

DR R B GOUR Words got frozen there

SHRI RAJ BAHADUR No, no, it is not a question of telegrams. It was a question of telephone calls. The complaint was not against the telephone call system, it was that the ministers and officers enjoy such a high priority in regard to putting through their calls and the number is so large that the common man is left without any room for him on a given circuit. I share his views, Sir, and we have taken certain steps which I think would be found to be useful. They have already had some effect. Sometimes, we found that the priority calls were booked too frequently by a large number of people. We have checked that list. We have also, as might be known, increased the rate of important calls, immediate calls and most immediate calls. Formerly, these calls were put through at the same rate, as that of the urgent calls. Now the rates are much higher, double or something like that. I have that figure. I will give it later on.

Then, in regard to the time limit of such calls, it has been fixed now. It is nine minutes for important calls; maximum of twelve minutes for immediate calls and fifteen minutes for most immediate calls. I think, with these steps taken, we shall secure better utilisation of these trunk circuits. I have had my observations made about transfers already.

There was a point made, that no notice is given of the expiration of the period of three minutes in trunk calls. The rules are there, that 20 seconds before the expiry of each period of three-minutes, the subscriber does get a caution that the 3-minute duration is going to end. But sometimes this 'caution' too becomes so irksome to the user of the telephone. Complaints have been received about it also. So, we do not know what to do—to do away entirely with this warning or caution that is given before the expiration of the three minutes or to keep it. But I think it is better that the

subscriber or the user is given that warning.

I should like to say a word in regard to the places where telephone facilities are required—Karchana in Hardoi. I can only say that the population of this place is 3,000 and we have written to the Pradhan that if a new line is to be erected, he should guarantee an income of Rs 2,100 per year. But no reply has been received.

Sir, I thank once again the hon. Members who have taken part in the debate and for the faults and deficiencies that they have pointed out, because they will enable us to improve the services.

With these words, I commend the Bill to the House for consideration.

MR DEPUTY CHAIRMAN The question is

"That the Bill further to amend the Indian Telegraph Act, 1885, be taken into consideration."

The motion was adopted.

MR DEPUTY CHAIRMAN We shall now take up the clause by clause consideration of the Bill.

Clauses 2 and 3, clause 1, the Title and the Enacting Formula were added to the Bill.

SHRI RAJ BAHADUR Sir, I move:

"That the Bill be passed."

MR DEPUTY CHAIRMAN The question is

"That the Bill be passed."

The motion was adopted.

#### THE NAVY BILL, 1957

THE DEPUTY MINISTER OF DEFENCE (SHRI K RAGHURAMIAH): Sir, I beg to move

"That the Bill to consolidate and amend the law relating to the government of the Indian Navy, as passed by the Lok Sabha, be taken into consideration."

[Shri K. Raghuramaiah.]

The House is aware that the Bill was first introduced in the Lok Sabha on the 31st May 1957. The motion for reference to Select Committee was moved in that House by the hon. the Defence Minister on the 22nd July and it was discussed in that House on that day and on the next day when the motion was passed. It was discussed in this House on the 13th and 14th of August and the House agreed to it on the 14th. The Bill then went up to a Joint Committee which had a number of sittings and finally approved of the Bill with certain amendments on the 6th August. The Bill, as amended by the Select Committee, came up before the Lok Sabha on the 18th of this month. It was discussed in that House on the 18th, 19th and 21st and on the last day it was passed by that House. The Bill, as amended by the Joint Committee and as agreed to by the Lok Sabha, is now before this House.

I do not think it is necessary for me at this stage to go back into all the background history of our Navy which was done so ably, if I may say so, by the hon. the Defence Minister on both the occasions when he had to speak on the Bill in the Lok Sabha and in this House. Suffice it, I think, to mention here, to recapitulate here, the very recent history from 1934 when we placed on our Statute Book the Indian Navy Discipline Act. That Act adopted the U.K. Naval Discipline Act. The U.K. Naval Discipline Act, of course, confined itself only to matters of discipline, governing the Royal Navy. Following that pattern, the Indian Navy Discipline Act similarly confined itself to matters of discipline only. But in the U.K. there were other statutory enactments which governed various other matters which are relevant for the purposes of administration of the Navy; statutes relating to enlistment, conditions of service and certain other matters. Unfortunately, for various reasons at that time, in 1934 no attempt was made to have a consolidated Bill taking into account the provisions of the

other U.K. statutes. And consequently the Indian Navy Discipline Act confined itself only to matters of discipline. Subsequently about 1950 Parliament passed the revised Army and Air Force Acts. At that time the question came up as to what should be done regarding the Navy. It was felt that in view of the fact that about that time a Committee was appointed in the U.K. to go into the whole question of the Navy, we should await the results of that Committee's efforts, and hence the delay in presenting the Bill.

The Bill was gone through, if I may say so, very carefully clause by clause by the Joint Committee which had among its members not only persons well acquainted with the Navy but also eminent lawyers who have given it a very fine shape, and the criticisms that were levelled against it in this House as well in the other, and all the suggestions that were made by hon. Members, were given every consideration. More than 350 amendments were considered by the Joint Committee, and the Joint Committee also paid very great attention to the drafting of the different clauses.

The attention of the Committee was rightly focussed on the conditions of service, the anxiety of the Committee being that the conditions of service of all categories of employees in the Navy should be honourable and that there should be no unnecessary hardship on any particular grade of them, and various amendments were embodied in the Bill with that object in view.

In the first place, if I may give a few instances, there is the question of resignation. Under the Bill as originally moved, the right of resignation was statutorily sought to be confined only to the Officers of the Navy. It is true, of course, that in actual practice, Seamen too enjoyed that right. There have been some cases where on compassionate grounds, the Government thought it fit to release seamen also from their obligations,

but there has been no statutory provision in the Bill for that purpose, and the Joint Committee made the right of resignation, subject of course to its acceptance by the Government or the other authority, as the case may be, equally applicable to both officers and other ranks of the Navy.

One other important aspect was in relation to ill-treatment. In the Bill as originally presented, there was no specific clause touching this point, although there has been a provision in the Bill that any conduct unworthy of an Officer would be punishable. As I mentioned on an earlier occasion, there is nothing more reprehensible in the Naval Code than ill-treating a subordinate officer. It was thought that, that was enough to provide sufficient insurance against ill-treatment, but the Committee felt that pointed attention should be paid to this question and incorporated a new clause which in specific terms made ill-treatment of subordinate officers punishable.

Again, in the matter of deductions from pay and allowances, there is a clause which enables deductions to be made from the pay of an Officer or a Seaman if their absence is without leave and provided, of course, there has been no trial by a Navy Tribunal.

However the Bill, as originally framed, made a distinction between Officers and Seamen in this regard. In the case of Officers it provided for an explanation being given by the Officer who is absent without leave to justify his absence in which case, provided the explanation was satisfactory, no deduction would be made. No such opportunity to explain was however accorded to the Seamen. That lacuna has been filled and now there the opportunity to explain is made available both in the case of Officers and in the case of Seamen. Again the Select Committee thought it prudent to include a specific provision for prescribing by regulations humani-

tarian conditions in Naval Prison and Detention Quarters.

As last of the series I might mention drunkenness. In the original Bill a slight distinction was made between Officers and Seamen. While in the case of Officers, drunkenness was made punishable with dismissal with disgrace, in the case of Seamen a distinction was made as between drunkenness during active service and drunkenness at other times. But now the Select Committee has made a new clause which seemingly equates the two. Instead of providing that in the case of Officers there shall be dismissal with disgrace and imprisonment in the case of Seamen, it has now provided that there shall be imprisonment in both the cases, the sentence of course varying, depending on whether it is in active service or otherwise. I may however mention that the punishment, so far as Officers are concerned, is made now more severe than what it was in the original Bill. Under the original Bill as I mentioned, an Officer found guilty of drunkenness could only be dismissed with disgrace but now, sentence of imprisonment is to be imposed. An imprisonment ranks higher in the scale of punishment and imprisonment also necessarily carries with it in the case of Officers the penalty of dismissal from service.

The Select Committee also paid very great attention to the question of review of proceedings before court martial. Besides, as the Bill originally stood, this review by Judge Advocate General whose qualifications are comparable to that of a High Court Judge, is only available in the case of court martial proceedings. The Joint Committee wanted that this review should be available in disciplinary proceedings as well, and further a new provision has been inserted giving the aggrieved person a right of personal representation in suitable cases either by his own personal appearance or by appearance through a legal practitioner or through the service of a Naval Officer before the Judge Advocate

[Shri K. Raghuramaiah.]

General who reviews these proceedings of the court martial and also the disciplinary proceedings. In addition to that the Select Committee—though it was already there in the Bill—highlighted the provision enabling an aggrieved person to make a petition directly either to the Chief of Naval Staff or to the Government as the case may be.

The Bill as originally presented, also did not provide qualifications for the Deputy Judge Advocate General. It has now been fixed as almost equivalent to that of a District Judge. Also some amendments have been made in the clause relating to scale of punishments by ranking some higher than the others and lastly the period of enrolment for 15 years is now made inapplicable to reserve forces.

These, broadly speaking, are the alterations made by the Joint Committee. I would be failing in my duty if at this stage I don't also deal with some of the very important points to which considerable thought was given in the Select Committee and which also formed the subject-matter of the Notes or Minutes of Dissent. Undoubtedly the House will go into them when we go into clause by clause discussion but I think I should say a few words about them even at this stage. The most important of them, to which a good deal of time was devoted by the Joint Committee and a good many suggestions were made in both the Houses before the Bill went up to the Joint Committee, and in regard to which a great deal of thought has been accorded by the Government, is the one relating to appeals against convictions by court martial. In considering this matter, both the Houses as well as the Joint Committee had in mind the provisions in the U.K. which created a Court of Appeal for purposes of hearing appeals against decisions of the Courts Martial. The Government as I said have given very great thought to this but have come to the conclusion that as matters stand,

the provisions now in the Bill are quite adequate to meet our requirements. The appellate provisions in the U.K., if I may say so, are the products of their experience, result of the conditions in which they have found themselves. And naturally we will have to consider our own circumstances and the requirements of our own case before we adopt any of them. It has been found, in the first place, at any rate speaking from 1954 onwards, there have been no cases of death sentence in our country so far as Naval Courts Martial are concerned and in any case there is a provision in the present Bill that no death sentence can be executed unless it is confirmed by the Central Government. Also the number of cases that have been dealt with by the Naval Courts Martial since 1954 are only about 30 or 31. There have also been no cases of grave injustice brought to the notice of the Government within the period under review. Under the circumstances, considering the provision for review by Judge Advocate General, it has been decided that for the present the provisions in the Bill are quite sufficient to meet our requirements and that we need not, at this stage, copy the model of U.K. legislation in this matter.

The other matter relates to the Board of Admiralty in the U.K. It has been dealt with in some of the Notes or Minutes of Dissent. But I may mention that this Board of Admiralty is not a creature of yesterday even in the U.K. The origins of it go back to the Seventeenth century when there was a tussle between the King and the Parliament and the Parliament wanted to assert its rights. It was in that context that the Board was created but even as late as 100 years ago, the Board was in danger of being abolished because of the laxities in its performance. It was only the British genius for adjustment that I think is accountable for the survival of this Board and it was only as late as in 1908 that the U.K. Government thought fit to constitute an Army Council, something analogous to the

Admiralty Board, and that again had a historical background. During the Boer War there were complaints that there was not adequate co-ordination between the Secretary of State and the Commander-in-Chief. As a result of it, a Committee was appointed, the Esher Committee, and it was in pursuance of the recommendations of that Committee that in the U.K. the Army Council was constituted and even so the Air Council was not constituted until as late as 1918.

My idea in mentioning all these details is to show that the Constitution of this Council was not done in the U.K. in a fit of fancy. It was the result of experience. It was designed to meet their requirements to solve their problems. And I may add, it is not as though in this country we have no comparable organisation at all. We have in the first place the Defence Minister's Navy Committee which, is comparable to that of the Admiralty Board in many respects. We have also the Army Committee and the Air Committee which may be comparable to the Army Council and the Air Council in the United Kingdom. But the essential difference that I must point out is this. In the U. K. pattern there is not one Defence Minister, but there are four. There is the Minister for the Army, there is the Minister for the Navy looking after the Navy and there is the Minister looking after the Air Force. And in addition to them they have the Minister for Defence who has to co-ordinate all these Ministries. There are also, of course, certain other differences in the composition of U.K. Councils *vis-a-vis* our Committees. For instance, in the Board of Admiralty they have besides the Minister and the Naval Chief other officers of the Navy. In our Committee, Sir, we have the Chief of the Naval Staff, but not any of the other officers of the Navy as members although in actual practice the Chief of Naval Staff when he attends the meeting of the Defence Minister's Committee does bring with him tech-

nical officers and others whose presence may be necessary to give him such advice as he may require. So in actual practice, even in our Naval Committee, the Defence Minister's Committee for the Navy, there are present almost the same set of officers as are there in the Admiralty Board, though not all of them as members.

There is another difference and that is with regard to finance. We have the Financial Adviser as a member of the Defence Minister's Committee but he administratively functions under the Ministry of Finance, whereas in the U.K. finance is part of the Admiralty Board. These are differences which have grown out of historical circumstances. Our own practice again, is not a casual one. The matter was gone into very carefully by Lord Ismay, an authority on the defence machinery, and it was by reason of his recommendation that these Committees were constituted in this country. It has been said on the floor of this House oftentimes before and I would repeat that it is not as though the Government have a closed mind on this. They are watching the situation, watching how these Committees are functioning. There have been very great changes in our military set-up in the last so many years. Time was when the Commander-in-Chief was the Vice-President of the Viceroy's Executive Council. Now the Service Chiefs are called the Chief of the Army Staff, the Chief of the Naval Staff and the Chief of the Air Force Staff. And we have had our own pattern of administration. In this, as in other respects, it is but proper that we should have our own experiences, find out where our difficulties are and try to find out our own solutions which are germane to our genius.

The last point I would like to touch in this connection is with regard to the provision for the admission of women into the Naval service. There seems to be some misunderstanding that in the Bill there is an absolute

[Shri K. Raghuramaiah.]  
ban or bar against their entry into this service and I would like straight-away to clear that and say that there is no such thing. The relevant clause in the Bill provides that women shall not be eligible for entry except to the extent and in the departments to be notified by Government. Nothing prevents the Government from notifying as many departments of the Navy as they consider desirable. If experience shows later on that they can equal men in . . .

SHRI V. PRASAD RAO (Andhra Pradesh): In which departments of the Navy at present are women allowed to join?

SHRI K. RAGHURAMAIAH: I should say the Medical Department. They are doing admirable work there, and I think we should encourage that. It is possible that in course of time we might be able to throw open various other departments also. The question here is one of the nature of the work performed. I do not know whether my hon. friend has been on board a ship. I do not know whether he went to see those Naval exercises we recently had. If he did, he would have seen the strenuous life that these Officers and other ranks have to lead, on the high seas, in different climates, in different weathers, manning heavy guns and so on. It is not a very pleasant task. It is a very hard task. And it is not the experience of this country alone. It is almost the universal experience. Of course there have been little variations here and there, from country to country. But broadly speaking, some such restriction has been found necessary. No reflection is meant on our mothers and sisters in this regard.

THE DEPUTY MINISTER OF EXTERNAL AFFAIRS (SHRIMATI LAKSHMI MENON): Do these restrictions exist in the Soviet Union?

SHRI K. RAGHURAMAIAH: And it is only but fair that we should not put them to these stresses and strains, for it is a very very severe life.

SHRI P. S. RAJAGOPAL NAIDU (Madras): I would like to know whether in the U.S.S.R. any such concession is shown to women?

SHRI K. RAGHURAMAIAH: I shall find out and if I can get that information I should be glad to supply it to the hon. Member. But at the moment I am not aware of any Naval service where there is an unrestricted freedom of entry for women. I am not aware, I shall certainly look into it.

SHRI P. S. RAJAGOPAL NAIDU: And he may pass it on to the friends on the other side.

SHRI K. RAGHURAMAIAH: These Sir, are some of the salient points. I shall certainly do my best to assist the House during further discussion and when points arise during the discussion that need clarification I shall be happy to give it .

Thank you.

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill to consolidate and amend the law relating to the government of the Indian Navy, as passed by the Lok Sabha, be taken into consideration."

SHRI V. PRASAD RAO: Mr. Deputy Chairman, the Bill as it has emerged from the Joint Committee and as passed by the Lok Sabha is certainly better than what it was when introduced in this House. But I must at the same time point out that it still leaves much to be desired.

My first charge against the Defence Ministry is that the professions that are announced by the Deputy Minister of Defence, that we should work out our own solutions for our own problems and we should pattern our organisations on our own genius is not implemented in these defence matters. That is my charge. I am sorry to point out that fresh and original thinking regarding our defence matters and problems is not being shown by the Government of India

as far as our defence matters are concerned. Sir, one need not be a military expert or a profound student of Clausewitz or the theory of warfare to know that organisation and defence depend mostly on the strategic needs and aims of a particular country.

If we closely scrutinise our own Naval organisation, it will be quite obvious that we are still groping in the old ruts; that we have not found methods of organisation suitable to the needs of our country. I am not, I think, going astray if I say that our Defence Ministry has recently intended to purchase an aircraft carrier. Did our Defence Ministry think exactly about the strategic role of an aircraft carrier? Did it think that for the policy that we are pursuing an aircraft carrier was an absolute necessity? It has been made amply clear that we do not have any military aims, that we are friendly with every other country and that our armed forces are mainly intended only for the defence of the country. I can understand that an aircraft carrier does play an important role even in the matter of defence if the area is not contiguous, if it is a country like Indonesia, but in the case of our country, we can as well have land bases for basing the planes instead of an aircraft carrier in the present circumstances. I am only trying to illustrate that no fresh thinking is being done by the Ministry as far as defence matters are concerned. When we are having aircraft carriers, etc., it looks as if we are doing all this just to keep up with the Jones, because Pakistan has got an aircraft carrier, U.K. has got aircraft carriers, we must also have such a carrier. That is the thinking and that is the logic behind the actions of the Ministry in doing such things. Similar is the case with our Naval organisation. Did the Ministry go into the basic problem and find out what really are our needs and what should be the pattern suited to our needs and requirements? I am afraid, Sir, we did very little of original thinking and stuck to what the Britishers had left for us. Our pur-

pose, so far as the Navy is concerned, is not the same as it was that of the Royal Indian Navy. The Britishers maintained the Royal Indian Navy not only to defend their Empire here in India but also for predatory purposes or for attacking or maintaining their possessions secure in South East Asia. They also aimed at keeping the boys ignorant of the modern developments to enable them to keep the whole organisation subservient so that they may not have any conscience and be the willing tools for the predatory aims of the British Imperialists. After the achievement of independence, it is not our purpose to see that the old forms are maintained but to see that a conscious Navy is created, a Navy that is suitable to our needs, a Navy that is sufficient to defend our country in co-ordination with the other Armed Forces of the nation, the Air Force and the Army. I have to quote only one thing to show that things have not changed as far as the Naval organisation is concerned. Our Defence Ministry now is concerned more with seeing to it that the fundamental rights are curtailed or in seeing that a Naval Rating or an Officer learns as little as possible in the present existing circumstances. Does the Defence Ministry think that an ill-informed soldier is going to make a better soldier? Is it the intention of the Ministry that an ignorant soldier will be more conducive to the defence of the country? Certainly, Sir, history has proved that an ignorant and a mercenary soldier shall never be able to defend the country. It is only a conscious type of soldier, a well-informed type of soldier, a soldier who knows what for the country is fighting, can defend the country. He can in fact do it much better than an ignorant mercenary soldier. Unfortunately, though we have become independent, we are still following in the footsteps of the Britishers. The Britishers might have had some justification for thinking that to make a soldier understand things is detrimental to the interests of their Empire but, Sir, we have got to see that our soldiers are better informed about the ideals for

[Shri V. Prasad Rao.] which the country is fighting, the ideals which the country is trying to place before the world. Unless he is a thinking soldier, unless he is a conscientious soldier, he will not be able to contribute towards the defence of our nation. In this matter also, perhaps unconsciously—I do not think they are doing it consciously—the Defence Ministry is following in the footsteps of the British Imperialists in keeping the soldiers ignorant of these things. I do not for a moment say that the soldier should participate actively in politics. I do feel that discipline is absolutely necessary to defend our country but, at the same time, discipline is not such an inanimate thing, such an abstract thing that could come out of only ignorant men and ignorance. What we cherish and wish to have is the conscious type of discipline and such a discipline will only come out of the feeling that he is fighting for the defence of the country. So, Sir, the fundamental approach of the Defence Ministry towards discipline, I think, is not correct and it is not conducive to this particular matter in the modern conditions of the world. A thinking soldier is the one who can contribute for the better defence of our country.

I shall give another instance to show how the Defence Ministry is not keeping up with the modern times in spite of the fact that Government leaders many a time proclaim that the times have changed and that we must keep up with the times. Certainly, Sir, I do agree that there are many departments which need strenuous work, a consistent standard and a good physical strength. There is no doubt about it and I also feel that the average woman cannot undertake certainly some of the jobs in the Navy. It is not the case with the average women only; even average men cannot undertake such jobs unless they are reinforced with extra exercises, extra food, etc. We know, for instance, there are jobs like Stokers where people have to work in temperatures ranging between 135 to 140

degrees F. I perfectly agree with the hon. Deputy Defence Minister that there are some jobs which ordinarily women cannot undertake but that should not make us statutorily bar all women except in such of the service as prescribed. Do you think that our womenfolk are eager to join and do such types of work? Why do you think that if we allow full choice to women, women are going to join as stokers, signalmen, etc? I think that instead of keeping a ban like this, it is better to leave it to our womenfolk to use their own discretion and judgment to find out which types of jobs they should undertake. This thing is not, I think, in accordance with the spirit of the Constitution though it may be in accordance with the letter of the Constitution.

SHRI P. S. RAJAGOPAL NAIDU: Woe to our Navy if such a thing happens.

SHRI V. PRASAD RAO: Sir, even in questions of terminology our Defence Ministry is not prepared to accept the change. Take this post of the Petty Officer. It is a very petty matter indeed: it does not have any political significance or an organisational bearing but we have inherited this term from the Britishers. The Britishers called them Petty Officers and so we must also call them by that name. That seems to be the logic. It is a very strange logic. We have changed the names of Officers in the Army; we have changed the V.C.Os.—Viceroy's Commissioned Officers because the Viceroy is not there—into J.C.Os. and so on and so forth. I do not think there is anything very pretty about this term "Petty". There has been a lot of argument in the Joint Select Committee and I think also in the other House about this terminology. Sir, am I to understand that our Defence Ministry in some matters is more Conservative than even the Conservative Ministry there? Sometime ago, I think, there was a Committee which suggested a change in the terminology. Perhaps in British history it had some justification because in the



earlier days only aristocrats were taken in the Navy as officers and, in order to connote the Plebians or the petty people that were taken—in order to make and keep this distinction—this term "Petty Officer" might have been coined. Sir, perhaps it has no odium now because it is being used for so many years in British history. That is no reason why now, when we are actually codifying the Naval Law, we should keep such a thing as "petty officer" in our own Navy Law. There might have been a justification for the British Navy to retain such words but for us there is absolutely no justification except only if we want to stick to the old British imperialist traditions which have absolutely no significance in the present day Indian context. Otherwise there is no justification to keep up such terms. Petty is after all very derogatory. In spite of all the talk that is given by the Deputy Minister, petty is still petty. I do not know if he likes to justify it as he is laughing. We do not like to call it a dignified term. I do not think we like to call our Deputy Ministers Petty Ministers. Certainly we do not like to call them like that. Petty is not a dignified term.

Sir, in the matter of terminology also I see our Defence Ministry is conservative and it is not thinking in fresh terms that are in consonance with the modern spirit or modern times.

Now for some of the provisions in the Bill itself we come to firstly the right of appeal, as has been amply mentioned in our Note of Dissent. Naturally, justice itself demands that there should be a right of appeal over any court that passes a judgment. Does the Defence Ministry think that Court Martial is infallible? Does the Defence Ministry think that Court Martial never do any mistake. Does the Defence Ministry think that there is no necessity at all for a right of appeal over the Court Martials. Unless it thinks that Court Martial is infallible there is no reason why an appeal court should not be provided

for. Of course I do not mean to say that because it is there in the U.K. we also must have it. But naturally the principles of justice demand that there should be a right of appeal. The hon. Deputy Minister may point out, saying that no sentence is going to be carried out unless it is reviewed by the Chief of the Naval Staff. Sir, I like to mention in this connection a simple incident and that is this. Judgments that were passed five years back, it seems, were reviewed by the Defence Minister very recently. Does it not prove that justice is delayed sometimes and because there is no right of appeal? Does it not prove that left to the vagaries of the executive, proper justice might not be done to these people? So every case, Sir, points out that unless actually a right of appeal is there, proper justice may not be done. Not only that, Sir, the ratings who join or the officers who join must feel that the country or the nation is giving them a fair deal, that they are not being deprived of a right of appeal. So I think the House will look into the matter and provide for an appellate court as far as Court Martial are concerned.

Then there are minor things of course which we would like to come to, Sir, at the time of amendments. But one thing I like to point out. As far as civil matters are concerned I think the jurisdiction should be that of the civil court. Even in the U.K., Sir, it has been pointed out, major civil offences are, of course, tried by the civil courts. If I may quote, "The Royal Navy should have the jurisdiction to try also civil offences, with a few major exceptions, such as murder, treason, and rape whenever committed" unless for these things the civil jurisdiction is not there. Such unhappy circumstances may not arise. I am not suggesting them. But they may happen and experience shows it. We know what very recently happened in Taipeh. A U.S. officer had committed such an offence but the army authorities there refused to surrender him to be tried by civil courts, with the result that there were big riots

[Shri V. Prasad Rao.] which shook the very Government of Taipeh. Recently also, Sir, there were big riots in Japan when some U.S. officers did commit some crimes and the local civil authorities were not allowed to try these crimes. Moreover, generally speaking, whenever a person in the armed forces commits a normal crime, if he is not tried by the local civil authorities, naturally, people feel that a fellow officer will be too compassionate towards his navy fellow to judge him impartially. So in the interest of allaying public apprehension and in the interest of justice it is better to leave such things to the civil courts.

Sir, lastly I like to point out two things and then I conclude. About the recruitment of officers also we follow the same old method. Naturally more people should have been recruited from the ranks to the officer cadre. In the old times, of course, it was the policy of the British Government to keep officers as separate as possible from the ordinary ranks, but to-day there is no such justification. We have got a lot of 'potential officers' among the ranks. We ourselves had been recently on a cruise in our flotilla and saw with our own eyes that there is a lot of potential officer cadre among the ranks. At present only 12½ per cent. of the ratings, I think are being taken as officers. I do not know why this rate should not be increased. why such a limit should be fixed at all? One may argue that the proper qualities are not forthcoming in the ratings. We are not prepared to believe that. We are not prepared to believe that only 12½ per cent. of the ratings are suitable to be taken in as officers.

SHRI K. RAGHURAMIAH: May I correct that point? It is 12½ per cent. of the new entrants.

SHRI V. PRASAD RAO: I am glad about that information. But still a proper statutory provision must be

made for the intake of officers by promotion from the ratings. That is our point.

Lastly, Sir, I like to impress upon you one thing and conclude, and that is about the right of communication of the people in the armed forces to the Members of Parliament. In the U.K. and in every other democratic country, in ordinary times, persons in the armed forces do have the right to communicate anything on matters other than military affairs to Members of Parliament. But here, in this law it has been expressly denied. I shall be glad to have a denial of this position from the Defence Ministry. Also it has been very clearly laid down in a Report of the Privileges Committee of the House of Commons, that it has long been recognised that a member of the armed forces is entitled to correspond with Members of Parliament on other than military matters. It says, "Your Committee regard it as important that this right should be maintained and that members of the armed forces who communicate with members of Parliament should not be subjected either to pressure or punishment on that account." I shall be glad to learn it from the Deputy Minister that this right is not precluded. Otherwise I think that that right should be given to the members of the armed forces.

Finally, Sir, I feel, as any other Member in this House, very proud about our boys and Officers in the Navy. In spite of all these things I say they are very efficient; they are quite up to the mark. In spite of the fact that we do not have modern equipment our boys are second to none in the world. I pay my tribute to our Navy officers and boys and I think the House will consider these points.

Thank you, Sir.

DR. RADHA KUMUD MOOKERJI (Nominated): Sir, as a signatory to

the Report of the Joint Committee I feel it my duty to answer some of the criticisms levelled against the report not merely in the minutes of dissent, but also by a Member like my friend, Mr. Prasad Rao. My first point is that we must have a special angle of vision from which we should judge of our requirements of the Indian Navy. The first thing to be assured of is that we the citizens of the Republic of India must learn to take a pride in our National Navy. Now, from this point of view I feel tempted to remind the House and also the vast public beyond the House, of the achievements which Indian Navy has been able to perform in the course of its long history. Probably it may be news to most Members here, and also to the public, that India was able to produce the earliest sea-going vessel of the world and pictures of these earliest vessels are given in some of the seals discovered in the Indus valley and in my humble book their representations are also given. Now, I do not like to treat the House to the entire course of our Naval history in the past, but I shall remind the House only of some two or three important achievements which stand to its credit. The first point is this that in the earliest centuries of the Christian era the Indian mercantile marine was able to carry on a most profitable trade with the Roman empire of those days and as a result of this export trade the balance of trade was always in favour of India. There was no dearth of foreign exchange on account of this flourishing export trade. So much so that a Roman historian like Mommsen recorded that India was practically draining the Roman empire of its entire gold, because the Roman empire had to pay for the exports of India. And if I may digress a little, I should say that a very important episode in this early sea-borne trade of India with the Roman empire was this. In those days the fashionable ladies of Rome had a great rage for Indian silks and muslins and Mommsen records how

the Roman ladies every evening dressed in seven folds of Indian muslin paraded in the streets of Rome so as to become a menace to the city's morals. In spite of seven folds of this precious Indian stuff, the requirements of decorum were not at all met. Now, I may remind the House of a military episode of this Indian fleet. There is a tradition that Prince Vijaya of Bengal carried on a naval expedition against Ceylon and this naval expedition has been depicted in one of the most beautiful paintings in the Ajanta caves. The representation of this naval attack upon Ceylon shows how the elephant force also was being transported to the island of Ceylon from India on boats. You can easily imagine for yourself how in the 5th century B.C. this naval battle was recorded. And now seeing of our Deputy Minister who hails from that wonderful place, Andhra Pradesh, I was reminded of the glory of the great Andhra king, namely, Yajnasri, who was the first and the only Indian king who issued ship coins, that is, coins bearing the representation of the ships with which the Andhras colonized countries out side India and laid the foundation of a greater India even in the first century A.D. I believe that some day the Naval Ministry should insist on producing some Indian stamps to show some of the typical naval vessels of ancient times. Therefore, I say that there is enough matter in our national history which will feed the pride that the citizens must always take in their Navy, so that we will not grudge the Navy what it wants for its efficiency.

Now, in the matter of efficiency, I am sorry to say that perhaps there is considerable gap to be filled up. My friend has referred to aircraft carriers as if they are not at all an essential element of the Navy. Of late, I had the privilege of inspecting the typical types of the ships which make up the Indian Navy today, and I had a suspicion, and I do not know whether it was well founded or whether it would be a sort of a secret which we might not disclose. But I am here

[Dr. Radha Kumud Mookerji.]  
only for pressing for more grants for the Indian Navy to achieve its efficiency. In the matter of Destroyers, which form a very valuable element of the Navy, I am afraid that our Destroyers are not very modern in their types. I do not like to throw more light on the subject; but I am given to understand that there is considerable room for improvement in the matter of proper rehabilitation and modernisation of the various ships which are vital to the efficiency of the Navy. Then, again, we might remind ourselves that our Navy is a two-oceans Navy, having to guard four thousand miles of coast line. These are the fundamental requirements of the navy towards which we must pay our serious attention.

Now, the other factor with which we are concerned in building up an efficient Navy is this. How to secure and assure the spirit of devotion of the workers to the cause of the Navy? It is a question of the loyalty of the naval personnel to the Navy. Now, so far as this matter is concerned, the present Navy Bill is calculated to promote a spirit of contentment which is essential for the efficiency of its personnel. Now, so far as the conditions of service are concerned, I am certain that the present Bill will go a long way towards improving those conditions on which depends the devotion and loyalty of all those who serve the Navy and the real welfare and interests of the Navy. Now, in the course of my recent visit I was struck by the spirit of brotherhood and friendliness which animates all classes and ranks of service in the Navy so as to make them appear to work as a happy family. Distinctions between the ratings and the higher classes of Officers of the Navy, no such distinctions prevail within the boundaries of the ships concerned. Now, you cannot fail to be impressed by the spirit of intense brotherhood which animates the entire personnel of the Navy and it is a matter of very great

pride to all of us to know that at least in one sphere of public service there is no kind of discontentment or a sense of inequality or distinction between the various classes that must make up an organisation like the Navy. Now, this again shows that the rules that we are asking the House to pass, these rules will promote the spirit of equality and brotherhood, to which exception has been taken by some of my friends. I think we should judge of the Navy by the actual effect of the rules upon its personnel, and the personnel are quite satisfied that they are all united in ties of brotherhood which is essential for the working of the Navy. In that connection a reference has been made to the term "petty officers". I found to my surprise that the term "petty officer" is a term of endearment even among those to whom this term is applied, because the lower ratings are aspiring to the day when they will get their deserved promotion by their work to the rank of P.O., so that it is a different world of technical terms. We laymen outside the House may treat the word "petty" most literally. That literal sense has absolutely no significance in the Navy. In fact it is probably our imprudent interventions that perhaps affect the spirit of the naval personnel. That is another matter.

SHRI V. PRASAD RAO: In desiring the advancement the rating might actually desire a promotion to that rank, but he is not endeared by that word.

DR. RADHA KUMUD MOOKERJI: Because as a member of the Select Committee I felt moved by the criticism that the Bill is based on a doctrine of inequality, but my actual experience has given the lie to that kind of theoretical assumption. All the world over the term "P.O." is a term of universal use and does not connote any conception of contempt which we laymen are always introducing into every sphere of public life. I think there should be some

restrictions upon our individual intervention in matters where there is perfect amity and unity prevailing.

**SHRI V. K. DHAGE (Bombay):** Is it also in France the same way?

**DR. RADHA KUMUD MOOKERJI:** I am not speaking of this country or that, but I am speaking on the basis of my actual experience on the spot, and I felt that there was hardly any objection from those persons who were intimately concerned with that type. There is absolutely no sense of any objection, no conception of the so-called spirit of inequality which is connoted by the term "petty". We must take it as a technical term denoting a certain rank in the service, and those concerned do not at all grudge the supposed contempt that attaches to the word "petty" in other spheres of public activity.

Then again, I say, Sir, that there are certain other points which show great success in the working of the Navy. I specially refer to the food that is provided for the personnel. I was astonished to find that in some of the Naval barracks the calorific value of the food that is given to an individual worker amounts to 4,000 calories as against 1,600 calories representing the value of the average Indian diet, because they feel that unless the personnel are fed properly the spirit of devotion cannot be sustained. So, this is one of the high successes which should be brought to the notice not merely of this House but also to the people concerned. I believe the authorities must also take cognizance of this great achievement. I even went through the statistics as regards food very carefully, and that was the ideal which was achieved in the Navy.

Now, there are certain other difficulties which are due perhaps to finance. There is no doubt that there is an abnormal degree of congestion of accommodation not merely in the ships but also ashore, both afloat and

ashore. The conditions of accommodation are not very satisfactory. There are signs of congestion. There are tiers of berths on which the people sleep but they take to all these hardships as hardships to which they must be injured in the particularly hard life that they have chosen for themselves, because the Navy is not a bed of roses. The Navy entails very great endurance and the capacity for enduring hardships, and so far as all these matters of discipline and matters of physical efficiency are concerned, I think that the rules by which the Navy is working are quite adequate to secure the moral factor upon which the success of the Indian Navy will so much depend. Of course, I have already referred in the beginning to the other factor on the basis of which the whole people should take a national pride in the Navy. Unless the Navy is supported by public feeling the Budget to be sanctioned for the Navy will not be adequate. Ultimately we must carry the people with us and convince them that the Indian Navy is bound to achieve a glorious future which will be consistent with the glories of the Navy in India's historic past.

I therefore support wholeheartedly this Bill.

**पंडित अलगू राय शास्त्री (उत्तर प्रदेश):**  
उप सभापति महोदय, जल सेना विधेयक हमारे सामने संयुक्त प्रवर समिति की रिपोर्ट के साथ जिस रूप में आया था और अब जिस रूप में वह संशोधित होकर, मंवर कर, सुधर कर उपस्थित हुआ है, उसका मैं हृदय से स्वागत करता हूँ ।

इस विधेयक ने जो नवी सम्बन्धी १९३४ की विधि थी, उसको स्थानान्तरित कर दिया है और इस तरह जो दूसरी विधि ने उसका स्थान लेने का इरादा किया है और लोक सभा ने उसे जिस रूप में स्वीकार किया है, वह अब हमारे सामने विचार

[प० अलगू राय शास्त्री]

के लिये आया है कि हम अपनी मोहर उस पर लगावें। मैं समझता हूँ कि इस समय इस सम्मानित भवन में विरोधी दल की ओर से बहुत ही थोड़े आदमी बैठे हुये हैं जिनके विचार में इस बिल के विरोध में कुछ कहने की बात हो। अभी मेरे सम्मानित मित्र, डा० मुकर्जी ने हमारे सामने हमारे देश की नौ शक्ति का इतिहास प्रस्तुत किया कि किस तरह से इस देश में प्राचीन काल से उसका स्थान रहा है। हमारे विस्तृत समुद्र तट के कारण, एक समय था, जब यह देश अपनी नौ सेना के कारण, अपनी नौशक्ति के कारण, प्रसिद्ध था और इसका व्यापारिक सम्बन्ध इधर-उधर के देशों से था। वह आदि काल का गौरव आज भी हमारे सामने है और उसके अनुरूप ही अपने देश में नौसेना के विकास के लिये, उसमें काम करने वाले कर्मचारियों के लिये, उनमें संयम, नियंत्रण और काम करने की प्रवृत्ति को ठीक दिशा में ले जाने के लिये सब सोच विचार कर यह विस्तृत विधेयक भवन के सामने प्रस्तुत किया गया है। जिस परिश्रम से प्रवर समिति ने सब प्रश्नों पर विचार कर इसको जो शकल दी है, उसमें किसी प्रकार के संशोधन की कोई आवश्यकता आज के वातावरण में नहीं है। कल कोई आवश्यकता पड़ेगी तो उसे हम नहीं कह सकते। इसलिये मैं इसके एक एक अक्षर के साथ सहमत हूँ, और मैं यह समझता हूँ कि इसको अक्षुण्ण रूप में हमको स्वीकार कर लेना चाहिये। आदि से अंत तक चाहे जिस दृष्टि से

आप इसको देखें आपको इसमें पूर्णता मिलेगी। अगर हम यह चाहते हैं कि नौसेना में काम करने वाले हमारे नाविक सैनिक ठीक से काम करें और उनके कार्य-संचालन में दक्षता और कुशलता आवे, तो यह अत्यन्त आवश्यक है कि उनमें संयम और अनुशासन हो, उनके ऊपर पर्याप्त नियंत्रण हो, क्योंकि इन चीजों के बिना हमारी यह सैन्य शक्ति वह काम नहीं कर सकती, जिसके लिये इसकी अपेक्षा है। हम इतिहास में प्राचीन काल के रोमन या ग्रीक साम्राज्य का जो सुन्दर वर्णन पढ़ते हैं, वह उनके अपने समुद्र तट के कारण ही था। जिस देश के पास समुद्र तट नहीं है ..

#### ANNOUNCEMENT RE BUSINESS ON FRIDAY, THE 29TH NOVEMBER, 1957

MR. DEPUTY CHAIRMAN: I have to inform Members that after the disposal of Private Members' Legislative Business tomorrow, the Motion given notice of by Dr. Raj Bahadur Gour, Shri P. Narayanan Nair and Shri Basavapunnaiah regarding the Annual Reports of the Employees' State Insurance Corporation for the years 1954-55 and 1955-56 will be taken up for consideration.

The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at five of the clock till eleven of the clock on Friday, the 29th November, 1957.