would like to conclude by just quoting Gen. Mangla because it was on the discipline aspect which the hon. Minister was mentioning and this is with particular reference to field punishment.

Gen. Mangla, who is the Judge Advocate General of the Army, on 22nd July, said: "Speedy, fair and inexpensive justice..." - this is the motto of the Department of Judge Advocate General, the legal experts of the Indian Army, the lesser known organ of the Army which celebrates its 99th raising day today - should be a source of envy to the civil judiciary considering that on an average it takes only a few weeks to sort out cases - not dispose of but sort out - and the maximum time limit is three years. Therefore, we have 800 people who have gone to the courts now. Amongst them, as Gen. Khanduri mentioned, there are Admirals, Lieutenant Generals, Air Marshals who are also fighting the battle in the courts.

Sir, I quote further:

"The knowledge of military law, the branch that governs only those employed in the Army the reasons for the Army who have the special set up is dictated by the paramount need to maintain strict discipline in this large force entrusted with the task to protect nation's border against external aggression".

The operative word comes now, I quote:

"For instance, while in civil life absence from leave is treated as a minor offence, such an incident in the army is treated as a major offence which necessitates severe punishment since it could well result in the battle being lost".

It does not mention, if you remember, the picture of Paton. Gen. Paton slaps a young private because he ran away from the battle. While the battle is raging, do you have time to have five or three officers of the rank of Major or Lieutenant Colonel, who should be fighting, sitting on a Court Martial to dispose of cases or would you like to use field punishment for that when the Army is on the march ? I leave it to you to ponder over.

Soldiers are required to be brave, obedient if the borders are to be guarded effectively and a separate Army law ensures that.

Therefore, with these remarks - I do not have a choice, I have to - I support the Bill although my conscience says it could have been a comprehensive Bill. I do hope the Raksha Rajya Mantri will take it up with his Rakhsa Mantri as well as with the senior officers and some of the people who have served in the Indian Army and some of the retiring officers and come back to this Parliament with this Bill to have a Special Court of Appeal which would be in consonance with

modern thinking, with natural justice and which would not be archaic and incongruous. Thank you.

**SHRI HANNAN MOLLAH (Uluberia):** Mr. Deputy-Speaker, Sir, after a long time this Bill has been brought and it is in fact long overdue. The hon. Minister stated that after 1911, the Army Act made by the British was amended in 1950. After four decades now the Government has come to amend certain clauses of the Act. The philosophy of the British Army was to create mercenaries. mercenaries. That philosophy has not changed. With some cosmetic changes you cannot change that philosophy. That philosophy is still continuing and now after four decades the Minister has now come with some amendment for changing some of those obsolete, obnoxious and obscene articles which we are continuing in the Statute Book for so many years. This is a sleeping Government. After four decades they came out of the slumber and now they are just trying to amend it. Okay, we support this amendment better late than never. Some amendment is there, it is good. But it needs a comprehensive amendment and I agree with two of my earlier colleagues that there are lots of amendments which are necessary. One of the major things is that the Army people are treated in a bad manner and even the court repeatedly warned the Government to change that attitude. I will just quote from the judgment of the Supreme Court regarding the court martial because the court martial is not a fool-proof system, it has many flaws. While the discipline in the Army is to be maintained, justice should not be moulded by any means. Even the Supreme Court time and again criticised various flaws in the system and advised the Government to bring about radical reforms in the system to bring it in tune with the changing times. I quote from the Supreme Court Judgment in 1982 as follows:

"Ours is still an antiquated system,

The wind of change blowing over the country has not permeated the close and sacrosanct precincts of the Army.....would like to draw the pointed attention of the Government to the glaring anomaly that Courts Martial do not even write a brief reasoned order in support of their conclusion, even in cases in which they impose death sentence. This must be remedied in order to ensure that a disciplined and dedicated Indian Army may not nurse a grievance that the substance of justice and fairplay is denied to them."

Again, in another Judgment the Supreme Court said:

"Absence of even one appeal with power to review evidence, legal formulations, conclusion and adequacy or otherwise of punishment, it is a glaring lacuna in a country where a counterpart civilian can prefer appeal after appeal to hierarchy of courts."

Sir, in our judicial system, you know, the Supreme Court and the High Courts are excluded from appellate jurisdiction under Articles 136 (2) and 227 (4) of the Constitution. Only they can hear the problems of the Army people under Articles 32 and 226 of the Constitution. So, these obsolete things are still continuing with only minor cosmetic changes and amendments.

Sir, those who do not defend the sovereignty and Independence of the country, how can they understand the feelings of those who are making their sacrifices on the borders to defend our freedom?

Sir, there are a lot of problems. Gen. Khanduri had already mentioned about the non-military use of our Army. There is a wide range of dissatisfaction. The charter of duty of the Army says:

[Sh. Hannan Mollah]

"To assist the Government when called for, to give such assistance in order to enable it to carry out its function peacefully."

The Army always comes to the rescue of flood victims, earthquake victims and other natural calamity victims. But, they are occasionally used for maintaining internal peace and they are given the duties of police. The police and the para-military forces should be properly organised and utilised for this purpose. But the Army is called again and again and because of that the Army people are dissatisfied. The Army is to kill the enemies and not to kill our own countrymen. That anomaly is going on, but the Government is oblivion to their grievance. The Army people are called to assist the civil administration very often and the civilians also know that if the Army comes and fires, there will be no inquiry and they will just pass the buck on the others. This aspect should be looked into properly so that our Army is not widely misused for non-military purposes.

Then, there are a lot of problems regarding recruitment and training. There is a lot of corruption also. I would like to draw the attention of the hon. Minister to the report of the C&AG in May, which indicted the Army for corruption in its recruitment system, for neglecting the training of recruits at the centres. It has been reprimanded for malpractices such as accepting bribes, leak of questions papers and tampering of answer sheets. About 48 discipliner cases were initiated for such malpractices from 19-6-87 to 1990-91. As the Recruiting Officers and Medical officers are from the Services, it is very alarming and the nexus between officials and tout is widely talked about. In training also, there are reports of delay from one to 19 weeks after the arrival of the recruits at the centre.

Sir, you will be surprised to know that in 11 training centres, only 30.93 lakh training weeks are used against the total of 55.78 lakh weeks which are available. Only half of the time is utilised by these people and this way training is neglected by the Government. You will also be surprised to know that in many training centres, the military farming have begun to acquire higher priority over training of new recruits. In that situation, how can you expect a new recruit to become a good soldier, if such disturbing malpractices are allowed to continue?

Sir, the Estimates Committee also made some concrete suggestions to change the situation. It has already been mentioned here that there is no satisfactory grievance redressal mechanism in the Army. There are about 800 cases pending in various courts of law and the Army people are running to the Courts. It is not a very healthy sign. The Army people are not satisfied and they have doubts and that is why they are going to the Courts. A suggestion has already been made by Mr. Singh Deo that an Appellate Court should be set up and in that independent body, the aggrieved soldiers can go and get their redressals.

In the upper echelons of the Army, there are lack of better prospects. In the Army it takes about 16 to 17 years to become a Lieutenant Colonel, 19 to 25 years to become a Colonel, 28 years to become a Brigadier and 30 to 32 years to become a Major General. Due to lack of better prospects, bright young people are not attracted to Army. There is report that several thousands of officers are in shortage in all the three wings of Army. But in the Civil sector they can have better prospects in half of the time the army people require. As you have seen there are thousands of officers, in all the three Wings. But they are not finding better prospects. These things should also be properly looked into. During peace time,



they get some time to stay with the family. But most of the time, they do not get accommodation, with the result, they with the family. They cannot look after their children. They are not able to attend to the problems of education of their children and problems of the family. Their children are neglected can not live. These questions are also not properly looked into. The Government should take proper note of all these problems so that the dissatisfaction among the Services should be removed.

Finally I draw the attention of the Government regarding the problem of ex-servicemen and war widows. The members who have preceded me have also spoken about it in detail. I agree with Gen. Khanduri that one-rank-one pension was a cheat. The earlier Government has committed for it. After the minority Government came out of danger, it just betrayed those ex-servicemen. The Government has excluded a large number of people from the purview of one-rank-one pension scheme.

All these problems are there. The training and recruitment of ex-servicemen is not taken care of. The reservation meant for the ex-servicemen in services is not properly maintained in various States and in the Central Government Departments. So, there should be a monitoring machinery so that there is automatic replacement of the ex-servicemen in various services. Every year about 60,000 of ex-servicemen are coming out and now there is a total of 35 lakhs. They are running from pillar to post for services in the civilian sector. They come out of the Army after making great sacrifice and spending the prime part of their life for the defence of the country. But they are neglected. There should be a Joint Parliamentary Committee to look after and to oversee regular implementation of all those suggestions and the programmes and schemes meant for them. They should also see whether those things are implemented properly or not. Some

mechanism should be there so that the Army people do not feel neglected and they are encouraged to do their duty in a better way.

Though the amendment which has been brought forward by the Government is a good amendment many more need to be done. A comprehensive amendment is necessary. This sort of piece-meal amendment will not do. I will request the Minister to take note of this and come with a comprehensive amendment. The original Act was a mercenary Act brought by the British regime. With cosmetic changes, we are still continuing it. Therefore, a comprehensive Bill is required to be brought before the House. With these words, I conclude.

[Translation]

SHRI ANNA JOSHI (Pune): Mr. Deputy Speaker, Sir, while introducing the Bill in this House the hon. Minister in his speech has stated the need of the amendment. During the course of their speeches my colleagues have just now referred to a sentence that "these are cosmetic changes" and the hon. Minister has also used the same sentence in his speech. The hon. Minister and the higher officers of the Army have never paid their attention towards the need and difficulties of the Army personnel. It has never been thought as to what problems are being faced by them under the existing rules of the army. It appears to me while observing these provisions of this Bill.

Several Colleagues of mine who have spoken prior to me have mentioned some of the points. I also want to repeat it with great seriousness that about five thousand officers every year have to knock the doors of the courts to get justice. When the number of officers is in such a huge quantity then what will be the number of soldiers, it can be easily imagined. If such a large number of army officers and Jawans have to knock the doors of the court for getting justice etc. then, as



[Sh. Anna Joshi]

Major General Khanduri has rightly pointed out that. What is the use and reasonableness of awarding them gallantry awards like Paramvir Chakra, Vir Chakra etc. When they have to run to courts for getting justice. They have to spend their money, energy and time during the course of getting justice from the courts, then what is the purpose of having the Army Act? Therefore, through you, I would like to request the hon. Minister that you should think over this problem. Even the old retired army officers have written books in this regard.

[English]

"Recently they published one book "Road to Corruption." I do not want to be on the road of corruption in military -Retd. Maj. Gen. Vermaji."

[Translation]

Retired maj. Gen. Vermaji has written a book. He has highlighted the prevailing corruption on each and every stage in the Army such as in training, recruitment posting and promotion etc. That is why they do not get their due rights and they have to knock the doors of the courts to get justice. I quote an example of all this. Recently one of our soldiers who had completed his tenure of four years in Kohima, was posted to Shillong where he was on active duty at Combat Front for two years, then he was posted to Pune and again he was being sent back for training purposes. This is the State of affairs there.

[English]

**"Four terms he should complete in Military Engineering College, Puna and four terms he has to complete at Mhow."**

[Translation]

He has completed seven terms and cleared the exams. When he was clearing his Eighth Term, his officer slapped him on his face. This is the medical report.

[English]

"95 per cent of his ear drum was damaged. He has to be hospitalised."

[Translation]

The concerned officer asked him not to make any complaint. He said that they would make a compromise themselves. Because the accused was the son-in-law of a Major General and he had to go on training for his promotion. To avoid any hindrance, the matter was not taken any notice and the accused officer left on promotion. Later on, an inquiry was conducted. He was asked to spell out as to what his complaint was.

[English]

The doctor's certificate was submitted.

[Translation]

You will be surprised to know that a decision was taken against him and his complaint was considered baseless. It was said that he made an uncalled for complaint against his officers, as such he should be awarded punishment.

[English]

That was the decision. That was the <sup>52</sup>justice which was given to the young man who had fought for four years in Kohima and two years in Ceylon and who was to complete his training by only three months.

[Translation]

Mr. Deputy Speaker, Sir, he was awarded punishment and was withdrawn from that post. However, he succeeded in getting reinstatement to his post later on. What was his offence? But it happens in military. People are being frightened in the name of military discipline and military secrecy. Is it discipline? One cannot make appeal anywhere. If he meets an M.P. and makes a representation.

[English]

That is against their discipline.

[Translation]

They can't raise a voice. I told them, I am their representative. I must speak for them and.

[English]

This is the proper forum where I want to ventilate their grievances.

[Translation]

Where should they represent? Through you, I would like to tell the hon. Minister of Defence regarding the injustice being done in military. Where the victim should go for the ventilation of his grievances. There is no chance of ventilation of their grievances. In this regard, Major General Verma has said that every year 5000 army officers, starting from Captain to Major General, go to Courts for justice. It does not behave to the Ministry of Defence. Therefore, I would like to say that there must be some provision in the Army Act to deal with such injustices. As my hon. friends said just now that

[English]

Appealing authority which is different from Military.

[Translation]

If a high official of military is appointed there, he will do justice (Interruption). I am not talking of discipline. But you will agree that injustice is being done in the name of discipline. Does it behave that 5000 officers should go to courts? Otherwise, they are put behind bars and emergency is imposed.

Mr. Deputy Speaker, Sir, I would also like to say some thing about cantonment areas.

[English]

Shri Deo has raised that point again and again.

[Translation]

Regarding ranks, in the entire country

[English]

Some thousand cases are lying in the Court.

[Translation]

Because we can't submit old documents there. A new Act may be enacted for this. Today the condition of cantonment areas is very miserable. They wear the look of an old village. Some cantonments are running well. But the condition of remaining cantonments is not good for want of funds. The funds being given by the centre are not adequate even for paying the annual salary of servants. Even then, better facilities are available in some cantonments. What I mean to say that though there is no provision for expenditure, funds are being spent. That means funds are diverted from other heads and spent there. Otherwise, there is no alternative. If necessary provision is made in this Army Act after considering old grants afresh many facilities can be provided to their civil-

[Sh. Anna Joshi]

ian population and military personnel as well. We can provide them better civic amenities there. I want that the Government should make necessary provision to amend the Army Act after considering all these aspects. There is no need to discuss on the provisions already made by the Government. But they are not adequate. It has become very necessary to discuss them afresh. The hon. Minister Should bring forward a comprehensive Bill after including all these amendments in the next session of the House. With these words I thank you and conclude.

[English]

SHRI SUDHIR SAWANT (Rajapur): Sir, I rise to support the Bill. At long last, something is being done because in all these days in the armed forces we were waiting for something to be done as far as Army Act is concerned. The Parliament can address to one most important issue of the armed forces and that is the morale. In army, we call 'morale' as the single most battle winning factor because no soldier goes to lay down his life for the country out of force. He goes espousing some values, attachment with the land knowing fully well that he is the ultimate sentinel to guard the borders and the ultimate power which holds the country together, the ultimate authority which will ensure the integrity of this country. And that is why, over a period of 16 years in the armed forces, when I recollect the time, I witness gradual degradation of values. The virus has set in the monolith eating on its vitals and today what we see is a facade, a facade with that ceremonial glitter through which we tend to get carried away. This house is singularly responsible for this state of affairs because the armed forces have been treated as the holy cow not to be touched.

When we pose any question in Parlia-

ment, pat comes the answer that in the public interest, so and so cannot be divulged. When the same thing is available to the Pakistan Army, when the same thing is available in literature, in all the journals over the world, but this House is denied all the information which it wants to seek. So, I would urge that at this point of time in history when we are placed with divisive forces taking primacy of the polity and when the armed forces are the ultimate strength of this country which will help the country together, let us do something, let us do something radical to rectify the state of affairs. What has happened really is that we are dependent on the legacy inherited by the Indian Army. Now this Army Act was enacted by foreigners and it was called the Indian Army Act which was designed to serve only the Indian army and for the British army, the British soldier, the Act was different. For the Indian soldiers, the clauses were different. After Independence, we are continuing with the same clauses, same punishments, same procedure. We must grasp the situation and we must amend this Act radically. This sort of superfluous attempts do not even touch the periphery of the causes. We require radical changes and this radical change cannot be entrusted to only those who are in the Uniforms or to the bureaucracy but the House has to take on its shoulder the responsibility of initiating the radical changes. We see today's army as the legacy of the British because everything and in fact, the culture of the army smacks of British taste. The white saheb has gone only to be replaced by black saheb and that is all you see all around. I may be permitted to correct it as brown saheb. That is what we have witnessed. What is the situation in the army today? We have very brave soldiers and junior officers on whose shoulders, this army rests. There is a lot of service being paid to say what sacrifices the soldiers have made. But words can never contemplate or we can never imagine what sort of situation a soldier has to undergo. We have witnessed events when tonnes of ice

had fallen and our soldiers have been cut into pieces and we have joined the bodies in the funeral. A soldier does not see his family for years and that too which soldier? In army also, there are different soldiers. There is the infantry man. He is the man who serves on the borders of this country in places and in remote areas like Siachen who packs his entire kit on his back and walks for seven days to reach a post in the difficult terrains. And he stays in those circumstances in isolation for years, in subhuman conditions. I remember those days when we used to go and steal steel CGI sheets from somewhere so that we could cover our heads; I remember those days when parachutes which were dropped from the sky were packed with straw and utilised for accommodation. Their life survives not on food; nobody eats there in the high altitude; they survive on kerosene. A man lives on a kerosene jerry cans for nearly two nights, to reach the post so that he can maintain the post and that way people survive there. There are places where a man cannot go by foot. People have to go by helicopters; helicopters also take only one man at that altitude of 22,000 feet. There was never in the history of the world, ever a battle fought at the height of 18,000 or 20,000 or 22,000 feet. Only India and Pakistan can manage such a record.

All this is happening. Why does it happen? I am talking about the Siachen. How that Siachen imbroglio had ever occurred? Have you studied that and who is responsible for that? We are fighting for that piece of land which has no strategic value at all.

So, these are the circumstances in which the army is there and what is happening in this army today? There are 70,000 batmen, working orderlies. If you go to the Delhi cantonment now, you will find soldiers doing what? They are not in training, not preparing for war; the soldiers are looking after the children of their officers. You go to any General's house and there are nearly five to

ten soldiers working as what? They are working there as menial servants. And these people are working in such soft appointments which is unauthorised, illegal. But, they are there; 70,000 men; mind you! They are doing the jobs of batmen. Are they fit to fight? I consider it as my right to have someone serving me. There are another fifty thousand people working in Officers' Mess. In that mess only one or two officers are dining. This is the state of affairs.

The British brought out one theory. They could not communicate with soldiers. That is why they instituted one rank called Junior Commissioned Officers rank, so that they could interact with soldiers. Nowhere in the world in any Army is there the grade of Junior Commissioned Officers except in Pakistan and Indian Army. What these JCOs are supposed to do? They are above 40 years of age. He is supposed to lead a platoon in battle where the average age of a soldier is 25 years, where the man required is young. But since the JCO has come to us from the British, we have instituted this. This is again the colonial legacy. So these are the issues to which we must address ourselves.

What about corruption? An infantry soldier in the pickets is waiting for food, waiting for those amenities which a normal human being is entitled to. But what happens is that the operational works fund goes from the Army HQs. First 50 per cent is consumed in the Command HQs. That is for travelling towards pickets in Kashmir at places like Jammu and Udhampur. Then at the Corps HQs. the amount is consumed. Then at the Divisional HQs. This money is meant for the pickets, for those soldiers who ultimately do not get anything. I will tell you, I myself have stolen CGI sheets to cover our heads. This is the state of affairs in the Armed Forces today. We must take stock of the situation.

A block of mutton is injected with water to increase the weight and that is what we

[Sh. Suhir Sawant]

eat. The Military Engineering Service is the most corrupt organisation that I have seen. I have had the misfortune to deal with it. What are you going to do with all these things? We must act once, take action to rectify the situation.

What about the situation in which the Armed Forces have to serve today? What about the officer cadre? Values have gone down. Why? Because the quality of leadership has crumbled drastically. What is the reason why the quality of leadership has gone down? Even Gen. Sundarji called most of the Generals in the Army are amiable frauds. Gen. Sundarji as Chief of the Army Staff has made this statement. But when he was the Chief, what did he do? He has made this statement.

What about their promotions? An Army Officer today is dreadfully scared to do anything except do what the boss wants. The reason is that if there is one remark in his confidential report he is doomed for life, whatever may have been his performance from his days of Second Lieutenant. In battle he is doomed. I have seen outstanding officers serving in Siachen. Last time I had raised this point. Just because of one year's confidential reports they could not be promoted. I took up that case last time. Officers in soft appointments who are staying in Delhi are promoted. But those people who are fighting on the borders do not get their promotion. Why? Because they could not manage to please their senior officers. This is the general trend in the Army and that is why the leadership quality has gone down, the value system has crumbled and that is the plight of the soldiers today.

When a young officer comes to the Army he comes with all the hopes and aspirations, with the intention of sacrificing his life for the country. But soon, within two to

five years he becomes a part of the system. The system engulfs him and later on he cannot retrieve himself from that. What is the comparative merit in promotion? They talk of comparative merit. Who is to decide this comparative merit? Does a man who has decorated in the battle field, who has fought on the borders in places like Siachen, not have any weightage? So this comparative merit system of promotion must be decided and operational merit must be given primacy while deciding the promotion. There must be an independent chain of authority which will determine the capability of officers who are to be promoted or not to be promoted. This is a very serious one and must be addressed immediately.

There is no grievance redressal system in the army. They say that you can complain. But, how to do that? I have been a victim of this at one point of time. You have to complain against your commanding officer. You have to complain to him only. You have to complain to that person against whom you want to complain. Then the chain goes on and the system rotates itself; and these complaints are of no value. There must be an independent body to look after the complaints of soldiers, the complaints of officers who are different than those in the command structure.

I have tried to present some of the issues which were before me and I put them from my past experience.

As far as the Army Act is concerned, there is a superfluous amendment which has been brought forward. Here most of the points have been covered by Shri K. P. Singh Deo and others. There are only two points which I want to make.

The Army Act is a draconian one in concept. If I go clause by clause, I can explain it. I have already spoken about the summary court marshal. There, the soldier

has no chance, the man is brought before the commanding officer. He is the judge and he is the commanding officer. That commanding officer has got an authority of sending that person - if he is absent for one day without leave - to one year rigorous imprisonment. There are many such clauses. I can understand if the Army Act is brought in to look after those offences and those issues which are exclusive for the Armed Forces. Is it exclusive to the Armed Forces? We have got the Indian Penal Code and we have to think on these lines. Can we give the draconian powers to the commanding officer? The punishment of being thrown out of the army itself is serious-enough. But, we are punishing him by throwing him out of the army and then sending him to the prison also. This is what it states. Mind you, when a man goes to the battle, he is not going to fight out of force. Army Act is not going to make him fight. It is his sense of duty, it is his sense of pride, it is his self-discipline which is more important than a discipline which is imposed. Hence, we must concentrate and try to develop an atmosphere of self-discipline which is of paramount importance.

There are two sections — section 45 and section 63. Section 45 deals with 'unbecoming conduct'. Unbecoming conduct has already been brought out in the ITBP Bill. Unbecoming conduct is going to be decided by whom? It depends on the interpretation. Sometimes, not standing properly may be an unbecoming conduct and for that he will be punished for one year imprisonment, summarily without any hearing. I will give you an example. If you fail to see off your senior officer or if you fail to salute unknowingly, even then, you can be sent to jail.

Section 63 deals with 'good order and military discipline'. Who is going to decide as to what is good order and military discipline? Again it is arbitrary interpretation of the commanding officer or the superior officer. So, we must not, in any Act which we may

make, leave scope for arbitrariness. It is anti-thesis to the rule of law and that is why such provisions which are anti-thetic to the rule of law, which are coercive, which are obnoxious must be removed and must be strikened immediately; and only those which specify the specific offences must be retained in this Act. Otherwise, the falling down of values, the crumbling values will continue and the degradation will also continue.

As regards the court of appeal, I have also given an amendment to the effect that there will be a court of appeal, an independent court of appeal. This independent special court of appeal may be a special court of appeal to all our armed forces, all forces in arms, including the ITBP, including the CRPF, including the BSF, including the Army, Air force and Navy. For all of these, there can be independent court. Over 5,000 officers per year going to court is a shame on this nation, on this House and this cannot be tolerated. Hence, I would recommend and request to the hon. Minister to consider these issues very seriously and to go into the complete gamut of the defence forces' morale, to go into every aspect. For that, constitute a committee from this Parliament which can go into the details, and recommend measures to bring the Army back to life to halt the degradation, to tarrest the degradation so that armed forces would be willing and prepared to do the duty which has been entrusted to them by this nation, by this Constitution.

SHRI S.S.R. RAJENDRA KUMAR (Chengalpattu): Mr. Deputy speaker, Sir, I thank you very much for providing me an opportunity to participate in the discussion on the Army (Amendment) Bill on behalf of AIADMK.

I am elated at this measure, though it is a belated one. This Bill would go down in the history of democratic India so far as the country is taken to the level of several civil-

[Sh. S.S.R. Rajendrakumar]

lised nations in the world who have already abolished barbaric punishments for Armymen. I welcome the Bill and support its provisions seeking scrapping of archaic penal procedures.

Our nation today is facing dangers within and outside. Our defence preparedness squarely depends upon the morale of the defence personnel. Every man in the front line will count for the victory or defeat of the nation in any action. Therefore, the importance and attention should shift to the lowest rungs of the defence personal who battle in element weather, adverse conditions, a cut-off family life and still put up bravely to sacrifice at the altar for the cause of the nation. Nobody on earth can deny their due.

However, of late, the internal security of the country has not been safe. Infiltration of militants continued unchecked. The LTTE militants were running their *durbar* in Tamil Nadu under the infamous DMK regime. Rival militant group leader Padmanabha was done to death in broad daylight and the DMK Government could not effectively act. This continued until a former Prime Minister of this country fell to the militant's barbaric attack.

The people of Tamil Nadu ultimately chose Puratchi Thalaivi Jayalalitha to wage a war against the LTTE militants. Today under the dynamic leadership of Puratchi Thalaivi, LTTE activities in Tamil Nadu have been effectively curbed. Now the infiltration of the LTTE into Tamil Nadu is to be checked for which the Central Government should grant special aid to Tamil Nadu for modernising their police forces and also should execute the Sethu Samudram Project as a defence project on top priority basis.

I must also mention that there is growing disenchantment among the defence per-

sonnel about the treatment meted out to them at the hands of their seniors. Several of them have voluntarily resigned, and voluntary resignations are pouring in. What does this indicate? This indicates the dangerous trend that a citizen of India is not voluntarily interested in safeguarding the territorial integrity of the nation. Using statutory provisions, he is inclined to abdicate that responsibility. If this is the attitude, then our defence system may crumble one day. I am not cynical but I would like to be pragmatic. I doubt that there are moles in our defence forces who are out to destroy the defence of the country from within. Several steps have to be initiated and I would like to make a few suggestions:

Deployment of army to quell civil disturbances should not be often resorted to. The minimum age for recruitment to army should be lowered to 16 years who should be straight from special army schools. They should be given a chance for JCOs alongwith direct recruitment quota. For officers of defence personnel, the voluntary retirement age should be raised so that no one retires from the defence forces before 45 years.

19.00 hrs.

Women should be recruited in the Army and Air Force as women are recruited in the Navy in Education and Logistics Wings. The quota for ex-servicemen in the Government and Public Sector organisations should be increased so that ex-servicemen could diversify, after retirement, into nation-building activities. They should also be given pay protection. The pursuit of commercial occupations by retired senior defence personnel should be banned by legislation.

19.01 hrs.

(Shri Peter G. Marbaniang *in the Chair*)

This would avoid espionage cases. A



code of conduct should be evolved for discontinuing the practice of appointing retired army officers as Governors and at senior executive positions. They can, however, participate in politics only after five years of their retirement since they can contribute to the good governance of the country as well.

The confidential report writing system in the defence forces should be scrapped. All evaluation of the performance of a member of defence personnel must be adjudged by objectively standardised tests administered by computers. There are several cases of confidential reporting on juniors with malice have come to light leading to frustration and voluntary resignations. This can be avoided if you scrap the confidential reporting system. Through this, you can also check the vested interests and honesty and truth will come to prevail in the work place.

At the time of promotion, to ensure only men of integrity are promoted, a special lie-detection test should be administered on such men and those who qualify should be promoted. And to ensure only men of integrity continue in service, all complaints which are of specific nature against an individual must be inquired into by a multi-member team of the defence personnel which should only be an ad-hoc body. As per its report, action should be taken with appeal provisions for the affected individual.

MR. CHAIRMAN: Are you reading your speech? You have to get permission for reading your speech.

SHRIS.S.R. RAJENDRAKUMAR: I am concluding, Sir.

Sir, according to the latest information, it was told that a 15 members team of the Liberation Tigers of Tamil Eelam equipped with lethal weapons has been despatched from Jaffna with a last ditch effect to secure release of the 26 accused basic trials in Rajiv

Gandhi's assassination case. The Defence Ministry has to act accordingly and, keeping all these in mind, it should give a helping hand to the State Government immediately to ease the situation. I request the hon. Minister to consider these points. With the hope, that the hon. Minister would give me a reply, I support this measure.

SHRI YAIMA SINGH YUMNAM (Inner Manipur): Mr. Chairman, Sir, I rise to support the Bill to amend the Army Act. I would like to say that I am proud of our Indian army and the performances of our army in the past battles fought against our opponents and for being sincere in their responsibilities performing the international assignments. We have learnt that so many important assignments were given to the Indian army to negotiate in very important and very crucial international affairs.

Sir, we know that a battle is not won only by the numerical strength of the army or by the sophisticated weapons used by them. It is also necessary that the spirit and morale of our Armed Forces must be very high. They must have patriotism in their hearts and they must be willing to fight for a cause. When they are prepared to sacrifice what all they have, then only they can fight the enemy and save their country. While supporting the Bill, I would like to propose to the Government that in our training institutes for armed forces personnel, we should see that they receive proper lessons to imbibe this sort of spirit and high morale, so that they can sacrifice everything for the sake of their country and for the sake of peace.

I praise our army. But that does not mean that ours is the first and foremost in the world. In terms of weapons etc., we may be lagging behind countries like USA and other big powers. But I do feel that we are second to none as far as the spirit of our Armed Forces is concerned.



I rise to speak primarily on the Bill to bring before this House certain circumstances under which the Armed Forces might have committed some offences for which they are liable for punishment. In the statement of objects and reasons, it is mentioned that this Army Act, 1950 is to be amended because certain parts of the Act have become obsolete, outdated and very ancient. I do agree with this view. After four decades, some provisions might have become obsolete. In the changed context of the world, I do find that some of the provisions are outdated. While agreeing with the provisions contained in the Amending Bill, I would like to propose one amendment. This amendment is in respect of awarding punishment to guilty personnel of the Army. I propose that those who commit the heinous crime of rape and deflowering of innocent women and girls should be awarded death sentence. We must not be satisfied only with the punishments like life imprisonment or anything of that sort. For committing such offences, death sentence should be awarded. I am proposing for this punishment because offences of such nature are on an increase, especially in the North-Eastern areas and particularly in Manipur.

The Armed Forces (Special Powers) Act was enforced in Manipur. The Army personnel, in the name of combing operation, what they did was that they let all the male members of the family to go and then they raped the girls. I cannot explain in the House because I feel ashamed but I think the hon. Members can imagine the atrocities committed by the Armed Forces personnel on the poor girls. I would here like to tell you one incident which happened in the Ukhrul district of Manipur. A girl named Miss Rose was deflowered by a Captain-by the Lieutenant - of the Army. All the male members of the family were allowed to go and then he raped the girl. As you know for a girl, chastity

is of prime importance. They think that if the chastity is lost the life is lost. So, Miss Rose committed suicide\* she wrote a letter to her sweet heart saying "I wanted to marry you but I am spoiled by such and such Captain and Lieutenant. My chastity is lost and so I am committing suicide." Can you imagine this?

This incident happened when I was a Cabinet Minister in the then Manipur Government. We tried our best and brought it to the notice of the authorities but we could not punish those officers. This incident provoked the youths and they started agitating. They formed an organisation to take revenge against the armed forces. This situation is still lingering on. For such offences, we must have provision for awarding death penalty as is being in countries like UAE, etc. In these countries, it is published in the papers that for raping girls before their parents or grand parents, the guilty persons were awarded death sentence. So, we must also have such provision. Those hon. Members who are not agreeable for giving such penalties may also be agreeable, if they come to our place. Minor penalties like imprisonment or dismissal won't do.

As far as practicable, the armed forces must be kept out of politics. Politics should be left to the politicians only.

Lastly, I am agreeable to some proposals made in this House for setting up a Special Court for making it as an appellate court for those guilty persons of the armed forces.

I join all the hon. Members in saying that our armed forces must be made second to none in the world.

SHRIBHOGENDRAJHA (Madhubani):  
Mr. Chairman, Sir, it is among the rarest Bills introduced by the Government and so it is fit to be supported.

The Bill in 1950 came into existence in the conditions when we had achieved our freedom by compromising with the British imperialists and ironically, the Commander-in-Chief Mr. Auchin Lache was also the last Commoander-in-Chief of British India. The first Governor General of free India, Lord Mountbatton, was also the last Governor General of British India. In such a situation, that Bill came into existence. During the British days, even the former Bill was framed under the conditions of the First War of Independence in 1857. It was initiated and led by the men in uniforms. That is why, the Britishers had incorporated many penal and many inhuman provisions in that Bill. In that sense, this is a step in the right direction. I cannot say it satisfactory but I can say that it is a step definitely in the right direction.

Sir, I was in the Joint Select Committee when the present Code of Criminal Procedure was considered and enacted. It is also good that the present Bill with regard to the Army discipline takes us in that direction in consonence with the spirit and provisions of the present Code of Criminal Procedure.

Now, I would like to emphasise one thing. Arms do matter, Men do matter, but not less materials. You see the heart and mind behind the arm and heart and mind within the man. Sir, I would like to emphasise something with regard to the present conditions prevailing in our country, You see, our country is a multi-lingual, multi-religious and multi-cultural and yet one nation.

In that way it incorporates most of the things that the world together can have. In such a situation, what I would like to emphasise is the training, I mean the understanding, the ideological training, not the party training, but the political training, the political training minus the party training. Some people do misunderstand politics in that way. Patriotic, secular, democratic and in the words of our Constitution, socialist training, the under-

standing that they have to guard our frontiers, our freedom; and at the same time, in times of emergency, even if you do not like, we should not like, we should not prefer, but even then, we cannot avoid, in all circumstances, in such a situation, even now the country feels that when there is a turmoil of the communal type or some other type, even then the armed forces are the most dependable secular and almost neutral factor in that condition. But much more better efforts have to be made for the days that are ahead.

I would like to say that in the present day world when we have joined naval exercises with the USA imperialists, which have imperialist designs, even though many of us can whisk it away, but that is a reality. Even today Iraq is being threatened; and if it is so, the world's democratics voice can be raised; but, militarily, it will be difficult for the world today to resist them, USA imperialists. In such a situation, our armed forces have to be protected against the ideological, political over hands and even under hands penetration and influence by the USA imperialists who will like to undermine the morale of our armed forces.

Similarly, from across the borders, day-in-and day-out, there is a communal propaganda that has to be guarded against by our armed forces; at the same time, they are not to be provoked. I might have heard on several occasions the radio Pakistan when they pray to *allah*. They say that Mujahideen of Afghanistan, Mujahideen of Kashmir and Mujahideen of Palistinians should visit India. I am talking of this very week. So, even now, they have clubbed together; and what they are doing is known to all. In such a situation, our armed forces naturally are and should be much more vigilant with regard to this ideological influence or even provocation; they are not to be provoked. At the same time, an Army Intelligence Wing has to be strengthened. Our armed forces are to be put to a very great and difficult task, very very difficult

[Sh. Bhogendra Jha]

task because they have not to fight enemy openly but through some method, hit and run; and in such a situation, some people are killed by the time armed forces do come. I am talking of Kashmir, of Punjab; by the time armed force come the real penetration for those crimes are gone; and perhaps many innocent people are killed. So, an Army Intelligence Wing has to be strengthened much more than at any time in the past.

With regard to ex-service men, they are the most disciplined force in the country because of their training; and I think in many areas they are allotted land, community land and they are in trouble. I am not going to explain by giving an example. Even I with all the sympathy and patriotic feeling for them, cannot support because that goes against their interest. So, I would like to say that the State must provide means and resources for self-employed productive endeavour; that will add to the country's produced goods and at the same time an honourable, capable living for those persons who have served the country. I do again emphasise, not, that they should be given just some community land by the roadside at some place, as these things are happening, I would say that for ex-servicemen, there must be a guaranteed provision that they must be helped by the State to stand on their legs through self-employed productive endeavour. More effectively they could set examples for other people, particularly in areas which are backward. I am talking of Eastern India, Central India and other parts of the country, where we are backward in the productive culture, particularly self-employed productive culture.

One more thing I would like to state without taking much of your time, that with regard to patriotic, secular, democratic and socialist standing of our armed forces, I wonder whether it is necessary that we have Battalions on the old lines, i.e. Rajput Batal-

lion, etc. Whether it is necessary to have those names even now? I think, the Government should consider over it, our Generals should consider over it, whether in today's conditions those nomenclatures are necessary. The Britishers needed them, they did use them. But in today's conditions, there should be a mixture of armed forces. It can also be a better example for our country's unity and integrity. With these words, I finish it. Thank you, Sir.

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Mr. Chairman, Sir, I would conclude my speech only in two minutes. When the criminal procedure code 1898 can be amended in 1973 why the Army act of 1950 cannot be amended. What is the reason? I am however, not opposing the amendment brought forward by the Government to check the delay in second trial for punishment and hard labour, but I would say certainly one thing in this context that army should only be utilised for the purpose wherever needed. The Government has utilised the army of the country in Kashmir, Nagaland, Assam and Punjab. It means our army is fighting against our own citizens instead of any enemy. I think that it is not good if under this trend army is deployed to fight against the citizens in the wake of Ram Janam Bhoomi issue. We have to consider as to how the army can properly be deployed?

Secondly, I am not in favour of the proposal of the Government laying down a period of six months for trial after the three years of retirement of an army personnel. Thirdly, what is the reason why the senior officers of army are forced to go to the civil courts? Have the rules of army become so ineffective that nobody is relying upon them? Government should think over it also.

Mr. Chairman, Sir, I have also moved an amendment suggesting constitution of a

special court comprising 3 judges of Supreme Court. The hon. Minister should also consider the provision of appointing advocates. This court should take the decision on a case within 90 days.

Mr. Chairman, Sir, the hon. Minister should consider the constructive suggestion given by me to the effect that army should not be asked to fight against the citizens and a feeling of distrust should not be created in the minds of people for army. The hon. Minister should be serious in his reply. I thank you for providing me time to express my views.

[English]

SHRI RAMESH CHENNITHALA (Kottayam): Mr. Chairman, Sir, this is a welcome step and I am congratulating the Minister for coming with certain Amendment for the Army Act. Army Act, 1950 is a modified version of the Army Act of 1911. There have been no major amendments after that. I think this is the only Bill, which nobody thought to amend, nobody thought about it seriously. Actually, the army personnel in our country have displayed their courage, whenever it is necessary.

So, I think that we have to pay more attention to this field. They are protecting our country, they are protecting the freedom of our country and they have lot of problems which are to be attended immediately. I do not want to go into their problems now. However, there is a need to review the Army Act with a view to ensure the discipline and well-being of the Indian Army.

My first suggestion to the hon. Minister is, since this Army Act of 1950 is an Act which was formulated by the Britishers, lot of changes have to be brought out, because the world is changing and so the problems are different, and discipline should be ensured. Due to the changed circumstances in

totality, this Act should be reviewed and the hon. Minister should come back with a comprehensive Bill so that the major issues and lacunas can be sorted out. This piecemeal approach will not help.

Now, I will come to the amendments. Sections 75 and 76 of the Act deal with field punishment. It is a welcome step that this field punishment is being abolished by this amending Bill. This field punishment is an out-dated, punitive and uncivilised punishment. This should be abolished.

Clause 2 of the Bill is for the omission of these Sections 75 and 76. Clauses 3, 4 and 5 are also for the removal of 'field punishment' from sub-section (1) of the Army Act.

Clause 6 seeks to amend Section 85 of the Act. Section 85 of the Army act empowers the Commanding Officer to award the punishment of stoppage of pay and allowances to a Junior Commissioned Officer where loss and damage are caused to the Government and it is proved against the accused Junior Commissioned Officer. The Bill provides that this could be done by a Colonel. My suggestion is that to avoid unnecessary delay, in place of a Colonel, a Lt.-Colonel may be deputed. This is the amendment which I had proposed. Because we see that there are unnecessary delays in dealing with the cases and a Colonel will not find time to deal with the cases in the stipulated period of time. So, my suggestion is, in order to avoid the delay the power of the Unit Commander if he is holding the rank of a Lt. Colonel, should not be curtailed, so that speedy implementation and maintenance of discipline could be ensured. I strongly propose that the Lt. Colonel of the Commanding Unit may be empowered to award the punishment of severe reprimand or reprimand, stoppage of pay and allowances to Junior Commissioned Officer.

MR. CHAIRMAN: Stick to your promise. Please wind up.

SHRI RAMESH CHENNITHALA: I am coming to the amendments. I do not elaborate.

So, I agree with that amendment. Clause 7 may be passed as proposed. I agree with that amendment also.

Clause 9 of the Bill seeks to provide for two years for the existing time-limit in the Act. Actually, this amendment is unnecessary and unwarranted because the proposed amendment seeks to empower the authorities to initiate action even after the expiry of three years. That is, even after the expiry of three years, if the offence is detected action will be taken. I humbly submit that after a period of three years if the offence is detected and when the identity of the offender is not known, then this will definitely give rise to lethargy. So, my point is that this amendment is unwarranted because after three years it is highly difficult to detect the culprit. I consider this amendment as unwarranted and I think it is not at all necessary.

And, lastly, it is essential to plug the loopholes in the legal system in the Indian Army. Section 123 of the Army Act entitled the offender to go scot-free Six months after retirement. Sir, when an officer is retiring, after six months he will be free from all his crimes. Sir, now it is being amended as three years after retirement.

Presently there are a lot of officers who are taking advantage of this Clause. So, I welcome this amendment. There are lot of cases which are going on in the case of court-martial. I do not want to go into the details. This is a welcome step.

My final point is about the second trial. If we pass this Bill, there will be no second trial as per Clause 11. Army Act is not above the Civil law. So, we must give a chance for any individual to represent his case in the court of law so that he can get justice.

Now I come to Captains. If the proposed amendment - Clause 12 - is enacted, I think, it is giving the power to the Captains. This must be given to some other higher officer so that mature decision can be taken.

I do not want to go into the details now. I once again request the hon. Minister to come with a comprehensive Bill so that lot of loopholes can be plugged and the problems of the Army persons can be sorted out. There are lot of problems like family accommodation, transfers, etc., which they are suffering. This Act was formulated by the Britishers and till now there is no change in the Act; there is no amendment in the Act. I request the hon. Minister to come before the House with a compact Bill so that the problems of the Army persons can be settled and sorted out.

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS AND MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI S. KRISHAN KUMAR): Mr. Chairman, Sir, In my opening remarks, while introducing the Bill, I had explained at length the general rationale of the Bill as well as the rationale behind the individual provisions. If I may reiterate, Sir, of the 22 provisions sought to be amended, five are in the nature of cosmetic changes necessitated by the 1898 CRPC code being replaced by the 1973 code. So, simply the nomenclature has to be changed in the concerned provisions.

Almost nine provisions relate to the abolition of field punishment, to which I will come later. Therefore, the substantive changes are only in relation to eight sections, the rationale of each of which I had explained at length in my opening statement.

Sir, I would like to thank the hon. Members who have participated in the debate. There are many distinguished Members who

have great experience even in serving in the Armed Forces like General Khanduri, a great distinguished soldier as also my colleague, Shri Singh Deo, who was once the Raksha Rajya Mantri.

In order to make my concluding statement or my reply to the debate as short as possible, I would like to concentrate on the main points raised by all the distinguished speakers. Firstly I will come to the field punishment. The Government is of the opinion that field punishment, which is in the original Army Act, enables the commanders or the commanding officers to inflict somewhat archaic and inhuman punishment like flogging with rope, iron chains/fetters, and all that. They are not in consonance with modern jurisprudence and are certainly archaic, happily as I said, never was Field Punishment awarded by any court martial after independence in the country. So, in any case, even in practical terms, it is not found necessary. Shri K.P. Singh Deo has only mentioned that in operational conditions, probably when the army is on the march and so on, Field Punishment may be necessary. But the informed opinion in the armed forces is that there are several other provisions by which the summary court martial discipline can be enforced even in operational conditions without the provision of the Field Punishment.

So, there are Sections 71, 80, 83, 84, 85 and 120 of the Army Act where summary punishment can be awarded from reprimand escalating to even death and so on. So, the provisions in the Act, even after deleting the provisions relating to Field Punishment, are entirely adequate in looking after the discipline and enforcement of orders in the army, in operational conditions from the Government's point of view.

The second major opinion on which several Members spoke was on the necessity of a separate Appellate Tribunal for the

Army in order to ensure that no injustice or denial of natural justice is perpetuated on the members of the armed forces. Hon. Member, Shri K.P. Singh Deo is entirely correct. There was a certain opinion expressed at certain time in the Defence Ministry consequent on a Supreme Court judgement or Supreme Court *obiter dictum* or opinion that a separate judicial review mechanism can be considered, But, since then the Ministry has examined this issue in great detail. The opinion of the armed forces is that any system of such judicial review over the court martial will considerably at any rate distract from the sacrosanct discipline of the army. Even the Founding Fathers of our Constitution have insulated court martial from the power of Superintendent of High Courts under Article 227(4) and also from the extraordinary powers conferred on the Supreme Court for grant of special leave to appeal, etc. So, the founders of our Constitution have taken this into consideration and in their wisdom very rightly insulated the discipline working of the armed forces. (*Interruptions*). I will give you an opportunity.

SHRI K.P. SINGH DEO (Dhenkanal): We have already amended the Constitution eighty times.

SHRI S. KRISHANKUMAR: They have already taken into account. So, we do not want that the court martial decisions are immediately taken to court whether at the end of the court martial or while the proceedings are still on. That will take away from the powers of the Commanding Officer and it will violate the principles of army discipline in actual working.

There are already several provisions existing for redress of grievances under Section 27 of the Act. Any service officer, who feels wrong, has a statutory right to make a representation to the Central Government. It has to be disposed in a time bound manner. No authority below the

[Sh. K.P. Singh Deo]

Central Government has the power to reject the complaint. Similar provisions exist for JCOs and ORs, where the authority is the Chief of Army Staff.

For punishments arising out of Court Martials, provision for pre-confirmation and post-confirmation petitions exists. Only 28 days imprisonment can be given in the field. Even that has to be confirmed. Similarly post confirmation petition has to be disposed of only at the level of the Central Government. So, these redressal procedures are already existing in the Army.

I will refute categorically any suggestion that a Commanding Officer of a Battalion or a field formation will act in a manner prejudicial to the interests of the Jawans.. (*Interruptions*). Sir, I will not like to be interrupted. I know the hon. Member knows a lot.

The Commanding Officer is the father figure of the Brigade or the platoon. In the highest traditions of Armed Forces, he is expected to protect his Jawans and I do not think he will act in an unjust manner. In any case, the appeals lie. In the case of Field Court Martials also, the appeal goes to the Central Government, the Army, the Advocate General. A different level of officers, a higher level of officers are reviewing it. So, in no way can the Field Officer influence a higher officer sitting in the organisation of the Chief of Staff. These procedures are there and, therefore, any suggestion to that effect is refuted.

As I said, in the Ministry it is our considered opinion, and I also totally agree, that there should not be any fresh intervention in the Army Act by which everybody can go to a court and, at any rate, undermine the discipline in the Armed Forces. The Armed Forces are the last bulwark of discipline in

the country. They are the last instrument of State power, especially in the geo-political situation faced by the country, the internal disturbance of the country. Armed Forces are being asked continually to aid the civil power. So, we should not do anything to detract from the discipline of the Armed Forces. We can illafford any decrease in the discipline of the Armed Forces.

I do not want to take long time of the House. I have already mentioned that the period of six months under section 125 has been increased to two years because it was found that many officers escaped. As the legal process exists, it is very difficult to bring some people to book within the six-month period. We need three years. It is also in consonance with the similar provision in the new Criminal Procedure Code.

Many of the observations made by the Members were not strictly related to the amendment moved by us. As Gen. Khanduri remarked, we did not have an opportunity to discuss the Defence Budget during the discussion on the Demands for Grants. But this opportunity of moving an amendments to the Army Act cannot be used as a replacement for the opportunity we lost.

Many observations were made regarding training to LTTE, number of court cases, operation, recruitment, training, corruption and so on. I would have liked to answer all these points but that will take a long time. The Finance Minister is sitting here and he wants to move something... (*Interruptions*).

MR. CHAIRMAN: Please do not disturb.

SHRI S. KRISHAN KUMAR: I would only like to mention one more point and I am going to finish and that is regarding the preponderance of court cases, which is appearing in the conduct of the Armed forces.

About the number, there are about 1,000



court cases which are pending in the courts. I may say that ours is the fourth largest army in the world. I do not want to mention how many men we have. But considering the fact that ours is the fourth largest army in the world, 1,000 cases pending is not much. It is only due to the greater awareness of the people rather than any defect in the functioning of the Army Act. I would like to say that from 1950 onwards to this date, after the Army Act has come into force, not a single provision of the Army Act nor any of the regulation of the Army Act have been struck down by any single High Court or the Supreme Court in the country. That itself is the testimony to the fact that these provisions are not against the tenets of law.

In the court cases, 95 per cent of the cases have been disposed of in favour of the Government and only 5 per cent were against the Government.

I would like to conclude. These amendments have been brought after a great deal of deliberations. This is not the last word. I quite agree. There has been a sense of urgency only in relation to 22 sections and in relation to other 100-odd sections, a committee of the army officers is looking at it threadbare and within a year, if found necessary, we will bring in further amendments more of a comprehensive nature in the light of the discussions and recommendations of that committee.

With these words, I now commend these amendments for the acceptance of this august House.

[Translation]

SHRI GIRDAHRI LAL BHARGAVA: Mr. Chairman, Sir, I seek leave of the House to withdraw my amendment.

[English]

MR. CHAIRMAN: Has the hon. Member leave of the House to withdraw his amendment.

SEVERAL HON. MEMBERS: Yes.

*Amendment No. 2 was, by leave, withdrawn*

MR. CHAIRMAN: Amendment No. 3 of Shri Dau Dayal Joshi - not here.

Now I put Amendment No. 3, moved by Shri Dau Dayal Joshi, to the consideration motion to the vote of the House.

*Amendment No. 3 was put and negatived*

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Army Act, 1950, be taken into consideration".

*The motion was adopted*

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

The question is:

"That Clauses 2 to 5 stand part of the Bill".

*The motion was adopted.*

*Clauses 2 to 5 were added to the Bill.*

MR. CHAIRMAN: There are amendments by Shri Ramesh Chennithala and Shri Girdhari Lal Bhargava to clause 6.

SHRI RAMESH CHENNITHALA (Kot-tayam): I am not moving my amendment.



SHRI GIRDHARI LAL BHARGAVA  
(Jaipur): I am not moving my amendment.

MR. CHAIRMAN: The question is:

"That Clause 6 stand part of the Bill".

*The motion was adopted.*

**Clause 6 was added to the Bill.**

MR. CHAIRMAN: The question is:

"That clause 7 and 8 stand part of the Bill"

*The motion was adopted.*

MR. CHAIRMAN: There are amendments by Shri Ramesh Chennithala and Shri Girdhari Lal Bhargava to clause a.

SHRI RAMESH CHENNITHALA: I am not moving my amendment.

SHRI GIRDHARI LAL BHARGAVA: I am not moving my amendment.

MR. CHAIRMAN: The question is:

"That clause 9 stand part of the Bill."

*The motion was adopted.*

**Clause 9 was added to the Bill.**

**Clause 10 - Amendment of Section 123.**

MAJ. GEN. (Retd.) BHUWAN CHANDRA KHANDURI (Garhwal): I move: page 3, line 4,—

for "three years" substitute—

"six months" (1)

SHRI GIRDHARI LAL BHARGAVA  
(Jaipur): I move: Page 3, line 4,—

for "three years" substitute—

"eight months" (6)

MR. CHAIRMAN: I shall now put amendments Nos. 1 and 6 to clause 10 moved by Maj. Gen. (Retd.) Bhuwan Chandra Khanduri and Shri Girdhari Lal Bhargava to the vote of the House.

Amendments Nos. 1 and 6 were put and negated.

MR. CHAIRMAN: I shall now put clause 10 to the vote of the House.

The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

MR. CHAIRMAN: Now Clause 11 Mr. Singh Deo and Mr. Sudhir Sawant, are you moving your amendment?

SHRI K.P. SINGH DEO (Dhenkanal). I am not moving my amendment.

SHRISUDHIR SAWANT (RAJAPUR): I am not moving my amendment.

MR. CHAIRMAN: Now Mr. Khanduri.

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI: Sir, I move:

Page 3,—

for clause 11, Substitute—

"11. For section 127 of the Principal Act, the following section shall be substituted, namely:—

"127. (1) Any person subject to

this Act who Considers himself aggrieved by a finding or sentence of any Court-martial except summary Court martial may prefer an appeal against the sentence to the Special Court of Appeal;

within a period not exceeding ninety days; and

- (2) There shall be a Special Court of Appeal for Defence Services personnel consisting of three Judges of the rank not less than that of a High Court Judge, having knowledge of Military Law;
- (3) The Judges of the Special Court of Appeal shall be nominated by the President of India in consultation with the Chief Justice of the Supreme Court;
- (4) The procedure followed in the High Court for the hearing and disposal of appeals against the judgments of the lower courts shall be followed in the Special Court of Appeal which shall also consider the facts of the case;
- (5) The decision of the Special Court of Appeal shall be final and no Appeal shall lie against its decision to any other authority;
- (6) The Special Court of Appeal shall decide the appeals preferred to it

- (7) The Headquarters of Special Court of Appeal shall be located at New Delhi or at such other place as may be decided by the Central Government in consultation with the Supreme Court."

Sir, the Minister was requested in the beginning for some information on it. He has given two reasons. One is, he says that there is change of opinion in the Service Headquarters from the time when Shri K.P. Singh Deo's Bill came. He has not told us as to what are the reasons for the change of mind. Is it just because somebody does not like the idea or are there any specific changes in the circumstances from 1981 till 1992 on account of which you have changed your mind, you have not said so.

The second thing you have said is that there is already an appeal...

SHRI S. KRISHAN KUMAR: It is not a change of mind because it was not ultimately decided.

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI: No, you have said that there is change of circumstances and now Service people have changed their opinion.

SHRI S. KRISHAN KUMAR: No, no, Service people have been always of the same opinion.

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI: The second thing is, the present system is not working fairly because we cannot expect the same Department people to give decisions against their own people. I would like to know whether there have been cases where the opinions of

[Maj. Gen. (Retd.) Bhuwan Chndra Khanduri]

Courts-Martial have been disagreed upon by the Judges and how many such cases are there because if you come to actuals, it is just not humanly possible that the same Department would disagree with its own people. In every Court-martial there is a representative of the Judge Advocate General Branch and therefore, it is not humanly possible to expect them to give opinion against their own people.

SHRI S. KRISHAN KUMAR: I will give the information to the Member separately.

MR. CHAIRMAN: I shall now put amendment No. 18 moved by Maj. Gen. (Retd.) Bhuwan Chandra Khanduri to the vote of the House.

*Amendment No. 18 was put and negatived.*

MR. CHAIRMAN: I shall now put clause 11 to the vote of the House. The question is:

"That clause 11 stand part of the Bill."

*The motion was adopted.*

*Clause 11 was added to the Bill.*

12.00 hrs.

MR. CHAIRMAN: Now clause 12. We have two amendments to Clause 12 given by Shri Ramesh Chennithala and Shri Girdhari Lal Bhargava.

SHRI RAMESH CHENNITHALA: I am not moving my amendment.

SHRI GIRDHARI LAL BHARGAVA: I am not moving my amendment.

MR. CHAIRMAN: The question is:

"That Clause 12 stand part of the Bill."

*The motion was adopted.*

*Clause 12 was added to the Bill.*

MR. CHAIRMAN: "The question is: That clause 13 to 19 stand part of the Bill."

*The motion was adopted.*

*Clauses 13 to 19 were added to the Bill.*

MR. CHAIRMAN: The question is:

"That clause 1, the Enacting Formula and the long Title stand part of the Bill."

*The motion was adopted.*

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

SHRI S. KRISHANKUMAR: Sir, I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted.*

MR. CHAIRMAN: Now, the House stands adjourned to meet again tomorrow, the 19th August, 1992, at 11.00 a.m.

20.01 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, August 19, 1992/Sravana 28, 1914 (Saka).*