

SIXTY-THIRD REPORT

COMMITTEE ON PETITIONS

(SIXTEENTH LOK SABHA)

MINISTRY OF DEFENCE

(Presented to Lok Sabha on _____)



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1

ANNEXURE

- (i) Minutes of the 52nd sitting of the Committee held on 2.11.2018.

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(i)

**COMPOSITION OF THE COMMITTEE ON PETITIONS
(2018-2019)**

Shri Bhagat Singh Koshyari -*Chairperson*

MEMBERS

2. Shri Suresh C. Angadi
3. Shri Om Birla
4. Shri Jitendra Chaudhury
5. Shri Ram Tahal Choudhary
6. Dr. K. Gopal
7. Shri C.P. Joshi
8. Shri Chhedi Paswan
9. Shri Kamlesh Paswan
10. Shri Arjun Charan Sethi
11. Shri Kodikunnil Suresh
12. Shri Dinesh Trivedi
13. Shri Rajan Vichare
14. Shri Dharmendra Yadav
15. Vacant

SECRETARIAT

- | | | |
|----------------------------|---|---------------------|
| 1. Shri Shiv Kumar | - | Joint Secretary |
| 2. Shri Raju Srivastava | - | Director |
| 3. Shri G.C. Dobhal | - | Deputy Secretary |
| 4. Shri Anand Kumar Hansda | - | Executive Assistant |

SIXTY-THIRD REPORT OF THE COMMITTEE ON PETITIONS

(SIXTEENTH LOK SABHA)

INTRODUCTION

I, the Chairperson, Committee on Petitions, having been authorised by the Committee to present on their behalf, this Sixty-Third Action Taken Report (Sixteenth Lok Sabha) of the Committee to the House on the Action Taken by the Government on the recommendations of the Committee on Petitions made in their Forty-Fifth Report (Sixteenth Lok Sabha) on the Representation received from Brigadier N. B. Singh (Retd.) forwarded by Shri Devendra Singh 'Bhole', M.P., Lok Sabha, regarding conferment of Param Vir Chakra on Late Major Mohan Singh, martyred in the Indo-Pak war of 1965 and other issues related therewith.

2. The Committee considered and adopted the draft Sixty-Third Action Taken Report at their sitting held on 2.11.2018.

3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;

BHAGAT SINGH KOSHYARI,
Chairperson,
Committee on Petitions.

2 November, 2018
11 Kartika, 1940 (Saka)

REPORT

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS (SIXTEENTH LOK SABHA) MADE IN THEIR FORTY-FIFTH REPORT ON THE REPRESENTATION RECEIVED FROM BRIGADIER N. B. SINGH (RETD.) FORWARDED BY SHRI DEVENDRA SINGH 'BHOLE', M.P., LOK SABHA, REGARDING CONFERMENT OF PARAM VIR CHAKRA ON LATE MAJOR MOHAN SINGH, MARTYRED IN THE INDO-PAK WAR OF 1965 AND OTHER ISSUES RELATED THEREWITH.

The Committee on Petitions (Sixteenth Lok Sabha) presented their Forty-Fifth Report to Lok Sabha on 22.12.2017 dealt with a Representation received from Brigadier N. B. Singh (Retd.) forwarded by Shri Devendra Singh 'Bhole', M.P., Lok Sabha, regarding conferment of Param Vir Chakra on Late Major Mohan Singh, martyred in the Indo-Pak war of 1965 and other issues related therewith..

2. The Committee had made certain observations/recommendations in the matter and the Ministry of Defence were asked to implement the recommendations and furnish their action taken replies thereon for consideration of the Committee.

3. Action Taken Replies have since been received from the Ministry of Defence in respect of all the observations/recommendations contained in the aforesaid Report. The recommendations made by the Committee and the replies furnished thereto by the Ministry of Defence are detailed in the succeeding paragraphs.

4. In paras 26, 27, 28, 29, 30 and 31 of the Report, the Committee had observed/recommended as follows:-

"The Committee note from the submissions made by the Petitioner that his father, Late Major Mohan Singh was martyred during the Indo-Pak war of 1965, but his sacrifice was not attributed to 'death in action' by the Army at that point of time, thereby, depriving him of Gallantry Award and other facilities. The Petitioner has

further submitted before the Committee that after almost 50 years, i.e., in the year 2014, the Army Headquarters had suddenly acknowledged his sacrifice and conceded his death as a 'Battle Field Casualty'. The Petitioner has, therefore, requested the Committee that the supreme sacrifice of his father be recognised and be suitably conferred on him the Param Vir Chakra accordingly."

"The Committee were informed by the Ministry of Defence that post independence, three gallantry awards, namely, Param Vir Chakra, Maha Vir Chakra and Vir Chakra were instituted by the Government of India on 26 January, 1950, which were deemed effective from 15 August, 1947. Thereafter, three more Gallantry Awards, i.e., Ashoka Chakra Class-I, Class-II and Class-III were instituted by the Government of India on 4 January, 1952, which were also deemed effective from 15 August, 1947. Later on, these awards were renamed as Ashoka Chakra, Kirti Chakra and Shaurya Chakra respectively in January, 1967. Further, with a view to recognizing individual acts of exceptional courage of the Armed Forces personnel, Sena Medal (Army Medal), Nao Sena Medal (Navy Medal) and Vayu Sena Medal (Air Force Medal) were instituted on 26 January, 1960."

"The Committee were also informed by the Ministry that there exists a well prescribed system for awarding deserving military personnel for their act of bravery, etc. Under this system, a citation highlighting the act of bravery that merit recognition is required to be initiated by the Unit/Formation concerned and processed through the prescribed staff channels. There is no provision of initiating the case for Honours and Awards directly."

"In the context of martyrdom of Late Major Mohan Singh, the Ministry of Defence, in its written submissions, submitted before the Committee that 6 Rajput were employed in the in the Chhamb-Jaurian Sector of Jammu & Kashmir on ORBAT (Order of Battle) of 191 Infantry Brigade from 2 September to 13 September, 1965 and subsequently under HQ 28 Infantry Brigade with effect from 13 September to 18 October, 1965. As per the details received from the War History Division, on 14 September, 1965 Late Major Mohan Singh along with some troops was tasked to lay mines in the Battalion area of operations. While proceeding to do so, they were ambushed by enemy resulting in Late Major Mohan Singh and one other Rank being martyred, while five other Ranks sustained grievous injuries. However, there exists no record of any citation having been initiated - in respect of the officer by 6 RAJPUT. As per details of war accounts of 6 RAJPUTS, a total of 19 soldiers of 6 RAJPUT were martyred in operations in general area - Akhnoor - during the 1965 operations. Both Commanding Officers of the Unit during the operations have since expired. The Unit war diary makes a mention of Late Major Mohan Singh, having been martyred during an ambush by the enemy. However, there is no mention of any

citation having been initiated in respect of the officer. As per available records, only one officer at the level of 2nd Lieutenant was awarded a Sena Medal for gallantry during these operations."

"As regards the reasons and the probable procedural lapse on the basis of which the self-sacrifice of Late Major Mohan Singh on the grounds attributable to Military Service was notified on 19 November, 2014, i.e., after a lapse of more than 50 years, the Ministry of Defence explained that the ADG's (MP & Planning) letter dated 19 November, 2014 was issued when his son, namely, Brigadier N.B. Singh requested the Adjutant General Branch for a certificate so that he could apply for a Petrol Pump dealership, as on an earlier occasion, his application for the same was not considered. As a matter of fact, 2014 was not the year when casualty of Late Major Mohan Singh was notified for the first time. In his pension order of 1966, it was clearly mentioned that he was wounded in war, so having been martyred in 1965 operations and was notified in 1965 itself and accordingly his family pension was initiated in 1966. As such, neither there was a procedural lapse nor any procedural inadequacy and the act of valour or martyrdom of Late Major Mohan Singh might not have been considered adequate enough to be considered for such a citation. The Ministry of Defence also pointed out that since the service and medical documents of Late Major Mohan Singh have already been weeded out after the expiry of retention period and the act of his self-sacrifice pertains to the year 1965, which is more than 50 years old, it is not feasible to process it at this belated stage."

"The Committee are not convinced with the contention of the Ministry of Defence that there was no procedural lapse or irregularity in notifying the self-sacrifice of Late Major Mohan Singh as a Battle Casualty attributable to Military Service – in view of the fact that the martyrdom of Late Major Mohan Singh occurred during the Indo-Pak war in the year 1965 and the same was recognized by the Army Headquarters only in November, 2014. The Ministry of Defence had also failed to produce any documentary evidence before the Committee which could prove that prior to November, 2014, any serious effort was made by the Army Headquarters to notify the martyrdom of Late Major Mohan Singh as a Battle Casualty attributable to Military Service. It seems that the Ministry of Defence had erroneously made an attempt to club the two separate events i.e. mentioning of 'wounded in war and having been martyred' in the Pension Order of 1966 with the 'Battle Casualty attributable to Military Service' notified in November, 2014. These events prove that the entire selection process of conferment of Gallantry Awards to the military personnel was not transparent and the Selection committee, at that time, acted in an arbitrary manner. There is no doubt that the selection process for conferment of Gallantry Awards needs to be made more rigorous and meticulous- in order to

choose only those defence personnel who had exhibited exceptional valour during war, but at the same time, the whole exercise should be transparent and objective so that there is no scope for accusations from any quarters. The Committee, therefore, recommend that the Ministry of Defence should undertake a fresh exercise on the basis of available records/documents to determine as to whether there was any procedural lapse by the then Authorities concerned in recognizing the martyrdom of Late Major Mohan Singh during Indo-Pak war as 'Battle Casualty attributable to Military Service' with effect from 1965. The Committee would also like to recommend that the Ministry of Defence should take immediate remedial measures to streamline the system of selection of defence personnel for the conferment of Gallantry Awards in order to obviate recurrence of such instances in future. The Committee would like to be apprised of the action taken by the Ministry of Defence in this regard."

5. The Ministry of Defence, in its action taken reply has submitted as follows:-

- "(a) As per the existing records, the death of Late Major Mohan Singh was classified as 'Battle Casualty' in 1965 itself. Therefore, there was no procedural lapse by the then Authorities in recognizing the martyrdom of Late Major Mohan Singh during Indo-Pak war as 'Battle Casualty attributable to Military Service' with effect from 1965.
- (b) There also appears to be no lapse on the part of the unit in recognition of the martyrdom of the officer since he was classified as Battle Casualty in 1965 itself.
- (c) Further, there is a robust, time tested and multilevel mechanism for initiating and screening of citations for recognizing acts of gallantry. The current methodology follows the under mentioned sequence:-
 - (i) Mention of an act of gallantry is immediately intimated to all HQs in chain, in form of the Situational Report/Operation Dispatches.
 - (ii) Citations for Gallantry awards are forwarded by units and field formations, duly supported by relevant documentary and photographic documents.
 - (iii) These citations thereafter undergo a very intensive and rigorous screening process by nominated Board of Officers at all HQs in chain, before being similarly screened by the Honours & Awards Committee at IHQ Ministry of Defence (Army) chaired by the Vice Chief of Army Staff (VCOAS).

- (iv) The recommendations of the Committee, duly endorsed by the Chief of Army Staff (COAS), are forwarded to the Honours & Awards Committee of the Ministry of Defence for final approval prior to promulgation."

6. In paras 32, 33, 34 and 35 of the Report, the Committee had observed/recommended as follows:-

"The Committee note from the submissions made by the Petitioner that since his father, namely, Major Mohan Singh martyred in the Indo-Pak war of 1965 and his self-sacrifice has now been notified as Battle Casualty and conceded as attributable to Military Service, the family/dependents of martyred soldier be suitably rehabilitated by way of allotment of Petrol Pump under the Discretionary Quota Scheme of the Ministry of Petroleum and Natural Gas."

"The Committee were informed that as per the Discretionary Quota Scheme of the Ministry of Petroleum & Natural Gas for allotment of RO Dealership/SKO-LDO Dealership/LPG Dealership which was instituted vide Letter No. P-19011/4/99-IOC dated 25 May 2001, the dependents of Defence/Paramilitary/Police personnel, who were killed in action or persons permanently disabled while performing their duties and had not been suitably rehabilitated, were considered. However, the said Scheme was scrapped vide the Ministry of Petroleum and Natural Gas Letter No. P-19015/2/2004-IOC dated 26 December 2006, wherein it was stated that the Government of India had decided to disband the Scheme with immediate effect as all the eligible applicants falling under this category can also apply under the normal selection procedure. Subsequently, in 2014, 8% Reserve Quota for Defence Service and Paramilitary personnel was also merged therein."

"The Ministry has also informed that the Petitioner, namely, Shri N. B. Singh, being a retired Brigadier from the Indian Army and having earned a regular pension, does not qualify as a dependent of Late Major Mohan Singh and, therefore, not eligible for allotment of Oil Product Agency under the Discretionary Quota Scheme of the Ministry of Petroleum and Natural Gas. Nonetheless, Brigadier (Retd.) N. B. Singh had been requested by the Directorate General (Resettlement) to intimate the dependents of the deceased ESM and if someone is found eligible for allotment of RO Dealership/SKO-LDO Dealership/LPG Dealership, appropriate action for issuance of 'Eligibility Certificate' would be taken by them. It has also been informed by the Ministry that allotment of RO to the dependents of Late Major Mohan Singh against the discontinued Discretionary Quota Scheme, at such as belated stage, remains under the purview of the Ministry of Petroleum and Natural Gas."

"The Committee are satisfied with the submissions of the Ministry of Defence that they have no role to play in the matter of allotment of RO Dealership/SKO-LDO Dealership/LPG Dealership under the Discretionary Quota Scheme which has already been scrapped by the Ministry of Petroleum and Natural Gas except that the Directorate General (Resettlement) only issues the 'Eligibility Certificate' to the widows/dependents of those members of the Armed Forces who dies in war or in harness due to attributable causes, etc. The Committee feel that the Petitioner, namely, Brigadier (Retd.) N.B. Singh should intimate all the details of the dependents of Late Major Mohan Singh and fulfill all the requisite formalities as required under the Rules for issuance of 'Eligibility Certificate' by the Directorate General (Resettlement). The Committee, therefore, urge the Ministry of Defence to invite Brigadier (Retd.) N.B. Singh for having an unambiguous understanding all the formalities required for issuance of 'Eligibility Certificate' in accordance with law. Thereafter, the dependents of Late Major Mohan Singh has the liberty of apply for allotment of RO Dealership/SKO-LDO Dealership/LPG Dealership under the normal selection procedure of the Ministry of Petroleum and Natural Gas as and when advertisements to this effect are published by the Oil Marketing Companies. The Committee would like to be apprised of the action taken by the Ministry in this regard."

7. The Ministry of Defence, in its action taken reply has submitted as follows:-

"Under the discretionary quota scheme, Brigadier (Retd.) N. B. Singh has been informed of the existing policy guidelines for allotment of Retail Outlet (Petrol & Diesel) advertised by the Oil Marketing Companies under 8% reservation quota (CC1 Category: Combined Category 1) vide Directorate General Resettlement's letter No. 1420/DGR/SE-2/Oil/VIP Ref dated 16.03.2018 (copy enclosed). Further, Brigadier (Retd.) N. B. Singh was requested to intimate a convenient date and time to visit the office of Directorate General Resettlement (DGR), where the DGR guidelines for issuance of Eligibility certificate to ESM and their bona fide dependents by DGR for allotment of Retail Outlets advertised under CC1 by Oil Companies, can be explained to him in detail. Brigadier N.B.Singh (Retd.) visited DGR Office on 18 May 2018 where he was apprised in detail about the DGR guidelines for issuance of Eligibility certificate to ESM and their bona fide dependents by DGR for allotment of Retail Outlets advertised under CC1 by Oil Companies."

Observations/Recommendations

Conferment of Param Vir Chakra on Late Major Mohan Singh vis-a-vis Streamlining of the selection process for conferment of Gallantry Awards to Defence Personnel.

8. The Committee while examining the instant Representation, were not convinced with the contention of the Ministry of Defence that there was no procedural lapse or irregularity in notifying the self-sacrifice of Late Major Mohan Singh as a Battle Casualty attributable to Military Service - in view of the fact that the martyrdom of Late Major Mohan Singh occurred during the *Indo-Pak* war in the year 1965 and the same was recognized by the Army Headquarters only in November, 2014. In this context, the Committee had observed that the entire selection process of conferment of Gallantry Awards to the military personnel was not transparent and the Selection Committee, at that time, acted in an arbitrary manner and therefore, the Committee were of the considered opinion that the selection process for conferment of Gallantry Awards needs to be made more rigorous and meticulous - in order to choose only those Defence Personnel who had exhibited exceptional valour during war, but at the same time, the whole exercise should be transparent and objective so that there is no scope for accusations from any quarters. The Committee had, therefore, recommended that the Ministry of Defence should undertake a fresh exercise on the basis of available records/documents to determine as to whether there was any procedural lapse by the then Authorities concerned in recognizing the martyrdom of Late Major Mohan Singh during the *Indo-Pak* war as 'Battle Casualty attributable to Military Service' with effect from 1965. The Committee had further recommended that the Ministry should take immediate remedial measures to streamline the system of selection of Defence Personnel for the conferment of Gallantry Awards in order to obviate recurrence of such instances in future.

9. In response to the Committee's above recommendations, the Ministry of Defence, in their action taken reply, have submitted that as per the existing records, the death of Late Major Mohan Singh was classified as 'Battle Casualty' in 1965 itself, and therefore, there was no procedural lapse by the then Authorities in recognizing the martyrdom of Late Major Mohan Singh during Indo-Pak war as 'Battle Casualty attributable to Military Service' with effect from 1965. The Ministry have further submitted that there also appears to be no lapse on the part of the Unit in recognition of the martyrdom of the officer since he was classified as 'Battle Casualty' in 1965 itself.

10. The Committee are perturbed to note that the Ministry have not taken recommendations of the Committee seriously and have merely reiterated its earlier position stating that there was no procedural lapse by the then Authorities/Unit concerned in recognizing the martyrdom of Late Major Mohan Singh during Indo-Pak war. Moreover, the Ministry of Defence have not undertaken any fresh exercise to verify available records/documents, on the basis of which it could be determined as to whether there was any procedural lapse by the then Authorities concerned in recognizing the martyrdom of Late Major Mohan Singh during the *Indo-Pak* war as 'Battle Casualty attributable to Military Service' with effect from 1965. The Committee, therefore, reiterate their earlier recommendation and urge the Ministry of Defence to put more rigorous efforts in order to look for available records/documents, on the basis of which it could be precisely determined as to whether there was any procedural lapse by the then Authorities concerned in recognizing the martyrdom of Late Major Mohan Singh. The Committee would like to be apprised of the concrete action taken in this regard particularly.

11. While taking note of the submission made by the Ministry of Defence, in its action taken reply, in respect of multi-level mechanism for initiating and screening of

citations for recognizing acts of gallantry, the Committee would, therefore, urge the Ministry to periodically review their mechanism at each level starting from mentioning of an act of gallantry by the Authority/Unit concerned till the stage of final approval by the Honors & Awards Committee of the Ministry of Defence. The Committee would like to be apprised of the action to be taken in this regard.

Allotment of Petrol Pump under the Discretionary Quota Scheme

12. The Committee in their Forty-Fifth Report (Sixteenth Lok Sabha) had recommended the Ministry of Defence to invite the Representationist, Brigadier (Retd.) N. B. Singh for having an unambiguous understanding all the formalities required for issuance of 'Eligibility Certificate' in accordance with law so that the dependents of Late Major Mohan Singh have the liberty to apply for allotment of RO Dealership/SKO-LDO Dealership/LPG Dealership under the normal selection procedure of the Ministry of Petroleum and Natural Gas as and when advertisements to this effect are published by the Oil Marketing Companies. The Ministry of Defence, in their action taken reply, have informed the Committee that Brigadier (Retd.) N. B. Singh was informed of the existing policy Guidelines, under the Discretionary Quota Scheme, for allotment of Retail Outlet (Petrol & Diesel) advertised by the Oil Marketing Companies under 8% Reservation Quota as Combined Category 1(CC1) vide Directorate General Resettlement's letter No. 1420/DGR/SE-2/Oil/VIP Ref. dated 16.03.2018. Subsequently, Brigadier (Retd.) N. B. Singh was also requested to intimate about a convenient date and time to visit the office of Directorate General Resettlement (DGR), so that the DGR guidelines for issuance of Eligibility certificate to ESM and their bona fide dependents by DGR for allotment of Retail Outlets advertised under CC1 by Oil Companies, can be explained to him in detail. Brigadier (Retd.) N. B. Singh had visited DGR Office on 18 May, 2018 and he was apprised in detail about the DGR guidelines for the issuance of Eligibility Certificate to ESM and

their bona fide dependents by DGR for the allotment of Retail Outlets advertised under CC1 by the Oil Companies.

13. The Committee appreciate the efforts made by the Ministry of Defence to invite Brigadier (Retd.) N. B. Singh and inform about the policy Guidelines, under the Discretionary Quota Scheme, for allotment of Retail Outlet (Petrol & Diesel) advertised by the Oil Marketing Companies under 8% Reservation Quota as Combined Category 1(CC1) and also to apprise him of the existing DGR guidelines for issuance of Eligibility Certificate to avail the benefit under the said Scheme, during his visit to the office of DGR. However, the Ministry of Defence have not updated the Committee about the latest status as obtaining in the matter and have also not informed as to whether Eligibility Certificate was issued to Brigadier (Retd.) N. B. Singh or any other bona fide dependents of Late Major Mohan Singh. The Committee would like to be apprised of an updated status by the Ministry of Defence in the matter.

New Delhi ;
2 November, 2018
11 Kartika, 1940 (Saka)

Bhagat Singh Koshyari,
Chairperson,
Committee on Petitions.

CONFIDENTIAL

MINUTES OF THE FIFTY-SECOND SITTING OF THE COMMITTEE ON PETITIONS (SIXTEENTH LOK SABHA)

The Committee met on Friday, 2 November, 2018 from 1130 hrs. to 1215 hrs. in Committee Room 'E', Parliament House Annexe, New Delhi.

PRESENT

Shri Bhagat Singh Koshyari - Chairperson

MEMBERS

2. Shri Jitendra Chaudhury
3. Shri Ram Tahal Choudhary
4. Dr. K. Gopal
5. Shri Chhedi Paswan
6. Shri Dinesh Trivedi

SECRETARIAT

1. Shri Shiv Kumar - Joint Secretary
2. Shri Raju Srivastava - Director
3. Shri G. C. Dobhal - Deputy Secretary

2. At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee.

3. The Committee, thereafter, took up for consideration the following Draft Action Taken Reports:-

(i) XXXX XXXX XXXX

- (ii) Report on the Action Taken by the Government on the recommendations made by the Committee on Petitions (Sixteenth Lok Sabha) in their Forty-Fifth Report on the Representation received from Brigadier N.B. Singh (Retd.) and forwarded by

Shri Devendra Singh 'Bhole', M.P., Lok Sabha regarding Conferment of Param Vir Chakra on Late Major Mohan Singh, martyred in the Indo-Pak War of 1965 and other issues related therewith.

4. After discussing the Draft Action Taken Reports in detail, the Committee adopted the Report as mentioned at (i) above with minor modifications and the Report mentioned at (ii) above without any modification(s). The Committee also authorised the Chairperson to finalize the Draft Action Taken Reports and present the same to the House in the ensuing Session.

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The Committee, then, adjourned.
