

17 FEB 2006

Bill No. 153 of 2005

THE NATIONAL COMMISSION FOR EX-DEFENCE PERSONNEL
BILL, 2005

By

SHRI ABDULLAKUTTY, M.P.

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BILL

to provide for setting up of a National Commission for ex-defence personnel in the country and for matters connected therewith.

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Commission for Ex-Defence Personnel Act, 2005. Short title, extent and commencement

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "ex-defence personnel" means and includes any person who has worked in Defence Services and retired on completion of his term of service or short service commission and has no other source of income except pension received on account of his service in defence services and also includes families of defence personnel killed in action or died in harness;

(ii) "National Commission" means the National Commission for ex-Defence Personnel set up under section 3 of this Act;

(iii) "prescribed" means prescribed by rules made under this Act; and

(iv) "State Commission" means the State Commission for ex-Defence Personnel set up under section 4 of this Act.

National
Commission for
Ex-Defence
Personnel.

3. (1) The Central Government shall set up a National Commission for Ex-Defence Personnel with its headquarters at New Delhi. 5

(2) The National Commission shall consist of the following:—

(i) a Chairman who shall be a senior retired officer from defence services not below the rank of a General/Admiral/Air Chief Marshall to be appointed by the Central Government;

(ii) Secretary, Union Ministry of Defence who shall serve as Member-Secretary of the National Commission; 10

(iii) serving Chiefs of Navy, Air and Army Wings of the Armed Forces who shall be co-opted as members of the National Commission; and

(iv) one representative of ex-defence personnel to be nominated by the Central Government in such manner as may be prescribed. 15

(3) The terms and conditions of service and salary and allowances of the Chairman and members of the National Commission shall be such as may be prescribed by the Central Government.

(4) The Central Government, shall provide such number of officers and staff as may be required for the efficient functioning of the National Commission. 20

State
Commission for
Ex-Defence
Personnel.

4. (1) The Central Government shall set up a State Commission for ex-Defence Personnel in every State;

(2) The State Commission shall consist of—

(i) a Chairman to be appointed by the State Government; and

(ii) four other members to be appointed by the State Government in such manner as may be prescribed. 25

(3) The terms and conditions of service and salary and allowances of the Chairman of the State Commission shall be such as may be prescribed by the State Government.

Functions of
National
Commission.

5. The National Commission for ex-defence personnel, shall formulate guidelines regarding: 30

(i) re-employment of ex-defence personnel in offices and undertakings under the control of the Central Government;

(ii) welfare schemes to be launched for the benefit of ex-defence personnel;

(iii) loan facilities by commercial banks for self-employment of ex-defence personnel; 35

(iv) housing facilities at concessional rates to ex-defence personnel;

(v) provision of items of daily use at concessional rate to ex-defence personnel;

(vi) insurance scheme for ex-defence personnel; and

(vii) educational facilities for wards of ex-defence personnel.

State
Commission
to implement
welfare
schemes for
ex-defence
personnel.

6. The State Commission shall implement the welfare schemes for ex-defence personnel in the State as per the guidelines issued by the National Commission in close cooperation with the Government of the State concerned: 40

Provided that the welfare schemes for ex-defence personnel may vary from State to State based on the situation prevailing in that State.

7. The Central Government shall, after due appropriation by Parliament by law, provide adequate funds for the implementation of the provisions of the Act.

Central Government to provide funds.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Defence personnel have sacrificed their lives, family life and many things for the sake of our country. They defend the borders of the country during the time of external aggression and render their service during internal disturbances and also during natural calamities. Though Government is doing a lot for their welfare, yet it is not sufficient.

After their retirement from the armed forces, these ex-defence personnel have to depend on their meagre pension to support their families. Efforts for their rehabilitation have left a lot to be desired. A coordinated action needs to be taken at the Central and State level which can be done only through creation of a National Commission entrusted with the task of overseeing welfare schemes launched for them.

Therefore, it is proposed to set up a National Commission for ex-Defence Personnel for their welfare.

Hence this Bill.

NEW DELHI
November 23, 2005

ABDULLAKUTTY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a National Commission for Ex-Defence Personnel. Clause 4 provides for setting up of State Commission for Ex-Defence Personnel. Clause 7 of the Bill provides that the Central Government shall provide necessary financial assistance for implementation of the provisions of this Bill. Therefore, the Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely that a recurring expenditure of about rupees five hundred crore per annum may be involved.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the State Governments to make rules regarding conditions of service, allowances of the members of the State Commission. Clause 8 empowers the Central Government to make rules for carrying out the provisions of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

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BILL

to provide for setting up of a National Commission for ex-defence personnel in the country and for matters connected therewith.

(Shri Abdullakutty, M.P.)