

holiday and I think it should be possible to finish by the 12th.

Mr. Deputy-Speaker: 15th is also a holiday.

PAPER LAID ON THE TABLE

STATEMENT SHOWING ACTION TAKEN BY GOVERNMENT ON ASSURANCES ETC.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table a consolidated statement showing the action taken by the Government on various assurances, promises and undertakings given during the First Session of the House of the People, 1952. (See Appendix XII, annexure No. 5.]

RESERVE AND AUXILIARY AIR FORCES BILL

The Minister of Defence (Shri Gopalaswami): I beg to move:

"That the Bill to provide for the constitution and regulation of certain Air Force Reserves and also an Auxiliary Air Force and for matters connected therewith, as reported by the Joint Committee, be taken into consideration."

I do not think I need say much to commend this motion to the House. The House is aware that the principles of this Bill were discussed on a previous occasion when the Bill was referred to a Joint Committee of the two Houses. This Joint Committee examined the provisions of the Bill and their report has been circulated to hon. Members of the House. The Joint Committee went into the provisions of the Bill in very great detail. As there was practically complete unanimity of opinion as regards the principles of the Bill, the necessity for the constitution of these Reserves and the general considerations on which these Reserves were to be constituted and worked, the Committee only went into the question of what improvements could be made in the details of the measure.

They have made a number of changes, most of them of a minor character. Two or three of them are of some importance. I do not think it is necessary for me to take the House through all the minor improvements that have been effected in the provisions of the Bill. They have been referred to in the Report of the Joint Committee, but I might refer to one or two of them.

We have first of all provided for the competent authority under the Bill consisting not merely of a single air officer designated for the purpose, but consisting also in suitable cases and in suitable areas of a committee of two or more air officers. Another perhaps important change in the measure is that in connection with the regular Air Force Reserve we have provided for the appointment of any member of the Air Defence Reserve or the Air Auxiliary Force to the Regular Air Force Reserve.

There are a few other smaller changes that have been effected, but I would refer only to one or two major points which have been referred to in the minutes of dissent appended to the Bill. The first to which I should like to make a reference is the suggestion that none of these Reserves should be used or allowed to be used in aid of the civil power. We discussed this matter at great length in the Select Committee and we came to the conclusion that the provisions in the Bill should stand as they are so far as this matter is concerned. The calling out of the Armed Forces in aid of the civil power is a principle which we have accepted in other enactments which provide for the maintenance of law and order, and amongst the Armed Forces are included these Reserves and the Auxiliary Force as well. Such an obligation rests also upon the Territorial Army which has been constituted under the previous enactment. It is not that in every case of a disturbance of the public order these reserves would be called out as a matter of course. Naturally in most cases, wherever the civil authorities are unable to deal with the situation, they will try to use such regular Armed Forces as might be available to them, if it became necessary, and only in very exceptional cases are demands likely to be made on the Air Force Reserves or the Auxiliary Air Force. There are situations, there are places in the country where it might not be possible to make demands on other kinds of Armed Forces simply for the reason that they are not easily available in or near the locality. In such places if these Reserves are more easily available, there should be nothing to prevent the use of these forces if it is necessary for the quelling of disturbance or the preservation of law and order. So, the Committee came to the conclusion, and I think it is a right conclusion that this obligation should also rest upon these Reserves.

The second point of some importance is what is now provided for in regard to the Air Defence Reserve. The provisions relating to Air Defence Reserve go through two or three

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stages. First of all persons with certain qualifications connected mostly with the Air Force or aerodromes and the like are called upon to report their names to a designated authority. On receiving these names an enquiry is held and the persons concerned are called up; a medical examination follows and, if the authority considers the case a proper one, the name of the person concerned is entered in a register of persons fit to be enrolled in the Reserve. There is a subsequent step by which the authority concerned could call up the men on this register for service either for training or for other kinds of service and when so called up and the person appears before the prescribed authority, he is deemed to be enrolled as a member of the Air Defence Reserve.

Some objection has been taken to this procedure on the ground that it constitutes conscription. Well, strictly speaking, it does involve a certain amount of conscription. But we have to begin somewhere. We thought that so far as the general question is concerned, we might perhaps leave it over for full consideration in the future, but when we are constituting Reserves of the Air Force and also an Auxiliary Air Force, we thought we might introduce this principle of conscription in a very limited way. Now what I wish to point out to the House is this. This register which is made of persons fit to be enrolled in the Air Defence Reserve is confined to certain classes of persons. Most of these persons have to possess qualifications connected with the Air service or with aerodromes and the like; for instance every citizen of India who has had not less than 200 hours of experience of solo flying or holds or has held a first-class navigator's licence issued under the Aircraft Rules or has had four years aviation experience during which at least 600 hours shall have been spent etc. There is an omnibus clause which the Select Committee added, namely, "is or was at any time employed in connection with any aerodrome or in connection with the control and movement of aircraft in such capacity as may be prescribed". Now persons with these Air qualifications, if I may so describe them, are not very large in number in the country at the present moment and if we do wish to constitute a Reserve, it is necessary that we should draw into these Reserves persons with these qualifications. These qualifications have first to be reported by the persons concerned, a register has to be maintained and out of the register persons' names are taken and they are embodied in the Reserve. I think that

for the purpose intended and within the limitations that are prescribed in this Bill, this very small instalment of conscription is justified and I hope hon. Members will agree with me in that respect.

Another important change and a very important change from the standpoint of the constitution of Reserves in general, has been inserted in the Bill by the Joint Committee and that relates to an obligation which has to be thrown on the employer, the implementation of which, in the opinion of all persons who have anything to do with the recruitment to these Reserves, is very necessary in order to encourage that recruitment. Persons have to be drawn from civil employment. They hold jobs before they are called up for service whether it is for training or for other service. I must tell the House that during the time they are under training or are rendering service in answer to a call, they get from Government the emoluments which attach to an officer of the same rank in the regular Air Force. Often times, it has been found that this remuneration payable by Government is in several cases smaller than the emoluments which a particular person was or is getting in civil private employ. He, therefore, has to suffer a sacrifice and naturally his domestic budget gets upset. I think, I have already told the House on several occasions as to what the Government's policy in regard to this matter is. First of all, there is the question of security of employment, that is to say, if a man is called up for service and that service ends, he has got to go back to his original job. That obligation to reinstate the person was already in the original Bill, but the Committee has gone further and said that the difference between emoluments in private employ and the emoluments which a person gets during the period of service or training, that difference should be made up by the employer, whether that employer is Government or a private person. Now hon. Members might apprehend that this might throw a very heavy liability on private employers. In the first place, I wish to draw their attention to the fact that this payment is restricted to the period only of training. It does not relate to the period of any other kind of service for which the Reserve man

In the second place, that period spent in training annually has been estimated as being not more than a month. So the obligation that is

thrown on the employer is of a minimum character, and already Government in their own employing departments have been instructed to give effect to this policy. Government have also appealed to private employers to follow a similar policy. But the Joint Committee thought that it was time that a statutory obligation of this kind should be thrown upon the employer. That is provided for in clause 29 of the Bill.

For the rest, as I have said, we have made a number of improvements in the language of the Bill. There is one matter which I said I would take into consideration when the Committee was on this Bill and that has been provided for, namely, that the rules framed under this Bill will be laid on the Table of Parliament. I do not think I need say anything more.

10 A.M.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to provide for the constitution and regulation of certain Air Force Reserves and also an Auxiliary Air Force and for matters connected therewith, as reported by the Joint Committee, be taken into consideration."

Shri P. T. Chacko (Meenachil): The purpose of this Bill is to constitute three kinds of Air Forces besides the Regular Forces. They are the Reserve Forces, Air Defence Reserve Forces and the Auxiliary Forces. From a reading of clause 25 as amended by the Joint Select Committee, it is possible to see that as regards the liability to serve, all these three kinds of Forces to be constituted are placed on the same level. Not only that, clause 25 reads:

"Every member of an Air Force Reserve or the Auxiliary Air Force shall, during the period of his service, be liable to be called up—

(a) for training for such period as may be prescribed and for medical examination,

(b) for service in aid of the civil power.

(c) for Air Force service in India or abroad."

It can be seen that practically there is very little difference even regarding the regular Forces and the Auxiliary Forces or the Defence Reserve Forces or Reserve Forces as regards the liability to serve, because the Auxiliary Air Forces also will have to serve not only at home, but abroad, not only in a case of emergency, but at all times. They are also liable to be called up in aid of the civil power. So, practically no distinction is kept as

regards liability to serve even between regular Forces and the Reserve or Auxiliary Forces to be constituted under the provisions of this Bill.

Here, I wish to point out that the Auxiliary Forces are not a part of the Armed Forces because they are after all civilians who are prepared to sacrifice a few of their holidays to get training so that they may be of use in defending their motherland in case of an emergency. They live among the civilians. They may be students, businessmen, lawyers or any body. The conception behind constituting Auxiliary Forces, as a matter of fact, is to give training to the people of the country so that they may defend the country in case of a crisis or an emergency. It may be looked upon as the basis of an expansion of the national Army in the event of war. These citizen soldiers, that is the auxiliary soldiers, as far as I know, are not utilised in any country in aid of civil power or in times of peace. The Auxiliary Air Force is a counterpart, it may be said, of the Territorial Army. The Territorial Army was not liable even in the United Kingdom, till 1939, to be called up to serve abroad. From the Reserve and Auxiliary Air Force Act of 1924 in the U.K. it can be seen that a clear distinction is maintained as regards liability to serve between the Auxiliary Air Forces or Auxiliary Forces and the Reserve and Regular forces.

Under section 2 of the Reserve and Auxiliary Air Force Act of 1924, section 6 of the Territorial and Reserve Forces Act of 1907 is extended to Auxiliary Air Forces. This section makes it a condition that an officer or person entering the Auxiliary Force shall enter into an agreement to accept as an obligation the liability to be called out to serve within the British Islands in defence of the British Islands against actual or apprehended attack. I am drawing the attention of this House to the provisions of the U. K. Reserve and Auxiliary Air Forces Act mainly because I come to understand that this Bill was drawn on the basis of that Act. Then, again, section 5 of that Act provides:

"His Majesty, by Order in Council, may declare an emergency and the Secretary of State may call out the Auxiliary Air Force and Reserve Forces to serve within the British Islands."

I am referring to three cases where the Auxiliary Air Forces to be constituted under the provisions of this Act are to serve: (i) in aid of civil power; (ii) abroad; and (iii) even at a time when there is no war or when

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there is no emergency. Before the Bill was sent to the Joint Select Committee, clause 24, which is now clause 25, provided in sub-clause (c) that these Forces to be constituted under the provisions of this Bill are liable to be called up only in an emergency. Under the United Kingdom Act, these Forces shall be—I am referring only to the Auxiliary Air Forces, because my objection relates only to the Auxiliary Air Forces—liable to be called up not only in the case of an emergency, but only when a proclamation is issued by the Crown. Then, only the Secretary of State can by Order call out the Auxiliary Air Forces. Then, the proclamation and order of embodiment have to be placed before Parliament within a specified time and Parliament has to approve it. These provisions are there, because the intention is to encourage the people to join the Auxiliary Forces so that they may get trained so that they may be of some use in an emergency or at the time of war. According to clause 25, what I wish to point out is, that these three impediments are there in the way of students, for example, or professionals joining the Auxiliary Air Forces. Supposing a student for a businessman who is prepared to sacrifice, say, one or two days in the week-end for training and 14 to 20 days in a year for specialised training, is recruited. Then, he is making a sacrifice to that extent without taking any remuneration, so that he may be of use to the country, in times of emergency. But, according to the provisions of this Act, anybody who is prepared to make that small sacrifice is compelled to serve in these three ways. Not only as a citizen but as an embodied person of the Auxiliary Air Force he can be called up in aid of the civil power. Here I wish to draw the attention of the House to the provisions of the Criminal Law Amendment Bill which we have recently passed. Under that Bill the Air Force can be called up in aid of the civil power by any magistrate. So what becomes of the young men who join the Auxiliary Air Force? Suppose there is a riot, and a third class magistrate or even an honorary magistrate—who is the magistrate of the highest rank present at the place at the time—takes it into his head that the Auxiliary Air Force should be called in aid of the civil power, these young men who have joined the Auxiliary Air Force will have to take up arms against their own brethren in their own native place.

Shri G. S. Singh (Bharatpur-Sawai Madhopur): It is so for the rest of the Armed Forces.

Shri P. T. Chacko: Yes. It is so for the regular Forces. But these people are civilians. The regular Forces are employed for that purpose. That distinction ought to be kept in mind. These members of the Auxiliary Air Forces are not members of the regular Armed Forces. They are not remunerated. They live among civilians. I may go to the extent of saying that members of the Auxiliary Air Force may also have their petty quarrels with certain people in the locality. This may be misused as an occasion to wreak vengeance against such persons.

I do not want to say anything regarding the provisions in the Criminal Law Amendment Act. But think of the situation. My friend says that even the regular Army can be called up. Yes, and the whole police force can be called up. But the police force is there for that purpose. The Auxiliary Air Force is not there for that purpose. The Auxiliary Air Force is there simply for the purpose of giving training to civilians, and the intention should be to give as much encouragement as possible so that as many people as possible may get themselves enrolled in the Auxiliary Air Forces and get trained, so that they may be of some use at a time of emergency.

My first objection to this is this. I do not object to the Reserve Force being used. I have not gone to that extent, because in the Reserve Force regular Army men who have retired are there, whose period of liability has not expired. I have not gone even to the extent of objecting to the Air Defence Reserve being utilised, because in the Air Defence Reserve we are having people who are actually technicians and trained men. But in the Auxiliary Air Force we are having young men who are being trained, and who are civilians, who are prepared to make some sacrifice for the cause of their country without being remunerated in any way whatsoever, except for the fourteen or fifteen days period of their training every year. They are not entitled to be remunerated otherwise.

So may I ask: are the Government intending to constitute an Auxiliary Air Force where the State should have all the advantages and the personnel, all disadvantages? I am referring to the liabilities of the members of the Force. The State can call them up for any use in aid of the civil power, the State can embody them even at a time when there is no war, and the State can ask them to serve abroad. Then, is it the intention of the State to get civilians enrolled in an Auxiliary Air Force who can be utilised in

the same manner as the police force or the regular Army? I have great objection to this. And I do not know of any country where the Auxiliary Force whether it is the Territorial Army or the Auxiliary Naval Force or the Auxiliary Air Force, is used in aid of the civil power. I think that instead of giving an encouragement to our young men to get themselves trained in the techniques of defence this will only place an impediment in their way.

I may refer here to *Halsbury's Laws of England* wherein the provisions regarding the Auxiliary Air Force are given. I am referring to section 1376 in this Book:

"Members of the Auxiliary Air Force are not liable to be called out as a military body in aid of civil power for the preservation of peace."

As in the case of any other country, in India also every citizen is liable to a certain extent to be called up in aid of civil power in certain emergencies. There are provisions to that effect in the Criminal Procedure Code. A magistrate can ask a citizen to render him help in certain cases. I am not referring here to such cases. I am not referring here to the liability or the duty of a citizen to help those who are responsible for the maintenance of peace in certain emergencies. I am here referring only to cases where the Auxiliary Air Force can be called up as a Force in aid of the civil power, that is for the suppression of a riot or for the maintenance of peace and tranquillity.

Mr. Deputy-Speaker: Was not this clause in the original Bill itself before it was referred to the Select Committee?

Shri P. T. Chacko: It was in the original Bill, Sir. What was not in the original Bill is sub-clause (c) of clause 25. In the original Bill these Forces were liable to be called up only in cases of an emergency, and now the word 'emergency' is omitted.

I may also be permitted to refer to certain other provisions regarding the Auxiliary Air Force of the United Kingdom. I am reading again from *Halsbury's Laws of England*.

"Subject to the provisions of any order, the Air Council may make general or special regulations with respect to the same matters.

No order or regulation must affect or extend the term for which or the area within which a man of the Auxiliary Air Force is liable

by statute to serve, or authorise his posting, when not embodied, without his consent, to any unit other than that to which he was posted on enlistment, or his posting, without his consent, to a unit of the regular Air Force.

No man of the Auxiliary Air Force can be appointed, transferred or attached to any Air Force body without his consent under any order or regulation made after his enlistment, if his consent was required for such appointment, transfer or attachment under that order or regulation."

Those are the provisions which govern the Auxiliary Air Force in the United Kingdom. Under section 5 of the Act of U.K. persons who enrol themselves in the Auxiliary Air Force will be attached to a particular unit in a particular area, and the agreement is to serve within that area only, and they can be called up in case of an emergency or war. In the case of an emergency they can be called only by the proclamation of the Crown. Not only that; orders embodying them and the proclamation have to be placed before Parliament whose approval is necessary. All these precautions have been taken because they do not belong to the regular Army; they are only civilians who have joined the Auxiliary Air Forces. The idea behind the Auxiliary Air Force is to give an encouragement to the people and to give them training.

But what are we doing here? Here a competent authority, and even a third class or honorary magistrate can call up these forces for service at any time, to serve anywhere in the country or abroad, and may use them even against their own kith and kin. There is no use in hon. Members lightly treating this provision. My point is that these provisions here are such that they can be used against their own brethren in their own native town in case of a riot or under circumstances of an apprehended breach of the peace.

Kumari Annie Mascarene (Trivandrum): What does the hon. Member mean by an emergency?

Shri P. T. Chacko: I mean by that term an emergency proclaimed under article 352 of the Constitution, either external aggression or internal disturbance or something of that nature. If a few workers take out an illegal procession in the streets, that is no emergency nor even an ordinary riot. To maintain peace and tranquillity we are having the regular Forces, the Police forces and the Reserve Forces

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and also the Territorial Army. May I ask is it necessary to have a provision here whereby these young men who join the Auxiliary Air Force merely with a view to getting themselves trained, should also be utilised in such cases? I have already referred to the provisions in the parallel legislation in the United Kingdom as regards calling up the Auxiliary Air Force to serve abroad, or to serve when there is no war or emergency. We want to encourage our young men to get themselves enrolled in the Auxiliary Air Force, or the Navy or the Army, so that they may study the technique of the art of defence, and be of use to the country in the event of a war. My submission is that if such an encouragement should be given, the liability of those young men should be as restricted as possible. If they are liable to be called up to serve anywhere by the competent authority and even by an Honorary magistrate then that is a definite impediment, in my opinion, in the way of their getting enrolled in the Auxiliary Air Forces. I would appeal to the hon. Defence Minister to take these things into consideration. I am pleading here only for the Auxiliary Air Force, and I submit that the Auxiliary Air Force should not be called up in aid of civil power and also except in case of an emergency, and even then they should not be asked to serve abroad.

Dr. M. M. Das (Burdwan—Reserved—Sch. Castes): The Joint Select Committee to which the Bill was referred has not been unanimous in its report, and several Members of the Committee have submitted their minutes of dissent. The most important question raised in these minutes of dissent is that of conscription. My hon. friends Shri H. N. Mukerjee and two others have taken serious objection to the conscriptive nature of the Bill and have said that it is wrong in principle to introduce conscription as a general feature when the situation does not warrant it. When the hon. Minister in charge of this Bill was discussing this particular point in the minute of dissent he appeared to be somewhat apologetic in his speech.

Shri Gopalaswami: It is a very wrong impression that my hon. friend has carried from my speech.

Dr. M. M. Das: I am glad to hear that he was not apologetic, because there is nothing to be apologetic about

in this matter, in my opinion. If our country wants to survive as an independent nation in the world today, nothing should be done to place an obstacle before Government or to tie down their hands for imposing this conscription if they find it really necessary for the defence of the country. Peacetime conscription has been the subject matter of great debate and controversy in the United States of America. Today there are only two countries in the world, England and America, which have not adopted conscription during peacetime. With the exception of these two countries, conscription has been adopted universally in practically all the independent countries of the world not only during war, but during peacetime also. England and America do not require conscription during peacetime, because of their natural defence provided by their geographical positions. England is saved by the English Channel and the invincible British Navy, while the United States of America is isolated from the old world by the Atlantic and the Pacific Oceans. The other countries of the world, less fortunate geographically and which have abutting frontiers with their neighbours like the countries of the Continental Europe, must have the necessity to keep the whole nation, the entire population, ready for war, fully prepared and organised so that mobilisation can be effected at short notice. The necessity and importance of conscription not only in times of war, but also in times of peace was first demonstrated by Germany in the year in 1870 when Germany defeated France and took possession of Paris. The foundation of German military might was laid in the year 1814 when the famous military law of Boyen was promulgated and enforced in Germany. This military law was passed upon the principle that every citizen is bound to defend his Fatherland. In effect, the promulgation and enforcement of this military law in Germany resulted in the full and complete conscription of the whole German nation both in times of peace and war.

Perhaps, a few words about the present Red Army may please some hon. Members on my right side. The Red Army has passed through three evolutionary stages. At the beginning it was a cent per cent voluntary Army. Then it was partly voluntary and partly conscripted, and now it has become a fully conscripted army.

Shri Nambiar (Mayuram): Not voluntary?

Dr. M. M. Das: Up to the beginning of the last war, able males of 21 years were subject to compulsory military service in Russia, but during the war when there was a greater demand for soldiers to feed the front lines, this draft-age of 21 years was reduced to 19 years.

My hon. friend Mr. Chacko in his speech drew a line of demarcation between civilian and military people. There was a time when the doctrine of Rousseau that war is the relationship of a State to a State and not of man to man, held good, but the time has changed and that doctrine has been discarded now. In its place, a new doctrine has come into existence, and this doctrine is that "every citizen is a soldier and every soldier is a citizen".

There is another important matter to which I would like to draw the attention of the House so far as conscription to our Defence Reserve Forces is concerned. Every year Government spends several crores of rupees for the development of civil aviation in this country. Every year, a number of new aerodromes, a number of new communication centres are being established, costly machinery is being installed in our aerodromes to facilitate civil aviation, and aviation schools are being established and maintained in many parts of the country at a huge cost. Subsidies to the different air companies of this country to the extent of eight annas per gallon of aviation spirit is also given. Last year, we spent Rs. 3,14,57,000 for civil aviation. This year, we have provided in our budget the sum of Rs. 2,79,29,000. If any of my friends here think that the Government is spending this huge amount from our Exchequer only for the sake of having the luxury of a scheduled air service from one part of the country to another, I have no hesitation to say that he is entirely wrong. We are spending this huge amount of money every year, three or four crores of rupees, not for the luxury of having a scheduled service by air from one city to another in this country, but we are spending this money because we know that in times of danger, if these are required for the defence of the country, then the civil aviation will form a second line of air defence of this country. Therefore, there is provision in this Bill to conscript suitable employees who are serving today in our civil aviation companies. I think there is nothing wrong in it.

Another important question that has been raised by my hon. friend

Mr. Chacko and others is whether it will be proper and just to call the Auxiliary Air Force Reserve for service abroad and in aid of the civilian power. It has been declared on the floor of this House on more than one occasion that our fighting Forces are meant for defending the country alone. We have no territorial designs upon any other countries, and there will be no occasion at all to send our forces abroad. But, for the defence of our country, it may be necessary for our Armed Forces to operate just outside our borders in the territory of the enemies. I think the provision of service abroad has been made in this Bill only to meet those occasions.

Regarding service in aid of civil power, we have seen in the floods of Assam and in the drought of Rayalaseema how the Armed Forces could be useful in relieving the distress of the civil population. Nobody can have any objection at all for the rendering of such service by the Armed Forces to the civilian population. The only objection that has been raised is about the use of these forces for quelling civil disturbances. Personally speaking, I do not attach much importance to it. In the Territorial Army Act of 1948, there is a similar provision, as has been mentioned by the hon. Minister in charge of the Bill. This Territorial Army Act was passed in the year 1948 and this particular provision for service in aid of civil power has been in force for the last four years. I do not know if anything untoward or objectionable has happened in these four years. But if some of the hon. Members of this House take this matter very very seriously, as is evident from the speech of my hon. friend Mr. Chacko, I do not see any reason why the Government should not accept their suggestion.

There is another point which the hon. Minister in charge has dealt with rather elaborately in his introductory speech. Some changes, some additions have been made by the Joint Committee to clause 28 of the original Bill. By this addition, the responsibility of compensating an employee for his less pay during the time of training has been placed upon the employer. When an employee has joined the Auxiliary Air Force or the Reserve Air Force, he is serving the nation. It is the Government and the people at large who are benefited. I do not understand why the responsibility of compensation should devolve upon the employer. It should devolve upon the Government.

Shri G. S. Singh: I welcome this Bill and I hope earnestly that the Government will do all they can to implement

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it as soon as possible in spite of the fact that in the official memorandum it says that it is only a permissive piece of legislation. There is to some degree, a departure from our usual practice inasmuch as a certain amount of voluntary conscription has been introduced. I welcome this, and I would ask the Defence Minister to introduce it in the Universities so that he can apply it to all branches of our Armed Forces.

I was astonished to find my friends of the Communist Party opposing this conscriptive measure. They are all for regimentation and conscription of all forms. The only objection to this conscriptive measure that I can see, is that it may decrease the desire of our young men to become air minded. The Defence Minister has assured us that this will not be so. So that objection is overruled.

I was surprised to find minutes of dissent to this Bill, especially in regard to clause 25—liability to be called up for service. My hon. friend, Mr. Chacko, has objected to our Air Force Reserves being called up in aid of the civil power.

Shri P. T. Chacko: Auxiliary Air Force.

Shri G. S. Singh: Supposing there is a war and you have an Auxiliary Air Force squadron stationed in Delhi. No regular troops are available because they are at the front and suddenly a civil disturbance takes place, then who is going to be called up in aid of the civil power on that occasion? (An Hon. Member: Police). That is already in the Criminal Procedure Code.

Another point to which Mr. Chacko objected to was the deletion of the words 'in an emergency'. I would like him to think of a situation where you get intelligence that an aggression is about to take place. An emergency may arise; you do not wish to let everybody know that you have this intelligence; you do not wish to let anybody know that you have these secret reports. But you want to be prepared and you want to equip your Air Reserves before that emergency arises so that you will be ready to handle it when it does arise.

The question of serving abroad, I think, can easily be explained. I would like to ask Mr. Chacko how he

is going to fly from Calcutta to Assam. We must consider these small points.

While congratulating the Defence Minister on this piece of legislation, I would like to ask the Government whether it could not see its way to incorporate the Department of Civil Aviation into the Defence Ministry, specially in view of Chapter III and the conscriptive nature of Chapter III, which is contemplated. I do feel that this would make for greater efficiency in the implementation of this measure, if I may say so with all due respect to the D.G.C.A.

I would also congratulate the Defence Minister on clause 29 which provides for compensation during the training period. I would ask him to see if he can amend the Territorial Army Act accordingly. My friend who spoke last, objected to this principle of compensation. But I would ask him to think of an airline Captain who is probably drawing Rs. 2,000 a month who is called up for one month's training. He is given the rank of a Flying Officer who gets Rs. 600. Do you wish for even that one month to disturb his financial and domestic budget to such an extent? Surely for one month's training the employer could quite easily make up the difference.

Shri M. S. Gurupadaswamy (Mysore): The world today is faced with a peculiar situation. It is in a state of 'no war, no peace'. There is neither war, there is neither peace. We are in an unstable and insecure condition. So naturally such a condition demands that we should be adequately equipped for defence. I entirely agree with the Defence Minister as far as the principle and purpose of this measure is concerned. We want our people to become more defence-minded, more air-minded. I feel that there should be more civil cooperation in the defence of the country. I agree that people should participate positively in the defence of the motherland. We must have an adequate second line of defence always in reserve to be used in an emergency.

I agree on all these points. But I disagree with the hon. Minister with regard to the provision of conscription. I say that conscription is not necessary because it will create an impression that our people are not willing to serve voluntarily in the task of defence. Defending one's country is a noble responsibility; it is a responsibility that should be shouldered by every individual citizen. My hon. friend there has told us that every citizen is a soldier

and every soldier is a citizen. That should be the spirit, but that should be voluntary. We cannot compel a man to serve in this Reserve or that Reserve. If we inject the spirit of compulsion, if we make this imperative, then it will alienate the willingness, or shall I say, it will curb down the voluntary spirit, that is needed for such a defence reserve. Conscription today is not necessary because there are people who agree to serve voluntarily. Of course the conscription is limited to the Air Defence Reserve and does not apply to the Auxiliary Air Force Reserve. Even that I feel is not necessary in view of the fact that our people are too willing to defend their country. So, in the first instance let us see whether by making it voluntary we are not getting cooperation from those sections of the community. If we fail to get that cooperation, then we may introduce conscription, not otherwise. So I humbly submit that conscription may be avoided and the door may be thrown open for voluntary service.

Another point is about the use of the Air Force Reserve and the Auxiliary Air Force Reserve in aid of the civil power. My hon. friend there has pointed out that the Reserves should not be employed in helping the civil power in quelling disturbances, in dispersing unlawful assemblies and in quelling riots. I have no objection if the Reserves are employed to aid the civil power in constructive and development projects. In famine conditions—and they are existing today—you may employ these Reserves to carry goods for the famine-stricken people. We may employ these Auxiliary Air Force reserve personnel for building up roads and communications. But it should be restricted only to civilian purposes; by 'civilian purposes' I mean only peaceful purposes. Therefore, I say that these Reserves should not be called up by any magistrate, or anybody for that matter, in quelling disturbances or taking part in establishing law and order in the country. Only a few days back we passed a piece of legislation empowering the magistrate to use all the Armed Forces to quell civil disturbances, to disperse unlawful assemblies and so on. It is there and every one, whether he belongs to Auxiliary Air Force or not, is liable, in his civilian capacity, to be called up by the magistrate to quell disturbances and establish law and order in the country. Though he is a member of the Auxiliary Air Force he is subject to the order of the magistrate and his liability is there to help to establish law and order in the country. By pinning these people to the

Auxiliary Air Force we are not in any way removing this liability. So to make these people again liable to serve in quelling disturbances or establishing law and order is totally unnecessary.

There is another strong reason for my objection. If you say that members of the Auxiliary Air Force are liable to aid the civil power in quelling disturbances or in establishing law and order, then you will be discouraging recruitment. People may feel that if they are taken into this Auxiliary Force they may be called upon to quell disturbances in their own localities and that they may become unpopular. They may feel that they may have to use force against their own brothers in the locality, which feeling may not at all be encouraging or conducive to their joining the Auxiliary Air Force. Therefore, in order to encourage people to join as auxiliaries it is necessary to remove this fear from their minds, otherwise your legislation will become futile, and will not be successful. To make it successful and operative this fear should be removed from the minds of our young men. I submit, therefore, that this part of the Bill should be amended properly. We have mentioned in the minute of dissent also that it is very necessary that the civil power should not be empowered to call on the auxiliaries to aid them in establishing law and order.

Another point which I have to refer to is about using these reserves for purposes which are not at all national, or using them beyond the territorial limits of this country. I emphasise that these reserves should not be normally sent abroad, and they should be sent out only in an emergency. Some hon. Members might say, well, we have to send them abroad for training, therefore, how can we prevent it? But after all, the training that these auxiliaries may require will be a very limited one which could be done in India as well without having to send them abroad. In the Bill as it stood originally the condition of emergency was mentioned but it has been removed in the Select Committee by the Majority Members of the Committee. I wish that that word "emergency" should be added so that only in a case of emergency should the Government use these forces inside India or outside, not otherwise. If you say these forces can be used even in peace time you will be creating a sort of a suspicion that you may like to help other countries in their war efforts, or even that you may want to conquer some other country. I know you do not intend to do this; you are honest people, you are not aggressors, you do not want any

[Shri M. S. Gurupadaswamy]

other territories outside India, but still the present provision of the Bill will apparently cover that idea. Therefore, it is better that to clear up that suspicion and doubt from the minds of people we should add the proviso of "emergency". Only during an emergency should these Reserves be called up and employed, not otherwise.

Shri T. S. A. Chettiar (Tiruppur): So many hon. Members have covered several points and it is not my purpose to repeat them over again. This is a permissive legislation, and the success or otherwise of it will mainly depend upon the quality of people that you are able to attract to these Auxiliary Forces. Any provision in the Bill which will be a deterrent to the recruitment of such fine personnel will be against the success of the scheme. So, the main point of view from which this Bill should be examined should be from the point of view of whether we will attract the proper kind of personnel for these auxiliary and reserve forces.

In this connection I want to refer to one point which was mentioned in the opening speech of the hon. Minister of Defence. I do not know whether that point has been sufficiently appreciated or not. It may look strange but it is true that the kind of people whom you want to recruit to these forces get, in civilian employment, much more pay than what they would get in the regular Forces. There is a clause of the Bill which says that the pay given to these auxiliaries should be the same as that given to the regulars. That is perfectly correct; Government cannot maintain two scales of pay, one for the regular officers and another for the auxiliaries. But we have to consider the other question. They have to leave their civilian employment to join these forces; it is a continuous employment, an employment for life time. These people have to leave that employment and join the auxiliaries almost as regulars. When these auxiliaries are formed they go into action along with the regular Forces. And the fun is that we offer them less pay! The original clause in the Bill was the very same thing as the amendment which was introduced to the Indian Territorial Army Act and on that we heard from the hon. Minister a few weeks ago that they are not able to attract as many good men for the Territorial Army as they wanted. The reason mentioned was that the pay offered by the Territorial Army was in many cases less than that offered by private management in industries, etc. To circumvent that difficulty an amendment has been introduced in

this Bill in the Select Committee. And I think that amendment is about the most important amendment made in the whole Bill. That amendment is to clause 29. Now clause 29 provides that during the period of training any difference of pay existing between what he was receiving previously and what he will actually be paid by Government ought to be made good by the previous employer. We must remember that the various categories of officers mentioned here include not only pilots but also include ground engineers. Many people of these categories will have to be drawn from industries or workshops. Well, it has been laid down that this difference in pay should be paid by the former employer. The question is how far we will get the co-operation of the employers in this matter. To the extent to which we get that co-operation we will be successful, but to the extent to which those employers discourage their men going and joining the auxiliaries this measure will be a failure, and I think Government should address themselves to this important question. Now the question of payment of difference in pay refers only to the period of training which is expected to be one or two months. For instance, there are pilots in the air services who already know their job, but, if I may use a civilian term, an orientation has to be given to them, a special training given so that they may fit into the Air Force set-up. At the most such training may take just one or two months and we have laid it down that for that period the difference in pay should be paid by the employer. The question that still remains is: When these men are absorbed in the Air Force what will happen to them? Of course, I do believe that our employers will be patriotic enough to provide for the difference in pay because it is a matter of just one or two months—and that is what we were given to understand by the Air Force authorities who came to the Select Committee. But the question that has to be answered is what happens to these men when they are drafted into the regular service. That also is a matter over which Government should come to an understanding. They cannot come to an understanding unilaterally unless the employers come forward to pay, and if they want the responsibility to be taken by the employers it is necessary that they must take the employers into confidence.

11 A.M.

Before going into the question of the advisory committee which provides for civil co-operation, I would

like to refer to one other matter. Clause 29 (3) envisages a case where certain employers may refuse to pay the difference. There may be some misunderstanding or they may adjust the amount they have to pay against some other loan which the employee may have taken from the employer. If such adjustments take place and the difference is not paid to the employee, what is going to happen? We discussed this for quite a long time and found that the matter did not lend itself to an easy solution. It required thought and consultation. Clause 29(2) reads:

"(2) Where any such member was in any employment immediately before he is called up for training under section 25, the employer shall, during the period of the training, be liable to pay to him the difference, if any, between the pay and allowances which he would have received from the employer if he had not been called up for such training and the pay and allowances which he receives as such member while under training."

And then follows 29(3):

"(3) If any employer refuses or fails to pay to any such member the difference in pay and allowances as provided in subsection (2), such difference in pay and allowances may, on application by the member to the prescribed authority, be recovered from the employer in such manner as may be prescribed."

The provision is that if the employer refuses to pay, the difference would be recovered from him, but the point as to whether the man who joins the Auxiliary Force will get his money or not is not made clear. It may be that the prescribed authority will tell him, "Rs. 500 are due to you. We shall recover it from the employer and give the amount". No time or date is specified. It may take months and we know what a civil action means. Unless, therefore, we specify the time by which the money should be paid to the employee, it would create difficulties. If the intending participants in the Auxiliary Force were to know that they are not going to get the difference easily, then I am afraid it would act as a deterrent, whereas our chief objective in introducing this Bill is to give a real encouragement for these young men to come and join these Forces. We really depend upon the patriotic urge and love of the motherland of these young men who are prepared to come

forward and risk their lives. These the young men are prepared to do, but to expect them further after joining the Auxiliary Force to wait for months on end for the payment of the difference is too much. These are two very important matters which should be looked into and which have been left vague.

What will happen to these people when they are drafted to the regular service? That is a matter which has not been considered at all under this Bill. What will happen during the period of training? You have no doubt said that if the employer does not pay you will recover the money from him, but should the candidate wait for the recovery, or will somebody advance the money and then recover it? This has to be made clear, and it is a very important matter from the point of view of the individual participants in this scheme.

If this particular clause is to come into effect, we must get the abundant co-operation of the various employers who are in this case the various airlines and flying clubs. They are heavily subsidised by the Government and we may expect...

Shri U. C. Patnaik (Ghumsur): On a point of order, Sir. Is a Member of the Select Committee, who has not given a minute of dissent, entitled to criticise the report of the Select Committee?

Mr. Deputy-Speaker: I do not think there is anything objectionable. He did not perhaps think of these points then and he is now placing them before the House and trying to persuade it.

Shri T. S. A. Chettiar: I am rather surprised at the point of order. These things were considered by the Select Committee. It is not necessary to give a minute of dissent in order to discuss these points here.

I was on the point of the co-operation of the public. It is abundantly clear that public co-operation will be necessary to make the proper type of candidates to come forward and join the Auxiliary Forces.

Mr. Deputy-Speaker: But with respect to important matters, is it right for hon. Members, long after the Select Committee has concluded its deliberations, to come before the House and put forward new points?

Shri T. S. A. Chettiar: These things were considered in the Select Committee.

Mr. Deputy-Speaker: They do not find a place in the report. That is what the hon. Member points out.

Shri T. S. A. Chettiar: This particular clause which I quote is a new one which has been added. Clause 29(2) and (3) deal with the two questions which I have raised.

I was on the machinery of public co-operation. This matter was also discussed in the Select Committee and I am personally anxious that the composition of the advisory board should be made clear. Whose co-operation do we need? The two agencies who have to do with the training of pilots are the flying clubs and the airlines. Since they receive heavy subsidies from the Government, it can reasonably be expected that they will co-operate with Government in this matter, but how about the personnel who have to be drawn from various factories, workshops and other places? It is essential that we should get the co-operation of those industrialists and workshop magnates also and they should certainly find a proper place in this advisory committee. Apart from them, there are ex-servicemen, ex-officers of the Air Force and similar people. They should also be in the advisory committee. I am anxious that any decision taken by Government in these important matters, which are left to the rules, should be taken after the consent and persuasion of the various employers and there is a large body of employers who will co-operate with Government in this respect. Under sub-clause (4) of clause 34, the rules that will be made will be laid before the House, so that it will be open to the House to make any suggestions in this regard.

There is one other matter which I would like to deal with before I sit down. Something has been said about conscription. I am afraid that that word has not been used in the proper sense. Here there is no real conscription. I shall tell you the reason why. I understand that these people who are undergoing training in the flying clubs for flying etc. sign an agreement. I have got a copy of the agreement and shall read the relevant portion. But the substance is that they have, under the agreement which they have executed with the flying clubs, agreed to serve Government, because of the heavy subsidies which Government is paying to the flying clubs. I am not referring to the ground engineering personnel, but most of the people whom we are going to take will be from among these people. Therefore, I

do not see anything like conscription there, because under an agreement they receive training. There may be a few cases of people trained before the agreement came into force two years ago, but I believe that a large number of people who may join these Auxiliary Forces will be people who have been trained under this agreement. So, there is no question of conscription in this matter. It is only a question of agreement and I do not think we should create scare which does not exist.

One objection has been raised and that is that these auxiliaries should not be used in support of the civil power. I do not want to go into that question in detail. I would only like to draw the attention of the House to section 42 of the Criminal Procedure Code where it is said that officers of Government already have power to requisition the help of all civilians in the maintenance of law and order.

Shri A. K. Gopalan (Cannanore): I rise to raise my voice of protest against this Bill. I do not want to take much time of the House. I will try to be as brief as possible.

The way in which this House has been passing Bills, will I am sure cause alarm in the minds of the people. The other day we passed a measure which gave power not only for the police and the Army, but also for the Air Force and the Navy to go to the aid of the executive to quell disorders. There were discussions for over two days and it was then argued by the Government that that power was essential in view of the existing situation in the country. Today, by this measure, as my hon. friend Mr. Chacko said, you are asking for power for the use of not only the ordinary Force, but also the Auxiliary Force to quell disturbances, not when there is an emergency, but even when there is no emergency in the country.

One of the objects of this Bill, it was pointed out, was to give training to our young men, to encourage them to take to military training. I do not know how this will be an encouragement, particularly when they know that there is no danger facing the country, that there is no emergency existing in the country, that there is no threat of external aggression, and that they will be called upon to quell civil disturbances. Even as far as the last Bill, the Criminal Law Amendment Bill, was concerned, there was a departure, for the reason that the executive wants the use of regular Navy as well as the Air Force. There is a convention, I suppose that the

Army, the Navy and the Air Force are not meant to be used against the people of this country, whatever may be the nature of the disturbances, but only against external aggression when there is a war.

When the Criminal Law Amendment Bill was under debate we brought it to the notice of Government that if Government were to be afraid that there would be frequent disturbances, there would be such disturbances and if Government were afraid that the regular police and Army could not handle it, the proper course for them would be to recruit a special new force to deal with such disturbances. Even today, besides the ordinary and reserve police, there is a special armed constabulary. In the same way you can say there may be a new force to deal with civil disturbances.

Whenever such Bills, for example, the Preventive Detention Bill, or the Criminal Law Amendment Bill, are brought before the House, we are told that the situation in the country is very bad. If that is so, it would be better to bring forward a Bill saying that there must be another force added to the police force or the reserve police which will be used to quell disturbances in the country. We have no objection to Government doing that. But when you say that the Navy and the Air Force will be used for quelling civil disturbances, and in addition to all that the Auxiliary Forces too, then, certainly it looks as though there is something very very alarming in the country. We would, therefore, naturally like to know what is that situation which necessitates the Government resorting to such legislation.

What is the incentive or encouragement which this Force offers to the youngmen, as was pointed out by an hon. Member? Of course, when there is a war, when our country is attacked, there is necessity for conscription. In times of danger, there will not even be the necessity for conscription, because the young men out of their patriotism and love of the country are sure to volunteer themselves for the defence of the country. Now in peacetime, when there is no danger facing the country, you call them, you give them training. You will naturally take only those persons who have some job, persons like students, clerks and others. When they know that they are meant to be used for quelling civil disturbances, they will not be much interested in it.

Even the other day about 120 young men, who had undergone training as pilots and who are still unemployed

came to me. They said that in the near future—within the next six months or one year—they saw no prospect of their getting any jobs. On their behalf I represented their case to the hon. Minister concerned.

A provision in this Bill says that their services are likely to be utilised not only within the country, but they are also likely to be sent abroad. We do not know where they will be used and how they will be used. It must be specifically mentioned where they will be sent and how they will be used.

If the real object of the Bill is to give encouragement to your youngmen and to foster and develop a patriotic Auxiliary Air Force in the country, I am afraid that laudable object would be defeated by the very provisions you are putting.

I object to this Bill and request that clause 25(b) and (c) may be deleted.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): I have great pleasure in supporting *in toto* this Bill as it has emerged from the Joint Select Committee. The Government is to be congratulated for bringing forward this measure, and it has been brought forward none too early. And I do hope the hon. Defence Minister will during the next session be able to bring the Naval Reserve Bill also so that we shall have Reserves in all the three arms of the Defence Forces.

I would like to begin with some of the comments and criticisms that have been made by the previous speakers. I am surprised that even Members of the Joint Select Committee seem to have so quickly forgotten the points and the arguments that were thrashed out in the Committee itself. One hon. Member does not seem to have an adequate appreciation of the scope of this Bill. My friend, Mr. Chacko, does not object to the Reserves being called out in aid of civil power. His objection is only to the Auxiliary Air Force being called out in aid of civil power. The argument he put forward was a very strange one. He said: here are these young men who will be living with their wives, daughters, sisters and friends, and they will be called out, they will be shooting their own kith and kin! I would ask him to consider whether the personnel that will be in the Air Defence Reserve will also not be living with their own people. What is the difference? The Air Defence Reserve will be made up largely of personnel who are today working in the scheduled and non-scheduled airlines. Will they be living in barracks or in their own homes? How is it that he comes to draw this distinction? He feels for the person

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who is going to be in the Auxiliary Air Force because he may have to shoot his own brother. He does not feel so in respect of the personnel of the Air Defence Reserve at all. I do not understand this kind of dichotomy that is drawn by my friend, Mr. Chacko. His objection, and for the matter of that the objection of any one in this House, is already ruled out by the fact that this Parliament has already agreed that people who come under the Armed Forces can be called to the aid of civil power. (*Interruption*). As a matter of fact, that particular clause need not be there. It need not be there because Parliament has already legislated and has already enabled the appropriate authority to call out anybody who comes under the Armed Forces Act. Actually, as we discussed it in the Select Committee also, my own view was that that particular clause was unnecessary because only during this session we have passed an amendment to the Code of Criminal Procedure whereby the authority already exists. But this makes it explicit, so that personnel who will be joining the Reserve and the Auxiliary Air Force will know what they are in for and will be in no doubt about it.

Something has been said about conscription. Personally I feel it is high time that the country understood the meaning of conscription. It is the duty of every citizen to come to the aid of the country when the citizen is required to do so, whether it is an emergency of a countrywide nature or some local emergency. Already for several years every B-licence trainee has undertaken in the agreement that he makes with the Government—this is the agreement—that “he would enrol, if required by Government, in a Reserve of Auxiliary Service of the Indian Air Force.” So this thin end of conscription is nothing new. Government has a right to have a return of service for the vast sums that are spent on trainees. My hon. friend Mr. Gopalan mentioned the fact of 120 pilots, B-licences I suppose, who went to him about their being unemployed, and perhaps unemployable. On that account alone I would have thought that Mr. Gopalan would have welcomed the formation of the Air Defence Reserve, because the Air Defence Reserve, the Government plan, would enable these B-licence pilots to maintain their flying qualifications. Otherwise, if they are unemployed, they will not be able to get their licence endorsed every year. Here is a plan whereby Government is going to enable these young men—they are not only 120, the

present figure is over 200, men who have spent well over Rs. 14,000 in getting their B-licence, part of which amount has been contributed by the Public Exchequer—here is this Bill which is going to enable them to keep up their qualifications so that when they are not required in the Reserve they will be still eligible, still qualified to come back to any employment for which they may find an avenue.

Shri A. K. Gopalan: Not only qualification but food also they want.

Shri Jaipal Singh: Anyway, none of us want that people who have spent vast sums of money and on whom Government has also spent vast sums of money should remain idle. I think on that we are all in accord. So the first objection that they should not be called out in aid of civil power is ruled out of court. In any case, it is an optional thing for an individual who is not a B-licence pilot to join the Auxiliary Air Force, because the Auxiliary Air Force exists only for people who are below the level of B-licence and other technical qualifications under the Air Defence Reserve. It is optional.

Now, the question has been raised that this will act as a deterrent and that young men will not be coming forward. I am afraid that people who are using that language just do not know what the position of civil aviation at the present moment is, how all our flying clubs are congested, where people have to queue up to get their training. I, personally, with the experience I have not only of one flying club but of several over a long period of years, can say this: this Bill will in no way deter our young men wanting to get training in flying.

There has been the question of compensation. That point has already been met by my friend from West Bengal. Yes, it is met only in so far as the personnel is drawn from services that receive Government subvention. Now, it is quite likely that a person may be called up who is not employed either by any scheduled or non-scheduled airlines. The person may be employed by a firm that receives no Government aid whatever. If a person is called up who is in the employ of a Government beneficiary, a concern receiving large subventions from Government, I can well understand that we have a right to expect of that employer to bear the brunt of the difference for the fortnight or three weeks or at the most one month of the training for which the person will

be called up. I do suggest that Government should by some executive action find out ways and means of how the case can be met of people who would be employed where the employer does not receive any Government subvention. Otherwise, there will be discrimination. For in one case one employer receives aid from the Government and the other employer does not receive aid from Government. I think, certainly in regard to the engineering staff, it would be very necessary for Government to consider ways and means of coming to the assistance of the employer if necessary. As I have already said in the case of personnel who are employed by concerns, that receive aid from Government, Government has a very easy way of meeting it.

I do not know why, in season and out of season, some of our friends on our side in this House seem to think that men in uniform to whatever wing they may belong are only meant for shooting the people. They do not seem to have faith in themselves or in their fellow countrymen and that the Armed Forces are disciplined people. Personally I will be quite frank with the House. It was the Armed Forces that dealt with disaster or any commotion better than the policemen. This is so because the Armed Forces are men of discipline. They are always under control. They do not go out of control. It is very unfortunate that we have so little respect for our Armed Forces. They are our countrymen just as patriotic as the rest of us. They also are citizens. At the same time they are subject to laws just as much as the ordinary citizen and further than that, they are also subject to the military discipline. I do deprecate this decrying of the Armed Forces, as if they had no sense of honour and no sense of feeling for their fellow countrymen.

The regular Air Reserve, the Air Defence Reserve and the Auxiliary Air Force can be used for so many other very useful things. Mention has already been made of their magnificent work. They have done it only recently and they are still doing it in the tea gardens in Alipore and Doars. When the new railway link bridges had been completely washed away by the rains, it was the Indian Air Force that had to go to the rescue as my hon. friend said in his introductory speech. If we build up our reserves we could certainly utilize them for similar purposes.

People have very soon forgotten what happened when the emergency arose in regard to Kashmir. It was the Indian Air Force supplemented very

magnificently by the civil air lines that enabled us to get our troops there in time and thus saved Kashmir for us. There are so many different ways in which we can make use of the reserves and the Auxiliary air Force, that I do congratulate the hon. Defence Minister for bringing this Bill forward. I have no mental reservations whatever.

I am not worried as to whether an emergency should be proclaimed by the President or not. Anybody who is connected with civil aviation will realize that you will have to have months and months of training before a man can be made useful to you. It is not like driving a bullock cart. You can do it then and there. This needs a highly technical training. You cannot fly as you can drive a motor car. Then for driving a motor car you require a licence. Here is a matter of flying up in the air and there are no garages up in the air, and as my hon. friend from Bharatpur said: Are you going to let the whole world know that there is a potential emergency? Is that how you are going to protect the country? You are sadly mistaken if in this aviation age, you think that at the last minute you can have a first-rate Air Force, either to do your own internal rescue work, or for dropping food supplies or for the matter of that, defending the country.

I support this Bill wholeheartedly and will end by saying that I do hope this is the beginning of my hope expressed earlier in the Budget session that civil aviation will go to my hon. friend there, so that he will be able to implement this Bill. It should not be a merely permissive Bill. If it is merely a permissive Bill, I would have very little use for it. I want something to happen. I want to see the 200 pilots, who have spent thousands of rupees and on whom Government have spent such vast sums of money employed. Government have been giving literally crores of rupees in subventions to the various air lines and I want that this money should come back by way of dividends in the shape of strengthening our defences and our aggressive power in this country.

Mr. Deputy-Speaker: So many hon. Members have taken part in the debate so far. There are amendments to various clauses and hon. Members will have an occasion to speak when the clauses come up for discussion. I, therefore, propose to call upon the hon. Minister immediately.

Shri Gopalaswamy: We have had an interesting debate on this motion, but the points that were raised in the course of this debate were only too familiar. Some of them were raised

[Shri Gopaldaswami]

during the debate at the time the Bill was referred to a Committee of the two Houses. Others were discussed, I think, in all fulness at the sittings of the Committee itself. Yet, I do not wish to go into too much detail over the criticisms that have been launched here.

There is one very fundamental point about which I should like to say something, especially from the standpoint of the future of the country and the role that the regular Armed Forces and the Armed Reserves have to play. It has been taken too easily for granted that if we are to attract the proper kind of personnel to these Reserves, we must not throw any impediments in their path and one of the impediments which these critics think is that the Bill as posed before them is their liability for service in aid of the civil power. A question has been asked that if young men are drawn into these Reserves freely of their own will and so forth, should you subject them to the scare of having to serve in aid of the civil power? This is a service in which lives, property or other belongings of their kith and kin might be involved.

Now, in regard to questions which arose in connection with the maintenance of law and order, the quelling of disturbances etc., I hope the House will concede the position that those duties are public patriotic duties. If that is so, if you are prepared to create regular Forces, whether of the Armed Services type or even of the police type, for the purpose of discharging those obligations, the same kind of people are involved in getting such men into the regular Forces also. Does the House suggest that a man who goes either into the regular Armed Forces or goes into the regular police is not to be actuated by the same humane considerations that they think will stand in the way of a man going into the Reserves? *Per contra*, if you have to attract men into the regular Armed Forces, or the regular police for the purpose of discharging these public obligations, patriotic obligations, what is there wrong in asking people to get qualified for rendering this patriotic service and go into these Reserves for that purpose? I can see no distinction between regular Forces and reserve Forces in this respect. It may be that, when you are thinking of Reserves, you are very wrongly thinking of different grades of society from which regular Forces are drawn and the Reserves are drawn. You think in terms of a better type of people being persuaded to come into the Reserves and perhaps a somewhat lower type of people who are ready

to go into the regular Forces. I think this distinction is unsustainable from the standpoint of the ideology for which Mr. Gopalan must stand. Therefore, I do not think that the fact that they will be liable to be called in aid of the civil power even for quelling local disturbances is anything that could so deter young men from coming into these Reserves. As my hon. friend Mr. Jaipal Singh has pointed out, the trouble is not so much want of applicants; the trouble is regard to flying clubs and the institutions that exist for the purpose of training is congestion. We have not been able to provide the number of institutions that are necessary for training all the young men who are prepared to offer themselves for service in this arm. I think it is a very exaggerated impression that any such liability is going to deter young men from coming into these Reserves.

There are some other suggestions which were put forward. On the question of conscription, I think the critics have been sufficiently answered by the speeches of other Members in this House. A suggestion was made that in setting up these advisory committees, we should enlist the co-operation of the kind of people who are likely to be affected by giving effect to this Bill. Certainly Government will keep that in mind in the constitution of these committees. In the framing of the rules for the constitution of these committees, we shall certainly take care to see that the employers also are consulted and are brought into these committees and I hope that every effort will be made to persuade them to fall in with the policy of this Bill and the manner in which it should be implemented.

As I have already said, it is my intention that, after this Bill is passed into law, fairly quick action should be taken for giving effect to its provisions. Hon. Members are aware that the Bill itself provides for different portions of the Bill being brought into force at different times, and perhaps also at different times in different areas. These provisions will be kept in view and certainly a beginning will be made in this direction as soon as practicable. My own hope is that, before the House meets at its next session, we shall be in a position to place on the Table of Parliament the more important rules that will have to be made under this Bill. The rule-making power has to be exercised as fully as possible before we can begin with implementing the legislation,

though I do not think we can exhaust all the rule-making that is necessary before the next Session.

Mr. Deputy-Speaker: The question is:

"That the Bill to provide for the constitution and regulation of certain Air Force Reserves and also an Auxiliary Air Force and for matters connected therewith, as reported by the Joint Committee, be taken into consideration."

The motion was adopted.

Clauses 2 to 24 were added to the Bill.

Clause 25.—(*Liability to be called up for service*)

Shri P. T. Chacko: I beg to move:

In page 14, line 29, omit "or the Auxiliary Air Force".

I do not want to take the time of the House in explaining the amendment. Clause 25 deals with the liability of all the three kinds of Forces to be constituted under the provisions of this Bill. As I have submitted earlier, I do not want the Auxiliary Air Force to be liable to be called up for service in aid of the civil power or for Air Force service abroad. A separate clause may be therefore added regarding the liabilities of the Auxiliary Forces. I have also given notice of an amendment to that effect.

I am amazed at some of the remarks made by Mr. Jaipal Singh. He has been, as he said, for a long time acquainted with the working of flying clubs. He was pointing out to the agreement signed by persons who are trainees in these clubs.

Mr. Deputy-Speaker: May I suggest that the hon. Members may move all the amendments standing in their names to this clause and then speak. Practically, the hon. Member has spoken about the clause *in extenso*. If he has to add one or two observations, I have no objection. But let all the amendments to this clause be moved together, first with respect to the Auxiliary Air Force, and then with respect to the emergency and so on.

Shri P. T. Chacko: I beg to move:

(1) In page 14, line 34, after "abroad", add "in an emergency proclaimed under article 352 of the Constitution".

(2) In page 14, after line 34, insert:

"(2) Every member of the Auxiliary Air Force shall during

the period of his service be liable to be called up—

(a) for periodical training and medical examination,

(b) for air force service in India in an emergency proclaimed under article 352 of the Constitution."

I was astonished that Mr. Jaipal Singh did not actually, with all his experience, understand the difference between the Air Defence Reserve and the Auxiliary Air Force. He tried to read a portion of the agreement which the trainees have executed. The agreement says that the trainee undertakes to serve in a Reserve Auxiliary Force. What was the meaning of the words "Reserve Auxiliary Force" at the time when the undertaking was given? Then we did not have any Auxiliary Air Force. So, the meaning can only be of the words as they are used in the parallel legislation in the United Kingdom; and there, they are having Reserves to the Auxiliary Air Force. And the Reserves of the Auxiliary Air Force are not compelled, are not liable to be called up in aid of the civil power, and they are not liable to be called up except in an emergency. So, what is the meaning of that agreement? The agreement only means that the trainee has undertaken at the time of the training to serve in the Reserve of the Auxiliary Air Force which was liable to be called up only to serve in an emergency, and only at home. My friend wants to put something else than this. He wants to interpret it as meaning an Auxiliary Air Force under the Bill before the House now. I only wish to point out that it is putting the cart before the horse. Nothing less than that.

Then, Mr. Jaipal Singh was also saying: "Why should some friends want to make a difference between the Air Defence Reserve and the Auxiliary Air Force as regards the liability to be called up in aid of the civil power." I am sorry to say that in his enthusiasm he has forgotten the purpose of the legislation itself. The purpose of the legislation, I wish again to point out, is to encourage our young men to get themselves trained so that they may be of use to the country in an emergency. In the case of the Air Defence Reserve there are already provisions in the Bill to compel anyone who has certain minimum qualifications to serve—I am referring to clauses 10 to 15. So there is no question of giving any encouragement to them. Any person with the prescribed qualifications can be enrolled in the Air Defence Reserve, and any person can be compelled under the provisions

[Shri P. T. Chacko]

of this Bill to do so, and therefore no question of encouragement arises in the case of the Air Defence Reserve. The question of encouragement arises only in the case of the Auxiliary Air Force.

My friend Mr. Patnaik was telling me about their feeling when Mr. Patnaik and some of his friends joined the Territorial Army. They were actually doubting whether they should join the Territorial Force, simply because of the provision that they were liable to be called up in aid of the civil power. This is his experience. So, that is the mentality—I do not want to go further—with which young people look upon this provision.

Some of my friends were asking: "What about the regular Army?" They are paid for it. I am not wanting in respect for them. They are serving the country. They are patriots. I agree. But you should not put a student or a businessman or one who has voluntarily enrolled in an Auxiliary Air Force in the same level as a member of the armed police or the regular Armed Forces. Supposing there is a disturbance of the peace, and innumerable instance I can quote where....

Mr. Deputy-Speaker: Is it not open to him not to enrol himself?

Shri P. T. Chacko: Yes, Sir. That is exactly why I object. It is open to him not to enrol. That means it is a discouragement. That is exactly my point.

Mr. Deputy-Speaker: He must be enrolled but not do the act in the Air Force?

Shri P. T. Chacko: I may be willing to get myself trained, and I may be willing to serve in case of an emergency to save my country from external aggression or an internal disturbance.

Mr. Deputy-Speaker: The hon. Member wants that the Air Force must be constituted on his own terms.

Shri P. T. Chacko: I am pointing out that there is no country in the world, as far as I know—there are ever so many countries where Auxiliary Air Forces are constituted—where members of the Auxiliary Air Forces are liable to be called up in aid of civil power. Are they not having the considerations which weighed with our Government? I never wanted to compare this with the legislation in other countries. Because this reference was made, I was forced to say that.

It is not on my condition that I want to get trained. What I say is that

people who do not want to serve in aid of the civil power may be prepared to serve the country in the Armed Forces in the event of external aggression. They should also be given training. That is my submission.

There may be a property dispute between two individuals. It may develop into a riot in a village. I can quote innumerable instances where the interference of petty officers has caused property disputes between individuals to develop into actual riots in villages. My question is: Do you want our young men from the same village who are prepared to get themselves enrolled in the Auxiliary Air Force, who are prepared to serve the country in the event of an emergency—an external aggression or an internal rebellion—to go out and quell the riot there? It arose, after all, from a property dispute between two individuals. My point is that the purpose of the Bill is to give encouragement to our young men to get themselves enrolled and get themselves trained, so that they may be of use to the country. If you want to give encouragement, my proposition is that they should not be asked to go and serve in aid of the civil power. There is no necessity also.

May I ask the Defence Minister how many times he has used the Territorial Force for quelling riots in this country? Probably not even once. So, there is absolutely no need to call up the Auxiliary Air Forces as such to quell disturbances or riots. And, why should this power be given to the magistrates?

Somebody was pointing out that we have already accepted this principle in the Criminal Law Amendment Act. We have not accepted it. At that time when the Criminal Law Amendment Bill was passed, what we did was to vest powers in magistrates to call the Armed Forces in aid of the civil power. That is all. At that time, we never contemplated the Auxiliary Air Force. And now we can make in exception of the Auxiliary Air Force. There is nothing illogical in that.

So, my submission is that viewing the purpose of this Bill, the Auxiliary Forces should not be used just like the ordinary Forces or the Police Forces firstly in aid of the civil power, and secondly, they should not be used except in an emergency. That was the intention of the Government when they brought the Bill itself.

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I may also point out that there has probably been no instance even for the use of the Territorial Army to quell civil riots or disturbances of peace and

tranquillity in the country. In order not to leave any suspicion in the minds of people who are prepared to make some sacrifice of their time and want to get trained in the Auxiliary Forces, and in order to give them some encouragement to do so, I again appeal to the hon. Defence Minister to accept my amendment.

Mr. Deputy-Speaker: Amendments moved:

(1) In page 14, line 29, omit "or the Auxiliary Air Force".

(2) In page 14, line 34, after "abroad": add "in an emergency proclaimed under article 352 of the Constitution".

(3) In page 14, after line 34, insert:

"(2) Every member of the Auxiliary Air Force shall during the period of his service be liable to be called up—

(a) for periodical training and medical examination,

(b) for air force service in India in an emergency proclaimed under article 352 of the Constitution."

Shri K. K. Basu (Diamond Harbour): I beg to move:

(1) In page 14, line 33, after "civil power" add "provided that such aids shall not be called for quelling civil disturbance and/or anything connected with the maintenance of law and order".

(2) In page 14, line 34, omit "or abroad".

Mr. Deputy-Speaker: Amendments moved:

(1) In page 14, line 33, after "civil power" add "provided that such aids shall not be called for quelling civil disturbance and/or anything connected with the maintenance of law and order".

(2) In page 14, line 34, omit "or abroad".

Pandit Thakur Das Bhargava (Gurgaon): Arguments were taking place before you as to what should be the proper province of obligations of the Auxiliary Air Force. In regard to these, two points of view have been put forward. The first is that in an emergency they can be called up, but should not be asked to serve abroad and in aid of the civil power. The reply was given to this by some hon. Members and also the hon. Minister in charge of the Bill, that this objection of Mr. Chacko has no force. One of

the arguments advanced by my hon. friends is that we have just passed another Bill some days ago, the Criminal Law Amendment Bill, which is alleged to have laid such an obligation on the Armed Forces. My humble submission in regard to that is that it is absolutely wrong to refer to that Bill and call it to aid to enforce such an argument, and to declare on that basis that there is no substance in the argument of my hon. friend Mr. Chacko. In the first instance, we are now bringing into existence a new Force called the Auxiliary Force, and to say that in regard to that we have already passed a Bill by virtue of which we have put certain obligations upon that Force is not fair. So I would submit that so far as that Criminal Law Amendment Bill is concerned, it has got nothing to do with the present Bill, wherein we are enacting today what will be the position of the Auxiliary Air Force.

As regards the argument that the obligation on the Auxiliary Force should be as restricted as possible, my submission is that it should be examined on merits. Even in the Police Act I know that in certain cases the magistrate can call upon any citizen to become a special volunteer. Therefore, as far as the principle is concerned, there is no point in saying that any person who voluntarily takes up such an obligation upon himself should not be asked to serve in aid of the civil power.

But the question here is whether you should impose such an obligation on every person who wants to get himself enrolled in this Auxiliary Force or not. In my opinion, I do not visualise many occasions when such persons shall be called upon to aid civil power or to serve abroad. Ordinarily, even when we passed the Criminal Law Amendment Bill, the hon. Home Minister gave an assurance that if any such Forces are used, they will be such forces only as will be serving on the land only. So I do not visualise even with regard to this Bill, that such a contingency will arise when we will have to use this Auxiliary Force. Nobody in this House has contended that the obligation should not be enforced when there arises an emergency or internal aggression or disturbance. When the Kashmir conflict arose, we know that persons who were only civilian pilots went to Kashmir and did their duty splendidly at the time of emergency. Nobody wants that any Indian should shirk his duty. But the question here is whether you are going to encourage these people who want to enrol themselves in the Auxiliary Air Force, or not. If you lay down this

[Pandit Thakur Das Bhargava]

obligation on them, then to a certain extent, an obstacle is placed before them, because they would not like to take up obligations of which they do not approve.

Therefore, my submission is that because these emergencies are not likely to arise, we should make the conditions of service in the Auxiliary Air Force as attractive as possible, and see that many persons come forward. So I would rather like that my hon. friend Mr. Chacko's amendment is accepted, so that this obligation to serve abroad or in aid of civil power does not act as a deterrent towards persons enrolling themselves in the Auxiliary Force. If there is any emergency involving the security of India, then a person who joins this Force will definitely go abroad in defence of his country, and will take up that duty voluntarily on himself. In other countries also, the Auxiliary Air Force is not called upon to come in aid of civil power. Similarly, we should also see that there is no such obligation in our country also, and see that many people are attracted to this Auxiliary Air Force, and voluntarily accept the duties which are imposed on them. Therefore, I feel that this amendment of my hon. friend Mr. Chacko should be accepted.

Shri Dhulekar (Jhansi Distt.—South): I cannot say that my hon. friend Mr. Chacko's arguments are without any force at all. The whole object of the Bill may be one, namely that we are going to have an Air Force of which there will be three classes, as defined in this Bill. It might be said that whoever joins any of these, he should be prepared to serve in all contingencies. As there are three classes of Air Forces, I believe the hon. Defence Minister has in his mind the view that these three classes will be used in three different circumstances. First, there is the regular Air Force which is to be used daily. Secondly, we have the Air Defence Reserve defined in Chapter III which may be used to supplement the regular Air Force whenever necessary, and to aid them in their duties. Thirdly, we have the Auxiliary Air Force which can be called at a later stage.

I cannot agree with my hon. friend Mr. Jaipal Singh who said that all persons belong to the same category whether they live in barracks or in civilian houses. I submit that they do not belong to the same category. I may get training in the Air Force in order that I may serve my country

whenever there is any aggression from another country or when there is any internal commotion of a nature that the Government will be compelled to call upon me from my ordinary course of daily duties. I am a Member of Parliament and if I belong to the Auxiliary Air Force, I will not be called up to quell a small civil commotion, a storm in a tea-cup in a village or a factory. But under the rules, as they appear here, when there is an emergency, I can be called by any magistrate or any person who may be commanding my area. So, I submit that we should look at it from another point of view. My hon. friend, Mr. Ayyangar, said that we are looking at it from a different point of view, that is, those persons who join the regular Air Force are of a lower stature than those persons who are in the Auxiliary Force. I submit that that argument does not fit in here. Why? The point is this. One person takes up the profession of becoming a soldier. Another person takes up the profession of a lawyer. That person who takes up the profession of soldier is certainly a very good citizen, very great patriot; he must be respected. I respect him, but I place him certainly in another category because he is a kind of *Kshatriya* who is prepared to fight every day. Another person who enters another profession makes reservation in his mind that "if my country is in danger, I shall run." It can be very plainly seen. Suppose in my village there is a house on fire, I shall certainly run bare-footed, bare-headed and without anything on my person, but nobody can say that because I ran on that day in that fashion I shall run everyday bare-footed, bare-headed and without any *kurta* on me. That does not mean that one is lower and another is higher. There are two classes. So my submission is this, as my hon. friend, Pandit Thakur Das Bhargava has said, that there is much force in what the hon. Minister says, but there is also force in this that there may be discouragement by putting this, that all persons who may be prepared in times of danger to die and sacrifice themselves, will in ordinary times be asked to go out of their way and to serve at a time when they have only to put down a certain *hartal* or some small rising, burning of houses and things like that. So, I would submit that we have to look at this matter from that point of view.

Reference was made to the Territorial Army. I submit that I am voicing the feelings of those young men who do not enter the Territorial Army,

and I may give this information to the hon. Minister of Defence that this Territorial Army Act is not very popular. Why? Because the University students think that they may be called upon to aid the civil power at any time. Therefore, they are afraid of it. So, I may tell the hon. Minister that this thing works in the minds of University students and they generally do not join it. In British times, there were University students who used to go. Why? Only to get training. They said that at the time they were called upon to serve in aid of the civil power, they would disobey or would join the revolutionary forces and liberate the country when the time came. They joined the Territorial Army with the object of getting military training so that when the country required it, they would rebel against the British. That was the one motive that actuated them to enter the Territorial Army. Now that motive is not there. Now, I may be allowed to say that that small section in the Territorial Army Act is a deterrent section, if you put that clearly 'for service in aid of the civil power' without the words 'in an emergency'. I agree with Pandit Thakur Das Bhargava that it will be certainly deterrent to some extent and our young men will not be attracted.

I do not agree with Mr. Chacko that the word 'abroad' should not be there. I would say that an aeroplane just flies at 400 to 500 miles an hour and gets out of India in two or three hours. It is not a railway train or a motor car. When you are in the sky, how can you limit that?

Shri P. T. Chacko: That is not service abroad.

Shri Dhulekar: Why, you fly from Bombay a thousand miles you enter another territory. (Interruption) I say the words 'India or abroad' should be there.

Pandit Thakur Das Bhargava: Abroad in an emergency.

Shri Dhulekar: Everywhere they have to go. With these words, I submit to the hon. Minister to consider these points and agree to some of the suggestions so that these people may not incur the penalties that are given in this.

Shri Raghavaiah (Ongole): I have got only one doubt and that is that our Defence Minister is not satisfied with calling the Army, Navy and other forces to quell civil disturbances. Of course, as he commands them today, he can call for the services of any type of Forces in this country—the

Auxiliary Air Force that is going to be formed under this piece of legislation or any other Force that is likely to be formed under any other piece of legislation that he may like to bring before this House. He is entitled to do that and he may do that. But before doing that I would like just to make an appeal to him to see as to who is disobeying law and order in this country and why a piece of legislation that demands the services of these Forces also should be enacted. Now the question is this. As things stand today, who is disobeying law and order in this country? I would like to substantiate this because reference has been made to this.....

Mr. Deputy-Speaker: I am afraid all that is irrelevant.

Shri Raghavaiah: Mr. Jaipal Singh...

Mr. Deputy-Speaker: No, no. Whoever he may be, I cannot go on allowing that. Whatever an hon. Member raises here cannot be made an issue here. The question is of raising some kinds of Reserves, the regular Air Force Reserve, Air Defence Reserve, and Air Force Auxiliary Reserve. Among the various functions given to the Auxiliary Air Force Reserve, this is one, that is, quelling civil disturbances. If an hon. Member so desires, he may say 'they ought not to be so used'. That is another point. But if we come to who are all the persons etc. then we will be going into the Communist Party, the Socialist Party, Communist Party etc. and once again a general discussion will start. I think that ought not to be touched.

Shri Raghavaiah: I am not going into that. It is unfortunate that the Deputy-Speaker should anticipate such an argument from me.

Mr. Deputy-Speaker: That is the trend. I am not able to follow. If he starts referring to persons, then it may fall upon certain men, women or children.

Shri Gopaldaswami: I may add that we are not concerned with who is breaking law and order. Supposing the breakers of law and order were all from this side of the House, I still say that these Forces should be used.

Shri Raghavaiah: I really congratulate the hon. Minister for having said this at least now because the incident to which I was going to refer is one that involves a gentleman who occupies the highest position in the administrative machinery of a State.

[Shri Raghavaiah]

I will only mention his designation, not his name because that may be taken as casting an aspersion on a person who holds such a high position officially and in the State branch of the Congress. I hope our hon. Minister will certainly use this Force against that gentleman also who deliberately violates law and order, who does not sell his paddy at controlled rates, who asks his own brother who is a post-graduate to part with him just because he sold paddy at controlled rate.

Mr. Deputy-Speaker: No, no. All this is irrelevant. The hon. Member loses no occasion for making such references—I have been noticing it. If he gets the proper opportunity to ventilate his grievances let him do so, I have no objection. But on every occasion he should not do that. Here we are concerned with the Air Force Reserves Bill. We are neither concerned with the question of blackmarketing nor with the question as to who will be affected by this Bill or against whom it will be used. Wherever there is a disturbance the Reserves formed under this Bill will be used. It is open to him to say that they may not be used in certain cases.

Shri Raghavaiah: I would be extremely glad if the hon. Defence Minister uses these Forces also against such gentlemen who disobey law and order.

One thing is rather surprising. While our State is wedded to the philosophy of non-violence, it is rather surprising that our Defence Minister should form such Armed Forces as these besides the ones that are already in existence both for defence of the country and for quelling any internal disturbances. I do believe that the hon. Minister will make this point clear in his reply as to how this wonderful contradiction can be explained, namely that a State built on the philosophy of non-violence should go on forming Armed Forces *ad infinitum*.

An Hon. Member: Do you agree with the philosophy?

Shri Raghavaiah: A question is put.....

Mr. Deputy-Speaker: All this also is not relevant. The House has accepted the principle of the Bill, namely raising of certain kinds of Forces. It is open to the hon. Member to say this chapter or clause or that may be omitted. Now we are on clause 25 which deals with the functions of the

Forces. He may say there ought not to be this function or that another function may be provided. But he must try to be relevant.

Shri Raghavaiah: Just by way of submission to the Deputy-Speaker, may I say.....

Mr. Deputy-Speaker: No more submission is necessary.

Shri Raghavaiah: In my trying to explain my amendment I should be sorry if a hard and fast rule is adopted.....

Mr. Deputy-Speaker: I cannot avoid it. I will not allow any irrelevant matter to be referred to either in advance or later.

Shri Raghavaiah: Referring to this clause it says these Forces can be called up for Air Force service in India or abroad. The hon. Member Mr. Chacko has moved an amendment to the effect that after 'abroad' the words 'in an emergency proclaimed under article 352 of the Constitution' be added. This amendment along with my amendment goes to prove that the calling up of these Forces that are going to be formed under this measure will become necessary only when there is an extraordinary situation, a situation that cannot be controlled with the employment of Forces that are already in existence. Only under such extraordinary conditions does the necessity for the employment of these Forces come into being. And when such conditions do come into existence, under article 352 of the Constitution a situation of emergency may be proclaimed by the President of the Republic and the services of these Forces may be called in. But when such extraordinary conditions do not exist the idea of calling up these Forces for the quelling of any civil disturbances appears on the very face of it to be a useless idea and also very shameful to a Government that wants to maintain law and order in a normal situation. In fact, the employment of these Forces when such extraordinary conditions do not prevail may be construed by the people of this country as a situation of civil war created by the party in power.

Pandit A.R. Shastri (Azamgarh Distt.—East cum Ballia Distt.—West): Nobody will believe that!

Shri Raghavaiah: There is some meaning if some anti-social elements were responsible for such an extraordinary situation leading to the

necessity of using these Forces, but when the party in power wants to maintain peace and tranquillity through the employment of these Forces it will be construed by the people as a situation of civil war towards which the Government is driving the country. I do not know whether the hon. Minister can say 'No' to this. He cannot say 'No' because he will be using the services of certain Forces who should not be used in a normal period. This legislation is being enacted now which is a normal period. This period is a period of reconstruction. We have achieved independence and we have launched on reconstruction programmes. We are building huge dams and river valley projects like the Bhakra-Nangal project. These projects demand the services not only of our people but also of our soldiers. There has been a famine in Rayalaseema and the Army was sent there. In fact, this is a period when we should demobilise the Army or divert the services of our soldiers towards the fulfilment of our reconstruction plans. As the hon. Member there said a few minutes earlier, a soldier is a citizen in a period of reconstruction and is a soldier in time of war. And if a citizen has to do these two things—that is, discharge the duty of a citizen and also that of a soldier—I do not think that as things stand at present there is any meaning in calling up the citizens to discharge the duties of a soldier in peace time. The soldier is a citizen in time of peace and a soldier in time of war. Here you are making a citizen a soldier in time of peace, at a time of reconstruction. To transform a citizen into a soldier at a time of reconstruction is against the very principles of reconstruction, and hence the period through which we are passing has got to be understood as not a period of peace and reconstruction but as a period of civil war or actual war when alone the citizen is expected to discharge military duties. I can understand conscription—certainly I will support the Bill if it aims at conscription of the entire people of the country for working for the reconstruction of the country, for fulfilment of our development plans. But if this piece of legislation is not one for mobilising the services of the entire people in the country for fulfilling existing programmes but for fighting abroad—and in this connection I cannot understand the word "abroad"...

Mr. Deputy-Speaker: He may continue after lunch.

Pandit Thakur Das Bhargava: Is it all relevant to this Bill? We are con-

sidering the constitution of an Auxiliary Air Force and my hon. friend is going into the broad question whether there should be any soldier at all and any Army at all.

Mr. Deputy-Speaker: He does not want these Forces to be used except in an emergency and he suggests that during normal times no emergency would arise. So, he is in order. Has he concluded, or will he take some more time?

Shri Raghavaiah: I shall take two or three minutes more.

Mr. Deputy-Speaker: Then he may continue after lunch.

INDIAN TEA

Shri Sarmah (Golaghat-Jorhat): May I invite your attention to the Order Paper of the day, Sir.

Mr. Deputy-Speaker: I know it is 12-30 now and there is a half-an-hour discussion.

Shri Sarmah: This discussion arises out of the replies given to starred questions 1886, 1887 and 1888 on the 21st July last and relates to an industry which is one of the biggest organised industries in India, namely, the tea industry. India produces about 60 per cent. of the total world production of tea. In 1951 the tea industry in India produced 620 million lbs. of tea and if we assess the price of a tea estate producing on an average 80,000 lbs. of tea annually at Rs. three lakhs and 25 thousand, the total value of the tea industry in India will be of an order of Rs. 250 crores. India earns about Rs. 80 crores of foreign exchange from tea and the Government of India gets round about Rs. 15 crores by way of excise duty, import duty, income-tax and super-tax, besides substantial amounts earned by the State Governments by way of agricultural income-tax. This industry employs 6½ lakhs of labourers and if we take into account the dependents of these labourers the total population maintained by the tea industry in India will come to round about 18 lakhs of souls. Thus, it appears that the tea industry in India perhaps comes next only to jute and coal.

Undoubtedly, this industry is facing difficulties at present due to the sharp recession in prices since April 1951. If this recession was in alignment with the general world recession of prices, due to the cessation of stockpiling in America and the truce talks