

13 55 hrs.

**COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS**

**FORTY-SIXTH REPORT**

SHRI G G SWELL (Autonomous Districts) I beg to present the Forty-sixth Report of the Committee on Private Members Bills and Resolutions

MR SPEAKER We now adjourn for lunch to re-assemble at 3 O'Clock

13 56 hrs

*The Lok Sabha adjourned for Lunch till Fifteen of the Clock*

*The Lok Sabha re-assembled after Lunch at Five Minutes past Fifteen of the Clock*

[MR DEPUTY-SPEAKER in the Chair]

SHRI S M BANERJEE (Kanpur) May I draw your kind attention that the Supreme Court has admitted yesterday a writ petition challenging the validity of the Additional Emoluments (Compulsory Deposit) Act. My information is that four instalments of DA have fallen due to the Central Government employees. Now, if the entire amount and not 50 per cent as in the past, is to be deposited, it will cause a great hardship and will result in growing discontent among the government servants. I would therefore request you to ask the Minister to convey to the Finance Minister to hold the recovery in abeyance till the Supreme Court gives its final verdict. I request the Finance Minister should come and make a statement.

15.06 hrs.

**NAVY (AMENDMENT) BILL—  
Contd**

**Clause 1 (Short title)**

*Amendment made*

Page 1, line 3,—

for "1973" substitute "1974" (2)

(Shri J B Patnaik)

MR DEPUTY-SPEAKER The question is—

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

*The motion was adopted.*

Clause 1, as amended was added to the Bill

**Enacting Formula**

*Amendment made*

Page 1, line 1—

for "Twenty-fourth" substitute "Twenty-fifth" (1)

(Shri J B Patnaik)

MR DEPUTY-SPEAKER The question is—

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

*The motion was adopted*

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

*The Title was added to the Bill*

THE DEPUTY MINISTER IN THE MINISTRY OF DEFENCE (SHRI J B PATNAIK) I move

"That the Bill as amended, be passed"

SHRI P K DEO (Kalahandi) At this stage of the Third Reading of the Bill I would like to make a few observations because it is going to be a part of our statute book and I could not get an opportunity to speak on the previous readings. So I take this

opportunity to make certain observations.

We all wanted that there should be a comprehensive legislation so far as Navy is concerned. The Minister has given an assurance in his reply to the First Reading that at an appropriate time he would come forward with a comprehensive legislation...

SHRI J. B. PATNAIK: I have given no such assurance. I have said that the Act is already comprehensive.

SHRI P. K. DEO: Anyway I stand corrected because I was not there. But I would like to submit that the role the Indian Navy has to play so far as the defence of the country, the defence of the coastal snipping and the defence of our merchant shipping is concerned, is of vital importance. We have got 3500 miles of sea board which is nearly double the size of our land frontiers and to protect the sea-board, the role of the Navy is very important. We have been talking from the house tops and expressing our concern regarding the American naval establishment at Diego Garcia or of the movement of the Soviet war ships in the Indian Ocean. I would like to know categorically what steps we are going to take to improve our Navy.

Indian ocean is of strategic importance. As far as merchant shipping is concerned in the coming five year plan the tonnage of merchantile shipping is going to be doubled and our Navy should be streamlined. Iceland's economy depends on fishing. They took a very stiff and a stern and also a nationalist attitude so far as delimitation of the territorial waters..

MR. DEPUTY-SPEAKER: I hope you have read the Bill.

SHRI P. K. DEO: I have read the Bill. So, the British Navy had to withdraw from the continental

shelf. As far as we are concerned, though this Bill envisages some good steps at the time, I have to bring certain points which have arisen when we took up consideration of the Bill. There has been creation of a new cadre, that is Master chief petty officer. We all know that in the army there are these junior commissioned officers like the nayaks, subedars and subedar majors. We have got warrant officers in the air force. We have got petty officers in the navy. Even though they do some type of job of officers they do not get the same pay, they get only half and this is a legacy of the British imperialism. So I would like to get clarification from the Minister whether these master chief petty officers will get equal emoluments as that of commissioned officers. This is my first point.

Then there is penal law to safeguard against mutiny etc. So far as discipline is concerned there are no two opinions about it. We want a disciplined armed force. The Defence Service Regulation prohibits certain officers to seek redress by ventilating their grievances and so on. If they do collectively if two are joined, then it is called mutiny. All sorts of penal provisions are made in this Bill, which is aimed to strike their collective bargaining power. Some mechanism should be created to redress their grievances and to ameliorate the conditions of these services. This is my point.

These armed forces are disillusioned by the recent report of the Third Pay Commission. It has hardly neutralised the rise in prices. Defence services are given a raw deal, I should say. And so far as the criteria for the appointment of Judge Advocate-General is concerned even though some improvements is made in this Bill, I would like to point out that one ex-Judge Advocate-General of the Navy Mr. Ghaid

MR. DEPUTY SPEAKER: Why mention names?

SHRI P. K. DEO. There has been a question in this house, an extradition warrant pending against him.

MR. DEPUTY SPEAKER: We should not take up individual cases in the House...

SHRI P. K. DEO: When criteria for appointment of Judge Advocate-General is going to be decided, I would be failing in my duty if I don't bring it to the attention of the House that is, the past malpractices which have been perpetuated by some individuals and my request is that there should not be any repetition of that thing.

He ran away with £12,000 which was given for the benefit of the ratings who took part in the World War II.

We think about the defence forces only at the time of the war but not in peace time. In the time of peace, we should think of their conditions of service and their emoluments. This is the proper time that we should be able to do something for them.

So far as Navy is concerned, I would be failing in my duty if I do not point out one fact that we should modernise our present warships.

MR. DEPUTY-SPEAKER. That is much beyond the scope of the Bill.

SHRI P. K. DEO. Though it is beyond the scope of this Bill yet I would like to take this opportunity to make a few remarks. Our destroyers and cruisers are of the 1938 vintage. Vikrant is going to outlive its utility by the seventies. At the moment Leander Class frigates which are produced in Mazagon and Garden Reach number 50. It will take us

a long time to replace our present frigates and cruisers. At the same time, we should make every effort to see that we start producing more of such ships which can be replaced quickly. As Mr. J. B. Patnaik comes from Orissa I request him to see that Paradip shipyard is established as it has already been selected for the manufacture of these types of war ships. He should go ahead with this. Rourkela Steel Plant is in Orissa. We get plates from there. And Paradip is a port nearby the deepest seaport of the country. So, during his time, we must have the ship-building yard otherwise he would not be doing justice to his State.

With these remarks I conclude my speech.

SHRI S. M. BANERJEE (Kanpur) rose—

MR. DEPUTY-SPEAKER. Mr. Banerjee, you have not given your name. The Hon. Member has given his name in advance. Your name can come in the second round.

SHRI S. M. BANERJEE. I only want two minutes.

MR. DEPUTY-SPEAKER. All right.

SHRI S. M. BANERJEE. Sir, I rise to support the Bill. At the same time I must also pay my compliments to those who are running our naval forces. The hon. Member, Shri Deo who spoke just now said something about the vintage quality of our ships, cruisers and fighters. I am surprised to hear that he has appreciation for everything which is imported but not for the ships that are manufactured in his own country. These young naval officers and their ratings have fought the entire battle with Pakistan.

MR. DEPUTY-SPEAKER. We all appreciate what they have done. But, is this part of the Bill at all?



SHRI S. M. BANERJEE: I am talking of Navy only.

MR. DEPUTY-SPEAKER: I am talking of the Bill—not of the Navy.

SHRI S. M. BANERJEE: I shall now confine myself only to the Navy. I want an assurance from the hon. Minister on one thing. As correctly stated by my hon. friend Shri Deo, as regards the wages, salaries and emoluments, the Pay Commission has done the greatest injustice to the army and air force. Something should be done to rectify it. I do not know whether it has been rectified or not. The Minister should assure us and tell this House that something will be done.

SHRI M. RAM GOPAL REDDY (Nizamabad): Just now Mr. P. K. Deo said that the Minister belongs to Orissa. And that is why he should look to the interests of Orissa. That is a very wrong conception. He is the Minister for the entire country and he has to look to the interests of the entire country.

MR. DEPUTY-SPEAKER: Anyway he understood like that. You also want to look to the interests of Vizagapatnam.

SHRI M. RAM GOPAL REDDY: There is a mention in the book about petty officers. I want that this name should be immediately changed. I want an assurance from the Minister that such a menial name should not appear here. Everybody is an honourable citizen of this country.

MR. DEPUTY-SPEAKER: Nobody is petty; we are all honourable.

SHRI M. RAM GOPAL REDDY: So that must be removed.

Regarding the pay of our defence services men, we should give them more pay than the civilians who do not work, who strike and do so many things. This is a special category. They give their blood and life for the country and so they must be given more encouragement. I am glad that the promises made by Babu Jagjivan

Ram during the war to them have been fulfilled.

SHRI J. B. PATNAIK: I am thankful to the hon. members for their observations. Some general observations were made about the navy. I have replied to them yesterday and I am not going to repeat them.

Shri Deo made certain observations regarding some provisions in the Bill, particularly the cadre of master chief petty officer. This is not a new provision added to the Bill; it is already there.

SHRI P. K. DEO: A legacy of British imperialists.

SHRI M. RAM GOPAL REDDY: We want it to be deleted.

SHRI VASANT SATHE (Akola): Call them petty officers.

SHRI J. B. PATNAIK: The name 'petty' officer does not make an officer petty. He really does a very responsible duty in the navy and is rewarded as such. The cadre of master chief petty officer is a buffer between officers and sailors and they are not really officers. As for their emoluments, there has been a substantial increase in the new scales of pay that have been accepted by Government.

Regarding the word 'mutiny', it is already there in the Navy Act. It is not a new provision made in the Bill. The provision against 'mutiny' in all the Acts, whether it is the Navy Act, Army Act or Air Force Act, is the same. The hon. member would agree that mutiny in a highly disciplined service like the navy, air force or army is a very deplorable thing and should not on any account be tolerated.

As for redressal of grievances, s. 23 of the Navy Act makes enough provision. I will read a portion from it:

"If an officer or a seaman thinks that he has suffered any personal operational injustice or other ill treatment at the hands of any superior officer, he may make a

[Shri J. B. Patnaik]

complaint in accordance with the regulations made in this Act"

Then it says that:

"The regulation referred to in sub-section (1) shall provide for the complaint to be forwarded to the Central Government for its consideration if the complainant is not satisfied with the decision on his complaint."

So the provision is already there for making a complaint against any decision given by a superior officer and the Central Government is empowered to take a decision in this regard and redress the grievances of the officer. The grievances of officers in all the services are being redressed under this process.

In regard to the general emoluments of the armed forces, certain observations have been made. It is said that the armed forces are discontented as a result of the recommendations of the Pay Commission. I would like to say that there is absolutely no discontent as far as the Government's improvement on the recommendations of the Pay Commission goes.

SHRI P. K. DEO: Question.

SHRI J. B. PATNAIK: Improvements have already been made in the pay scales of officers. As far the pay scales of the jawans, this has earlier been done. I have never heard of any discontent anywhere and we should not import discontent into our highly disciplined and contented armed forces.

As regards the case of a Judge Advocate General made out by my hon. friend, I do not know the particulars of this case. I would certainly look into it, but the amendment has nothing to do with it. The amendment is a simple one; it is just in order to provide a facility for the officers serving in the Navy who are denied this facility.

With these words, I move.

MR. DEPUTY-SPEAKER: The question is:

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

The motion was adopted

15.26 hrs.

# INDIAN WORKS OF DEFENCE (AMENDMENT) BILL

THE DEPUTY MINISTER IN THE MINISTRY OF DEFENCE (SHRI J. B. PATNAIK): Sir, I beg to move:

"That the Bill further to amend the Indian Works of Defence Act, 1903, as passed by Rajya Sabha, be taken into consideration."

This amendment again is a very simple one. The Act came into force in March, 1903. The purpose of the Act was to keep our works of defence and the assets as safe and secure as possible. For this purpose, certain restrictions were imposed on the use of lands adjacent to the works of defence. The Act also provided for determining the amount of compensation to be paid for the removal of such buildings or constructions around or adjacent to any works of defence and to provide a machinery for this purpose. The machinery to enforce the provisions of the Act has been specified under section 37 of the Act. Under this section, it is usually the Collector or an officer authorised for this, who has to enforce the provisions of this section. If in enforcing the provisions of this section, the Collector or the officer authorised is impeded in his duty, then he is empowered to enforce compliance for this purpose. If he is himself a magistrate, he can enforce compliance, having the magisterial power. If he is not, he will have to apply to a magistrate and in certain places like Calcutta, Madras and Bombay, the police commissioners have been empowered with the magisterial powers. So, in these three cities, the Collector has to apply for