

[Shri Abid Ali.] workers; they know that we want them to progress; they know that we want them to get what they deserve and this applies not only for today. He has appealed to me personally. I am very much thankful to him but he knows that I have been a worker myself and I have been working for their good . . .

SHRI BHUPESH GUPTA: Or, for their goods.

SHRI ABID ALI: . . . from even before the birth of the hon. Member himself. I have reminded him once and I will remind him whenever he says this. The angle is different. He wants chaos but we want peace and progress. We will go on progressing and the country will become rich and whatever the country achieves will belong.

DR. R. B. GOUR: . . . belong to the capitalists.

SHRI ABID ALI: Capitalists of the type sitting on that side. How many capitalists have they got in their ranks? They know that more than I do. So, when there is prosperity and well-being in the country, it will be shared by everyone equally.

SHRI BHUPESH GUPTA: What about Tatas' ten lakhs?

SHRI ABID ALI: He should know more about it.

MR. DEPUTY CHAIRMAN: The question is:

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

The motion was adopted.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 2.30 P.M.

The House then adjourned for lunch at five minutes past one of the clock.

The House reassembled after I lunch at half past two of the clock, j MK. DEPUTY CHAIRMAN in the Chair.

THE NAVY BILL, 1957

MOTION FOR REFERENCE TO JOINT COMMITTEE

THE MINISTER OF DEFENCE (SHRI V. K. KRISHNA MENON): Mr. Deputy Chairman, I beg to move:

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to consolidate and amend the law relating to the government of the Navy, and resolves that the following Members of the Rajya Sabha be nominated to serve on the said Joint Committee: —

1. Dr. R. K. Mookerji
2. Dr. W. S. Barlingay
3. Dr. Raghbir Singh
4. Shri Sonusing Dhansing Patil
5. Shrimati K. Bharathi
6. Shri T. S. Pattabiraman
7. Sardar Raghbir Singh Panj-hazari.
8. Shah Mohamad Umair
9. Shri Mahabir Prasad
10. Shri B. K. Mukerjee
- 11. Shri H. N. Kunzru
12. Shri V. Prasad Rao
13. Shri V. K. Dhage."

Sir, this Bill as introduced in the Lok Sabha has been circulated on the 1st of June 1957 and as set out in the Statement of Objects and Reasons it is a Bill to consolidate some of the existing legislation in regard to the Navy as well as to fill in some lacuna that exists in the general procedure governing naval discipline and other naval matters. Since the Bill is going to be referred to a Joint Committee in accordance with the procedure of this House it is not my intention to traverse this Bill clause

by clause but to mainly deal with the salient points.

First of all we are not writing in this matter on a clean slate without reference to the history of the navy. We are now proposing this measure only to maintain an efficient navy to suit modern conditions. In modern times, during this century, there has been a navy in this country. It was first the Royal Indian Marine, afterwards the Royal Indian Navy and after independence the Indian Navy. There has been what is now called the Naval Discipline Act that governs the conduct of officers and men and the general procedure in the navy. But the Naval Discipline Act relates **only** to discipline. Various other matters are either governed by the ordinary law of the country or by custom or by various other rules that are promulgated as by the Executive Rules. The extent of this legislation that we are now putting before you does not, I submit, give the occasion to discuss naval policy in general as to how many ships we should have or whether we should have this arm or that arm or what are the grievances that exist though they presumably would come in on any request made by hon. Members in the normal course of the debate on the Budget, but now we are here putting before the House what has already passed the stage of reference to the Joint Committee in the Lok Sabha. This is a piece consolidating legislation which, if passed, would be the Law of the Navy. As I said, until now, it largely dealt with discipline, but as hon. Members will see in this comparatively voluminous Bill, there are several chapters. This Bill deals practically with everything connected with the Navy, that is, it deals with discipline but also deals with recruitment, commissioning of officers, their appointments, their conditions of service, privileges, pensions, pay, etc. It has got a number of clauses relating to the position of the Navy and its personnel, during conditions of war, and during active service. There

are provisions regarding punishments, a number of chapters which relate to what may be called the judicial and the punitive procedures of court martials, which are of very great importance to the armed forces and also of great concern to Parliament and to the citizens generally. Then there are provisions relating to appeals, reviews and so on, the court martial procedure and provisions governing sentences. Then there are certain matters which normally are dealt with under rules of private law with regard to the proper disposal of the property of the deceased personnel while on active service abroad, Government's obligation to the maintenance of their dependents and things of that character. There is **also** another provision with regard to transitory requirements, that is, there are certain customs or practices that obtain in the navy to-day which would cease to be so in a short time. In the context of our history, these transitory provisions become very necessary.

Now, first of all, Sir, I would like to say that this Bill is not presented to Parliament in the sense that we think it is not capable of improvement, but we think, with all that is provided for in the Bill, it is in the wisdom of the Joint Committee of both Houses to introduce whatever alterations they deem necessary. I have seen it in the press here and sometimes in other places also that this is merely a copy of the British legislation: Well, it can be said, I suppose, to a certain extent, about the Constitution Act or about the rules that you, Mr. Deputy Chairman, would apply to procedure in this House and so on and so on. But I would like to say that it is not a replica of any Bill; it largely represents the needs of independent India and it also seeks to bring in the practices in the navy in conformity with more modern ideas of discipline and punishment. In the old days punishments were of a different character but now the penal provisions made in this Navy Bill are matters of agreement between the three services and by discussion and

[Shri V. K. Krishna Menon.] negotiation they are all laid down. We have to a certain extent codified the law, as it exists. As I said, part of the provisions made herein, the substance of them, is already contained in the Naval Discipline Act and that was the law made by the old legislature before independence the provisions therein having been derived from the practices of the Royal Indian Navy. They were probably adequate at that time when the liberty of the subject was not so much a matter of importance. If it was at all it is to-day. And what is more, our naval strength was smaller and its scope for the future was not conceived in modern terms. So those disciplinary provisions, some of which, as I said, have to be altered to bring them in line with our modern ways of thinking, that you will find in the Bill. As I said, the bulk of this Bill deals with court martial procedure. It is largely because it is the substance of the Naval Discipline Act which is being incorporated herein and also when you lay down a system of judicial procedure and punitive measures it is necessary to be precise about them both in regard to the laying of the charge, the processes through which the person is charged and who is to judge and what follows thereafter. That is one of the reasons for the provision but before I deal with it in detail I would like to point out that this Bill in many ways is on the pattern of what in fact obtains to-day. It places the rating and the officer in positions in which there is some degree of difference. That does not mean that if a naval officer will hit a man the man will thank him for it. That is not the idea. The ratings in the Navy have got the right of appeal. They have a right to lay charges and there are certain offences that are prescribed which may appear on the surface, perhaps, as though they are more grave if committed by other ranks and less if committed by the officers. For example, hon. Members will find in this that a provision provides penalties as against other ranks of the navy, against a rating

who uses force and strikes an officer and there is not a similar clause which says what should be done if an officer strikes a rating. On the face of it it would look as though it is not normal for a rating to strike an officer and that it is normal for an officer to strike a rating! But that is far from the truth. The fact is, first of all, in all defence forces, and particularly in the navy, apart from all provisions made, the law is governed by the relations that exist between the people who compose its ranks. Consequently in this country—though it is a young country from the modern naval point of view—as well as in any other part of the world, the naval procedures, the relations between men on a ship have been governed by custom for nearly forty centuries, and this has become built-in in some respects in the practice even in this little navy of ours. During the departmental discussions over this matter, those of us who are not in the navy tried to ride roughshod over such customs and to take a merely logical view. But resistance came from the naval side and for very good reasons, and these reactions you will find have been taken into account. So to come back to this point the penalties on the rating striking an officer has to be expressly provided for. It is a very serious offence. But so far as the officer is concerned, it is an offence all the time if he uses force against the person of the rating, except according to law. It would come under other provisions in the Bill. He would be liable to dismissal. He is liable to dismissal if he acts in a manner which is unbecoming of an officer in the Navy. An officer is not permitted to lay his hands on a rating and therefore there is no need for any rule in regard to this matter. I give this only as an illustration. Though on the surface it may appear that we are creating a distinction between one citizen and another in regard to what will happen to them if they break the law, that is not really the position. On examination it will be found that the conditions laid on the officer and the penalties prescribed for him are more

onerous and heavy than on the ratings and the reason is very clear because the officer has had the privilege and the opportunity of study and training and also the effect of circumstances in his life whereby he can understand the responsibilities better and he ought to be able to shoulder them. If an officer cannot be trusted to do that, he is not fit to be an officer. But in the case of other ranks who join the Navy young, at the age of 15 or so, who are entitled to get away after certain period and under certain procedures, certain offences may be committed for which punishment has to be imposed and it may not be right to impose upon them the extreme punishment of sending them out which would be the case, as I said a little while ago, in the case of an officer. If an officer strikes a rating, then that is the end of his career in the Navy, unless there are extenuating circumstances like self-defence and other things. But in the case of a rating, apart from such heinous offences as are put down here or so understood in the normal course of things, he may, even after receiving punishment, still be a member of the Navy. And in regard to dismissal with disgrace from the Navy, it is more harsh on the officer and greater oppression falls on the officer than on the rating. I am saying all this, not that the Bill is aimed against the officer, but because in our democratic system it may be felt that we are inheriting old ideas forgetting the change that has happened.

Provisions governing recruitment, pay, conditions of service, pensions and all those sorts of matters also find a place in this Bill—how they are to serve the Navy, how long they are to stay, what are the assurances given to them, when they can resign, all these things are here. There is a parallel law relating to the Indian Army and there is also a similar law relating to the Indian Air Force and each one of them was passed in 1950. Until then we, as in other matters, were content with the device of adapting what existed before independence under the Indian Adaptation of Rules and Regu-

lations Orders and under some other Act the title of which I have forgotten just now. Soon after independence those two Orders were passed, they being the two senior services. The Army is the senior most and then comes the Indian Air Force. It is very different from what obtains in the U. K. where the Navy is the senior service. Further we have more personnel in those two services and the necessity for having a law was felt more and the legislations have been passed. In passing I may say that we may have to look into these Army and Air Force Acts in regard to some of the provisions in order to bring them to the same standard as this one. Now, when the Indian Air Force Act and the Indian Army Act were introduced, in it were written so many conditions with regard to recruitment of persons, their responsibilities and other things. In the Army normally a man is taken in other rank for a period of 15 years and of course even after that he can continue if he is fit and if he passes the necessary tests until the normal age of recruitment. In the Army an officer over other ranks cannot resign. In the Navy, contrary to what happens in the Army, he can resign, but it is open for his resignation to be accepted or otherwise but he has got the right to resign and that is in accordance with the naval law of some other countries which we have adopted.

Now, Parliament is entitled to be scrupulously careful about subsidiary legislation and delegated powers and one of the distinctions between the position that will obtain when this law is passed unless it is radically changed in regard to this particular matter and the present situation is that now most of the procedures and some regulations come as matters of Executive rules and Parliament has little opportunity of examining them. It is quite true that Parliament can by its various devices deal with any miscarriage of justice or any other such matter that may arise under its normal procedures but under this new law all Regulations made under it will have to be pro-

[Shri V. K. Krishna Menon.] mulgated by the President and like all other regulations so promulgated they will have to be laid on the Table of both Houses and if hon. Members feel so inclined, they can be discussed. That is the position that will come about. I am saying this because this is a young fighting force which has come to us in its present form very largely after the attainment of citizenship and in it are people who are almost always away from home and the condition under which they work has to be such as to make them feel that they are in an honourable service, that its members are protected and so on.

Unlike in the Army, the naval rating has a statutory right to submit complaints. In the Army that is not so. In fact, it would be impossible, because of the size of the Army, for each person to have a statutory right to submit complaints. But in the case of the Navy, largely on account of tradition I believe, men of other ranks have the right to complain and those complaints may either go in the first instance to the Head of the Naval Staff or afterwards redress can be sought from the Government, that is, the Defence Minister. They will be investigated in accordance with the procedure laid down but this position does not obtain under the Air Force or the Army Acts and the Defence Ministry is now examining, along with the assistance of the Chiefs of Staff, whether this provision in some form or other should not be incorporated in the Army and the Air Force Acts. We are an independent country where everyone has got the political right of choosing the Government of the country, in the last analysis, and therefore while it is necessary in the armed forces to make some inroads into fundamental rights by precise legal provision, we should try and retain them to the utmost extent possible.

Sir, it is time now to deal with the procedure of court-martial. For the first time not only officers but even

other executive people can sit on a court-martial. It is now provided that the Judge Advocate—not the Judge Advocate General—though his name might sound like a prosecuting counsel, he is more like a judge. He is merely the interpreter of the law because he is the man trained for it and the officers who form part of the court-martial, though it is not so stated, deal with the facts of the case. They are the judges of the facts, while the other persons are the judges of law. So in effect you are getting what is like a trial by jury. When a man is put up before a court martial, the Judge Advocate pronounces a sentence, the man concerned has the right to defend himself either by his own officers or by outside assistance. He has the concession to bring in outside assistance such as counsel and of course the court functions according to the Navy Act, as it will then be when it is passed.

There is one useful provision that is brought in here and-if I may say so, it is a very wholesome device in regard to all tribunals which are exercising more or less autonomous functions. That is to say, it is the first time possibly that we are applying legislation of this kind. The provisions and rules of the Indian Evidence Act shall apply. It is not for a commissioner, court-martial or whatever it is to put a man on oath just as they like and then make him repeat hearsay evidence or other evidence that would not be admissible in a court of law. So, it is now categorically laid down that the rules of evidence shall apply. Though the rules of evidence may be very inconvenient to legislators, very inconvenient sometimes when we are trying to push through a reform, though the rule of evidence is inconvenient from the point of the executive, by and large in the law governing rules of evidence are almost as important in a system of rule of law, or even more important in their application, than the rules of Fundamental Rights, because that is a protection for the citizen. It is quite true that in many cases a citizen

may be at a disproportionate advantage, but I believe that we all think that it is far better that one man who has committed a crime should go free than one who has not committed a crime should receive punishment. So, it is laid down in the rules of evidence that the Indian Evidence Act shall apply in regard to the procedure before tribunals.

Another improvement made in this is that of the provisions for expertise. The qualifications of the Judge Advocate General, who is the senior most legal officer in the Navy, are prescribed. He is appointed for a particular period which is during the pleasure of the President, that is, he is an independent officer. He must be a person who is qualified in the law and I suppose in civil life would be a person who would normally be appointed to high judicial office. He would be usually a person who is either drawn from the judicature or who has come through the naval legal channels and who is highly qualified for this purpose. The reason is that while he does not participate nor is present at the court-martial there is no further judge or the jury or advisors, he is the last legal resort to which people can take recourse. That is, once the court-martial has pronounced a sentence there is no appeal from the sentence of the court-martial to the ordinary courts of the land. It is different from the law in England. In England it is possible in certain cases to appeal direct to the High Court. But I am sure as things stand at present, if there is one thing that is necessary in the Armed Forces more particularly in the Navy it is that there should be no delay in the implementation of law. And these naval officers are normally far away from their homes. They are almost always afloat. While justice should not be summary, it should be swift and all the dilatoriness that might come has to be avoided. But it is up to Parliament to look-into these provisions and if any improvement is necessary, having regard to the future of the Navy and the discipline that ought to be maintained, to

40 RSD.—7.

make its own changes if it so thinks fit. But I want to point out in all fairness that there is this difference between the Navy Bill as it is before you and the law of the navy in a country like the U.K. where they have recently introduced the right of appeal. Although there is no right of appeal to a court in the normal sense in this Bill, though it does not take the Navy out of the haval law and put them under the ordinary law, there is provision in this Bill also for review. That is, every case must be reviewed by the Judge Advocate General. And what is more, under the Navy Act—unlike the civil law of the country or unlike the legislation appertaining to the other sections of the Armed Forces—it is the duty of the Chief of the Naval Staff to periodically review. Every three months a sentence has to be reviewed. It is not that a man is given two years imprisonment and then he is forgotten. His case has to be reviewed to see if there are other facts which could according to the law or the man's conduct deserve a remission of his sentence. The whole case is reviewed.

Even apart from that, the Judge Advocate General is the reviewing authority. That is to say, he acts in this matter with a sense of judicial discretion, with a knowledge of the law and also knowledge of the Navy. It is also open even before it comes to him or perhaps afterwards, for the Chief of the Naval Staff to review. So that while there is no Right of Appeal as such there is the right that the proceedings of the court-martial will be reviewed by the Judge Advocate General. I have mentioned the qualifications of the Judge Advocate General and this review will take the place of an appeal. Now, it is not as though this review is purely discretionary. It is, in fact, a claim of right so far as the defendant is concerned, because it is an obligation on the part of the Judge Advocate General to review these cases. Therefore, it takes place automatically. It is not as though the

[Shri V. K. Krishna Menon.] Naval Commander has said: 'I want this to be reviewed. Therefore, please review it,' as would happen under the customs laws or income-tax laws and so on. It is a claim of right vested in the person concerned. It is also open to an aggrieved person to present a petition to the Chief of the Naval Staff and even to the Central Government. That is apart from any question of review, what takes the place of an appeal, it would correspond to a memorial. That is, he can appeal to the Commander of the Fleet, or the Admiral or he can appeal to the Government, which means the Minister of Defence, whose conduct is naturally governed by the impact of public opinion and the wishes of Parliament. It does not mean that the case will be tried by Parliament. The Minister is responsible to Parliament and, therefore, that will be reflected.

The Bill provides—it is not usual for a member of Government to express personal opinions on any matter—of the imposition of the death penalty; whatever individual views we may hold, this may not be the time to express them. But this Bill does provide for the death penalty, though the death penalty cannot be imposed unless it is confirmed by the Central Government. That is, even without an appeal in the normal course, under the civil law of our country, a sessions judge or a similar authority can impose a death sentence and it could be carried out, unless the person or, in the interests of the person, someone takes up his case and goes up to the High Court or on second appeal or with a petition for reprieve. But in this case, the initiative is the other way round. A sentence of death does not become operable, it cannot be carried out, unless the confirmation has been forthcoming. That is the position with regard to death sentences.

You will find in all these laborious provisions, rather numerous ones, that the court-martial procedure has been rationalised and this rationalisa-

tion is in the interests of the maintenance of discipline and also in the interests of both the officers and other ranks in the Navy.

I think I have explained the salient features of this Bill and as I said I welcome suggestions. There is no particular point at this stage—since this goes to the Joint Committee—in taking it clause by clause. May I submit, having regard to the debate in another place, that this is a Bill which is seeking to provide law for the Navy and it is not a Bill on the current administration of the Navy? It does not deal with what ships we ought to have, whether some officers were good or bad, whether some dockyard is dirty or something is to be built. I would submit that there will be other occasions for that. We are here concerned with legislation for providing the Law of the Navy in this Bill. There is here particularly an interesting provision which comes towards the end of the Bill. I think it is clause 189. I cannot just lay my hands ^{PM^} now on that particular provision, but there is an important provision in the present Bill which refers to the customary of the Navy, and therefore I mention that specifically. When this Bill is going to be considered in the Joint Committee, of course, it is open to the Joint Committee to take any decision that it likes, but in the consideration of any clause and in making any improvements that are sought to be made the impact of customary law in the Navy has got to be taken into consideration, because if the force of custom is lost, then we are bound to lose a great deal in the matter of discipline. That is how people feel about it. Now you would not find this provision in any other legislation except in some commercial laws where there may be references to the customs of the trade.

Mr. Deputy Chairman, I think I have sufficiently outlined the provisions and there is, I feel, nothing more for me to say. I therefore hope that the House will accept the motion

that I have moved for referring this Bill to the Joint Committee. Of course, I myself or the Deputy Minister will gladly answer any points that might arise in the course of the debate on this motion.

MR. DEPUTY CHAIRMAN: Motion moved:

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to consolidate and amend the law relating to the government of the Navy, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee, namely:—

1. Dr. R. K. Mookerji
2. Dr. W. S. Barlingay
3. Dr. Raghubir Singh
4. Shri Sonusing Dhansing Patil
5. Shrimati K. Bharathi
6. Shri T. S. Pattabiraman
7. Sardar Raghbir Singh Panjhzari
8. Shah Mohamad Umair
9. Shri Mahabir Prasad
10. Shri B. K. Mukerjee
11. Shri H. N. Kunzru
12. Shri V. Prasad Rao
13. Shri V. K. Dhage."

SHRI KISHEN CHAND (Andhra Pradesh): Mr. Deputy Chairman, we find that the Defence Minister has introduced this Navy Bill. As he has said in his preliminary remarks, we are not going to discuss the size of our Navy, nor the number of cruisers and the like. But I cannot avoid. Sir, drawing his attention to the fact that he has introduced a very big Bill, a very voluminous Bill about a navy which is microscopically small. Besides our navy being microscopically small, our mercantile marine also is very small. The whole merchant fleet consists of a few lakh tons. And therefore, Sir, I feel that the

hon. Minister who comes from a maritime State has a soft corner for the merchant navy, and therefore he has introduced this voluminous Bill before us. The hon. Minister has stated that this Bill is modelled on the tradition of the United Kingdom. It is very obvious that it is so and anybody reading through this Bill will come to the conclusion that in many cases it is a blind imitation of the tradition in the United Kingdom. But let me submit, Sir, that that tradition in the United Kingdom is out of date and in imitating this tradition we have gone astray, and we are introducing in this Bill many theories which the Second World War has completely exploded. Therefore when this Bill is being referred to the Joint Select Committee, I submit that the Joint Select Committee should very carefully examine the various provisions contained in this Bill. In this connection I will just try to point out a few lines on which this Bill should be improved. It is really a big Bill and it will not be possible for me to examine all the clauses, but I will restrict myself to only two main items. One is the clause which relates to discipline. Much has been made of discipline. It was a tradition in the nineteenth century in the army and the navy that discipline was everything. You know that poem by Tennyson— Charge of the Light Brigade—when it was considered that the sepoys and the jawans should blindly follow all the orders given to them and of course you remember the story of Casa-bianca on the burning deck. I feel that many of the clauses about discipline in this Bill are influenced by that mental outlook, that mental outlook of blind following of a blind obedience to orders whether sensible or insensible and I hope . . .

SHRI B. B. SHARMA (Uttar Pradesh) : You want labour unions to be there.

SHRI KISHEN CHAND: I am afraid the hon. Member has not read the clauses and he thinks that following the Charge of the Light Brigade is

[Shri Kishen Chand.] the best ideal in the modern warfare. If I proceed a little further I will point out to him what has been the attitude of the fighting forces in the second World War and that in modelling our Bills, that type of legislation should have been introduced in it. I was saying that now-a-days even a soldier in any modern army is an educated man. He knows his responsibilities and his duties.

SHRI B. B. SHARMA: How wonderfully the Posts and Telegraphs men behaved?

SHRI KISHEN CHAND: I do wish the hon. Member had spoken first so that he could have explained his point of view and I could have answered his points. The whole question is about our attitude towards the relationship between the officers and the soldiers. In spite of the very elaborate explanation given by the hon. Defence Minister about the slapping of a rating by an officer and the reverse, and how the punishment in the two cases is equally deterrent, I fail to see that it will lead to that happy relationship which now prevails in almost all modern armies. It was all right when the British were here. The officers were Europeans, they held the King's Commission, they came from a distant land, they were trained in a different atmosphere and they were officers in an alien land. The sepoy were the illiterate people of India. Then they introduced an intermediate class, what was called the Viceroy's Commissioned Officers. They were not officers but were educated people and could interpret between the officer and the jawans any communication that may have passed between them. So the Indian Army set up the Viceroy's Commissioned Officers and drew up rules about the conditions of service and salary but the living conditions of the King's Commissioned Officers, the Viceroy's Commissioned Officers and the jawans were wide apart. There was no comparison in the living conditions of the three.

Now it is a national army, it is an Indian army, it is an Indian navy and the officers are Indians, the sepoy and jawans are Indians. I fail to see.

SHRI B. B. SHARMA: Therefore there should be no discipline?

SHRI KISHEN CHAND: We should try to imitate what is prevailing in the best armies of the world. In the U.S. army there are officers. They are also Americans. There are sepoy who are also Americans. There are regulations about discipline. The hon. Members immediately conclude that if there is any remark about discipline, it only applies to our country and that armies don't exist in any other country, that they are not discussing this problem of relationship between the sepoy and the officers in those countries, or that it is a problem peculiar to our country. I beg to submit that it is a narrow view. If you don't want to discuss all these matters and immediately any discussion arises . . .

SHRI B. B. SHARMA: We would like to be enlightened about those advanced countries' regulations about Navy.

SHRI KISHEN CHAND: The hon. Member does not let me proceed and immediately on the very first sentence he wants me to cut off my trend of argument and reply to his question and discontinue my speech. I submit, that it is not possible. I say that now we have an Indian army. What should be the relationship between the officers and sepoy? You see the conditions of service of the sepoy, their food, their living environment, their dress and their hours of work. You take the condition of the Viceroy's Commissioned Officers, now called Non-Commissioned Officers, their condition of service, condition of living etc. Then take the King's Commission or what are now called the Commissioned Officers. Perhaps you call them Senior Officers. The names have been continuously changing and it is difficult to keep up-to-date. Now probably they are

called Junior and Senior Commissioned Officers. Anyhow, I have been able to convey that there are three classes—there is Commissioned Officer, Non-Commissioned Officer and the sepoy. In these three sections, first take the case of a Jawan. He will probably get Rs. 30 and a quota of ration and quarters in barracks. Take the Non-Commissioned Officers. They are fairly educated people, fairly well organised and they know something about the military activities during a war. Their pay does not go beyond Rs. 250. Take the Commissioned Officers. From a Lieutenant, they go up to Colonel, Brigadier, General etc. The conditions are so different between the life of a Jawan and the life of an officer and there is no co-ordination or fellow-feeling between them.

SHRI J. S. BISHT (Uttar Pradesh): Who told you?

SHRI KISHEN CHAND: They live on different planes. The hon. Member's experience may be different and he may be an expert on army matters. Take the case of the American Army. There even when it went to Korea or when they were fighting in foreign countries, the difference in food supplied to officers and the soldier was almost insignificant. They were getting more or less the same type of food. The dress and other things were more or less similar. They discuss among themselves the entire process of war and what is going on. They are given radios and are allowed to hear the news to keep abreast of the conditions of war. They fight because they intensely love their country and they feel that they are fighting for a just cause and that they are trying to establish justice in the world. Therefore there is a difference in outlook. It is not a blind following. So I began with that poem of Tennyson—The Charge of the Light Brigade—because that represents a blind following of the orders issued by the officers, without thinking, without reasoning, without understanding the implications of

those orders, people sacrificing their lives for a cause without knowing what that cause is, what the purpose of that war is and what it is going to achieve. So I submit that the hon. Minister in trying to blindly follow the U.K. tradition which has become out-of-date, has introduced certain elements in this Bill which are repugnant to the spirit of modern India. That spirit of comradeship, that spirit of fellowship, of performing the task of building a nation and building up an army and particularly in the case of Navy where the ratings and officers live in one ship, it is even more essential. In the case of an army it is possible that the officers and jawans may live in different parts of the area where the cantonment is established but in the case of Navy they all live on one ship. I submit to the Defence Minister this. Do the officers and ratings sit down in the same hall, with the officers possibly sitting on a slightly different table and the ratings on a different table? There may be a slight difference in the food supplied to the officers and to the ratings—I would not mind that. But here in our navy there is a world of difference between the treatment meted out to the ratings and the treatment meted out to the officers. They are in two different rooms. The officers' food is different. They are served differently and they eat differently in different tables.

SHRI BHUPESH GUPTA (West Bengal): They eat in the same way.

SHRI KISHEN CHAND: Officers eat with forks and knives and the ratings eat with their hands. No doubt it goes through the mouth and the gullet but the process of reaching the mouth and the gullet is different. That is why I said the method of eating is different. So unless and until we can change this relationship between the rating and the officer we will not be creating the proper set-up.

Then we have a coast-line of 3,000 miles and the big Indian ocean. The Indian Ocean is below us which has

[Shri Kishen Chand.] no barrier right upto the Antarctic Ocean, absolutely nothing in-between. On this side, upto 2000 miles there is no land. On the other side also, there is no land and for such a big ocean we have a Navy of one cruiser, an out-moded, old cruiser, H.M.S. "Achilles" bought second-hand, repainted and reconditioned, probably one or two destroyers, I don't want to go into it. But the size is exceedingly small and so what is it going to perform? Is it going to be effective? I would have much rather expected the hon. Defence Minister to have come forward and modernised his Army Bill and Air Force Bill. They were introduced and passed in 1950.

SHRI TAJAMUL HUSAIN (Bihar): That will come also later on.

SHRI KISHEN CHAND: Let the hon. Member first hear me and then he can say anything. I am suggesting two things. We have a big army performing a great task and we don't pay attention to that.

SHRI TAJAMUL HUSAIN: How do you know that we don't pay?

SHRI KISHEN CHAND: It is being claimed that the hon. Minister has thought fit to introduce this Bill in preference to introducing a modernised Bill

SHRI V. K. KRISHNA MENON: I don't desire to interrupt the hon. Member but the House should not be misled because the other two laws are on the Statute Book.

SHRI BHUPESH GUPTA: He wants the hon. Minister to improve them.

SHRI KISHEN CHAND: I know there was an Army Bill in 1950. I know that there is an Air Force Bill of 1950. All that I say is that those have become out-of-date. There was an adaptation of the Navy tradition, copied from the British. When he wants to modernise a thing, he begins by modernising the Navy Bill. I should 'kave preferred him to have begun with the Army Bill and with the Air Force Bill.

I beg to point out that there is a tremendous difference between various wings of our Defence Forces. And whom are we going to fight in the Navy? After all there is only one neighbour to us; possibly we are afraid of Pakistan. That is the only thing otherwise with one old secondhand cruiser, you cannot fight any power. The Navy does not exist and as was pointed out, we have no second line of defence, which generally is the mercantile marine.

The hon. Defence Minister in his opening speech, very kindly informed the House that he has introduced a very salutary provision of permitting the naval officers to resign. This privilege does not exist in the case of the army and the air force officers. He has been kind enough to introduce this provision about resignation. It is a very good provision and it is a natural provision. But it is not a kindness of the Defence Minister because a naval officer generally goes to the mercantile marine. In the United Kingdom most of the merchant ships are captained by officers who have retired from the Navy. So it is just a normal procedure. It is not a great kindness or a great innovation that he has introduced. In the Army, of course, there is no second line of defence and as there is no second line of defence, the army officer does not retire as he cannot be employed elsewhere. But here there is a definite plan and you can retire from the Navy. In the Air Force, of course, as the air lines have been nationalised, an I.A.F. officer resigning can be taken up by the Indian Airlines Corporation or the Air India International, which means a transfer from one department to another department of Government. Only in the case of the Navy this thing has been introduced now. I am trying to show that the hon. Defence Minister has not made any improvements in the Navy Bill. It is simply a copy of an old Bill from the United Kingdom with all its backward provisions.

I do not want to criticise a friendly nation, for it is far from me to da aa.

But it was due to the old traditions, the outdated traditions of the United Kingdom that that nation has become a second-rate power as a military-power. It was due to the defects of promotion. Do you think that in such a country a subaltern could have risen to the position of a Field-marshal like Rommel? Tradition is followed in other countries, but promotion from the ranks to the non-commissioned officers and then to the commissioned officers is possible. The commissioned officers here are the sacrosanct ones who have passed out through a military college like the one at Khadakvasla or somewhere else. If you reserve for them all the higher posts, you will never be able to build up the proper atmosphere and you will never be able to provide for genius which may rise from the bottom to the very top. Therefore, my whole criticism is this. I want a better feeling to be built up and not the hard and rigid discipline which divides the three portions of the services, but a more friendly atmosphere, a more helpful atmosphere which brings them all together and gives opportunities for the lowest in the ranks to rise up to the top places. That should be their future. That should be the ideal in our Navy, our Air Force and our Army.

Next I come to a point which you may think does not strictly relate to this Bill. In the Army there are noncommissioned officers who though they may not have passed through military college, must have had some military training. They are not satisfied with present conditions and they feel highly aggrieved. They feel that they do most of the work. In a war or at the time of an emergency, it is the non-commissioned officers who are in direct contact with the sepoys and the jawans, who fight in forward lines and who are the spearheads of the infantry. Of course, ours is a poor country and yet we must have a big army. How are you going to solve this problem of having a big Army, a big Navy and a big Air Force in a poor country? This is

only possible if you have a larger percentage of non-commissioned officers. Give them a better and a more glorified name and have a greater percentage of these officers so that the sepoy may feel that he can quickly rise. If you have for instance, for every 25 sepoys or jawans only one non-commissioned officer, then the chances of promotion are only one in twenty five. He feels he has no future. He does not look forward to it. Moreover, you take him only for 15 years. He is taken at the age of 18 and normally he runs up to the age of 33 and then he retires. What is the future before him? He has spent the best part of his life in the Army and at the end of it, at the age of 33 or 35, he is made to retire or put in the reserve and probably given Rs. 4 or Rs. 5 per month as pension. I think that is an insignificant amount. Rs. 4 or Rs. 5 at the present time does not count and should not count.

You have really to change this relationship and this is only possible if you have a much larger percentage of the intermediate officers. Give them greater chances of promotion and create a better feeling among them.

In the Navy even now there are certain British officers. On the engineering side and in the production side, there are a large number of British officers in the Army. It is now nearly ten years since we become independent. Why is it that we still look up to the British Army and the British Navy and the British Air Force as a model? We ask for the loan of their officers and we employ them. Only a few months ago our Admiral was a Britisher. This type of linking, this type of subservience, results in our getting always old material, out-of-date material. The whole of our equipment which is being taken from the United Kingdom is generally war surplus which is now not of much use. Therefore*, when this Bill goes to the Select Committee they should very carefully examine this matter.

[Shri Kishen Chand.]

I do not say anything about the routine clauses of this Bill. Out of the 200 and odd clauses of this Bill, probably 100 clauses are routine clauses and they will be there always and I have no complaint about them. My complaint is about the two chapters, one about discipline and the other about the officers. I would much rather have liked to see some sort of a classification of the officers being given here. There is no mention of it. There is no mention in it of the type of officers that we are going to have, whether there will be one type of commissioned officers or two types of commissioned officers, a junior and a senior one. That should have been definitely stated here. The question of promotion from the ratings to junior officer and from the junior officer to the senior officer should have been dealt with. These are things which build up the morale and present war is all a question of morale. If a man feels that he has got good chances of promotion, he will take risks and sacrifice his life. But you tell him, "Look here, eternally you are going to be a rating and going to retire on a pay of Rs. 40 per month." That is the salary of a rating. As long as he is in service, he gets free food on board the ship, but the moment he retires, he will get only Rs. 4 per month as pension. And you tell that man "As long as you live in the Navy, you get Rs. 40 per month and when you retire after 15 years, you will get Rs. 4 per month." And yet you want him to oiler his life and risk his life for the country. This is poor consolation to him. Therefore, I would request the hon. Defence Minister to enlarge the chapter on the officers and to put in that chapter definite and district rules and regulations about the classification of the officers, their methods of promotion and the percentage of non-commissioned officers to the ratings which should be fairly high. I would suggest that for every 4 ratings there should be a junior officer and for every 10 junior officers there should

be a senior officer so that the chances of promotion may be much higher and they could look forward to better retirement salary and pension.

I know that the hon. Defence Minister feels that these things should not be here. Well, it is a matter of opinion. Perhaps he is an expert though he is new to this Ministry. He has certainly taken a great fancy for it and as they say, a new man is generally more enthusiastic and* therefore, probably out of sheer enthusiasm, he has brought forward this big and voluminous Bill about the Navy.

SHRI TAJAMUL HUSAIN: Mr. Deputy, Chairman I find that this a good Bill and that it should be welcomed. There are one or two points about which my mind is not very clear. I find from the Bill that the duty of the Judge-Advocate is to prosecute the accused and, at the same time, be a Judge on points of law. I want to know whether my reading is correct or not. This is my reading of the law and I think this to be absolutely wrong. A prosecutor should not be the Judge. Whether he is a Judge on points of law or fact, the qualification of a Judge is that he should know nothing about the case beforehand. Now, here the Judge-Advocate knows the case of the accused thoroughly as the prosecutor of the accused and then he advises the Tribunal on points of law and on points of admissibility. I think, Sir, this is wrong. I would suggest that when a Naval Officer or a rating or anybody is to be tried in a Court-Martial a Judge from any High Court in India should be commissioned to go there wherever the trial is held either at some place or on board a ship. Now, that Judge of the High Court at Madras, Calcutta or Bombay or anywhere else, will have no previous knowledge about the case. He will simply hear both the sides. He is a trained man in law and he will know how to deal with it. Now, if the hon. Defence Minister thinks that there she jld be

someone from amongst the officers to sit at Judges, I have no objection to such officers acting either as assessors or jurors. They do not know the law and they cannot interpret the law in the same way as a Judge of the High Court can. I really strongly submit that instead of a Court-Martial consisting of officers of the Navy, a Judge of a High Court should sit as the presiding officer in that court with a few Naval Officers to try the case as assessors or jurors. If that is done, I think nobody can have any grievance.

Whenever a person in the Navy or the Army or the Air Force is tried before a Court-Martial, officers of the unit sit as Judges to try his case. It may happen that a Lt.-Colonel in the Army is the accused and a Major may be sitting as Judge. I think that should not be allowed. An officer, junior to the accused should not be allowed to sit as a Judge because, after all, he is a human being. The Major may be the immediate junior to the Lt.-Colonel who is the accused and if that man goes away, is convicted or is dismissed then that Major may become a Lt.-Colonel. Therefore, I submit, Sir, that it would be more honourable if junior officers are not put as Judges to try an accused.

The hon. Defence Minister has told us that the accused will be given oath. Under the Indian Penal Code and the Criminal Procedure Code, an accused is never given oath. It is only in England that the accused is given oath and he may be examined as a witness against himself or in his favour but here in India we have been working this I.P.C. and the Cr.P.C. for a long time and we have found it very successful. The accused is there and he is presumed to be innocent till he is proved guilty. He does not say anything. The only thing that he does is to file a written statement. That being so, why simply copy the English Naval Act. We have had our own procedure for ages here. The accused should not be given oath. He should just be an accused, keep mum

if he likes or say a word or two, if he likes. Previously, an accused in the Army, Navy or Air Force, was not allowed to engage a lawyer but I understand now—and the hon. Defence Minister has told us—that he can engage an outsider for this purpose. If that is so, it is very good.

I now come to my last point. I find from clause 42 that the punishment for spying is death or 'such other punishment as is hereinafter mentioned'. I think, Sir, spying is the most serious offence. Spying is a thing which is the most dangerous thing for the whole of the country. Therefore, the words starting with "or such other punishment...." should be deleted; it should be pure and simple death as is the case in section 302 I.P.C. When a man is found guilty of murder, the punishment is death. When a man is found guilty of spying, the punishment should be death and nothing else. His property may be confiscated or anything may be done but then the word should be "and" and not "or".

Smu P. S. RAJAGOPAL NAIDU (Madras): My friend has to learn once again the law. Section 302 provides...

SHRI BHUPESH GUPTA: Mr. Deputy Chairman, I rise to speak on this subject with considerable diffidence because the affairs of our Armed Forces remain more or less a closed-chapter to the public and especially to those who sit on this side of the House. I understand the secrecy about it but yet, at the same time, when measures of this kind are discussed in this House, formulated and finally passed, it is necessary for us to be appraised of the subject matter a little more than we are today. I do not know to what extent my hon. friend, Mr. Krishna Menon, has been, in the few months that have been at his disposal, able to acquaint himself with so closely-guarded a subject like the affairs contained in this Bill. I have no doubt, however, that he has studied the subject thoroughly.

[Shri Bhupesh Gupta.]

Now, Sir, I do not think that we can really produce a good and effective measure in conformity with the requirements of our country and our concepts of democracy if we just blindly imitate what obtains in Britain. That is not to say that I suggest the hon. Minister is imitating what obtains in that country. I know we will do well not to impute such blind motives to him because, there was a time when we were working in the India League together, when I heard the hon. Minister making speeches about the Royal Indian Navy. Very often, if I remember aright, he used to say that the Royal Indian Navy had two ships both of them painted white. That is how he used to look upon the British Royal Indian Navy at that time. I think I have very nearly quoted his words. "We shared that kind of description, not because of the literary sarcasm in it but because of the fact that the Royal Indian Navy at that time was such an institution which was neither to his liking nor to the liking of any patriotic Indian. That again is not to say that he had any kind of derisive attitude towards the ratings or we had any derisive or contemptuous attitude towards the ratings. After all we knew they were the victims of certain circumstances. Changed circumstances would change them also. Even before the country won its independence it was the naval ratings in Bombay in 1946 that turned their guns against the British, gave an account of their burning patriotism, and the guns that boomed also at the same time spelt, the doom of the British in our country. It is well to remember to-day, as we discuss this measure, that on the morrow of the great uprising of the naval ratings in Bombay, announcement of the despatch of a Cabinet Mission was made, if I remember aright, in the House of Commons. All these things are interlinked and therefore we recall such things to our mind because even under the British Raj with all its bullying methods, with all its debauchery and corruption,

with all its injustices and humiliations, with all its blind oppression and all that, the spirit of patriotism in the Indian Navy, as far as Indians were concerned, could not be suppressed. That goes to the eternal credit and glory of the men who served there at that time and to those others in other fields who inherited the spirit of patriotism of those men who struck against the British power in 1946 in the Arabian waters and on the shores of Bombay. Therefore, Sir, when we discuss a measure of this kind we shall approach it from the point of view of Indian patriotism, from the point of view of our national traditions, from the point of view of unlearning something which the British bequeathed to us and of learning something which measures up to the traditions and sentiments **and** needs of our country. That is how the measure should be understood. I wish the hon. Minister had a little more time, busy as he is, to study the problem personally in a more precise manner because it would make all the difference if a man of his calibre would study it personally instead of— I do not know—relying upon certain things prepared by certain departments and officials. I do not cast any aspersions, but I think it is necessary for him to study the subject personally if we have to make a break from the legacies of the past and I do say that the legacies of the past, not the legacy of the rebellious and insurgent naval ratings who revolted against the British in the recent past, still weigh heavily upon us. It is an accident that until very recently the Indian Navy was headed by a British subject, a British national. He was an Admiral or something like that. Maybe he was good but after all they are all frogmen and they carry on espionage activities wherever and whenever they get a chance. Now, Sir, I do not like that they should be taken in our navy. We protested against this thing for years on the floor of this House. We demanded that the Indian Navy be totally indianised, that the leadership of the

navy should be handed over to the Indian nationals and the British be expelled from all our armed forces. It was very necessary to have done so much earlier, but the Government did not do so. I think the parting of the ways as far as the British were concerned took a little longer time in certain spheres, and the Indian Navy is one of those spheres where things moved rather slowly and the parting came a little too late perhaps, for doing very many good things, that should have been done much earlier.

Now, Sir, one hon. Member said that our navy is not very strong. We know that it is not very strong. We know that it was a kind of a subsidiary and an auxiliary show here. As far as the British were concerned they had their own navy in England and they used it not only to protect their shores but to encroach upon the shores of others and do a bit of buccaneering, the kind of buccaneering they are doing to-day in Oman where the British Navy is operating from the seas and their ground forces are advancing into that land and attacking the freedom and sovereignty of the people there, over which unfortunately Shrimati Lakshmi Menon and her Minister are keeping silent. Now, Sir, it is quite a different story altogether. I shall make a slight digression here and there to make it a little more salty than what it should be. Here again therefore it is very important for us not to look at it from the point of view of its size although I agree that size is also important and nobody will deny that the Indian Navy should be of a men- tionable size, but I do not know what that size should be. I am no naval expert nor do I believe that the hon. Minister is, but he has got many experts at his disposal to offer him proper advice and I think that when I speak he knows very well that I cannot say something definitely where the question of size is involved. Yet I feel and I share the views of the public that something should be done to strengthen the Indian

Navy; to what extent it should be I leave it to the hon. Minister to decide after consulting competent opinion on the subject. But then the object of our navy is entirely different. We should build our navy with an entirely different set of ideas, with an entirely different set of objectives. There was a time when we used to say, "Royal Britannia rule the waves." Such, of course is not the objective before us. All that we want to-day is to protect our shores, protect the sovereignty and the security of our country from any possible aggression or from any possible assault from any quarter. Now naturally it must be a defensive weapon in the hands of the Government, and a defensive weapon of that kind need not follow the example of either Britain or the United States of America because they have their navies for attacking other countries far away from their own shores. They send their navies, they send their flotillas all over the world, sometimes to capture this country, subjugate another country, threaten a third land and intimidate a fourth and so on, sometimes proceed towards Jordan and sometimes towards Taiwan and so on. This is their behaviour. These navies will cross thousands of miles of seas for attacking other people's lands or for threatening other people's countries. Such navies, naturally, we do not want; we hate to have such navies; we are not going to have such navies. Yet, Sir, there should be a fairly effective navy for the protection of our shores. Therefore, when the hon. Member for the Praja Socialist Party, Shri Kishen Chand, spoke about the United States and the United Kingdom and the manner and behaviour of those people I was not quite sure whether he was holding out a bad type of example that would impress upon the hon. the Defence Minister. I think he knows the United Kingdom by now, the United States a bit too much, to be carried away by the kind of advice that has been offered to him. Please do not make much about the relations in the

[Shri Bhupesh Gupta.] armed forces in the United Kingdom and in the United States of America. We have some knowledge of them. From the newspaper reports that we read from time to time it is not all that is glittering that is made out here. Well, Sir, there is a tendency in this country, even ten years after independence, to talk in terms of the United States and the United Kingdom as if we have very much to learn from them. Certainly there are some technological things and other things which we must learn from them, but as far as the relations between officers and men are concerned, whether it is in the navy, the army or the air force, there is very little to emulate for our Government. Well, the word Col. Blimp is a coinage from that class. You have heard of Col. Blimps and they are not very laudable, or likeable persons to talk about and I hope our Defence Minister will not take a leaf out of the books of Col. Blimps nor would he be told to do so. Therefore let us not go into that. We are seeing how those people behave, how the people behave in Japan, how the people behave in South Korea, how they behave in other parts when they are stationed. All this is known to us. Therefore I would not credit the American forces or the British forces with any very much morality or with any standards of behaviour for **our** Government to copy. That is not my point at all. I think we can look after ourselves and evolve our own things in our own way. We have certain ideals and standards of behaviour some of which can easily be translated even to the armed forces of our country. Now, that is how the matter should be viewed. We call ourselves a democratic country and we have set before us certain ideals. Now, the interpretation of such ideals vary from party to party and person to person and I do not know whether the interpretation is the same even amongst the Defence Ministers of the time and his predecessors or those who may follow him. That we do not know but I think certain democratic standards should be there. The first

thing, when you formulate the rules and reorganise a force such as this, is to ensure of course absolute patriotism and devotion to service. This should be the main ethics and ideal set before them; there is no doubt about it. Anything that cuts across either patriotism or absolute devotion to this country should be considered something most harmful for the armed forces to tolerate. At the same time our armed forces must be given a new orientation in their moral stature, in their intellectual stature; I am avoiding the word political because I do not want to introduce politics into this discussion because after all, these forces will remain whatever be the Government and it shall be the duty of these forces to defend the shores of our country and stand by the people. That is very important and therefore I am not introducing any political element in the discussion at all. But what I feel is that the men and officers of these forces should be given new training, new orientation in the sense that they respect democratic institutions and develop a deep love and passion for the people. This is what I say. I think in China it is said that it is something like fish and water; like fish always remaining in water and without water the fish dies. This is what they say when they talk about their armed forces. I think this is a concept—I do not say, you take it just because the Chinese have done it—which appeals to us. Our armed forces should behave in such a manner and should be given such training. Yet, discipline will have to be maintained but often enough discipline is invoked with a view to raising a kind of a wall—a Chinese wall if I may say so—between the armed forces on the one hand and the people on the other. When the Chinese themselves are breaking the barriers and identifying the armed forces with the people, unfortunately in our country the hon. Ministers and their officers who command these forces do not see the imperative need for breaking this wall and developing friendly, fraternal

and brotherly feelings between the men of the armed forces on the one hand and the citizens at large on the other. That is a very important thing to do in our country; otherwise our forces, however much you may equip them with weapons, however much you may train them in drill-sergeant methods, will not be in a position to measure up to the needs of our country. So that is the standard that we have to set before ourselves and that is my point. And this is something which I find missing in this Bill. This is at least one thing in this Bill that I find, that this aspect has not been taken into account at all.

Now, for instance, rules of discipline have been laid down and they constitute a big part of the entire Bill and they are conceived more or less in a routine manner, following in the footsteps of the British. The penalties provided for are very high in all cases. No one would suggest that in cases of treachery in cases of desertion during the period of action or when the forces are in operation or in some other emergency situation, there should not be rigidity or very strong discipline. There should be iron discipline at that time and there should be provision for deterrent and exemplary punishment. I am not saying that that should not be so but I do not see why even in peace time there should be provision for harsh punishments even for very minor offences. I do not like this thing. I do not think by a method of creating terror or fear you are going to discipline the armed forces. That is not to say that punishment should not be there. Punishment should be there for breaches of discipline at all times, but the outlook, but the *raison d'être* of such matters should not be one of creating terror and fear; on the other hand the principle should be one of gradually and constantly instilling a sense of patriotism and devotion to service, a sense of self-confidence and self-respect in the men and officers of the armed forces. That should be the approach. You can get them do things. We have heard about press-gang

methods in the days of the British; by such methods they used to run their Navy and do all kinds of things. But I say that such press-gang methods in the Navy, for that matter in the armed forces, should be discarded and replaced by democratic rules which would instil self-confidence and self-respect, deep love for the country and regard for duty. That should be the approach, but unfortunately in this Bill many of the clauses are denuded of an approach of this kind. That is my regret.

For instance, I will just give one or two examples. Even for very minor offences death penalty has been prescribed. Here you find mutiny has been defined. It is defined as disobeying or resisting lawful naval authority, showing contempt for or insubordination to or embarrassing lawful naval authority by any assembly or combination of two or more persons. Now penalty up to death sentence has been provided for. Now, this is a very vague definition. I can understand these things in times of war or in times of emergency. I do not know what the interpretation of these words would be when any offence or alleged offence comes up before any court-martial.

MR. DEPUTY CHAIRMAN: What section are you referring to?

SHRI BHUPESH GUPTA: Clause 46.

MR. DEPUTY CHAIRMAN: They are articles of war.

SHRI BHUPESH GUPTA: I do not know whether the definition of 'mutiny' should be so broad as that because under this anything may be defined as mutiny; even a trivial sort of behaviour just disregard of a minor order by an official may in certain circumstances be regarded as mutiny calling for death sentence and it will be for the Judge Advocate to decide upon it—or the Judge Advocate General for that matter—with the assistance, shall we say, of some officers. I do not think that this kind

(Shri Bhupesh Gupta.) of approach is correct. At the same time I am for having a very strong disciplinary measure for ensuring loyalty, especially in times of action or preparation for action. Peace time should not be treated in the same way as times of war or when we are pre-
 : "r-r " ; jnie possible attack or some such thing. Similarly, in clause 49—striking 4. P.M.~ superior officer—there is a provision that if a naval rating or a seaman strikes a superior officer or somebody strikes a superior officer, he might get even ten years' imprisonment, irrespective of what is the fact of the strike. That is not the point. In criminal law we have got grievous assault, grievous hurt and all that kind of thing. In fact, the Indian Penal Code has a number of provisions as to offences of this kind, of assault and injury. But here there is nothing. I do not say the naval rating should strike the officer or he should not do so. All that I am concerned here in this connection is with the provision as it is in the Bill. If he strikes an officer, then he gets ten years, or such other punishment as is hereinafter mentioned. I think that would not be right. There should be proper elucidation of these things. That is all I say. Otherwise, it may be that a kind of terrorism will come to prevail in the Naval Forces which nobody would like to see in this country. Whereas discipline should be maintained, whereas order should be maintained, whereas the rules of good conduct should be enforced in every possible way, there should not be this kind of awesome provisions to terrorise the men of the Naval Force. But I would like to know what happens to the officer if he strikes a naval rating. Yet we know that it has been the habit of at least some officers to do a little striking of this kind. They beat up their men and it has been the common experience of many naval ratings in the country. I do not know if the hon. Minister is aware of it but we have read in the press in the old days and I know that such things

do happen even today. What is the punishment in that case? One becomes a criminal only when one strikes an officer. If that is so, what happens when an officer strikes a rating? Why this discrimination? Criminal law is the same in regard to this matter. Whether you are an \ officer or not an officer; whether you are a Minister, Deputy Minister or aspirant to ministership or an ordinary-Member of Parliament, the law is exactly the same. Now, why in the naval Force there should be discrimination, I believe, in favour of officers? These are not good standards. I do not say that officers will now after this measure go on assaulting then-people. This is not at all my suggestion. But the very fact that a provision of this kind is made leaves a very bitter taste in the mouth and certainly does not impress, creates some misgivings in the minds of the naval ratings. This is why I am referring to this aspect of the matter.

Now, the point has been made about the Judge Advocate and the Judge Advocate General in the system of trying the cases in the Naval Force. I think the Select Committee would give due consideration to the criticisms that have been made and will perhaps be made in the course of the debate, because I think that if court-martial of this kind is practised on a large scale in regard to minor offences even in times of peace, it might turn out to be an engine of oppression and tyranny and justice might be the first casualty in such a situation. Now, we are told by the hon. Minister that he wants speedy justice. He wants to settle things more quickly. Well, there may be speed, but the justice may come to a dead end and there may not be much left there if we proceed in this manner. This is my complaint about it. Therefore, I would say that whereas in times of emergency, in times of action, it is understandable that the court-martial should be resorted to, in times of peace, however, efforts should be made to deal with such offences as far as possible according to the ordinary laws of the land and in the ordinary

courts of justice. This is what I say. The Judge Advocate business— this idea again is totally borrowed from England. This idea of Judge Advocate we have heard is, I think, also in the United States. I do not think that people are happy with that. I think that progressive jurisprudence or the lawyers in those countries are not particularly happy with the institution called Judge Advocate, because actually it is an executive. The executive with a certain amount of judicial training usually functions. It is not unbiased judiciary that is in operation there. It is the executive. Now, the fact that a magistrate knows a bit of law does not make him a judge. For instance, in the ordinary law, except for certain cases, all other cases go to the judiciary. Major offences are triable by people who are not supposed to have any executive authority or executive bias. Why in this case then this system of Judge Advocate should be given so much power and so broad a jurisdiction as has been provided for, in this Bill? I am not at all suggesting right now that this institution of Judge Advocate should be altogether abandoned. This is not my case at all. What I am trying to impress upon the hon. Minister and the Government is that the powers of the Judge Advocate and the procedures laid down in that connection should be re-considered and reexamined with a view to ensuring that the court-martial with an executive bias or a military bias does not become a practice but becomes an exception in case of an emergency and in times of war. That is how I should view the matter.

Then, Sir, these whole sets of rules do not say much about the relations between the officers and men. Yet this is an important topic for raising the morale of the forces in the Navy. There should be some rules. For instance, I would have liked to see in this Bill that a certain code of conduct is laid down for officers, as far as their behaviour towards the seaman or the rating is concerned. Some kind of thing should be laid down. After

all, what has been our experience? The officers do not always behave properly with their men. With their subordinates especially when they are ordinary people. That is to say, they do not enjoy any advantage—the common men. That has been our experience and it has been the complaint, wide complaint in the Armed Forces that the officers do not properly behave with their men. All kinds of things they are made to do, which they are not likely to do. And they are made to do on pain of punishment or some pretext or other. They are always afraid of incurring the displeasure of even the most tyrant of officers. That has been the common experience. They are made to do things which are absolutely unlawful but which they cannot avoid doing because of the fear that the officer concerned might seize upon some other opportunity to penalise and punish.

Now, Sir, we have to take into account the behaviour of the officers towards the young naval ratings. We are always told that the naval ratings suffer. I travelled in a ship during the war for about 17 days or so. Going round the Cape we came to this country in 1941, and we saw how the officers behaved. I do not say that the same thing is followed in the Indian navy, but the tradition is there. That is why I would like to suggest that there should be some rules as to guide the behaviour of the officers towards the naval ratings according to certain diplomatic standards. This is very very important because that would create confidence in the men and that would create the impression as if the Government is concerned with their honour, self-respect and all that. And this is something which we must have when we propose a measure of this kind, because it is no good just telling the people "Well, these are the punishments that are before you if you dare to disobey any order or disobey any law." It should also at the same time be stated what will be the punishment if the officers who are in charge of the navy do not behave properly or misbehave with their men

[Shri Bhupesh Gupta.] or go out of their way to make them do things which the ratings are not expected to do either under the law or otherwise. Therefore there should be a provision of this kind in the Bill. I wish the hon. Defence Minister had given a little thought to this matter.

Then, Sir, I would like to say something about promotions and other things. Chapter III deals with commissions, appointments and emoluments. There is a complaint in the Armed Forces in the country that the people who come from the poorer sections and join as ratings or as ordinary soldiers do not have any chunks of promotions to higher positions. I am not saying that there is no exception whatsoever, but the general practice is that there is a bias on the part of the propertied classes, on the part of those who come from wealthy classes, in favour of those who come from similar stations in life. I think, Sir, this question requires consideration at the hands of the Government because the promotions and other things should be so arranged that the ordinary rating knows that there is nothing coming in his way, and certainly not class prejudice and bias, that prevents him from one day becoming the Chief of the Naval Staff or a big officer in the navy. That impression should always be there. But now the impression generally seems to be that only the upper class people get promotions or the people placed in high positions are given ranks, decorations and all the rest of it, and those who are lower down in the Army ranks or the Naval ranks do not get much impetus, and they feel somewhat demoralised, even though they may not say so. Now this is another aspect of the matter to which I would like to draw the attention of the Government. I therefore suggest that some proper and healthy provisions should be incorporated in this Bill.

Then Sir, I would like to mention something about the conditions of

service. Now we are told that the officers will be free to resign. Well, that is quite good so far as it goes. I think that when anyone wants to resign from any position, unless, of course, the situation demands otherwise, he should be allowed to resign. But that is not the main thing. I think the rules here follow the British pattern as we have known so far. Now the conditions of service therefore should have been changed, and I wish the hon. Minister had consulted in this matter the ratings themselves. I do not know whether he has done so or not. He should have consulted them in order to know what was the actual position before formulating the rules such as these in Chapter IV. About the conditions of service, Sir, we have heard a lot. There is a provision in the* Bill that ratings cannot write anything in the papers, cannot communicate anything to anybody without the consent of the officer. They are more or less shut up as far as their grievances are concerned. They cannot communicate anything to anybody. When that is so, it is all the more reason why, before formulating rules such as these, their demands, their complaints, "their grievances and their experiences should have been taken into account instead of just producing in a hash these old things. And this is something which I did not expect from the hon. Defence Minister. I think, Sir, that it will be necessary for the Government to have better consultations over this matter with a view to changing the service conditions. Now, Sir, the service conditions are extremely harsh and sometimes inhuman, and I think, whatever may be said by the big ofneers of the navy, they are very elegant personalities and they all look very bright and prosperous, whenever you look at them. Whatever they may or may not say, it is necessary for the Government, through their own agencies, to find out exactly what are the experiences and the grievances of the naval ratings, as far as their service conditions go. Recently I went to Ernakulam, I think in April or so,

and I took the opportunity of going to Cochin harbour. There I saw the ship 'Cauvery' which was there for demonstration. Now there I saw the officers and men and many of them were very very young. Now it did not strike me as if proper standards were in operation because I found the officers very well dressed and they were in all their elegance, whereas I found the young boys, the ratings, not very well dressed. They did not have proper clothing and all of them did not look as if they were keeping in their elements or in the best of their health. Now this is the 'Cauvery' ship that I saw—of course, a dilapidated one and reminiscent of very old things—but I do not think that that should be the guiding standard. And I can tell you that there were two guns which were meant for demonstration—firing salutes and all that. Well, it was a pretty miserable sight. Well, if you fire salutes, you can fire from good guns also. All that was for demonstrative purposes and I think it needs a little change. But here I am concerned with the human side of it because guns you can always change by a sudden replacement, but human qualities cannot be changed overnight. They have to be cultivated. And therefore, Sir, I suggest to the Government that the conditions of service for the naval ratings are very very important and they should be gone into by the hon. Minister in order to find out as to what steps should be taken to remove the grievances and to make the conditions of service agreeable to the naval ratings.

Now, Sir, there is one point which had been raised in the other House, and I also mention it, and it is this that after 15 years of service they have to retire compulsorily except in the case of emergency when their services may be extended. Now assuming that a man in the navy started at the age of 16 or 17 years, it means that he will have to retire at the age of 32 years when he has just begun his life. Now what happens to him? Of course, many of 40 RSD.—8.

them will be able to find employment in the merchant navy or in other walks of life, but the Government should be a little concerned about it. I think that 15 years' service is not enough, especially when one retires at the age of 32, to make provisions for life. This is what is my submission. Of course, I see the necessity of keeping the navy at a very youthful level, not filling the navy with superannuated officers just as some of the departments of the Government are. This is not at all my contention, but yet I must say that this consideration has to be taken into account. This is a consideration which should weigh with the Government when they deal with the question of their pay, their emoluments, their pension and all the rest of it. This is a very very important question to my mind, especially when it concerns the naval ratings. Then I don't see any provision for the education of the naval ratings. Do I understand that once they go to the Navy, the young boys of 15 and 17, the only education they are given is about military matters or naval warfare? I should like to know this from the Government. It is very essential, of course, that there must be proper naval education, there is no doubt about it. That should be the main subject of education. At the same time it is necessary for the Government to make provision for other types of education which would enlarge their horizon, which would improve their general knowledge of men and affairs and thereby equip them better. This is very essential. Most of them would be in the formative years of their lives and that they should be given only military training and nothing else, especially when we know that at the age of 30 to 33, many of them will have to retire and find situations in civil life, is not proper. Therefore some kind of education should be given. I am not suggesting that there should be university education and all that, but this is an aspect of the matter which needs a little thought. I cannot offer any suggestion. I say this because I picture before me a boy of

[Shri Bhupesh Gupta.] 15 going into the Navy and taking the training that is imparted there. Then he retires at 32 from service. What happens to him? He may be ill-fitted for many other employments in life or his development may be retarded. Now this is another point which I wish to make as there is no mention of it. I would like the hon. Minister to tell us if there are some arrangements there for general education of the boys in the Naval Forces.

What I complain again in this connection is this. I understand that too much of unwholesome American literature still circulates in the armed forces including the navy. I would be very happy if I am contradicted, if the Minister tells that such literature don't circulate. I would be very very happy and would congratulate him because we will have at least eliminated one wrong thing. That was very much the practice in the British days and even in the early years of Independence. I would not like such literature to penetrate into the Navy in order to distort the vision and minds of our Naval boys or members of the Armed Forces. It seems that whereas the Government is very particularly against, for its own reasons I don't know, the literature of the Opposition, the literature which does not follow the Ruling Party, they are absolutely liberal and generous in as far as literature including pornographic literature that comes from the United States of America. I would like to know what is the position with regard to them. If some rules were made, I would certainly like it to be included that obnoxious or scurrilous kinds of literature should not be allowed to circulate in the armed forces, no matter what we do with political literature. I am not concerned with it at all. All that I want is, I want to keep their minds very pure. I don't want their minds, in their seclusion from the society, to get distorted and vitiated by the kind of literature that flows from the under-world of the

United States to some of the armed forces. This is what I want to prevent, the yellow literature as it is called sometimes.

Then I come to Chapter XIII— execution of sentences. It seems that even in peace time the sentences would be carried out peremptorily without being reviewed or re-examined. I don't like this arrangement.

[THE VICE-CHAIRMAN (SHRI M. B. JOSHI) in the Chair.]

In times of peace, I would like the penal sentences to be gone into by the Supreme Court or some High Court or some Judicial authority. The Judge-Advocate condemns a man with the assistance of some officers who may be aspiring for higher positions and therefore, may be guided by the Prosecution. Now that will happen and then the sentence will be carried out immediately or almost immediately. I don't like that in times of peace. I think there should be a better arrangement for review of punishments when it involves death punishment or death sentence or sentence of imprisonment for 7 to 10 years, etc. I think the accused should have the right to have some sort of a review by a judicial court, High Court or Supreme Court, of the country. This is very very essential otherwise I feel that justice would not be done in a number of cases, especially when per chance the officer concerned or the Judge Advocate may be a little too much of an executive or military-minded man. This is what I fear and against which I must seek the protection even in a legislation of this kind.

As far as death penalty is concerned, we reserve it for other occasions to come. The time has come when we must discuss the question of death penalty. I am not talking about war time but I am talking - about peace time. Whether in civil life or military life, death penalty should be resorted to so frequently and in this manner is a question to which the country

must apply its mind and I am told that there is a Resolution in the other House which I think should evoke some discussion on the subject. Therefore I don't go into it at this stage.

Then, I come to Chapter XIV—Modification of findings and sentence, pardon, commutation, remission and suspension of sentence. Now all this will be done departmentally. The judiciary does not come anywhere in the picture even though the sentences may be very heavy. Here again I would like the Select Committee to give its best thoughts in order to ensure that no injustice is done and no excessive punishment is inflicted for small or minor offences.

I understand that the provisions imply that once some people join the Navy, say a boy of 15, his parents cannot get him back. This should be changed a little. We are not in the midst of war. We are in peace time. Sometimes boys run away from homes—whether because of the virtues or vices of the parents only parents can tell,—and they join the Navy or they find their way into the Navy. They remain there and then their parents find them out and try to get them back. I am told that they are not allowed to do so and there is breach of discipline and penal laws come into operation. I don't like to have that procedure. You must make discrimination in favour of parents in such cases. I think the run-away boys sometimes are good and some of them have performed miracles in this world. I know of very good boys. I have been in the terrorist movement and some of the run-away boys did excellent work while fighting against the British but some are there who are not very reliable and good. Because on the spur of the moment they run away from their homes, join the Navy and they will not be suited for it temperamentally or otherwise and it may be that they would themselves like to return to their homes after the tempers are cooled down or

their grievances are somewhat removed. In such cases it should not be the function of the Navy to detain such young men to prevent these young people from returning to their homes. I don't know where I cross the line of discipline. But individual cases could be gone into and examined and there should not be any rigid and water-tight rules in this respect because if the plea is utilised for disrupting the Naval Forces, I can understand that plea not being entertained or accepted but when there is a genuine case where a young man had run away from home and joined the Navy and would not like to be there, there should be relaxation of this rule. This is what I say in this connection.

These are some of the suggestions that I have to make. I do not know anything more on the subject, because as I said before, we know very little as to how things are going on, except that we get some superficial idea.

Towards the conclusion of my speech I would like to draw the attention, of the hon. Minister to one unfortunate fact. I think he is also aware of the fact that there are very many people here who were in the Royal Indian Navy and who are now subjected to some kind of punishment or some disadvantages because they participated in the naval uprising and resisted the British authority when that British authority was here in our land. I had been met once by a number of people who took part in the Bombay naval uprising. They have very many complaints against the Government, that they are discriminated against, that they are not given jobs and the question of their pensions and other things are not properly dealt with. I would not like the Government- to do so. I think one of the factors that brought about the settlement of 1947 was that great naval uprising. Let us not forget that. Why should these people be persecuted? Why should these people be disfavoured and looked upon with

[Shri Bhupesh Gupta.] suspicion, I cannot understand. I can tell you on the best authority that they are not Communists. Many of them are Congressmen, or for the matter of that, they may have Congress sympathies. Often they are non-political and they have no party. They belong to no party, but these people are discriminated against. During the election days, I met some of them at different places. The moment I mentioned in my speech about the naval uprising some of them from the audience sprang up and they met later and made their complaints to me against some of the rules and regulations and the attitude of the Government. I do not know who they are. I do not remember their names, though they gave me their names. But I think this is a matter which the Government should look into. Whereas I know that some of the people who took part and sided the British in those days and gave evidence in the British Court Martial, resulting in the hanging of Indian patriots had been given promotions and had been placed in high positions, these others who had been patriots had been dealt with so harshly and in this unpatriotic manner. I would like the Government to deal with this charge because I know at least of one case where everything had been brought to the notice of Government without any remedy forthcoming from them. I know of a case connected with an Indian, a person who gave evidence against some other Bengali, an Indian patriot who defied the British authority, inspired by the freedom struggle of those days. In the war period and in the post-war period persons were hanged for this patriotism and some of them were Bengalis and their names had been published in the papers also. They were hanged; But he who gave evidence against them; the fellow who gave evidence before the British Court Martial which sent his own countrymen to death, he has found favour under this regime, whereas those who fought the British

with their back to the wall, against the British guns and weapons and raided the banner of revolt, they are treated in an unsympathetic and even a hostile manner. I do not like this sort of thing being in any way encouraged in the armed forces. There sits a gentleman, a Deputy Minister who was once, in a famous army, an army which marched towards India. Today happily he is there. I know that many people who joined that army, the Azad Hind Army, they are not treated with sympathy or compassion. They are not rewarded and they are not given even jobs in the armed forces. Is it or is it not a fact? I would like him to tell us in this House. Many of his colleagues, many of his followers whom he had led in battle, most of them are today frowned upon by the Government and looked at with disfavour by the Government and denied the elementary honour and opportunities of life by this Government. It is no accident, therefore, that even the photograph or portrait of Netaji Subhash Chandra Bose is not allowed to be hung either at the Naval Headquarters or the Army Headquarters or the Air Force Headquarters.

I mention these things because in a day or two we shall be celebrating the great centenary of the great rebellion of 1857 and I would request the hon. Minister to take note of what I am saying. I would ask him to deny what I am saying. If these things are false and untrue, I should be very happy. I should like him, therefore, to make a public statement and I would like that statement to be published in the press so that others who are not present in this House may know what is exactly the position. Sir, I say this with an anguished heart. I say these things not with a view to take political advantage of the situation. I say these things with deep sentiment because I feel when a Bill of this kind is prepared and brought before the House, every satisfaction should be given to those men and those

ratings who showed their patriotic fervour and their death-defying courage when the British were on our soil and when it took a lot of courage to raise the banner of revolt against the British and to tell them, "Leave the soil of India." Therefore, I demand of the Government an explanation of what I have said. I would like the Government to take immediate steps. We have a new Defence Minister and I think he has a different outlook on these matters. Therefore I want him to remove the grievances of this kind, to remove the evils of this kind and to remove the shame of this kind. With this object I have emphasised this point and I hope this will be gone into by the Government.

As far as the other things are concerned, I hope the Select Committee will consider them and when the Bill comes from the Select Committee we shall have another opportunity of discussing it. I want to build our Navy in the best traditions of our country, the traditions of our freedom struggle and our men and officers, will be deeply linked with the masses and with our own people, who will know and love the country and love the people from whom they have sprung. This is the spirit which should be the guiding line in the naval force. This spirit should underline the rules that we make. As far as the Government is concerned, it should give them all opportunities and treat them with the utmost sympathy. All their grievances should be met. They should all be looked into and all their legitimate demands should be satisfied and they should be made to function in conditions which are agreeable to their own living and which are agreeable to the standards and ideals that we have set before our country.

Thank you.

श्री गोरू कृष्ण शर्मा (मध्य प्रदेश) :
सपाध्यक्ष महोदय, वास्तव में अभी
जितने लम्बे लम्बे भाषण हुए उनकी इस सीधे

सारे छोटे से प्रस्ताव के बारे में कोई जरूरत नहीं थी। यह नेवी बिल है और इसके बारे में एक सेलेक्ट कमेटी मुकर्रर करने का प्रस्ताव हमारे सामने उपस्थित है, मेरे खयाल से यह बहुत जरूरी है। इस बिल में महत्व को भी सभी ने माना है। श्री मुञ्ज से पहले श्री भूपेश गुप्त और श्री किशन चन्द जी इस पर बोल चुके हैं और उन्होंने यह कहा है कि यह जरूरी है और इसको सेलेक्ट कमेटी में जाना चाहिये, तो फिर इस स्टेज पर इतने डिटेल्स में और इतने व्यौरों में जाने की आवश्यकता नहीं थी। अगर इसमें कोई खामी है भी तो वह खामी सेलेक्ट कमेटी में जा करके दुरुस्त हो सकती है। यह एक सीधी सारी बात है कि हम हिन्दुस्तान में एक आधुनिक ढंग की नई नेवी, एक न जल-सेना बनाना चाहते हैं और उसके लिये कोई एक बेसिक कानून, एक आर्गनाइजेशनल स्ट्रक्चर बनाने वाला कानून होना चाहिये जो कि इस वक्त हमारे हिन्दुस्तान के कानूनों में नहीं है। मेरे खयाल से इसमें भी कोई बुराई नहीं है कि अगर इंग्लैंड में कोई कमेटी कायम हुई और उन्होंने अपनी नेवी के लाँज को सुधारा तो हम उनका अनुभव से फायदा उठायें। हमारी गवर्नमेंट के जो डिफेंस मिनिस्टर हैं उनका एक व्यापक अनुभव है, वे काफी बाहर घूमे हुए हैं और उनकी तारीफ भी अभी हमारे अपोजिशन के मੈम्बर्स ने की है। भारतवर्ष सिर्फ अमेरिका और इंग्लैंड से ही कोई नई बात सीखने नहीं जा रहा है बल्कि हमारे हिन्दुस्तान के आफिसर्स और हमारी सेना के आफिसर्स का एक डेपूटेशन कुछ दिन पहले चीन गया था। जब कि हम लोग वहाँ पार्लियामेंट का एक डेपूटेशन ले कर गये थे तब उन्हीं दिनों में आर्मी का, मिलिटरी का, एक डेपूटेशन चीन में मौजूद था। इसी तरह से इन दिनों हमारा डेलीगेशन रूस में, सोवियट एशिया में, भी जा रहा है और मेरे खयाल से हमारे सेनापति वहाँ जा चुके हैं। तो हम सभी देशों के अनुभव से लाभ उठा रहे हैं, न सिर्फ यह कि हम सिर्फ

[श्री गेपीकृष्ण विजयवर्णीय]
किसी एक देश की नकल हिन्दुस्तान में करना चाहते हैं ।

हमारे पूर्व वक्ता किशन चन्द जी ने अभी कहा कि हिन्दुस्तान में नेवी है कहां ? वह तो बहुत छोटी है । बल्कि उन्होंने यहां तक कहा कि It does not exist at all. यह ठीक है कि छोटी है लेकिन हम उसको बनायेंगे, हम उसको बना रहे हैं, उसको बढ़ा रहे हैं । कुछ समय पहले मुझको भी मौका मिला था कांस्टिट्यूट एसेम्बली के जमाने में—हाल में तो मैं नहीं गया—लेकिन जब हमारे प्लेग शिप नये नये खरीदे गये थे तब मैंने बहुत सारे नये जहाज देखे, रेटिंगज वगैरा के रहने के मुकामात देखे । तो यह जरूर है कि हमको अपनी नेवी की जरूरत महसूस हुई । तब हमारी नेवी छोटी थी लेकिन उसके बाद और जहाज खरीदे गये हैं और खरीदे जा रहे हैं । हम भी अपने जहाज बनायेंगे । लेकिन इसका मतलब यह नहीं है कि हमारे पास कोई बेसिक स्ट्रक्चर न हो जिससे हम अपनी नेवी बनायें और न उस के सम्बन्ध में कोई कानून हो । यह कहा गया है कि इस नेवी बिल को लाने के पेशतर हमारे डिफेंस मिनिस्टर को चाहिये था कि नेवी को पहले बनायें, लेकिन मेरे खयाल से जैसी भी हमारी नेवी है, हमको एक नेवी बिल की जरूरत है और इसलिये यह बिल हमारे सामने आया है जो कि अब सेलेक्ट कमेटी में जाने वाला है ।

श्रीमन्, कई एक सवाल उठाये गये । मसलन एक सवाल ऐसा उठाया गया कि जिससे ऐसा मालम होता है कि हमारे नेवी के लोगों को कुछ भड़काने की कोशिश की गई है । आफिसर्स में और रेटिंगज में अगर कोई इख्तिलाफ न भी हो तो उसको हम इस हाउस में और बढ़ाचढ़ा कर कहते हैं । इससे तो उनके जो ताल्लुकात हैं वे बजारे अच्छे होने के और बिगड़ सकते हैं । मेरे खयाल से ऐसी कोई घटनायें नहीं हुई हैं जिनसे यह कहा

जा सके कि हमारी आर्मी के अन्दर या नेवी के अन्दर अफसरों के या उनके छोटे कर्मचारियों के आपसी ताल्लुकात खराब हैं या कोई और गड़बड़ी है । हमारी यह गवर्नमेंट जनता का इतना ध्यान रखती है और अभी हाल में हम लोगों ने देखा कि एसेशियल सर्विसेज में भी असंतोष उत्पन्न करने के लिये और उनको भड़काने के लिये बहुत सारी एजेंसियां हमारे मुल्क में काम कर रही हैं । उनका शायद यही मकसद या खयाल है कि आग भड़काई जाये, असंतोष पैदा किया जाये और जहां वह मौजूद नहीं है या थोड़ा बहुत है तो उसको बढ़ा दिया जाये । तो हमारे इस नेवी बिल को सेलेक्ट कमेटी में रफर करने के प्रस्ताव करने के सम्बन्ध में भी कुछ ऐसी बातें लाई गईं कि मानों गवर्नमेंट सहानुभूति से उन मसलों को नहीं देखती । जिन रेटिंगज को सजायें हुई हैं या जिन्होंने किसी विद्रोह की कार्यवाही में भाग लिया उसके बारे में मुझे मालूम नहीं है, लेकिन उनको भी इस डिबेट के अन्दर लाना मेरे खयाल से गैर मुनासिब बात है, एक अप्रासंगिक बात है । तो इसलिये यह कहना कि हमें अपने जिन नौजवानों की कद्र करनी चाहिये उनकी कद्र नहीं कर रहे हैं, मेरे खयाल से गलत है क्योंकि इस गवर्नमेंट ने उन सबका मुनासिब ध्यान रखा है । यह कहना कि इसमें एक अलग क्लास क्रिएट किया गया है, एक आफिसर्स का अलग दर्जा और रेटिंगज का अलग दर्जा, तो यह तो काम के मुताबिक दर्जे नेवी में हुआ ही करते हैं । इसका मतलब यह नहीं है कि इससे उनके आपसी ताल्लुकात खराब होंगे या हम हूबहू उसी तरह से जैसा कि इंगलैंड में या अमेरिका में हुआ करता है नकल कर रहे हैं । हिन्दुस्तान की अपनी परम्परायें होंगी । हमारे नेवी के भी कुछ कस्टम्स, कुछ यूसेजेज और कुछ परम्परायें हैं जो कि बहुत कुछ अंश में इंगलैंड वगैरा के तरीकों से भिन्न हैं । हमारी परम्परायें हमारी अपनी डिमोक्रेसी के अनुसार होंगी जिनमें हमारे आफिसर्स के ताल्लुकात, हमारे छोटे कर्मचारियों के ताल्लुकात नेवी

के अन्दर दु स्त रहने वाले हैं। इसलिये यह आशा करना कि इस कानून के प्राविजनों के द्वारा कोई बड़ा भारी फर्क पैदा किया जा रहा है या हम उस तफर्क को हमेशा कायम रखना चाहते हैं जो बड़े और छोटे के बीच में है, यह गैर मुनासिब है। आखिरकार हमारी जल सेना सेना का एक हिस्सा है और इसमें जो कानून बनते हैं उनमें डिसिप्लिन को मेनटेन करने की धारारें रखना बहुत जरूरी है। इसलिये ये प्राविजंस रखने ही पड़ेंगे और खासकर इसमें जो पीनल प्राविजंस हैं उन से डरने की कोई जरूरत नहीं है क्योंकि हर वक्त कोई सजा देना या और दूसरी बातें करना जरूरी नहीं होता है। जब कोई कसूर होता है या जब डिसिप्लिन टूटने लगता है तभी उसके मुताबिक सजायें दी जाती हैं। मेरे खयाल से बहुत सीधा सादा सा यह कानून है। इसके पहले चेप्टर में जो प्रीलिमिनरी है उसमें परिभाषायें आती हैं। दूसरे चेप्टर में कुछ डिसिप्लिन सम्बन्धी प्राविजंस हैं। उसके बाद Commissions, appointments, emoluments, condition of service के सम्बन्ध में जो जरूरी बातें नेवी बिल में होनी चाहिये वे सब दी हुई हैं और यह बहुत मुनासिब है। फिर "पैज एंड पेंशन्स" के प्राविजन्स आते हैं। उसके बाद जो चेप्टर "आर्टिकल्स आफ वार" है उसमें मिसकंडक्ट के बारे में कुछ प्राविजन्स हैं। मेरे खयाल से यह हर एक कानून में होना ही चाहिये। यह नहीं है कि ऐसी बातें अक्सर होती हैं या ऐसे मामलों में सजायें अक्सर दी जाती हैं। बिल में मिसकंडक्ट के बारे में एक चेप्टर है जिसके अन्तर्गत बहुत सारी बातें हैं, जैसे : not assisting a friend, delaying or discouraging the Services, question of disobedience, spying, correspondence with the enemy. ये सब बातें ऐसी हैं जिनका प्राविजन एक ऐसे कानून में होना ही चाहिये। मेरे खयाल से इसके

अन्दर जो ट्राइब्यूनल्स कायम किये जायेंगे और कोर्ट मार्शल कायम किये जायेंगे और जस्टिस देने के विषय में जो कुछ भी तरीका इसमें है वह भी एक फौज के अन्दर या एक नेवी के अन्दर जैसे होना चाहिये वैसे ही इसमें है। इसमें हम कोई इम्प्रोमेंट सजेस्ट कर सकते हैं या सेलेक्ट कमेटी कर सकती है। लेकिन सवाल यह है कि एक एडवोकेट जनरल जो मुकर्रर किया जायेगा वह कोई नौसिखिया आदमी नहीं होगा, उसकी भी क्वालिफिकेशंस ऐसी ही होंगी जैसी कि किसी हाई कोर्ट जज की हुआ करती है। तो मेरे खयाल से इसमें कोई ऐसी बात नहीं है कि जो मुनासिब न हो, बल्कि इसमें एविडेंस वगैरा के मुताल्लिक भी कुछ थोड़ीसी ज्यादा सुविधा उनको दी गई है जो कि इस सम्बन्ध में पुराने लाज में कुछ इम्प्रूमेंट है। यह पहले से कुछ इम्प्रूमेंट है और इसमें कोई खास खराबी की बात नहीं है। यह जो कहा जाता है कि इसमें म्यटिनी वगैरा के प्राविजंस नहीं होने चाहियें और उसकी वजह से यह बहुत सख्त कानून बन गया है, तो मेरे खयाल से यह सब जो डर है वे बेबुनियाद हैं। इसी तरह से इसमें अपील का प्राविजन न होते हुए भी जो हर तीन महीने बाद रिह्यू वगैरा करने का प्राविजन रखा गया है उससे न्याय होने में कोई दिक्कत नहीं आयेगी।

मेरे खयाल में आर्मी और नेवी के कानून में डिसिप्लिन सम्बन्धी धारारें रखना जरूरी है क्योंकि उनमें ओबिडियंस का रहना बहुत आवश्यक है वरना इतना बड़ा कारोबार, इतनी बड़ी जलसेना की व्यवस्था हम नहीं कर सकेंगे। तो ये सब प्राविजन्स मामूली हैं। हम सेलेक्ट कमेटी में इसको रेफर कर रहे हैं। इसमें अगर कोई इम्प्रूमेंट करने की आवश्यकता समझी जाये तो सेलेक्ट कमेटी में वह हो सकता है। मैं इस बिल को सेलेक्ट कमेटी में रेफर करने के प्रस्ताव की पूरी तौर से तार्किक करता हूँ।

SHRI P. N. SAPRU (Uttar Pradesh): Mr. Vice-Chairman, when I

[Shri P. N. Sapru.] came to the Chamber at 2-30 I did not have the slightest idea of taking part in the discussion on this Bill. The Bill, it seemed to me, was a simple one which was going to be referred to a Select Committee and I took it for granted that the Select Committee would exercise its mind on the provisions of this Bill and, in that view, considered it unnecessary even to read the Bill carefully. I confess, Mr. Vice-Chairman, that even up till now I have not read the Bill carefully. I was going through the Bill, as the speeches were being delivered on it, in a cursory manner, and I have now a fair idea of what the Bill is about. It is about a matter of very great importance for the life of the country. It is about the maintenance of discipline in the naval force of our country, and it is obvious that if you must have a navy, you must have an efficient navy, a navy which will be able to function without any friction whatsoever, which will give you loyal service. Now, Mr. Kishen Chand gave us an idea of the kind of utopia which he would like to see established in the naval administration of this country. In his scheme of things there would be no distinction between an officer and a rating.

SHRI KISHEN CHAND: Did you hear my speech?

SHRI P. N. SAPRU: Well, I heard your speech and I admired the mathematical precision with which you spoke. I know that (here are mathematicians who are philosophers. There is Bertrand Russell. He is a great philosopher, as we all know, and he is a great mathematician too. Mr. Kishen Chand was today trying to build up a utopia which is a sort of Samuel Butler's "Erewhon" or Sir Thomas More's "Utopia." Now, in his Utopia—I hope I am paraphrasing him correctly—there will be no basic distinction between officers and ratings. They will all be comrades in a joint endeavour and the ratings will

have as much chance of rising to the position of Admiral of the Fleet, shall I say, as any officer.

SHRI KISHEN CHAND: There are junior officers also in between.

SHRI P. N. SAPRU: I am coming. Now according to him discipline would be based upon the co-operative spirit in life—I do not know exactly what principle he has in mind. Mr. Bhupendra Gupta would like one principle to be applied so far as this country is concerned, but he would like another principle to be applied—he would be happy with that application—to another country to which ideological¹ he owes allegiance. Now I confess that that type of argument does not make much appeal to me. The Defence Minister is quite capable of looking after himself; so I won't go to his defence but Mr. Kishen Chand blamed the Defence Minister for modelling his Bill on the English Act.

SHRI KISHEN CHAND: For copying it directly.

SHRI P. N. SAPRU: He asked: Why should we of this country with a hoary past and with a very great culture behind us copy the English Act? Now I wonder whether this objection was present in his mind when we were framing the Indian Constitution or parts of the Indian Constitution on the British model. We have modelled our executive on the British executive.

SHRI KISHEN CHAND: Britain has no Constitution.

SHRI P. N. SAPRU: I know. Well, if it came to giving a lecture on the constitution I could lecture for hours together. It has been a¹ lifelong study with me, and I can point out very many things in the British constitution which will come as a surprise to Mr. Kishen Chand. But now you see we have modelled our executive upon the British executive. We have modelled our system of law upon the

British system of law. Even though we are going to have in a short time the finest set of laws known to man, we have modelled our law courts on the British pattern of law courts. We have modelled our codes of procedure upon the British codes of procedure. We have modelled so many other things upon British institutions. We have modelled this House upon the British House of Commons. So I do not think that we can look upon these questions from a narrow nationalist point of view. That way is not a good way; that way is not the way of life, and I am surprised that a man of the intelligence of Mr. Kishen Chand should have attacked this Bill on the ground that it follows to a certain extent the British principles.

SHRI KISHEN CHAND: If the hon. Member does not see the distinction between copying and modelling I cannot help it.

SHRI P. N. SAPRU: I do not mind even copying. If we have copied it, then I am certain that the drafting of this Bill is fairly good. If we have really copied this Bill from the British Bill, then we may be certain that the draft will be able to stand the scrutiny of our law courts, and therefore I am not prepared to blame the Defence Department for copying this Bill from it. Certainly in the defence forces opportunities should be given to everyone to rise to the highest position. The sympathies on this side of the House are, I claim, as much with the underdog as the sympathies on the other side; they have no monopoly of love for the poor. We have

a record of service for the poor of which we can be proud. But there are certain things which we value. Comradeship does not mean disorder and co-operation does not mean indiscipline, and what the Bill does is to ensure that there shall be discipline in the naval forces of this country, that the naval forces shall not be swayed by those feelings and those attitudes which are subversive of the good life so far as the community is concerned. It is of vital interest for this country that it should have a good navy. We are a peace-loving country. We have no intention of indulging in imperialistic ventures in any land, but we do want to protect ourselves, defend ourselves properly, and all that the Bill does is to ensure that there shall be discipline in the naval forces of this country. These are matters of detail which it will be for the Select Committee to consider, I myself would perhaps like some changes to be made in the body of the Bill. For example, I might just point out

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): HOW long will you take?

SHRI P. N. SAPRU: I will have to say something more than what I have said so far. I will take 12 or 15 minutes tomorrow.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): You may continue tomorrow. The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at five of the clock till eleven of the clock on Wednesday, the 14th August 1957.

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