

**SHRI SUNDAR SINGH BHANDARI :** (Rajasthan) : Let it be decided that if it is laid on the Table of the House, a full day will be allotted for discussing the whole question, and if that is provided for, it can be laid on the Table.

**SHRI C. D. PANDE** (Uttar Pradesh) : The statement can be read.

**THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA) :** Mr. Shah.

**THE LEADER OF THE HOUSE (SHRI K. K. SHAH) :** Next week.

**THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA) :** It has been decided that there would be a regular debate on the Rabat issue and most probably some time next week would be fixed for a debate on the subject. In the light of that I do not think much is to be done now.

**SHRI A. D. MANI** (Madhya Pradesh) : One whole day, Sir, not two or three hours.

**THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA) :** In view of that, if the hon. Minister would lay the statement on the Table of the House, it will be circulated to the hon. Members, and that would serve the purpose.

**SHRI DINESH SINGH :** Sir, I place the statement on the Table of the House [Placed in Library. See No. LT-2176/69].

# THE INDIAN SOLDIERS (LITIGATION) AMENDMENT BILL, 1968 —contd.

**THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA) :** Yesterday when the House adjourned, it was debating the Indian Soldiers (Litigation) Amendment Bill, 1968, which was in the Third Reading, and the hon. Minister was to reply to the discussion, but...

**SHRI AKBAR ALI KHAN** (Andhra Pradesh) : May I submit that as some of the Members had requested to speak—Mr. Bhupesh Gupta and Mrs. Yashoda Reddy were very keen to speak, and that is why...

**THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA) :** If any Member wants to participate in the debate, he is most welcome.

**SHRI NIREN GHOSH** (West Bengal) : Sir, I want to speak. But where is the Minister?

**THE MINISTER OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT (SHRI K. K. SHAH) :** I am here.

**SHRI NIREN GHOSH :** You are not piloting the Bill. I wish the Minister was here.

**SHRI OM MEHTA** (Jammu and Kashmir) : He is coming.

**SHRI NIREN GHOSH :** It is undignified.

**SHRI OM MEHTA :** He is coming. The Leader of the House is here.

**SHRI LOKANATH MISRA** (Orissa) : Is the Leader going to reply to the debate finally? Then let him be here. But if he is not going to reply, then the Minister should be here.

**SHRI OM MEHTA :** He is taking notes. He will pass it on to the Minister.

**THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA) :** Mr. Ghosh, you may start.

**SHRI NIREN GHOSH :** Mr. Vice-Chairman, I would like to say something particularly about the litigation side. Sir, a case came up in West Bengal in the High Court or the Presidency Magistrate's Court in the matter of the Cossipore killing. The West Bengal Government wanted to apprehend certain personnel of the Army and to put them up before the court. There the Defence Ministry intervened. They took possession of their personnel. They did not produce them before the court. They said if there was any charge, the Court Martial would see to it or their own procedure would run. Now in a State when the military personnel are empowered on some direct authority from the State Government or the Central Government to perform certain duties, if in the course of performance of certain duties from the Central directive there was any case arising, then there might be some reason for their dealing with that case. But in the normal course, suddenly supposing in a street certain soldiers run amuck, suppose they kill certain persons, has the State Government not the authority to apprehend them and the court to charge them? Suppose they are roaming in the street, a fracas starts, there is some sort of quarrel, the soldiers get involved and they commit murder, then the Government have the power according to the Constitution to maintain law and order, but it seems the Defence Ministry can prevent the State

from exercising their jurisdiction and the court is powerless to do anything. I think this anomaly should be removed. In those cases at least the respective State Governments and the respective judiciary should have the power to go into the question fully.

On this bill also I would like to say something, and it is this. When a Bill is brought forward on matters concerning our Defence personnel, perhaps justice could have been done if attention had been given to the ordinary rank and file soldiers, their rights, their duties, their privileges and other conditions. Everybody knows they suffer from various indignities, inequalities and disparities compared to the higher personnel. This is a sore point with the rank and file soldiers. In a country which is claimed to be a democracy, the army is not supposed to be an aggressive army; it is supposed to maintain and protect the frontiers of the country, and the character of the army should be entirely different from that of the other countries, say for example, that of the United States of America who have landed five lakhs of soldiers in South Viet Nam. That is an aggressive army. Their training and character are different. Our army had been patterned on the same footing, on the same thing which we inherited from the British structure; from the British we inherited the same heritage, and no alterations have been made. As a result, this army—I suppose—when called upon in times of grave crisis, will not be able to discharge its duty towards the country which it is supposed to protect. For example, it is talked about that like Pakistan, in India too the army can take over and establish a military regime. It is bandied about frequently.

THE MINISTER OF DEFENCE, STEEL AND HEAVY ENGINEERING (SARDAR SWARAN SINGH) : It is very interesting but I am not sure whether it is relevant. This is a limited provision here. Mr. Ghosh is an experienced Member of this House not to bring in extraneous matters. We can discuss them on some other occasion.

SHRI A. D. MANI (Madhya Pradesh) : You may not listen to it.

SHRI NIREN GHOSH : When you have brought forward such a Bill, perhaps you could have paid some attention to this side also in order to remedy these defects.

SARDAR SWARAN SINGH : What has that got to do with the Indian Soldiers (Litigation) Act ?

SHRI NIREN GHOSH : Ordinary citizens and soldiers, they should not feel as two separate classes having separate jurisdiction, separate courts and separate things so that a gulf is created between citizenry and soldiery. So in all matters like litigation, etc. the same law applies; the law should apply equally to the ordinary citizen and to the soldier as well. It is not good, in matters of litigation, to make the soldiery subject to special sets of law, subject to special sets of courts or something like that and to create a gulf or world between them, something different from the ordinary run of the citizen. They should feel part of India, part of the common citizenry enjoying all the rights and privileges which an ordinary citizen enjoys. That is now denied to them in the matter of litigation also. They are subjected to a special preserve, with separate sets of rules of procedure for their trial, justice, this and that. I think the entire thing . . .

SHRI AKBAR ALI KHAN : Don't you want to give them special protections to those people who are on the front on emergency service? This provision is to give them more facilities than the ordinary citizen which they very amply and richly deserve.

SHRI NIREN GHOSH : Give them facilities. If they die, give more compensation and other facilities you give so that when they are on the frontiers to defend the country they may feel that the country feels for them. For their loss they will be compensated, they will be remembered and their families . . .

SHRI AKBAR ALI KHAN : Do you think that decrees *ex parte* are justified without hearing them? This Bill is limited only to that extent, to get them further facilities when they are not there.

SHRI NIREN GHOSH : No *ex parte* judgment should be there in any case. Nowadays we find how in courts *ex parte* decrees are unnecessarily given. This is our experience in West Bengal. That should be removed. No decision, no injunction should be given *ex parte*. That should apply to them as well as to the ordinary citizen. So when on emergency duty you compensate them in other ways. But you make them feel that they stand on the same footing, they can enjoy all the rights and privileges as the other members of the public do. Do not try to keep them as a separate preserve so that they can be easily subjected to corrupt propaganda and can be used as instruments of reaction. That is my apprehension.

SHRI AKBAR ALI KHAN : No reaction.

SHRI A. D. MANI : What is reaction here?

SHRI NIREN GHOSH : Reaction means serving the vested interests, not serving the common people of the country. That is reaction. And if you want to provoke me, I would say that we had a debate here and saw how the army officers got linked up with that great State called the United States of America of which you are a very fond admirer.

SHRI A. D. MANI : Sir, I take strong objection. Mr. Niren Ghosh is a good friend of mine. I hope he is saying all that thing in good humour. I have taken a very independent line in regard to the United States of America, in regard to the USSR and in regard to your China also.

SHRI BHUPESH GUPTA (West Bengal) : Only, sometimes Mr. Mani is independent of himself.

SHRI NIREN GHOSH : Mr. Mani is independent of everything. So, I do not know whether he is independent of this House or this country. He should find the proper path. Anyway...

SHRI A. D. MANI : You are a good friend of mine.

SHRI NIREN GHOSH : That is the main point that I want to make about this Bill. Cases have come to us of those who have died on the frontier or in the Naga region. Some have been compensated. Others have not been amply paid for that, there being no legal provision they cannot even claim compensation. When you bring forward this Bill, you should have amended those things also. As Defence Minister, he knows that several petitions have gone to him. Some get, some do not get. They were all special, emergency cases. All these things you should have taken into consideration when bringing forward this Bill. That is my humble suggestion.

SHRI BHUPESH GUPTA : Mr. Vice-Chairman, I wanted to intervene in this debate to highlight one or two points in connection with the grievances and the demands of the other ranks in the Army. First of all, they suffer from certain disabilities in the matter of administration of law, especially law in relation to land. When they are away on active service or in military stations and so on, sometimes their families have to face litigation of all kinds

and harassment. Naturally, they are not in a position to defend themselves against the landlords and as a result, the families suffer. It is not a question of providing some minor legal assistance. I think in such matters, the law should be gone into and, if necessary, amended in order, on special grounds, to give protection to the families of the other ranks, soldiers and so on who are on active service against such kinds of legal harassment and actions by the landlords and other people who exploit their families. I think this matter has to be gone into a little deeper than has been so far. This is one thing that I should like to make.

I think normally we should follow the practice of preventing the eviction of families of the soldiers or jawan from the land by the landlords. There should be special provision and it is for the State Governments to consider as to how they can give protection to the families of the jawans because they are not in a position to come at short notice to face litigation and other problems arising out of them. The landlords are in a position to start litigation and spend money and they will ruin the families, quite apart from taking the land away from them. That has also to be considered.

The second point that I should like to make is with regard to the education of the children of the jawans, the other ranks and also of the junior officers. They suffer as a result of the arrangements that exist in the matter of education of their children. It should be our duty to look after their education and make special arrangements so that they do not suffer on that score. I do not know what arrangements are being made. But as you know, many of these soldiers—almost all of them—are really separated from their families and they live far away from their families and whatever earnings they get are not enough, and naturally, it is not possible for the families sometimes to make even the minimum arrangements for the education of their children. Therefore, if necessary, special scholarships should be provided to the needy children of the jawans and soldiers on active service. That should be considered. Secondly, I think certain institutions and schools should also be started in areas where they are necessary in order to extend at a low cost educational facilities to the children of the soldiers and jawans.

Now, in the matter of recognition of merit, promotion, awards and other things, recognition should be done in a proper

way to encourage the common run of soldiers, otherwise called the other ranks. That is also very important. I think not much attention is being paid to this aspect of the matter although sometimes we do see some members of the Armed Forces belonging to the other ranks getting recognition by way of awards and so on. But I think this should be given a little more thought and attention than at present.

Another aspect of the matter is that somehow or other, the soldiers in this country are completely cut off from life. I am not saying that the soldiers should be involved in day-to-day politics. But that does not mean that they should not be kept informed of the political developments in the country. We are supposed to be a parliamentary democracy and the soldiers are also voters. They exercise their franchise. It stands to reason that the soldiers should be informed properly of the developments that are taking place in the political life of the country. Take, for example, the situation now. What is happening in the ruling party should not be a closed book to the soldiers. They should know about it. You will say that they get newspapers. Yes, they get news papers. But suppose our friends of the Syndicate or friends of the other side bring out their own journals and other things, I shall have no objection to these being read by the soldiers in order to judge the merits of what is happening in the country. Unfortunately it is not so. In the Barracks, the Defence Minister will note, you keep plenty of American literature—*Time*, *Life*...

**SHRI G. RAMACHANDRAN** (Nominated): May I ask a question? Are the soldiers to-day in any way prevented from reading any newspaper or journal they like? Is there any prohibition?

**SHRI BHUPESH GUPTA** : There is. That is my complaint. Technically, if you ask me, I am free to be Mr. J. R. D. of any enterprise, but, in fact, I cannot be under monopoly capital. They are free to read anything they like, but they are not given; that is the other part, the unwritten part of the law. I am not making any political discrimination. But you go to the soldiers barracks. First of all, they are shut out from us, rather we are shut out from them. Members of Parliament have to know about these soldiers and the life they lead from the reports given by the Ministers, or sometimes from certain letters, usually anonymous because they do not like to sign their names. Occasionally

perhaps we get letters, but generally we are not even in a position to know how they are living. I can go to a refugee resettlement area or a rehabilitation area and find out how the refugees are living. You can go to the slums to find out how our workers are living. You can go to many other Government tenements in order to find out how the employees are living and what their problems are. But I cannot easily go to the barracks or other places in order to find out how our soldiers—now we may have 800,000 or 900,000 of them—are living. Now this again is in itself wrong. You will say that we shall take our agitation there. No. When we go to the Bokaro Project or the Damodar Valley, we do not go there to agitate, but to find out facts and then we try to bring the grievances of those people to the notice of Parliament. That is what we do. I think some such arrangement should be made. We should be put in touch with the soldiers; I am not referring to any individual party, but Parliament should be put in closer human touch with the soldiers so that it should know more about their worries, what their problems are, what they are having and what they are not having, and know more about their cultural and material life, so that it can have better rapport with the urges and aspirations of these men who are manning the defences of our country. That is what I want. But if you go there, you will see American literature; pornographic literature is easily allowed there—no difficulty at all. *Time*, *Life*, *Reader's Digest* and various other magazines could be seen there which are essentially anti-Indian in posture. The things written in them are mostly anti-Indian; they give perverse political ideas and so on. These are freely circulated. But, for example, if as a soldier in the barracks I might have American magazines like *Life*, *Time* and *Reader's Digest*, why should I not get magazines from the other side like *New Times*, *Soviet Land* and so on? They should also be there. I am not asking you to withdraw those things. If the soldiers are interested in them, let them read them. But why do you put a ban on other things? Therefore, PL-480 is working...

**SARDAR SWARAN SINGH** : From Soldiers Litigation Act to PL 480?

**SHRI BHUPESH GUPTA** : Everything is PL-480. Even our Ministers are PL-480 Ministers, don't you know? Some of the Ministers are PL-480 Ministers. I would not call them 420 Ministers, but they are PL-480 Ministers. So, these things should be looked into. I am told

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that in some places *Blitz* magazine goes, but the other things are not there. My friend is lucky, his *Organiser* sells freely.

SHRI SUNDAR SINGH BHANDARI (Rajasthan) : Very good, this is an information I am getting.

SHRI G. RAMACHANDRAN : I wish to know from you whether on the one hand the Army administration itself provides the kind of magazines which you call perverse and American and on the other, it prevents *Soviet Land* and other things from coming in? Can you tell us exactly what the position is? You should not imagine things. What is the real position?

SHRI BHUPESH GUPTA : I can tell you what I know. That is why I would like Dr. Ramachandran to go there and find out the position and give his verdict. I will go by it. I need not go there. Let him go there and find out. According to my information, the list is there—these are permitted magazines and these are not permitted magazines.

SHRI G. RAMACHANDRAN : You said *Blitz* is permitted.

SHRI BHUPESH GUPTA : What is prohibited is permitted and what should be prohibited is not prohibited; for instance, the law of prohibition is prohibited there, but what is not to be prohibited is prohibited. For example, in some places you cannot get even the *Blitz* magazine. It is a combination of everything; from the last page to the first page, from half-nude pictures to political articles, you get everything in that paper. Even that is not allowed there. It is not allowed there because something political is there which, according to the Government is from a wrong angle. That is why if a soldier is seen with a Left magazine, magazine or journal of a Left party, short of a court-martial, he is given all punishment. Sometimes he is even court-martialled. He is pounced upon by the authorities and so on. When our parties are represented in Parliament, why should not the soldiers, who can vote for any of these parties, be in a position to know the viewpoints of various parties through their authoritative journals and papers? I am not making any discrimination here. If the Jan Sangh has its mouth-piece, it should go there. The Swatantra Party's magazine should go there. If my friend, Mr. S. N. Mishra, about whose party's name, I am not clear has a journal, that should also go there. The Congress Party's journal also should go

there. Let the soldiers read them. They should know what a particular party stands for, what are the criticisms against this party by other parties, and they should come to their own judgment. Why should this be one-sided? Why only things which are pro-West and reactionary should be allowed and why things which are progressive should not be allowed, I should like to know from the Defence Minister. Let him lay on the Table of the House a list of foreign and Indian journals which are generally circulated among them. You will be staggered by a look at such a list. So, this is another complaint. Now, you see another point raised by Mr. Rajnarain and others and that will be my last point.

The disparity between the treatment given to the top officials, army command officials, and the treatment given to other ranks is something which needs special attention. I am not saying that other ranks should be given the same treatment as that given to the top officials or that the top should be lowered to the level of other ranks. I am not suggesting that. But the gulf is too much not only in the material and monetary sense, but also in other respects. And unfortunately this Ministry does not know what kind of things some of the officers are preaching among those forces; the ideas they are spreading should be taken note of before it is too late. Mr. Vice-Chairman, recently another new phenomenon has come up in our public life. After retirement the Generals start writing books, all kinds of books, serialised articles, magazines, and so on. Their biographies, either written by them or by somebody else, are published. That is what is happening in the country. You have got the biography of Thimmayya. You have got the biography of Chaudhary. You have got the biography of Cariappa. You have got the "Untold Story" of General Kaul. And so many other things are appearing, and you read them and see what is happening at the top. I have got here a book recently circulated to us by the Union Home Ministry. I have received a copy of it as a member of the National Integration Council. In that brochure there is an article included. The article is "Democracy and India", caption by General K. M. Cariappa. This was published in the Indian Express, July 28 and 29, 1969—two articles. You see these are the things written in this article, written by your big shots, your retired brass-hats. And this is not a party issue. I will just read out from this article :

"The standard of our administration is at a low ebb as has been often said

by some of our top people. This is because of 'political interference' in some quarters undermining the prestige of the administrators for the sake of pleasing the people to get their votes."

This is what is Told to the army men by one of the retired Chiefs of Staff. Not only that—

"As I see today the only solution to put these things tight is for the people to demand for a Presidential rule in India for the next five years or so. The President would have a council of, say, 25 or 30 hand-picked men and women ..."

Thank God he has remembered women.

"...of great talent to advise him. We have enough such splendid talent in our land."

"In the last few years, wherever I have been, I have been asked by many civilians, 'When will the army take over? When will we have a military coup?' To each such person—and there have been hundreds all over the country—I have said, 'There never will be nor can there be a military coup in India. I have never myself been a supporter of military coups either. But there can be a military rule...'"

According to Mr. Cariappa there cannot be a military coup. But according to him—and he is one of the retired Generals receiving pension from the Government, and the Government has not withdrawn that pension—there can be a military rule. He has been preaching a military rule.

"This military rule can come only if the politicians voluntarily request the military to take over the country for a while until the internal situation improves. Failing this, the masses, the millions, should unite and rise in a big way and demand that we must have a military rule for at least five years to stabilise the present serious internal disturbance because of the continuing danger to life and property caused by the indisciplined people..."

**SHRI SUNDAR SINGH BHANDARI :** Mr. Bhupesh Gupta, what are you objecting to, this article having been written or its having been included in this brochure?

**SHRI BHUPESH GUPTA :** To the article having been written by a retired General...

**SHRI SUNDAR SINGH BHANDARI :** He is no longer in service now.

**SHRI BHUPESH GUPTA :** My friend is very happy that a retired General can shoot me.

**SHRI SUNDAR SINGH BHANDARI :** What are you objecting to?

**SHRI BHUPESH GUPTA :** I am objecting now to your intervention. You are such an intelligent man. Sometimes I am fascinated by your intelligence. Sometimes by mischance, by your misjudgment, you make an intervention which has neither any beauty nor any relevance...

**SHRI SUNDAR SINGH BHANDARI :** ... because you are misusing the privileges given to you in the House.

**SHRI BHUPESH GUPTA :** So, Mr. Vice-Chairman, I have read it now. I can quote from other papers also. What I say is these are the men we have. Still some of them are in the Armed Forces. If, as you know, Mr. Cariappa writes such articles—Mr. Cariappa who is receiving pension from you—and these articles are circulated to us—to the Indian Express, what kind of influence they can have...

**SHRI A. D. MANI :** May I put a question? Does it mean that the moment he gets pension, he loses his freedom of speech, his conscience, and he must be a permanent Government servant in thought, word and deed? What do you want him to be?

**SHRI BHUPESH GUPTA :** As I said, Mr. Mani is independent himself. I mean that he has all independent common sense, namely, Mr. Mani is not devoid of common sense. Here he has asked me this question. But no, it is not the issue at all. It is not a question of fundamental rights that I am discussing. I am discussing a matter through which I should point out the ideology, the politics and the mentality which some of the big officers including the Chiefs of the Army Staff, have. They might not have been able to express them before when they were in active service, having command of the armed forces. But they express them the moment they are out. Do you mean to say they imbibe these ideas only after coming out of the army as retired officials? Am I to believe that do not have these ideas when they are in the command of the armed forces? Therefore, Mr. Vice-Chairman, our armed forces are placed at the disposal of people, some of whom at least—I am not blaming all—going by this evidence, do not believe in parliamentary democracy, people who

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would like a military regime established in this country, would even like the country's people to revolt against the present regime or against the present system to invite a military regime. This is how military dictatorship comes. Military dictatorship does not come all of a sudden. High officials in high quarters, some of them like this man, Mr. Cariappa, preach these ideas, and in times of internal difficulties in the country, in times of internal crisis in the political life of the country, they become all the more vocal, all the more articulate, all the more vicious, to force their alternative, the alternative of a military rule to the parliamentary system, and thus ideologically, politically, organisationally, materially, prepare the ground for a military take-over should the politicians be in difficulty. That is what I am trying to make out, Mr Vice-Chairman. I would request the Government to go into the conduct of M. Cariappa and suspend pension to him. There should be an amendment to the pension law. Such people preaching a military rule after having served the military, cannot write books of this nature. They want the Parliament to sanction huge amounts for them and on the other hand, utilize that sanctioned money for writing articles to the monopolistic jute press like the Indian Express advocating the take-over by the military. Mr. Cariappa should have been . . .

(Interruptions)

SHRI SUNDAR SINGH BHANDARI : That is where the shoe is pinching.

SHRI R. T. PARTHASARATHY : (Tamil Nadu) : Under what authority or law can the Government prosecute him? Will Mr. Bhupesh Gupta answer me ?

SHRI BHUPESH GUPTA : I can understand that question. His question is.

THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA) : Please do not raise unnecessary questions.

SHRI BHUPESH GUPTA : Under what law can the Government take action against him? I am suggesting it to the Government. First of all, I say when the Government is preventing progressive, good ideas from outside to go into the barracks, it is allowing bad ideas to spread. The moral of this thing as you should see that such ideas are not preached, and the officials who are contaminated by Mr. Cariappa or

by the inheritance of Mr. Cariappa in the armed forces, should be taken care of and should not be placed in high positions. This is one. Number two. When officials of this type express their views by writing such articles, their antecedents should be gone into, and, if necessary, the law should be changed. What is the harm in changing the law? Now that you, Mr. Parthasarathy, have come to our side, with your support we can surely change the law. All that you have to do is to vote with us here on this side, and the law will be passed. I am very glad that Mr. Parthasarathy has said that he will vote with us. Therefore, Mr. Vice-Chairman, this is a very serious matter—the hush hush business about the armed forces in India. My friend, Mr. Parthasarathy, is very intelligent. . . . (Interruption) He knows very well as far as the "Organiser" is concerned, as far as the Jan Sangh ideologies are concerned. . . .

SHRI SUNDAR SINGH BHANDARI : Now you have come back to the old subject.

THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA) : Please wind up, Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA : Now this is the position. Therefore, I say that I have brought to the notice of the House matters which many honourable Members must have read. I am sure—whatever our views on this, you may not share these ideas; quite apart from your ideas about the practice of writing such articles—you will agree that this is an idea which should not be put across to the country so long as we believe in the broad framework of parliamentary democracy. Even my friend, Mr. Parthasarathy, has revolted in exercise of his democratic right. And the people in the Congress Party broke from it as otherwise, they thought, it would be a violation of their constitution if they continued in that. But Mr. Parthasarathy did not ask the army to come in. He trooped into our our side, but he did not ask the troops to come in here. That being so, I would like our Defence Minister to take note of it. Subject to national security, that aspect of the life of the army men, their education, their culture and other things, everything should be an open book and it should be under the constant supervision and view of Parliament without any interference with the Armed Forces. We want to improve matters. You are creating gunpowder there.

THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA) : Please wind up.

SHRI BHUPESH GUPTA : Therefore before the explosion takes place and the country's political system is overwhelmed by this explosion, I think it is the duty of the Government to act in a spirit of parliamentary democracy developing a link between Parliament on the one hand and the Armed Forces on the other. Thank you.

SARDAR SWARAN SINGH : Mr. Vice-Chairman, Sir, I am grateful to the hon. Members who have been good enough to support the Bill because you must have seen that none of them has said a word against the present legislative measure. So strictly speaking that should be the end of the debate because we are at the third reading stage of a small amending Bill where certain new facilities are being provided to the members of the Armed Forces. But several hon. Members have given several suggestions for meeting the difficulties that might be experienced by the members of the Armed Forces. Several other matters have also been raised which are not relevant for the present discussion and it will not be proper for me to repeat the same mistake of replying to something which is not relevant for the present debate. I have very carefully noted down the various suggestions and at the appropriate time when the relevant matters are taken up, they will certainly be given very careful consideration and we will greatly benefit by the advice which by no means uniform in this respect and we will try to take the maximum advantage of the various points that have been made by the hon. Members in their wisdom. The present legislative measure is a simple one and because no hon. Member has opposed it, I would appeal that it be adopted unanimously.

There is, however, one matter which I would like to refer to. I would appeal to my esteemed friend, Shri Bhupesh Gupta, not to feel too much concerned about the retired General's rights. After all in our system retired civil servants, retired Army Generals, retired Air Marshals, retired Admirals, they all become members of our great democratic society. Many retired civil servants, many retired Generals seek election and are elected to the Houses of Parliament; we see a large number of them on both sides of the House. We have got a retired General belonging to one of the Opposition Groups

in the Lok Sabha. We have got some other officers retired from the Army who are Members of Parliament; there are retired civil servants who are Members of Parliament and their ideologies and our ideologies do not agree, but that is a democratic way of life. Merely because somebody expresses some opinion, we need not be swept off our feet. But the other matter which he has raised is a very fundamental question as to whether...

SHRI BHUPESH GUPTA : I am not objecting to what you say but would you like such men whose such ideas have been revealed later to continue in high positions in the Army ? It is for you to find out. As I said, Mr. Cariappa's ideas did not develop after his retirement. I know it for a fact that he was in the Army command with those ideas and he was preaching them. One day he used the Opposition by circulating a letter to embarrass Jawaharlal Nehru in order to bring about his downfall, when he was actually the Chief of the Army Staff. Now in the light of these disclosures let us at least become wise after the event. After all the country can well look after them.

SARDAR SWARAN SINGH : So far as the people who are in service are concerned, there is a very good measure of discipline among the members of the Armed Forces and I presume also among the civil servants and they do not indulge either in making speeches or in writing something. Of course there may be professional writings but on political issues no opinions are expressed. I think Mr. Bhupesh Gupta's determination will not be lightly shaken merely because the retired General says something. We should take these things in their stride. For example I am not swept off my feet because Mr. Bhupesh Gupta says something. Similarly he should not be swept off his feet if a retired General says something. I am sure the country is mature and our Parliament is strong enough to tackle that situation and any other situation that might arise. So far as the people actually in service are concerned, I am one with him that we should expect the highest measure of discipline from them but after retirement they are ordinary citizens. If they transgress the law, by all means deal with them but ideologically if they hold a different view which may not suit Mr. Bhupesh Gupta, we should not be swept off our feet, because no bones are broken merely by expression of opinions which we do not like.



SHRI BHUPESH GUPTA : We have been in this Parliament for quite a long time. We told them even when Mr. Cariappa was in service that he was preaching such ideas but the Minister denied it—some of them he was not there. Now at least after his retirement you agree that he must have got those ideas at that time and the presumption should be that he was preaching privately such ideas.

SARDAR SWARAN SINGH: May I remind my very experienced friend, Mr. Bhupesh Gupta, that we should adhere to the good principle that we have been always following not to refer to personalities? We can perhaps refer to such things by way of illustrations but it is a very sound convention and a well-established convention that those people, retired or serving, who cannot come and defend themselves, we should not make a target of them, because this is not very fair and sometimes it becomes very embarrassing for us to enter special pleas for them. This is not a forum to criticise individuals; this forum is a very high forum and we should not use it merely to criticise the writings of people whom we do not like.

SHRI BHUPESH GUPTA: At least stop the pension to him.

SARDAR SWARAN SINGH : I myself do not agree with many writings that have been put across by retired officers, retired military officers and retired civil servants who are also enjoying pensions. But so far our general approach has been that pension is something to which a person is entitled by virtue of his long service; it is a sort of deferred emolument and in a democracy we should not link it with his continued good behaviour and good behaviour that I or Mr. Bhupesh Gupta may decide. Each individual is entitled to decide what is good behaviour for him, and if he is within the law, then, unless of course the law is changed—I will not change the law—to subject the pensioners to a more rigorous law than the ordinary citizens, I think, will not be fair.

SHRI G. RAMACHANDRAN: Can you not give a categorical reply that it is impossible for any Government, democratic or undemocratic, dictatorial or otherwise, to take ante-natal care of the ideologies in human minds?

SARDAR SWARAN SINGH : How can I find better words for a political philosophy than what my colleague has found because I am a matter of fact man? Some-

times these political philosophies and formulations may be beyond me even to think of.

SHRI BHUPESH GUPTA : Such measures shall be directed to ensure that miscarriage of abortion does not take place.

SARDAR SWARAN SINGH: Mr. Vice-Chairman, this question, which my hon. friends are highlighting, is a matter which has come up before this House and elsewhere, and I thought it my duty to enunciate very clearly our approach and our policy in this respect. I do not see why a person, who has retired from the army or the air force or the navy, why should he alone be subjected to a more rigorous yard-stick even in this respect as compared to the retired I. C. S. officers or the retired engineers or the retired judges or the retired civil servants in general.

SHRI A. D. MANI : What about retired politicians?

SARDAR SWARAN SINGH : Politicians never retire. They may retire from Parliament and Legislatures but otherwise they continue to take part in the political life of the country. So this is a matter which, I think, it is better for us to understand, particularly because we are trying to work out a democratic system. Talking about books also, although there was a stage at which they excited a great deal of feeling and emotion, you must have noticed that within a couple of months or three months the excitement died down, because there is a limit up to which some books will find currency. Even some new ideas, half backed, ideas or books containing them may be of topical interest at one time. There is a certain period, a short period, within which they might have hit the headlines, or might have been a bit of a readable material. Then they are consigned to the limbo of archives and some curious man might take such a book out and read it. There is such prolific literature in our country, good, bad and indifferent. And it will be a bad day if we were to impose restrictions of the type which some hon. Members have mentioned. It is true and I agree that, when he is in service, then he should observe the highest standards. And to work it backwards again will be a bad principle. Because after ten years of his retirement a man writes something, therefore you presume that, when he was in service, he must also have had the same ideas. Therefore, to punish him backwards is a proposition which is rather difficult for

me to gulp or even understand. How it will be implemented, I cannot understand. These are matters which I would appeal to the hon. Members to seriously ponder over.

I greatly appreciate their solicitude for the armed forces. I greatly welcome that, and a great deal can be done if all the political parties co-operate in this respect and persuade the State Governments to take several measures, both legislative as well as executive, so that the families of the soldiers, the airmen and the sailors are looked after properly, that their education is looked after properly and that the executive authority is exercised in such a manner that they are not put to undue hardship. In this—I would appeal—all political parties can do a great deal in creating the most congenial atmosphere, in the State Governments particularly, so that the soldiers could feel that, when they are on the front prepared to lay down their lives prepared to undergo the greatest sacrifice, then their families and their interests will not suffer. In this I am glad that the hon. Members have evinced interest, and with their help and co-operation a great deal of hardship can be mitigated.

About the other questions about their terms of service, I may submit that they are matters which are not relevant to this Bill but, as I have said already, I have kept a careful note of what has been said, and at the appropriate time all these views will be duly considered.

**THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA) :** The question is :

“That the Bill as amended, be passed”.

*The motion was adopted.*

**THE ALL-INDIA SERVICES (LAYING OF REGULATIONS BEFORE PARLIAMENT) BILL, 1968**

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) :** Sir, I beg to move :

“That the Bill to provide for laying before Parliament of the regulations made under the All-India Services Act, 1951, and for certain other matters connected therewith be taken into consideration.”

The House knows, Sir, that under sub-section (1) of Section 3 of the All-India Services Act, 1951, powers have been given to the Central Government to make rules, and regulations in consultation with the State Governments concerned for the regulation of the conditions of service of the persons appointed to the various All-India Services. These rules have been made from time to time and they have been laid before Parliament from time to time. A confusion arose whether the Government was also required to lay the regulations in addition to the rules, before Parliament or not. The interpretation that was given to this provision was that the Government was only required to lay the rules that were made under the Section which I referred to, and not the regulations. Therefore, prior to 1st July, 1967 only the rules that were made under this Act were laid before Parliament, and the regulations that were made were not laid before Parliament. But the Supreme Court of India, in *Narendra Kumar versus the Union of India*, made certain observations which posed the point whether the regulations also should be laid before the Houses of Parliament. Therefore, we referred this matter to the Ministry of Law, and the Ministry of Law said that in order to avoid any question of the validity or otherwise of the regulations that have been made under this Act, they should be all laid before Parliament, on the Table of both the Houses. We considered the question whether we should lay them here together and take them as having been laid regularly, or should amend this Act to validate all the regulations that have not been laid on the Table of both the Houses. According to the interpretation that has now been given in the light of the Supreme Court judgment, the advice of the Law Ministry was that we should bring forward a Bill to amend this Act so that the validity of these regulations is completely beyond question. Therefore, Sir, this Bill has been brought before this hon. House. The Rajya Sabha Committee on Subordinate Legislation also examined the Bill. They were concerned about this matter because this matter related to the power of making subordinate legislation. And they have made certain suggestions and most of these suggestions have been accepted by us. Only one suggestion, which has not yet been accepted, has been kept pending because we wanted to consult the Lok Sabha Secretariat also in this matter. And before their agreement we did not want to incorporate it in this Bill. Therefore I have moved the amendments to incorporate all those amendments that have been suggested by the Rajya Sabha