

एमोशिएशन के ग्रामाम ब्रांच के सेक्रेटरी ने हमारे पास यह चिट्ठी लिखी है :

"This is to inform you that a good number of members of our Association working in Assam area have since been arrested on the alleged Naxalites. The allegation is baseless and it is suspected that the Unions of the Federations have been playing the foul..."

वहां पर हमारे वक़र को नक्सलाइट कह कर गिरफ्तार किया जा रहा है इसलिये कि वे यूनियन का काम कर रहे हैं और जो दूसरी फेडरेशन के लोग हैं वे उनको गिरफ्तार करवा रहे हैं। यह तरीका उचित नहीं है। उनकी मांगों पर ध्यान देना चाहिए। मैं आपकी मार्फत सरकार से निवेदन करूंगा कि इन लोगों को रिहा कर दिया जाये।

श्री नवल किशोर शर्मा (दौसा) : उपाध्यक्ष महोदय, नेशनल फिटनेस कोर के बहुत से आदमी भूख हड़ताल पर हैं। उनका एजिटेशन चल रहा है। उनके बारे में बनर्जी साहब ने जो कहा है, मैं उनका समर्थन करता हूँ और चाहता हूँ कि शिवा मन्त्री महोदय उसके बारे में जल्दी बयान दें।

14.36 hrs.

INDIAN SOLDIERS (LITIGATION) AMENDMENT BILL

THE MINISTER OF DEFENCE, AND
STEEL AND HEAVY ENGINEERING
(SHRI SWARAN SINGH) : Mr. Deputy
Speaker, Sir, I beg to move :

"That the Bill further to amend the Indian Soldiers (Litigation) Act, 1925, as passed by the Rajya Sabha, be taken into consideration."

This is a non-controversial piece of legislation.

It is proposed to bring certain type of proceedings within the purview of the facilities which are afforded to the Defence personnel in matters of litigation. The Indian Soldiers (Litigation) Act, 1925 gives protection to soldiers by way of postponement of the proceedings initiated against

them before Civil and Revenue Court and also provides for the setting aside of decrees and orders passed against them *ex-parte* when they are working under war conditions, or overseas or at any place beyond India. At present Rent Controllers, Tribunals and such other-judicial authorities are not covered by the definition of the term "Court" in the Act. It is now proposed that the protection afforded to soldiers under the Act, should be extended to cover proceedings before such authorities which are judicial or quasi-judicial in character. As the honourable Members are aware, there are a number of proceedings before such bodies which do not strictly come within the definition of a court, but nevertheless are of great importance for the persons involved in the proceedings. Litigation regarding any matters provided for by special enactments, such as rent laws dealing with fixation of rent of premises or eviction from premises before a rent controller, tribunal or other authority, is of the same nature as civil litigation and Government are of the view that the soldiers should be protected in respect of such proceedings to the same extent as proceedings before a court.

Another important amendment to the Indian Soldiers (Litigation) Act, which is now proposed to be made, is the enlargement of the definition of the special conditions under which the soldiers must be working to enjoy the protection afforded by the Act. Under the Act, as it is worded, the protection is available only when the soldiers are serving under war conditions or overseas or at any place beyond India. As the House is no doubt aware, many soldiers are deployed at distant places on our borders. During the period of last emergency, soldiers serving in such places were made entitled to the protection of the Act by declaring their services as under war conditions, for the purposes of the Act. With the lifting of the emergency W.E.F. 10.1.1968, the notification issued for the purpose in November 1962, has become inoperative. It is obviously necessary that our soldiers who serve in such remote areas should be given the protection available under the Indian Soldiers (Litigation) Act, as the exigencies of service would obviously prevent them from taking effective part in such proceedings so long as they are serving in the remote areas. It is accord-

[Shri Swaran Singh]

ingly proposed to amend the parent Act to bring soldiers serving in such remote operational areas within India as may be specified by the Central Government from time to time within its scope.

The third amendment proposed concerns Naval personnel. Section 2(b) of the parent Act defines "Indian Soldier" to mean any persons subject to the Army Act, 1950 or the Air Force Act, 1950. The provisions of the Indian Soldiers (Litigation) Act 1925, have been made applicable to Naval personnel since 1940 by the issue of a notification under section 14 of that Act. With the passing of the Navy Act, 1957, there is no need to keep the Naval Forces out of the purview of the definition of "Indian Soldier" under the Indian Soldiers (Litigation) Act. The definition is accordingly being amplified to cover persons subject to the Navy Act, 1957.

In the course of the clause-by-clause consideration there are some verbal amendments, which I shall be moving.

With these words, I move.

MR. DEPUTY SPEAKER : Motion moved :

"That the Bill further to amend the Indian Soldiers (Litigation) Act, 1925, as passed by Rajya Sabha, be taken into consideration."

SHRIMATI TARA SAPRE (Bombay-North-East) : Sir, regarding this Bill I want to highlight some most important points. My first point is that our jawans need some special treatment in all respects, because they have risked their own precious lives and are guarding our frontiers. Because of them we are living here peacefully and are having our debates and all these things peacefully. They fully deserve some privileges in respect of legal, educational and social status. But I feel very sorry that this is not done by Government to our satisfaction.

For instance, when they are away on active service or in military stations, either families have to face all sorts of litigations and due to this litigation, all sorts of harassments so that their minds are busy with worry about their families. To keep their minds free from these worries, it is necessary

that they should be given all financial help and the time limits and all other factors must be considered and they must be given some special privileges. Also, in case of eviction from houses or lands, they must have some privilege.

My second point is about the education of their children. This is the most important point from my point of view. The wives of jawans are uneducated ladies and they find it very difficult to get their children admitted to schools, specially in big places but also in small places. Then, they do not know what courses should be taken and what type of education should be given to their children. They look to their menfolk for help in this regard. It is necessary that Government should keep some reserved seats in good schools, particularly residential schools, for the children of jawans and give them facilities to have good education with the advanced classes boys.

There should be some special scholarships for these boys.

MR. DEPUTY-SPEAKER : This is a little outside the purview of the Bill. The Bill is only about litigation whereas you are talking about amenities to soldiers' children,

SHRI P. G. SEN (Purnea) : That is as important as litigation.

MR. DEPUTY-SPEAKER : That is true. But we have to confine ourselves to what is before us at the moment.

SHRIMATI TARA SAPRE : Admission to schools is also difficult for the children of jawans.

SHRI S. KANDAPPAN (Mettur) : If we have to confine ourselves to the Bill, there is no alternative but to say that we welcome the Bill.

SHRI SWARAN SINGH : In fact, I will greatly appreciate that. At 3 O'Clock there is some other business to be taken up. This Bill is something which is non-controversial and should be accepted by everybody. I may have to take it back to the other House because there are one or two amendments.

SHRIMATI TARA SAPRE : If you do not want me to speak on the education of their children, I need not do so.

MR. DEPUTY-SPEAKER : It is not that I do not want you to do that but I am just pointing out that these things are outside the scope of the Bill.

SHRIMATI TARA SAPRE : That is all right.

All the modern methods or technical facilities must be made easily available to them. The wives of the jawans being uneducated, their children are always handicapped.

In respect of litigation particularly, I welcome this Bill.

My third suggestion is about the retirement and that is that these jawans retire from the service at a very early age and, therefore, Government should open up a cell in every nationalised bank to give them assistance, advice and also loan to start a small business of their own and to get more money, occupation, in addition to their pension. At present, in my State, the land laws give quite reasonable protection to the army men but their retired life also must be useful to the country.

My last suggestion is that the wives of these jawans should be given some educational facilities in training, like, tailoring, weaving, typing and such other courses so that if some mishap takes place, she should be able to earn her livelihood. Infact, I would have dealt more on the educational aspect of it because I thought that also is covered by this Bill.

With these words, I welcome the Bill.

SHRI RANJEET SINGH (Khalilabad) : Mr. Deputy-Speaker, Sir, I welcome the Bill. But I would say that the Defence Minister should kindly reconsider the entire scope of the Indian Soldiers (Litigation) Act because it needs further enlargement.

For instance, the greatest amount of litigation that a soldier faces is about the land tenure problems. Now, the States pass laws providing for certain safeguards to the soldier. But those safeguards are available to the soldier only when the soldier goes to the court. Take a particular case or my

own case. When I was in the army, I found on reaching home that half my land had been written off in somebody else's name.

MR. DEPUTY-SPEAKER : You are not pleading your own case, I suppose.

SHRI RANJEET SINGH : I am pleading the soldiers' case. Although there was a law in U. P. that a soldier could lease out his land while he was still in service and that the land would not be written off in somebody else's name in land records, the *patwari* in the village—God bless the great man called *patwari*; nobody can touch that great man, not even his shadow—had written off the land in somebody else's name. Now, to get the records correct, I had to go to the court to get the benefit of the Act.

I know there are so many cases like this where the soldiers are serving at the front and the lands are written off in others' names. They have the protection of law but they have to go to the court to seek the protection. So, there should be a safeguard provided for the soldier. There should be punishment meted out to the official who is responsible for such entry on soldiers' land.

The other thing is that the soldier is also at times harassed by petty cases. When he goes on leave, he finds that somebody is in illegal possession of his land. Then, a quarrel develops and that man goes and launches court proceedings against him in a criminal court. I would request the Defence Minister to give him protection for non-cognizable offences also in such cases.

This act does not provide to the soldier actually a protection. It just delays the process of law, so long as the soldier is serving under special conditions, so that you do not get court summons when a battle is developing. To provide a safeguard for the functioning of the Defence forces, this Act has been brought in. It is not a protection to an individual soldier. I would request that such a protection should be provided for in the Litigation Act so that the soldier does not have to do any litigation. If his land has been written off, all that he needs to do or he should need to do is to send an application through his Commanding Officer and the court should direct the civil authorities to make an investigation and submit a report and set right the land records in respect of the soldier.

[Shri Ranjeet Singh]

Now there is another great problem—the harassment to the soldier's family. Some legislation should be enacted. Probably some sort of a clause in this very Act itself may be enacted that those who harass soldier's families should be dealt with according to the new law because the old law provides nothing for harassment to a soldier's family and the greatest demoralising factor to the soldier at the front is harassment of his family. I would request the Defence Minister to consider these things. He also comes from a very illustrious soldierly class and I do hope that in future he will consider these points and bring in legislation accordingly.

MR. DEPUTY-SPEAKER : Many hon. Members want to speak. At 3 we have got to take up the discussion on the report on CSIR. If you take only one or two minutes each, we can pass this Bill.

SHRI GAJRAJ SINGH RAO (Mahendragarh) : I have not much to say and I thank the hon. Defence Minister for bringing this measure. For five years I and other Parties have been fighting for it. We wanted that this should be done. Now I would only say that the words "after consulting the High Court concerned" are redundant and void. Now that the definition of the 'Court' has been changed, no question of High Court arises. The original Act was of 1925. Now this portion referred to by me earlier is redundant. This should be removed and rules framed by Government in view of the new provision and the old provision. I would say that the Defence Minister should assure the House that when framing the rules, all shades of opinion would be consulted and proper rules will be framed taking into consideration the new definition of court and other matters. Therefore, I submit that we should pass this legislation and my amendment may be accepted.

SHRI S. M. BANERJEE (Kanpur) : Sir, I support this Bill.

श्री ध० सि० सहगल (बिलासपुर) : उपाध्यक्ष महोदय, मंत्री महोदय द्वारा जो बिल यहाँ रखवा गया है मैं उसका समर्थन करता हूँ. के-केन एक चीज मैं जरूर अर्ज करना चाहता हूँ कि जो लोग जमीन पर कब्जा कर लेते हैं उन

को निकालने के लिए जो उनके सुपीरिभर आफिसर्स होते हैं उनका यह फर्ज होता है कि वह वहाँ के सिविल कोर्ट्स को उनकी इत्तला मिलने पर बतलायें। बतलाने के बाद भी यदि जवर्दस्ती कब्जा किये रहते हैं तो उस कब्जे को खत्म करने की कोशिश करें। इस तरह के बहुत से केसेज आप को मिलेंगे।

मैं यह भी कहना चाहता हूँ कि जो आपका कानून है उसको पूरे तौर से बदल देना चाहिये। लोगों की राय लेकर ऐसा किया जाना चाहिए ताकि जो हमारे डिफेन्स फोर्सेज में काम करने वाले लोग हैं उनकी मदद हो सके। वह लोग बेचारे दो-दो, तीन-तीन साल तक बाहर रहते हैं और जब घर आकर देखते हैं तो पाते हैं कि दूसरे लोग उन पर कब्जा किये हुए बैठे हैं। यह चीज हमारे देश के सोल्जर्स के लिए अच्छी नहीं है। इस चीज पर पूरी तरह से नजर रखी जाये और इसके लिए एक ऐसा बिल लाया जाय जिस में यह सारी दिक्कतें दूर हो जायें।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

श्री शिव चन्द्र भा (मधुबनी) : मैं इस विधेयक का समर्थन करता हूँ। यह ठीक ही है कि जो लोग इस देश के अन्दर काम करते हैं उन के ऊपर भी यह उसी रूप में लागू होगा जिस तरह से उन पर लागू होता है जो बाहर काम करते हैं। जो सुविधायें उन लोगों को हैं वही हिन्दुस्तान में काम कर रहे लोगों को भी दी जा रही हैं। उनको पूरी सुविधायें मिलनी चाहिए। उनकी तन्स्वाहें बहुत कम हैं। वह ज्यादा होनी चाहिए हमारे सोल्जर्स हमारे देश के लिए लड़ाई करते हैं और इतनी कम तन्स्वाह पर करते हैं। इसलिए उनकी तन्स्वाहें बढ़नी चाहिए।

उन लोगों की दूसरी मांग यह है कि जो आर्ट००९० पास नौजवान लोग हैं और कुछ दिन सोल्जर रह कर हट जाते हैं उनको ग्रेजुएट की

मान्यता दी जानी चाहिए और जो दूसरी सुविधायें हैं उनका भी ध्यान रखा जाना चाहिए।

यहां पर जमीन की बात उठाई गई। जमीन उनको मिलती है, लेकिन जमीन लेकर उनकी तरफ से उसका दुरुपयोग न हो सका स्याल रखा जाना चाहिये। आप को एक लिमिट बांध देनी चाहिये कि इतनी जमीन मिलेगी और उसनी जमीन जरूर मिलनी चाहिये, जैसी कि कानून के अन्तर्गत मिलने वाली है। लेकिन दिमाग में एक शुबहा है जिसका स्पष्टीकरण जरूर होना चाहिए। अंग्रेजों के जमाने में जो सिपाही होते थे, हम सब जानते हैं कि उनका नागरिकों के साथ कैसा व्यवहार होता था। मुझ को शक है कि बहुत हद तक वह दिमाग आज भी उनमें मौजूद है। उसमें परिवर्तन आने की जरूरत है। हमारा ढांचा डिमोक्रेटिक है इसलिए हमारे सिपाही भी सिविल माइन्डेड हों, जहां तक उनका जनता के साथ बरताव का प्रश्न है। यह परिवर्तन बहुत लाजमी है। आप उनको सुविधायें दें लेकिन उनके दिमाग में डिमोक्रेटिक स्पिरिट आनी चाहिये, सबके प्रति बराबरी का आचार आना चाहिये।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूं।

SHRI G. VISWANATHAN (Wandiwash): I welcome this Bill. This has been pending for a long time. We have to help the soldiers who are fighting for the country who are working in the forward areas. Most of the points have been covered already by Mr. Ranjeet Singh and I do not want to deal with them. This has to be considered by the hon. Minister.

SHRI SWARAN SINGH: Sir, I am grateful to the hon. Members for extending their support to the Bill. Several other suggestions have been made but they are outside the scope of the present Bill. The present Bill is procedural and gives procedural protection. On the substantive issues, I will certainly separately examine, and if necessary separate legislation can be enacted.

So far as the amendments are concerned, I am inclined to accept Amendment No. 6 of Shri Gajraj Singh Rao.

MR. DEPUTY-SPEAKER: That will be taken up when we come to Amendments to Clauses. Now the question is:

"That the Bill further to amend the Indian Soldiers (Litigation) Act, 1925, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

Clause 2—(Amendment of section 2.)

MR. DEPUTY-SPEAKER: On Clause 2, there is an amendment No. 3 by Shri Shiva Chandra Jha.

SHRI SHIVA CHANDRA JHA: I beg to move:

Page 2, line 2,—

after "1957" insert—
"or any Air Act"(3)

मुझे मालूम हुआ है कि 1925 के ऐक्ट में एअर ऐक्ट दिया हुआ था। मैं जानना चाहता हूँ कि क्या वजह थी कि जिस नेवी की बदीलत अंग्रेज यहां आये थे उस को इग्नोर कर दिया गया था। क्या वजह थी कि नेवी न दे कर केवल एअर ही दिया गया था?

श्री स्वर्ण सिंह: उस वक्त हिन्दुस्तान की कोई नेवी थी ही नहीं। 1925 में नेवी न लिखने की यही वजह थी।

MR. DEPUTY-SPEAKER: I will now put Shri Jha's amendment, No. 3 to the vote of the House.

Amendment No. 3 was put and negat ved.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the bill.

SHRI GAJRAJ SINGH RAO: I am not moving amendment Nos. 4 and 5 standing in my name as Amendment No. 6 is coming which will cover the whole thing.

MR. DEPUTY SPEAKER : All right. that means, there is no. New Clause, 2A. We go to Clause 3.

Clause 3—Amendment of section)

MR. DEPUTY SPEAKER : There is no amendment to Clause 3. The question is :

“The Clause 3 stand part of the Bill ”

The motion was adopted.

Clause 3 was added to the Bill.

15.00 hrs.

MR. DEPUTY-SPEAKER : There is an amendment by Shri Gajraj Singh Rao seeking to insert a new clause 4. This, however, cannot be entertained because it all depends upon the previous amendments and the hon. Member has not moved them.

SHRI SWARAN SINGH : In fact they becomes redundant.

That is why I want to point out that those amendments need not be moved. The main point is that we are permitting the courts other than the civil, tribunal etc. to come within the scope of the Act.—After consultation etc., I say that this may be accepted with some modification.

MR. DEPUTY SPEAKER : In view of the explanation given by the hon. Minister, are you moving your amendment ?

SHRI GAJRAJ SINGH RAO : I want to say that Rule 80 should be made more clear if my amendment comes within the scope of the Bill. Otherwise, when a definition has been changed, these words would create a lot of difficulty. I want to know the reaction of the hon. minister whether he is going to accept or not accept my amendment.

SHRI SWARAN SINGH : I have been advised by the legal experts. This being a new clause, I would accept that with a modification.

MR. DEPUTY SPEAKER : This creates some procedural difficulties. What is the amendment ? That should be read out clearly and then put to the House. I do not know that I have to put to the House.

SHRI SWARAN SINGH : I shall accept the amendment with some modification.

MR. DEPUTY-SPEAKER : What is the modification ?

SHRI SWARAN SINGH : Let him first move his amendment.

SHRI GAJRAJ SINGH RAO : I beg to move :

Page 2,—

after line 10, add—

‘4. In section 13 of the principal Act, the words, “after consulting the High Court concerned,” shall be omitted. (6).

SHRI SWARAN SINGH : The modification I propose is that the words “Amendment of section 13,” have to be inserted as marginal heading to his amendment. That is only descriptive.

I can accept his amendment with this modification.

MR. DEPUTY-SPEAKER : I shall now put the amendment No. 6 moved by Shri Gajraj Singh Rao, with the modification proposed by the hon. Minister, to the vote of the House.

The question is :

Page 2,—

after line 10, add—

‘4. In section 13 of the principal Act, the words, “after consulting the Amendment of section 13 High Court concerned,” shall be omitted (6).

The motion was adopted.

MR. DEPUTY-SPEAKER : The question is :

“That New Clause 4 stand part of the Bill ”

The motion was adopted.

New Clause 4 was added to the Bill.

Clause 1—(Short-title.)

Amendment made :

Page 1, line 4,—

for “1969” subst/rule “1970(2)

(Shri Swaran Singh)

MR. DEPUTY-SPEAKER The question is :

"That clause 1, as amended, stand part of the Bill".

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made :

Page 1, line 1,—

for "Twentieth" substitute—

"Twenty-first"(1)

(Shri Swaran Singh)

MR. DEPUTY-SPEAKER The question is :

"That the Enacting Formula, as amended, stand part of the Bill".

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI SWARAN SINGH : I beg to move :

"That the Bill, as amended, be passed".

MR. DEPUTY-SPEAKER : The question is :

"That the Bill, as amended, be passed".

The motion was adopted.

15.05 hrs.

MOTION RE: REPORT OF COMMITTEE OF INQUIRY (COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH)

THE MINISTER OF EDUCATION AND YOUTH SERVICES (DR. V. K. R. V. RAO) : I beg to move :

"That the Report (Part I) of the Committee of Inquiry (Council of Scientific and Industrial Research), laid on the Table of the House on the 10th March, 1970, be taken into consideration".

श्री अटल बिहारी वाजपेयी (बलरामपुर) : इसके लिए कितना समय है ?

MR. DEPUTY-SPEAKER : Three hours have been allotted for this.

DR. V. K. R. V. RAO : I do not want to take up the time of the House in making two speeches, I would like to listen to the discussion before taking any comments or replies that may become necessary.

Sir, I move that the report be taken into consideration.

MR. DEPUTY-SPEAKER : Now, Shri K. M. Koushik.

SHRI SAMAR GUHA (Contai) : It was agreed and the Hon'ble Speaker has told me that since it was at my instance that the hon. Minister had agreed to this discussion, I should initiate the debate on behalf of the Members, because direct charges were brought against me. I met the Speaker in the morning...

MR. DEPUTY-SPEAKER : He has not told me anything about it.

SHRI RABI RAY (Puri) : Shri Madhu Limaye is not feeling well.

So, he may be given a chance.

MR. DEPUTY-SPEAKER : If Shri K. M. Koushik agrees, I have no objection.

SHRI K. M. KOUSHTIK (Chanda) : I have no objection.

SHRI SAMAR GUHA : In the morning, I had met the Speaker, and the Secretary was also there, and he agreed that I should initiate the discussion.

MR. DEPUTY-SPEAKER : Now, it is between Shri Samar Guha and Shri Madhu Limaye to settle it between themselves. Shri K. M. Koushik has agreed to give chance to Shri Madhu Limaye in view of the fact that he is not well. I would now like Shri Madhu Limaye and Shri Samar Guha to settle it between themselves.

श्री मधु लिमये (मुंगेर) : मैं कोई कगड़ा नहीं चाहता हूँ ।

श्री रवि राय : सेंटलमेंट का कोई सबान नहीं है । समय लिमये जी को कुछ देना ।