

will conclude it in 15 minutes on that day if nothing happens in the meanwhile. If anything happens in the meanwhile, we will note that.

Shri V. P. Nayar: I must speak having regard to all these difficulties.

Mr. Speaker: This portion is excluded, i.e. whatever time is now not taken up.

14.08 hrs.

**ASSAM RIFLES (AMENDMENT)
BILL**

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):
Mr. Speaker, Sir, I beg to move:

"That the Bill further to amend the Assam Rifles Act, 1941, be taken into consideration."

In asking the House to take into consideration the Assam Rifles (Amendment) Bill, 1958, I would like to point out that it is not a major amendment at all. It is necessitated by the fact that the area where the Act was applicable has extended and the sphere of administration has extended. It is therefore, found necessary to enlarge the powers of the Assistant Commandant in order to meet the exigencies of changed conditions.

Clause (a) of sub-section (I) of section 8 of the Assam Rifles Act, 1941, confers on an Assistant Commandant of the Assam Rifles powers to award, without a formal trial, for commission of any petty offence against discipline to certain riflemen, imprisonment in the quarter guard or such other suitable place for a term not exceeding seven days. This power is not adequate for disposal of cases which are brought before an Assistant Commandant in charge of a Wing Headquarters.

In 1941, when the Assam Rifles Act was last amended and re-enacted

during the British regime, the major portion of the N.E.F.A. (North Eastern Frontier Agency) was unadministered and Assam Rifles outposts were normally located within a few days' march of road head or rail head in a belt of tribal territory rarely extending more than 50 miles from the plains. In other long administered areas, such as Manipur and the Mizo District, the same considerations applied as communications there were better. Now, however, due to the expansion of the administration, outposts and Wing Headquarters have had to move far into the interior right up to the Tibetan border and for some of them, such as, Along and Ziro, the normal line of communication is by airlift.

It is essential, therefore, that officers on the spot have adequate powers to deal with breaches of the Assam Rifles Act, otherwise they are faced with the problem of either awarding the man in question too light a punishment or of delaying the case indefinitely, while a man from a location such as Mechuka or Tuting marches some 20 days back to the air base and then awaits an airlift often again delayed due to uncertain weather, before he can reach his Battalion Headquarters where he will perhaps be awarded a summary punishment of 28 days rigorous imprisonment after a delay of several months. Apart from the time and Government money wasted in moving such a person about, the psychological effect of punishment is lost, if it is so long delayed. There is also the problem of witnesses, who, in many cases, would have to be moved similar long distances back to the Battalion headquarters. Tribal witnesses would often refuse to go so far out of their area. To meet the situation it is proposed to increase the necessary powers of the Assistant Commandants of the Assam Rifles to award similar punishment up to 28 days by amending the Assam Rifles Act, 1941 as provided for in this Bill. The object in empowering the Assistant Commandant to impose a punishment which

[Shrimati Lakshmi Menon]

power is available to the Commandant is to enable him to deal with cases of breaches of discipline in a quirk and effective manner. This purpose would be defeated if we accept the amendment proposed by Shri L. Achaw Singh. A distance of 50 miles in difficult territory may mean sometimes a march of 6 or 7 days. Therefore, I am afraid, I cannot accept the amendment. I move that the Bill be taken into consideration.

Mr. Speaker: Motion moved

"That the Bill further to amend the Assam Rifles Act, 1941, be taken into consideration"

Shri Dasaratha Deb (Tripura) Sir, I have gone through the Assam Rifles (Amendment) Bill. I do not see any valid reason why such changes are necessary and why such special power should be given to the Assistant Commandant. Before the bringing of such a Bill, at least I expected that the Minister who moved this Bill, should place before the House the number of offences committed by ordinary riflemen like that and also the nature of such offences. That was not placed at our disposal.

Secondly, the Bill says that all the Assistant Commandants should be given such power. That power has been enjoyed by the District Magistrate and the Commandant himself. Nowadays, it is not so difficult. Generally, these military men are posted in such places which are not so far away from the Commandant. The Commandant occasionally visits those places and he is supposed to be with them for all the time. Even if some occasion arises when one has to wait for 20 days or a month, it does not matter. The power of 7 days' quarter guard punishment is given to the Assistant Commandant. He can utilise that power. If you give more power to the Assistant Commandant, I think it will be a humiliation on the part of the ordinary riflemen. In the name of bringing more discipline in

the army, you are going to create more troubles in the army. If these petty officers are given such power, there will be many chances when they may misuse the power in that part. I oppose this Amending Bill itself.

I want to bring to the notice of the House another point. It was suggested as one of the objects that power should be given to the Assistant Commandant to give a punishment of imprisonment for 28 days. That is absolutely unnecessary. Seven days' quarter-guard itself is enough to bring discipline among the ordinary army men. For such petty offences, if more punishment is necessary, we can wait for the Commandant or the District Magistrate to deal with the matter.

In the Annexure in another clause it has been suggested, "forfeiture of pay and allowances for a period not exceeding twenty-eight days". This is a very dangerous clause. In any case, our ordinary riflemen are paid a low salary. Even if some small offence is committed by them, some sort of other punishment may be given. Forfeiture of their salaries and allowances is absolutely unnecessary. It is not only unnecessary, it will harm these people. After all these army men are separated from their families and they have to stay away from their families. They cannot look after their own families. They depend on that small income. From that income they have to support their families. If for such petty offences, such forfeiture of salary and allowances is ordered, I think it will create great hardship, not only to the particular army men, but also to their whole families. The Government must see that that kind of thing is avoided. Otherwise, you are not helping the army. We must remember one thing. We are not building an imperialist army. We are building a national army which has to fight in the interests of our own

country These are rules and regulations which have been observed by the Britishers Specifically they have created that army and maintained that army to defend their imperialist empire and also to subjugate ourselves They imposed all sorts of discipline After all, we are now independent and our army must be taught in terms of patriotism and other things The relationship between the officials and the ordinary riflemen also should be developed Their relationship must be improved Instead of that if you give all these powers and invoke all these rules and the army is treated like that, it will not help even the army to develop a national spirit That sort of thing should not be there

At the Centre, I want to draw the attention of the Minister to this Instead of thinking in terms of this punishment and other things, they should apply their mind so that the conditions inside the army may be developed at the same time There should be some sort of arrangement even inside the army Though we need some discipline in the army,—not only in the army, among ourselves also, there should be some discipline—some sort of family life be established In the case of high officers, we find that they are given some sort of amenities so that they can live with their families In the case of ordinary army men, that is ml In their case, within a whole year, some sort of time should be given to these army men also so that they can live with their family and also associate with other people, so that their social life may be more easy Instead of thinking like that, this Bill suggests only the giving of punishment which I cannot approve of

14.19 hrs.

[Mr DEPUTY-SPEAKER in the Chair]

I want to draw the attention of the House to another point Some Assam Riflemen are being posted in Tripura also In the Assam Rifles, I do not know whether the Defence Ministry

have got any influence in that There are Assam Rifle camps In Manu camp some were posted and they were supplied rations by some contractors There was an agreement that the contractor should supply rice at a cost of Rs 20 per maund In the agreement itself it was provided that the contractor should purchase rice at any price from the local market Instead of purchasing rice from the local market, rations were given from the Government shop at a price of Rs 18 Taking that rice at the rate of Rs 18 per maund, the contractor was allowed to supply rations to the army men at the rate of Rs 22 Why should there be this contractor? If it is the policy of the Government to supply rations from the Government shop, why should not the Government directly supply that rice to the camp? Why was this contractor allowed to make a profit of Rs 6 in that? I think that should be looked into by the hon Minister That is why I want to draw the attention of the hon Minister to this matter

Finally, I wish to say when the hon Minister replies, she should at least give us the number of offences committed by the Assam Rifles so far, the number of cases in which there was difficulty and punishment was not given or was delayed, and the nature of the offences also Then the House may consider it Even in that case, I do not think there is any necessity for such power to be given to such petty officers It should be confined to the Commandant and the District Magistrate, and it should in no case be extended to the Assistant Commandant

Shri L Achaw Singh (Inner Manipur) The present Bill seeks to amend section 8 of the Assam Rifles Act, 1941 It has been stated that the Assistant Commandant does not enjoy enough power to meet the requirements of discipline in the Assam Rifles The present provision, therefore, authorises him to award punishment of imprisonment to any man in the Assam Rifles up to 28 days, whereas the

[Shri L. Achaw Singh]

original Act empowered him to punish up to seven days. The Statement of Objects and Reasons also makes it quite clear that the present measure is necessary because communications are very difficult in the N.E.F.A. area, and also because recently administration has been extended to the interior. In some places it is quite true that communication has been by air lift. The present measure has been, therefore, introduced to cope with the situation.

The result of the present Bill is that the punishing power of the Assistant Commandant would be the same as that of the Commandant. It has also been stated that a light punishment of seven days imprisonment is quite insufficient to meet the requirements of discipline in the Assam Rifles; also, it is clear that long-delayed punishment cannot meet the requirements of discipline. I think the whole House will give general support to this measure as regards its general merit.

*The hon. Minister has said that it is a minor amendment, but then I submit it involves certain principles of discipline, and I have got some reservations. I would like to add some conditions that the Assistant Commandant should not be empowered to give punishment within 50 miles of the headquarters. It has been stated in the Statement of Objects and Reasons that this measure was not necessary before because most of the outposts were situated within 50 miles of the plains area, and before the administration of N.E.F.A. was extended to the interior it was not necessary for the Assistant Commandant to be empowered with the present power of punishment. As a result of this measure, the Assistant Commandant will have the same power as the Commandant himself. My fear is that there will be some conflict and some complication after giving the Assistant Commandant the powers of a Commandant. I fear that the Assistant

Commandant may sometimes misuse his power and it would create some complications in the ranks of the Assam Rifles. Moreover, the distance of 50 miles can easily be covered within two or three days, I do not think it will take seven days, and proper punishment can be given by the Commandant himself, even if the distance can be covered in four or five days. It is, therefore, necessary that the Assistant Commandant should not be granted the powers of the Commandant when his outpost is within 50 miles of the headquarters.

Even if it is beyond 50 miles, I think the Assistant Commandant should take the approval of the Commandant. Nowadays there is the wireless system, and it will not be so difficult for the Assistant Commandant or any one to have direct communication with headquarters. So, even if he is to exercise the powers of the Commandant, he should take the approval of the Commandant.

The Assam Rifles now is an irregular force to protect our borders and beyond it. When they are used in Manipur and Assam, of course, they are reserve police or armed reserve. They have now been strengthened from 9 battalions to 17 battalions, and the expenditure has also increased a lot from Rs. 2½ to Rs. 5½ crores.

They were primarily intended for employment in the tribal areas. Now the whole cost is borne by the Central Government. The Governor of Assam as representative of the Central Government controls the force. In the context of the tribal unrest in some parts of N.E.F.A. it may be necessary to strengthen the Assam Rifles, but we do not see any reason why increasing expenditure should be incurred.

In most parts of Assam the tribal people are peaceful. They have been living peacefully with the plains people. In Assam and Manipur there

is the armed police also. That is why I submit that increasing expenditure should not be incurred on the Assam Rifles.

In NEFA, of course, they may be required because the administration has been extended to many remote areas, but in the Naga area itself where there is the Naga revolt, the army have taken control of the situation, and I do not think the Assam Rifles would be necessary there. Recently the Armed Forces (Special Powers) Act has been passed and the army officers have been empowered to fire upon people even to the extent of causing of death, to search and to arrest people without warrant. Again, according to section 11 of the Assam Rifles Act, the officers of the Assam Rifles are empowered to exercise the powers of army officers in the case of any civil disturbance under sections 128, 129, 130 and 131 of the Criminal Procedure Code. These provisions relate to civil disturbances and unlawful assemblies. My fear is that with the increasing expenditure on Assam Rifles, there is no guarantee that they would not be also used against popular movements in all these areas, especially Assam and Manipur.

Mr. Deputy-Speaker: I hope the hon. Member is concluding within the next two or three minutes.

Shri L. Achaw Singh: I have got some more points

As I have stated already, they are neither a civil force engaged in detection and investigation of crime.

Mr. Deputy-Speaker: I presume the House has no objection if we continue this discussion and finish the Bill. We might take up the non-official business after a few minutes and we can give it the full time that it has been allotted.

Shri L. Achaw Singh: I have stated just now that they are neither a civil

force for investigation and detection of crimes nor a regular Army.

It has been very difficult for us to reconcile why the Assam Rifles have been increased in strength and why they should be again used against popular movements or at the time of any satyagraha

I would like also to refer to the recruitment and the conditions of service of the Assam Rifles. There is great scope for the improvement of the original Act, especially in regard to conditions of service, recruitment and control of the force. The law, of course, contains a number of provisions for the maintenance of discipline and management of the Assam Rifles, but there is no provision for the benefit of the men and the officers of the Assam Rifles. There are a number of duties, and for violation of duties, a series of punishments have been mentioned in the Act. But there is no obligation on the part of Government to give facilities to the men and the officers of the Assam Rifles. Cases have been brought before me that pension rights have not been conferred on some of them, that is, pensions have not been given to some of the officers of the Assam Rifles, even long after their retirement. Again, there are also some cases where disability pension claims have not been settled, and the cases have been postponed and delayed for an indefinite period.

As regards recruitment, we find that 75 per cent of the men in the Assam Rifles are from other parts of India, especially from the hill areas near Nepal. There has been a great demand for people from these areas to be recruited in the Assam Rifles. The position is something like this, that the Government do not put so much reliance on the tribal people. But my own opinion is that these sturdy tribal people should be entrusted with the defence of the border, and they should be increasingly employed in the Assam Rifles, and increasingly recruited also. The

[Shri L. Achaw Singh]

tribal people from Manipur, the tribal people from Assam etc. have asked for a greater number among them to be recruited in the Assam Rifles.

As for the training of recruits, there is only one centre at Meerut.

Mr. Deputy-Speaker: The hon. Member is going into very great details.

Shri L. Achaw Singh: I am coming to a close.

Mr. Deputy-Speaker: But he would be coming to a close after he has trodden upon so much of ground that is not relevant for the present Bill at all. Now, he is going into how they should be recruited, what should be the conditions of pension, which should be the areas where they should be recruited, and so on. All these things, for the present, are not relevant. He might have referred to them briefly, but he is taking too much pains to go into those things that are not relevant today.

Shri L. Achaw Singh: I am coming to a close. I just referred to these questions because they also relate to discipline in the Assam Rifles. If we recruit more and more of these tribals, it will be possible for the authorities of the Assam Rifles to maintain better discipline. That was why I referred to these things.

Shrimati Lakshmi Menon: Is the hon. Member moving his amendment?

Mr. Deputy-Speaker: Let us see, after the consideration stage is over. Does the hon. Minister want to reply?

Shrimati Lakshmi Menon: Both the previous speakers made references to many things which were beyond the scope of the Bill. The first speaker wanted to know the number of offences committed, before we took up this Bill. This is the first time that I hear of such a demand that whenever a Bill is proposed, we

should produce all sorts of details about the circumstances under which the Bill is introduced. The second speaker referred to pension rights, the composition of the Assam Rifles, the need for association of the Rifles with the defence of our frontier etc. At the same time, from his speech it was quite evident that he supported the purpose of this Bill. Only, he did not understand the limitations that we imposed on the assistant Commandant, even in this Bill. Even if we pass this amendment, it is not proposed to delegate the power automatically to all Assistant Commandants, but only to those in charge of specific wings and locations in remote areas. If he understands this, I am sure he will give his whole-hearted support to this Bill.

Moreover, this is a matter of army discipline. It has nothing to do with the civilian population or the relationship between the civilians and the Army or the good feeling that should exist between the two etc. The question is how best we can enforce discipline in the Forces that are employed in the defence of our frontiers.

As I mentioned in the beginning, this is a very simple Bill, and the Assistant Commandant is not a petty officer as was pointed out by one of the speakers. So, I hope the Bill will be passed.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Assam Rifles Act, 1941, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: We shall now take up clause 2.

Clause 2— (Amendment of section 8, Act 5 of 1941)

Shri L. Achaw Singh: I beg to move:

Page 1, line 7, after 'Assistant Commandant' insert 'subject to the condition that the order is

passed by the latter when he is away in an outpost fifty miles from the headquarters of the battalion."

Mr. Deputy-Speaker: The hon. Member has already spoken on that. There is nothing further to be said. The amendment is now before the House.

Shrimati Lakshmi Menon: I am afraid I cannot accept the amendment.

Mr. Deputy-Speaker: I shall now put the amendment to vote.

Page 1, line 7,—

after "Assistant Commandant"
insert—

"subject to the conditions that the order is passed by the latter when he is away in an outpost fifty miles from the headquarters of the battalion."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

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

Shrimati Lakshmi Menon: I beg to move:

"That the Bill be passed".

Mr. Deputy-Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

14-57 hrs.

**COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS
THIRTY-FIRST REPORT**

Shri Krishna Chandra (Jalesar): I beg to move:

"That this House agrees with the Thirty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 3rd December, 1958."

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Thirty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 3rd December, 1958."

The motion was adopted.

14-38 hrs.

**RESOLUTION RE: APPOINTMENT
OF A COMMITTEE TO GO INTO
PATTERN OF MILITARY EXPENDITURE—contd.**

Mr. Deputy-Speaker: The House will now resume further discussion of the following resolution moved by Shri Naushir Bharucha on the 21st November 1958, namely:

"This House recommends that in view of the far-reaching scientific and technical developments in the field of defence, a Committee consisting of Members of Lok Sabha assisted by technical experts be appointed to examine and suggest changes in the existing pattern of military expenditure."

Out of 2 hours and 30 minutes allotted for the discussion of the resolution, one minute has already been taken up and 2 hours and 29 minutes are left for its further discussion today.