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**STANDING COMMITTEE ON DEFENCE
(2022-23)**

(SEVENTEENTH LOK SABHA)

MINISTRY OF DEFENCE

**THE INTER-SERVICES ORGANISATIONS
(COMMAND, CONTROL AND DISCIPLINE)
BILL, 2023**

THIRTY-NINTH REPORT



LOK SABHA SECRETARIAT

NEW DELHI

July, 2023 / Ashadha, 1945 (Saka)

COMPOSITION OF THE STANDING COMMITTEE ON DEFENCE (2022-23)

SHRI JUAL ORAM

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CHAIRPERSON

Lok Sabha	
2.	Shri Nitesh Ganga Deb
3.	Shri Devaragunda Venkappa Sadananda Gowda
4.	Shri Annasaheb Shankar Jolle
5.	Choudhary Mehboob Ali Kaiser
6.	Shri Suresh Kumar Kashyap
7.	Prof. (Dr.) Ram Shankar Katheria
8.	Shri Durai Murugan Kathir Anand [@]
9.	Kunwar Danish Ali
10.	Dr. Rajashree Mallick
11.	Shri Reddeppa Nallakonda Gari*
12.	Shri Uttam Kumar Reddy Nalamada
13.	Shri Anumula Revanth Reddy
14.	Shri Jugal Kishore Sharma
15.	Dr. Shrikant Eknath Shinde
16.	Shri Prathap Simha
17.	Shri Brijendra Singh
18.	Shri Mahabali Singh
19.	Shri Durga Das Uikey
	<i>Vacant</i> ^{\$}
	<i>Vacant</i> [^]
Rajya Sabha	
20.	Dr. Ashok Bajpai
21.	Shri Prem Chand Gupta
22.	Shri Sushil Kumar Gupta
23.	Shri Venkataramana Rao Mopidevi
24.	Shri Kamakhya Prasad Tasa
25.	Dr. Sudhanshu Trivedi
26.	Smt. P.T. Usha
27.	Shri G.K. Vasani
28.	Lt. Gen. (Dr.) D. P. Vats (Retd.)
29.	Shri K.C. Venugopal

NOTE:- Two seats vacant in Lok Sabha.

[@] Nominated w.e.f 08.12.2022.

[★] Nominated w.e.f 16.11.2022.

^{\$} Shri Rahul Gandhi ceased to be a Member of the Committee consequent upon his disqualification from Membership of Lok Sabha vide LSS Notification No.21/4(3)/2023/TO(B) dated 24/03/2023; and

[^] Sad demise of Shri Rattan Lal Kataria on 18/05/2023 notified vide Lok Sabha Secretariat Notification No. 21/4(7)/2023/TO (B) dated 22 May, 2023.

SECRETARIAT

- | | | | |
|----|---------------------|---|-------------------|
| 1. | Smt. Suman Arora | - | Joint Secretary* |
| 2. | Dr. Sanjeev Sharma | - | Joint Secretary |
| 3. | Shri Tirthankar Das | - | Director |
| 4. | Shri Rahul Singh | - | Deputy Secretary |
| 5. | Smt. Preeti Negi | - | Executive Officer |

* Smt. Suman Arora, Joint Secretary served in the Committee till 11.7.2023

INTRODUCTION

I, the Chairperson of the Standing Committee on Defence (2022-23), having been authorised by the Committee to submit the Report on their behalf, present this Thirty-ninth Report (Seventeenth Lok Sabha) on “The Inter-Services Organisations (Command, Control and Discipline) Bill, 2023”.

2. The Standing Committee on Defence (2022-23) was constituted on 13th September, 2022. One of the functions of the Standing Committee as laid down in Rule 331E of the Rules of Procedure and Conduct of Business in Lok Sabha is to examine such Bills pertaining to the concerned Ministry/Department as are referred to the Committee by the Chairperson Rajya Sabha or the Speaker, as the case may be, and make Report thereon.

3. The Inter-Services Organisation (Command, Control and Discipline) Bill, 2023 was introduced in Lok Sabha on 15th March, 2023 and was referred to the Standing Committee on Defence by the Hon’ble Speaker on 24th April, 2023 for examination and Report.

4. The Committee had the oral evidence of the representatives of the Ministry of Defence on the Bill on 29th May, 2023.

5. The draft report was considered and adopted by the Standing Committee on Defence at their Sitting held on 20th July, 2023.

6. The Committee wish to express their thanks to the representatives of the Ministry of Defence for appearing before the Committee for evidence and for furnishing the valuable material and information in a very short span of time which the Committee desired in connection with the examination of the Bill.

7. For facility of reference and convenience, the Observations/Recommendations of the Committee have been printed in bold type in the body of the report.

**New Delhi;
19 July, 2023
28 Ashadha, 1945 (Saka)**

**JUAL ORAM
Chairperson
Standing Committee on Defence**

**REPORT
PART – I**

INTRODUCTORY

**INTER-SERVICES ORGANISATIONS (COMMAND, CONTROL & DISCIPLINE)
BILL, 2023**

The Committee understand that currently, personnel of the Indian Army, Navy and Air Force are governed in accordance with the provisions contained in their specific governing/regulatory Service Acts, namely; Army Act 1950, Navy Act 1957 and Air Force Act 1950. At the time of enactment of these respective Acts, most of the service organisations were largely comprised of personnel from a single service i.e. either Army, Navy or Air Force. However, now there are numerous Inter-Services Organisations such as Andaman & Nicobar Command, Strategic Forces Command, Defence Space Agency etc. and joint training establishments like the National Defence Academy, and National Defence College, where personnel of the Armed Forces and other forces serve together.

2. The Committee also understand that presently, the Commander-in-Chief or Officer-in-Command of the Inter-Services Organisations is not empowered to exercise disciplinary/administrative powers over the personnel belonging to other services. Only officers of the respective Services are empowered to exercise disciplinary powers over the service personnel under their respective Service Acts. Accordingly, the Officers serving in these Organisations need to be reverted to their respective parent Service units for exercising any disciplinary or administrative action.

3. In view of the above, the Ministry of Defence has proposed to enact a new legislation i.e. the Inter-Services Organisations (Command, Control & Discipline) Bill, 2023. The Bill seeks to empower the Commander-in-Chief and Officer-in-Command of Inter-Services Organisations with all disciplinary and administrative powers in respect of personnel serving in or attached to such organizations/establishments. The Inter-Services Organisations (Command, Control & Discipline) Bill, 2023 was introduced in Lok Sabha on 15th March, 2023 and was referred to the Standing Committee on Defence by the Hon'ble Speaker, Lok Sabha on 24th April, 2023 for examination and report. The Committee have been mandated to present their Report to the Parliament by the last day of the first week of the ensuing Monsoon Session of 2023.

4. Gleaning through the Bill, the Committee find that as per the Objects and Reasons of the Bill, the proposed Bill will essentially be an enabling legislation, which will empower the Heads of the Inter-services Organisations to exercise effective command, control and discipline on all personnel of regular Air Force, Army and Navy and to persons of other forces as notified by the Central Government, who are serving in or attached to an Inter-services Organisation, without amending the respective Acts. Service personnel when serving in or attached to an Inter-Services Organisation will continue to be governed by their respective Service Acts.

5. The examination of the Committee is based on the background brief provided by the Ministry of Defence, oral examination of the representatives of the Ministry held on 29th May, 2023 and post evidence replies sought by the Committee.

6. When the Committee wanted to be apprised of the salient features of the proposed Inter-Services Organisation (Command, Control & Discipline) Bill, 2023 the Ministry through a written note informed as under:-

- The 'ISO Bill – 2023' shall be applicable to all personnel of regular Army, Navy, and Air Force, and to persons of other forces as notified by the Central Government, who are serving in or attached to an Inter-Services organisation.
- This Bill empowers the Commander-in-Chief, Officer-in-Command or any other officer specially empowered on this behalf by the Central Government with all the disciplinary and administrative powers in respect of personnel serving in or attached to their Inter-Services Organisations for the maintenance of discipline and proper discharge of their duties, irrespective of the service to which they belong.
- The Commander-in-Chief or the Officer-in-Command means General Officer/Flag Officer/Air Officer who has been appointed as Commander-in-Chief or Officer-in-Command an Inter-Services Organisation.
- To maintain Command and Control in the absence of the Commander-in-Chief (C-in-C) or the Officer-in-Command (Oi/C), the officiating incumbent or the officer on whom the command devolves in the absence of a C-in-C or Oi/C, will also be empowered to initiate all disciplinary or administrative actions over the service personnel, appointed, deputed, posted or attached to an Inter-Services organisation.
- The Bill also empowers the Commanding Officer of an Inter-Services Organisation to initiate all disciplinary or administrative actions over the personnel appointed, deputed, posted or attached to that Inter-Services Organisation. For the purpose of this Act, Commanding Officer means the officer in actual command of the unit, ship or establishment.
- The Bill empowers the Central Government to constitute an Inter-Services Organisation.

7. During their examination, the Committee point that the Inter-Services Organisations (Command, Control & Discipline) Bill, 2023 contains 5 Chapters and 15 clauses. The Chapter-wise examination of the Bill by the Committee is brought out in the succeeding chapters of the Report.

CHAPTER – I

Preliminary

8. The Preamble of the Bill as referred to the Committee reflects its rationale and purpose and reads as under:

“to empower the Commander-in-Chief or the Officer-in-Command of Inter-services Organisations in respect of service personnel who are subject to the Air Force Act, 1950, the Army Act, 1950 and the Navy Act, 1957, who are serving under or attached to his command, for the maintenance of discipline and proper discharge of their duties, and for matters connected therewith or incidental thereto.”

9. In the opinion of the Committee, the bill intends to devolve disciplinary and administrative powers to the head of Inter-Services Organisations (ISO). In this regard, during evidence, a representative of the Ministry of Defence threw light on the definition of an ISO by stating:

“एक बात और है कि what is ISO? हम कैसे डिफाइन करेंगे। यहां हम कहते हैं कि एक यूनिट बनाते हैं, जिसमें तीन सर्विसेज के एक-एक लोग post हैं। Can this be an Inter-Service organisation? नहीं, क्योंकि उनके Head के पास ना तो पर्याप्त पॉवर्स हैं और ना ही wherewithal है। ऐसी यूनिट्स छोटी होती हैं। ISO have to be constituted based on the capability of the organisation to execute requisite disciplinary powers. जैसे कोर्ट मार्शल है। यदि एक छोटी unit पर अपना ही मैनडेट नहीं है और उसे किसी और जगह से एडम सपोर्ट मिलता है, तो वह इन पॉवर्स को कर ही नहीं पाएगा। इसलिए हमने प्रोविजन दिया है कि Government of India by notification will constitute an इंटर सर्विसेज आर्गेनाइजेशन । जैसे अंडमान निकोबार है, we call it an integrated command or a joint command. अभी तक वह कमांड हमने कहीं नोटीफाई नहीं की है कि it is an Inter-Service Organisation. इस बिल में हमने प्रोविजन किया है कि जैसे यह बिल पास होकर एक्ट बनाता है, उसके बाद Central Government will see which all units or organisations have the wherewithal to execute the mandate, and accordingly constitute an ISO. इसका एक उदाहरण मैं दूंगा कि हमने integration के लिए ज्वाइंट लोजिस्टिक नोड बनाये है मुम्बई में, पोर्ट ब्लेयर में और Guwahati. हम देखेंगे कि मैनडेट में उसका जो हैड है, वह कर्नल लैवल के आफिसर हैं। उसमें तीनों सर्विसेज के आफिसर्स हैं लेकिन वह यूनिट इतनी छोटी है कि उसकी सपोर्ट के लिए वह किसी दूसरी यूनिट पर डिपेंडेंट है। ऐसी यूनिट्स को हम ISO डिक्लेयर नहीं करेंगे। इन units में कोई केस होता है तो the joint logistics node sends that case to the base depot ship/support organisation. The base depot ship executes the punishment or disciplinary action. उसके पास न कोई expertise है, न कोई लोग हैं जो उन्हें एडवाइज कर सकते हैं।”

10. The Committee sought further clarification regarding the criteria of an Organisation/unit being notified as an ISO. In response, a representative of the Ministry of Defence submitted as under:

“Sir, it will be defined in the rules. You cannot define the precise criteria because in certain places, size may be very large but the operational mandate may be of different nature. In certain cases, the functionality itself would demand that it should have these kinds of powers. यह सब रूल्स में आ जाएगा।”

11. When asked whether the geographical location will be a criterion for defining an Inter-Services Organisation, a representative of the Ministry submitted as under:

“जियोग्राफिकल लोकेशन से ज्यादा मेंडेट में, रोल में क्या चीजें हैं, उसकी कैपेबिलिटीज़ में उसे देखकर आईएसओ ऑर्गेनाइजेशन डिफाइन होगी। आपने सही कहा -The primary role of this Bill is to give disciplinary powers. जहां ऑर्गेनाइजेशन में डिसिप्लिन में ढील हो गई तो एफिशिएंसी नीचे चली जाती है। इसके साथ कुछ एडमिनिस्ट्रेटिव एक्शन हैं। आज के दिन भी किसी भी जगह पर सीएनसी जाते हैं, अफसर इन कमांड जाते हैं, उनको सर्टेन एडमिनिस्ट्रेटिव पावर्स दी जाती हैं। अब वह पावर्स इनको दी जाएंगी। मैं उदाहरण देता हूं, जैसे Power to issue censure, deduction from pay and allowances of personnel, recovery of pay and allowances, grant of maintenance under Army Act, 1950 etc. जीओसी के पास ये पावर्स हैं, लेकिन अब ये Heads of ISO को भी दी जाएंगी। Moreover, there is power to convene and approve Board of Inquiry. ये एडमिनिस्ट्रेटिव एक्शन्स हैं। इस bill का मेन रोल डिसिप्लिनरी और साथ में associated एडमिनिस्ट्रेटिव पावर्स देना है, to improve efficiency and discipline.”

12. The Ministry, through a written reply to the Committee, elaborated on the process of drafting and finalization of the Bill:

“...views of the stakeholders were taken while drafting the Bill for enactment. The team of experts comprising of Judge Advocate Generals from the three Armed Forces after extensive deliberations have recommended enactment of the ISO (CCD) Bill-23. The Bill has been inter-alia examined by the Principal Personnel Officers Committee (PPOC) and the Chiefs of Staff Committee (COSC). HQ ANC has also strongly recommended enactment of the Bill.”

13. During deliberations, the Committee enquired whether the opinions of all the stakeholders were taken while framing the Bill and whether any objections/suggestions were received in this regard. In response, a representative of the Ministry of Defence submitted as under:

“सर, जैसा हमने बताया कि वर्ष 2014 से तीनों सर्विसेज के जज एडवोकेट जनरल्स को साथ लेकर इन्होंने जो फ्रेमवर्क तैयार किया, उसमें हर सर्विसेज के कमांडर-इन-चीफ के साथ डिस्कशंस

की गई है। इसमें क्या सही है और क्या आएगा। वह सब डिबेट करने के बाद पहले चरण में हमने इसका फर्स्ट कट बनाया। उसके बाद इसमें कई और डिस्कशंस मिनिस्ट्रीज के साथ हुईं। लॉ एण्ड जस्टिस मिनिस्ट्री के साथ हुई। हमारे साथ जो मेन स्टेकहोल्डर्स हैं, उनकी जो सजेशन्स थीं, उनको इनकॉर्पोरेट किया। खासकर, मिनिस्ट्री ऑफ लॉ एण्ड जस्टिस की बात है तो most of the language which you see here, it is their language only. फौज तो सिम्पल ऑर्डर देती है। हमारे सुझावों को लेकर उन्होंने इसे और मजबूत किया।

Yes, all the stakeholders have been consulted, not once but many times. We have also consulted with certain eminent advocates working in the Armed Forces Tribunal, Supreme Court etc., for their professional views, as also whether this will withstand the legal scrutiny. सबकी advice लेने के बाद फिर हमने सीसीएस का एप्रूवल लेकर यह Bill, Parliament में introduce किया गया है।”

14. When asked whether the Bill has come ahead of the impending move to establish integrated or joint commands, the representative of the Ministry submitted as under:

“When we created the Andaman and Nicobar Command, at that point of time we did not envisage that we will have these kinds of challenges. The command came into being and we saw these kinds of challenges coming over a period of time. After learning lessons, it was decided that yes we need to empower the C-in-C. The Andaman and Nicobar Command is an important Command. If the C-in-C is not empowered, tomorrow he will not be able to exercise his command which may lead to dilution in Command & Control, which will create a problem. That is why in 2014 work on this Bill started. We have been looking at different ways of doing it. One is to do it through the issuance of Statutory Rules & Orders (SROs) which we promulgate and table in the Parliament. Now, SRO cannot override the Act. SRO only amplifies or uses or defines the provisions available in the Act for further clarification or implementation. In this case, certain provisions which are given in the Service Acts are so strong that the SROs cannot withstand legal scrutiny. I will give you an example. In the Navy Act, if you go to Chapter III, Section VII of the Act, the wordings are very clear. Nothing in Sub-section (1) shall be deemed to authorise the exercise of powers of punishment by members of the regular Army or the Air Force over the members of the Indian Navy or the Indian Naval Reserve Force except as provided in clause (e) of sub-section (3) of Section 93. Now, the sub-section (e) of Section 93 only permits limited actions to be exercised on the sailors, not the Naval officers. Initially, we thought हम इस पर एसआरओ इश्यू कर देंगे। Then we realised that the SRO cannot override the Act. Act is by the Parliament. That is why it was decided to take up the ISO Bill. Once we get this Bill passed, all these issues will get resolved. That is the first point. That is why we have come with this Bill.”

15. Elaborating further on this issue it was stated as under:

“...it is not targeted towards the Theatre Command. अगर थिएटर कमांड ने बनना है तो वह बिल नहीं बना सकता। When the South-Western Army Command or the

Andaman and Nicobar Command was set up, this Bill was not there क्रिएशन का प्रोसीजर बिल्कुल अलग है, वह इस बिल में नहीं है। जब कमांड बनेगी उसके बाद देखा जाएगा कि क्या ये चीजें उस पर एप्लाइ होंगी, तब गैजेट नोटिफिकेशन होगा कि ISO Constitute किया जाए । इस बिल में पावर्स केवल उसे आईएसओ ऑर्गेनाइजेशन constitute करने की है, लेकिन क्रिएशन की पावर नहीं है। क्रिएशन की पावर्स ... मिनिस्ट्री ऑफ फाइनेंस की गाइडलाइन्स के मुताबिक ही होगा। इस बिल में कोई भी ऐसा प्रावधान नहीं है कि कोई organisation को create किया जाए । जैसे कमांड पहले बनती आई हैं, वैसे ही बनेंगी।“

16. The Committee learnt that Chapter I of the Bill pertains to the title and commencement of the Bill and contains various definitions. Clauses 1, 2 and 3 of the Bill read as under:

- “1. (1) *This Act may be called the Inter-services Organisations (Command, Control and Discipline) Act, 2023.*
(2) *It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.*
2. *The provisions of this Act shall apply to all persons who are subject to the Air Force Act, 1950, the Army Act, 1950 and the Navy Act, 1957, and to persons of such other forces as the Central Government may specify, by notification, under section 4, who are serving in or attached to an Inter-services Organisation.*
3. (1) *in this Act, unless the context otherwise requires,—*
- (a) *"Air Officer" means any officer of the Air Force above the rank of group captain;*
- (b) *"Chief of Defence Staff" means an officer of the regular Army, or the Indian Navy, or the Air Force, as the case may be, appointed as such by the Central Government;*
- (c) *"Commander-in-Chief" means a General Officer of the regular Army, or a Flag Officer of the Indian Navy, or an Air Officer of the Air Force, appointed as Commander-in-Chief of a Joint Services Command, and in his absence, the officer on whom the command devolves;*
- (d) *"Commanding Officer" means the officer in actual command of the unit, ship or establishment and includes an officer appointed as such by the Commander-in-Chief or the Officer-in-Command, as the case may be, of an Inter-services Organisation;*
- (e) *"Flag Officer" means an officer of the rank of Admiral of the Fleet, Admiral, Vice-Admiral or Rear-Admiral;*
- (f) *"General Officer" means an officer of the regular Army above the rank of Brigadier;*

- (g) *"Inter-services Organisation" means a body of troops including a Joint Services Command consisting of persons, subject to the Air Force Act, 1950, the Army Act, 1950 and the Navy Act, 1957 or any two of the said Acts;*
- (h) *"notification" means a notification published in the Official Gazette;*
- (i) *"officer", in relation to an Inter-services Organisation, means an officer as defined in clause (xxiii) of section 4 of the Air Force Act, 1950, or clause (xviii) of section 3 of the Army Act, 1950, or clause (16) of section 3 of the Navy Act, 1957, as the case may be;*
- (j) *"Officer-in-Command" of an Inter-services Organisation means either a General Officer of the regular Army, or a Flag Officer of the Indian Navy, or an Air Officer of the Air Force, appointed as the Officer-in-Command of an Inter-services Organisation, other than Joint Services Command, and in his absence, the officer on whom the command devolves;*
- (k) *"regulations" means the regulations made under the respective Service Acts;*
- (l) *"rules" means the rules made under this Act and under the respective Service Acts, as the case may be;*
- (m) *"Service Acts" means the Air Force Act, 1950, or the Army Act, 1950, or the Navy Act, 1957 or any two of the said Acts or all the said Acts; and*
- (n) *"service personnel" means persons who are subject to any of the Service Acts.*

(2) Words and expressions used herein and not defined but defined in the Air Force Act, 1950, or the Army Act, 1950, or the Navy Act, 1957 shall have the meanings, respectively, assigned to them under the said Acts."

17. While elaborating on the definitions provided in Chapter I of the Bill, a representative of the Ministry stated:

“यह बड़ा सिम्पल बिल है। चैप्टर-1 में इसको पहले इंट्रोड्यूस किया गया है और बोला गया है कि कब यह एन्फोर्समेंट में आएगा। उसके बाद इसमें डेफिनिशन दी हुई है। जो डेफिनिशन हमारे सर्विसेज एक्ट में दी हुई हैं, वे ही इसमें दी हुई हैं। एक-दो एक्स्ट्रा हैं, जैसे अब चीफ ऑफ डिफेंस स्टाफ आ गए हैं तो उनको include किया है। अगर आप इसमें देखेंगे डेफिनिशन किस प्रकार से दी गयी है। जैसे ऑफिसर की डेफिनिशन तीनों एक्ट्स में ऑलरेडी हैं, तो इसमें लिखा है – officer in relation to an inter services organisation means an officer defined in Clause 23 of Section 4 of Air Force Act, 1950. इसका मतलब कि हम यहां इसको डिफाइंड नहीं कर रहे हैं। हम बोल रहे हैं कि जैसे यह Acts में दिया हुआ है, वैसे ही ISO Bill में incorporate किया

है। What I am trying to highlight here is that we do not want to amend anything of the Acts. उसी डेफिनिशन को हमने कम्पाइल करके इसमें रख दिया है, ताकि वे जो एक्ट्स हैं, उनमें जो भी डिफाइन्ड हैं, वे पावर्स हेड of ISO के पास आ जाएंगी। Then, you cannot say that as an officer of the Navy, I cannot be tried by any other officer other than the Navy. क्योंकि उन डेफिनिशन्स को हमने इसमें कैप्चर करके डाल दिया है।

कई चीजें हमने डिफाइन्ड की हैं, जैसे Officer in Command, Regulations, Rules, Service Acts, Service personnel etc. उसके बाद इसमें एक और महत्वपूर्ण चीज इसमें दिया है कि words and expression used herein and not defined but defined in the Air Force Act, 1950 or the Army Act 1950 or the Navy Act, 1957, shall have the meanings respectively assigned to them under the said Acts. इसका मतलब कि हम एक्ट्स को चेंज नहीं कर रहे हैं, पर उन पावर्स को Head of ISO को एनेबल करने के लिए दे रहे हैं।”

CHAPTER – II

SPECIAL PROVISION FOR CERTAIN FORCES

18. The Committee have found that Chapter II of the Bill pertains to special provisions for certain forces under Central Government. Clause 4 of the Bill on 'Special provision for certain forces under Central Government' reads as under:

“4. (1) The Central Government may, by notification, specify any force or any part thereof, raised and maintained in India under the authority of the said Government, to which all or any of the provisions of this Act shall, with or without modifications, apply and accordingly all the officers referred to in clause (i) of sub-section (1) of section 3 shall be deemed to be officers within the meaning of the respective Acts relating to the said forces.

(2) Upon issuance of a notification under sub-section (1), the authority to exercise all the disciplinary and administrative powers under the respective Acts governing such force or any part thereof including the powers conferred by warrants or commissions issued under such Acts governing that force or any part thereof, shall vest in the Commander-in-Chief or the Officer-in-Command, as the case may be, of the Inter-services Organisation.

(3) Where any of the provisions of this Act applies to a force or any part thereof as referred to in sub-section (2), the Central Government may, by notification, direct that by what authority or which officer, the jurisdiction, powers or duties incidental to the operation of the provisions of this Act shall be exercised or performed in respect of that force or any part thereof.”

19. During evidence, a representative of the Ministry elaborated on clause 4 of the Bill as under:

“सर, चैप्टर-2 में विशेष प्रावधान हैं। The Central Government may notify any force or part thereof, under the authority of the Government to which all or any of the provisions of the Act shall, with or without modifications, apply. It is nothing new. यह आर्मी Act के चैप्टर-2 के सेक्शन-4 में है। हमने उसको यहां एग्जैक्टली एप्लाई किया है। हम इसमें कोई नया पावर नहीं दे रहे हैं। इसका मतलब यह होता है कि वॉर टाइम में या precautionary सिचुएशन्स में there are other forces which are working with the Armed Forces. जैसे अभी हमारी आईटीबीपी है, बॉर्डर पर बीएसएफ है। If the Central Government feels that you need to have a unified approach at that point of time, it by a notification, will decide that which organisation को कितने टाइम के लिए to be brought under this particular Act. आर्मी एक्ट में ऑलरेडी यह प्रावधान है। Notification यह भी डिफाइन्ड करेंगे कि किस चीज के लिए उस organisation को Act में लाया जा रहा है। It is not across the board that कि सब कुछ उनके ऊपर एप्लाई होगा, पर उन्हें यह बोला जाएगा कि इन पर क्या प्रावधान एप्लाई होगा।”

20. The Committee desired to know that apart from the personnel of the Armed Forces serving in or attached to an Inter-Service Organisation, whether personnel of other Forces or agencies such as Coast Guard, ITBP, BSF, Assam Rifles, SSB etc. serving in or attached to an Inter-Service Organisation would fall within the ambit of the Bill. In this regard, the Ministry through a written note submitted as under:

“Currently, personnel from the three Services serving in or attached to an Inter-Service Organisation will fall under the ambit of the Bill. However, Clause 4 of the Bill is an enabling provision, which empowers the Central Government to make applicable provision of this Bill, either partially or wholly, to any other force raised and maintained by Central Government by way of a Notification. This is with an aim to meet any Military exigencies that may arise, where there is a requirement of placing other Forces for operation along with Army, Navy or Air Force. Similar provision already exists in the Section IV, Chapter II of the Army Act 1950. The provision states that “The Central Government may, by notification, apply, with or without modifications, all or any of the provisions of this Act to any force raised and maintained in India under the authority of that Government and may by notification direct by what authority any jurisdiction, powers or duties incident to the operation to these provisions shall be exercised or performed in respect of the said force”. Thus, in the normal course, the provisions of the Bill will not apply to personnel of Forces other than three Services.”

CHAPTER III

CONSTITUTION OF INTER-SERVICES ORGANISATION AND ITS OFFICERS

21. The Committee have learnt that Chapter III of the Bill contains provisions for the constitution of the Inter-Services Organisation (ISO) or Joint Services Command, the continuation of existing ISO and the Commander-in-Chief (C-in-C) or Officer-in-Command (Oi/C). Further, it defines the powers and duties of C-in-C or O-i-C of an ISO, superintendence of Central Government and power of the Central government to declare persons to be on active service.

22. Clause 5 of the Bill reads as under:

“(1) The Central Government may, by notification, constitute an Inter-services Organisation, which may include a Joint Services Command, comprising of units or service personnel who are subject to any of the Service Acts, as may be placed under the command of the Commander-in-Chief or, as the case may be, the Officer-in-Command.

(2) The Central Government may, by an order published in the Official Gazette, direct that any power exercisable by the Commander-in-Chief or, as the case may be, the Officer-in-Command may also be exercisable by any other officer specially empowered in this behalf by the said Government.”

23. While elaborating this clause, a representative of the Ministry of Defence submitted as under:

“सर, मैंने कंस्टीट्यूट के बारे में बता दिया। The Bill provides the power to the Government to ‘constitute’ any establishment as ISO. जैसा मैंने पहले बताया कि बड़ी या छोटी ऑर्गेनाइजेशन्स की क्षमता को देखना पड़ेगा। This Bill is applicable to all the personnel either when appointed or deputed, posted or attached. हम टेम्पोरैरी इयूटी में कई बार जाते हैं, उस समय पर भी यह एप्लाइ होगा जब आप ISO के कमांड एण्ड कंट्रोल में हैं।”

24. On being enquired whether the above clause empowered the Central Government to form a new ISO or joint service command, the representative of the Ministry submitted as under:

“As you see, Sir, this Bill started in 2014 when we already had the existing commands. Why this word ‘joint services command’ has come in here is because at that point of time the maximum issues which were raised of this nature were from the Andaman and Nicobar Command. Secondly, in the Government of India, there is a very clear demarcation with respect to creation and Constitution. As per the Ministry of Finance Office Memorandum, creation of any organisation or post is the mandate of the Ministry of Finance at certain level Cabinet; in case of Defence, it is the Cabinet Committee on Security. There is no power vested with anybody else. Creation is for bringing

into existence something new, whereas constitution is based on already existing organisation where they can empower or constitute powers. Sir, this word has been incorporated by the MoLJ. We had put a very simple word but from the legal point they thought that this is a more appropriate word. But your concern is covered by the Office Memorandum of the Ministry of Finance which says that for creation of any post, the mandate rests with the Ministry of Finance. Any post which comes up above the rank of two-star, that is the Joint Secretary and above, it again goes to Cabinet or the CCS. What is given in the Bill is that whenever an organisation comes, we must define whether it is an ISO or not. You are aware, Sir, there are so many organisations where we attach people from other services but these cannot be constituted as an ISO. Like you have small wireless units. These units generally have all three service components but it does not have the administrative heft to exercise all the disciplinary powers. So, we cannot declare these as an ISO organisation. Because if you are calling it an ISO organisation it will not have adequate number of officers to sit in the Court Martial. Moreover, they will not have the knowledge to execute this kind of complex proceedings. So, that is why, it was decided that we must define what is an ISO. As of now, formally an ISO has not been defined anywhere. This is the first time we are proposing to empower Central Government to, define it for the purpose of this Bill.”

25. When asked whether the constitution of the Court Martial will be from respective services or a joint formation, the representative of the Ministry replied as under:

“Sir, it will continue to single service. Today, when the Court Martial sits down, it has Judge Advocates who advise them. The Judge Advocates are the ones from the three services, who will be advising the Court Martial on the provisions of the respective Service Acts. The Judge Advocates will be the ones who will define and brief Members on what actions are to be taken as per the individual Service Act. “

26. The Committee enquired about the definition of ‘any other officer’ especially empowered by the Government as brought out in Clause 5(2) of the Bill. In this regard, the representative of the Ministry submitted as under:

“Sir, in certain cases the Service Headquarter appoint a person to go in the Command of a particular ship or an organization. In some cases, the C-in-C can appoint or give additional charge of a particular organization to a Commanding Officer. This provision has been given for that. This provision also caters for the officiating Head on the power devolves in case of an eventuality. The control to empower an officer will vest with the Central Government.”

27. To a specific query whether an ISO can be headed by an officer apart from that of the three Services, the representative of the Ministry submitted as under:

“Sir, as of now, the Inter-Service Organisation is defined as a body of troops who are governed either by the Army Act, 1950, Navy Act, 1957 or the Air Force Act, 1950. So, as of now, the command-and-control vests with them. As regards others, when they come in, it is only by the notification of the Government in certain specific conditions, which will be notified by the Central Government.”

28. Clause 6 of the Bill on provision for continuation of existing ISO and C-in-C or O-i-C reads as under:

“(1) Notwithstanding anything contained in this Act,—

(a) the Inter-services Organisations constituted by the Central Government and functioning as such immediately before the date of commencement of this Act, shall be deemed to have been constituted under the provisions of this Act; and

(b) the Commander-in-Chief or, as the case may be, the Officer-in-Command of an Inter services Organisation, who has been appointed and functioning as such immediately before the date of commencement of this Act, shall be deemed to have been appointed under the provisions of this Act.

(2) Nothing contained in this Act shall render invalid any action taken or acts performed, immediately before the commencement of this Act, by the Inter-services Organisation, or by the Commander-in-Chief or by the Officer-in-Command, as the case may be, of an Inter-services Organisation, while functioning as such under any law applicable at that time.”

29. Clause 7 of the Bill on the Powers of Commander-in-Chief or Officer-in-Command reads as under:

“(1) The Commander-in-Chief or, as the case may be, Officer-in-Command of an Inter-services Organisation, shall be the head of such Inter-services Organisation and shall exercise command and control over the personnel serving in or attached to that Inter-services Organisation, for the purpose of maintenance of discipline and proper discharge of their duties.

(2) For the purposes of sub-section (1), the Commander-in-Chief or, as the case may be, the Officer-in-Command of an Inter-services Organisation shall be competent to exercise all the disciplinary and administrative powers vested in and exercised by—

- (a) the General Officer Commanding the Army;*
- (b) the Flag Officer Commanding-in-Chief of a Naval Command;*
- (c) the Air Officer Commanding-in-Chief of an Air Command;*
- (d) any other officer or authority specified in the Service Acts or in the rules and regulations made there under, including the powers conferred by*

warrants or commissions issued under the provisions of such Service Acts; and
(e) any other officer or authority as may be specified in the notification issued under section 4.”

30. Clause 8 of the Bill on Commanding Officer reads as under:

“The Commanding Officer of an Inter-services Organisation shall, in addition to having command over any unit, ship or establishment, also perform such duties as may be assigned to him in respect of such Inter-services Organisation by its Commander-in-Chief or, as the case may be, the Officer-in-Command and shall be empowered to initiate all disciplinary or administrative actions over the personnel appointed, deputed, posted or attached to that Inter-services Organisation.”

31. When enquired about the rank of the C-in-C in an ISO, a representative of the Ministry submitted during evidence as under:

“कमांडर इन चीफ जैसे जीओसीएनसी होते हैं, थ्री स्टार होते हैं। They are of the rank of Secretary. अफसर इन कमांड टू स्टार भी हो सकते हैं, जैसे जीओसी होता है, Fleet कमांडर होते हैं। It is important because at sea, if an incident happens or there is a war situation, the Fleet Commander has the powers to exercise suitable disciplinary action.”

32. The Committee, through a written submission of the Ministry submitted, have learnt that the Commander-in-Chief and Officer-in-Command of Inter-Services Organisations will function under the administrative authority as provided in the Service Acts, rule/regulation to which such officer is subject to.

33. When queried about the confirming authorities of the punishment meted out to ISO personnel, the representative of the Ministry replied as under:

“Sir, that has been defined in this Bill. These powers will be vested with the Head of the ISO. Like in the case of other three services, C-in-C (Commander in Chief) has the powers to convene or approve the proceedings. Those powers will also be vested with the C-in-C of the ISO.”

34. To a specific query regarding average time for conclusion of the proceedings against any personnel, the representative of the Ministry replied as under:

“...we cannot give a fix time for a particular action. It depends on the intensity of the offence or the number of people involved or so on. It is like any legal proceeding. Even now for a single service some Court Martial finish early; and some take a longer time. In some cases, summary punishments are given, which are much faster. In law, full procedure has to be followed.”

35. The Committee desired to know whether enactment of the Bill will ensure that duration of finalization of disciplinary proceedings against a personnel serving or

attached in Inter-Services Organisations is significantly reduced. In this regard through a written reply, the Ministry submitted as under:

“Presently as and when a disciplinary action is directed against a service person, serving in an Inter-Services Organisation, he/she is attached /reverted back to the parent service for further disciplinary proceedings. This entails move of the delinquent persons, as well as the witnesses in the case. The entire process requires authorization / action by different service HQs, which entails time penalty leading to delay in finalization of the case. Therefore, the Bill will go a long way in not only saving time but also reducing the expenditure from the government exchequer, as expenditure needs to be undertaken to move these personnel and documents. Further the accused and witnesses would not be available at their parent unit to perform their duties, causing loss of precious man hours. The instant Bill overcomes these shortcomings/challenges.”

36. When asked about the position of the officer against whom the administrative or disciplinary proceedings have been initiated under the Bill, the representative of the MoD submitted as under:

“आपने बोला कि - will he remain attached, The answer is Yes. This is the most important thing. Otherwise, आज हम इस जगह पर हैं। तीन अलग सर्विसेज के लोग हैं, जो तीन अलग-अलग जगहों पर जाएंगे। तीन अलग-अलग कोर्ट्स में उनको adjudicate किया जाएगा। हो सकता है कि उनकी finding or punishment भी डिफरेंट हो। सेम ऑफेंस के लिए आपने तीन अलग लोगों को तीन अलग तरह की पनिशमेंट भी दी जा सकती है। इस Bill के बाद वह वहीं अटैच रहेगा। So, only one body will carry out all the proceedings.”

37. The Committee further found that Clause 9 pertains to superintendence of Central Government. It states:

“The superintendence of the Inter-services Organisation shall vest in the Central Government, which shall have the power to issue directions to each of such organisations, on any matters concerning national security or general administration, if it considers necessary and expedient so to do in the public interest”.

38. The Clause 10 of the Bill relates to the power to declare persons to be on active service and reads as under:

“10. Notwithstanding anything contained in the Service Acts, the Central Government may, by notification, declare that any service personnel or class of service personnel to whom the Service Acts apply shall, with reference to any Inter-services Organisation in which he or they may be serving in or attached to or with reference to any provision of this Act, be deemed to be on active service within the meaning of this Act and the Service Acts.”

CHAPTER – IV

MISCELLANEOUS

39. Chapter IV of the Bill pertains to provisions regarding the power of the Central Government to make rules, the overriding effect of the Act, protection of action taken in good faith, the power of the Central Government to remove difficulties in giving effect to the Act and laying of rules before Parliament.

40. Clause 11 of the Bill states:

“The Central Government may make rules for the purposes of carrying out the provisions of this Act”.

41. Clause 12 of the Bill reads as under:

“The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.”

42. During deliberations, a representative of the Ministry clarified the overriding effect of the Bill as under:

“सर, नए जितने भी बिल हैं, जैसे आर्म्ड फोर्स ट्रिब्यूनल एक्ट आया है, RTI एक्ट आया है, these all have an overriding effect over anything inconsistent which the content of any other law. सर, इसमें हमने कोशिश की है कि एक्ट के जो सेंसिटिव इश्यूज हैं, उसे हम इसमें कैप्चर कर लें, पर कई चीजें अगर रह जाती हैं, they can be challenged in the court of law. They may not be able to withstand the scrutiny of law. That is why, we have made this provision of overriding so that this Bill, even if there is a difference, will override over other Acts. We are not diluting the Acts, but the idea is that we must strengthen an ISO. इसलिए यह प्रोविजन दिया है। आजकल यह प्रावधान सभी एक्ट में है, आरटीआई एक्ट में है, आर्म्ड फोर्स ट्रिब्यूनल एक्ट में भी हैं।”

43. When asked about the impact the Bill would have on the officers who wish to approach the Armed Forces Tribunal subsequent to the disciplinary/administrative action having been pronounced by the Commander-in-Chief and Officer-in-Command of Inter-Services Organisation, the Ministry submitted that the Bill will not in any way adversely impact the rights of Armed Forces personnel to approach Armed Forces Tribunal.

44. Clause 13 which is reproduced below reads as under:

“13. No suit, prosecution or any other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

45. Clause 14 is in regard to power to remove difficulties in giving effect to the provisions of this Act and states:

“14. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.”

46. Clause 15 of the Bill reads as under:

“Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

47. On the question of laying of rules before the Parliament, a representative of the Ministry submitted:

“In Part II, there is a provision which says that the Central Government has the power of making rules. However, these rules have to be tabled in the Parliament, as soon as possible, when the Parliament is in Session, for total period of 30 days.”

48. When queried on the role of Judge Advocate General in implementing the new legislation, the Ministry in a written submission provided as under:

“The Judge Advocate General of each service will continue to perform their role as prescribed in the respective Service Acts. The Officers of Judge Advocate General Branch shall continue to render their advice to Commander-in-Chief or the Officer-in-Command of such Inter-services Organisations. The cases wherein disciplinary and administrative action has been initiated/finalized against a person will be processed subject to their respective Service Act.”

PART II

OBSERVATIONS/RECOMMENDATIONS

The Committee note that currently, personnel of the Indian Army, Navy and Air Force are governed in accordance with the provisions contained in their specific Service Acts, namely; the Army Act 1950, Navy Act 1957, Air Force Act 1950. The Committee also note that when these Acts were enacted, most of the service organisations were largely comprised of personnel from a single service i.e. either Army, Navy or Air Force.

However, presently there exists several Inter-Services Organisations such as Andaman & Nicobar Command, Strategic Forces Command, Defence Space Agency etc. and joint training establishments like the National Defence Academy, and National Defence College, where personnel of the Armed Forces and other forces serve together. Nevertheless, inspite of the fact that several inter services organizations are fully operational, the Commander-in-Chief or Officer-in-Command of the Inter-Services Organisations are hitherto not empowered to exercise disciplinary/administrative powers over the personnel belonging to other services. The fact remains that the officers of the respective services are empowered to exercise disciplinary powers over the service personnel under the respective Service Acts only. Hence, the personnel serving in these Organisations need to be reverted to their parent Service units for undergoing any disciplinary or administrative action.

2. The Committee have been given to understand that certain challenges pertaining to disciplinary and administrative actions on service personnel posted in Inter-services organizations /establishments are being encountered by the Ministry of Defence. These challenges emerge from the fact that the personnel serving in such Organisations need to be reverted to their parent Service units for any disciplinary or administrative action instituted against them. This entails the movement of the delinquent persons, as well as the witnesses in the case to their respective Commands/Headquarters. The entire process requires authorization/ action by different Service Headquarters, leading to delay in the finalization of the case, thereby affecting the speedy dispensation of justice and administering of discipline. Further, the accused would stand detached from their regular duties which would result in causing loss of precious man hours.

3. The Committee further learn that different methods of meeting the challenges in expeditious disposal of disciplinary and administrative cases and maintaining the strict standards of discipline in Inter-services organizations/ establishments were explored by the Ministry of Defence. One such method devised was through the issuance of Statutory Rules & Orders (SROs). However, as admitted by the representative of the Ministry of Defence during oral evidence, SROs could not withstand legal scrutiny. Therefore, the Ministry went ahead with the idea of bringing the Inter-services Organisations (Command, Control & Discipline) Bill. The process of drafting the bill was initiated as early as in 2014 which included a team of experts comprising Judge Advocate Generals from the three Armed Forces and other stakeholders. During oral evidence of the representatives of the Ministry of Defence on the Bill, it was submitted that certain eminent advocates working in the Armed Forces Tribunal and Supreme

Court were also consulted in the process. The language of the bill has been drafted mostly by the Ministry of Law & Justice based on the recommendations of the Ministry of Defence.

4. Keeping in view the above chronology of the events resulting in the proposal of the Bill and its rationale, the Committee appreciate the larger objective and the spirit of the proposed legislation; which is, chiefly, to empower the Heads of the Inter-services Organisations to exercise effective command, control and discipline on all personnel of Air Force, Army and Navy and to persons of other forces as notified by the Central Government, who are serving in or attached to an Inter-services Organisation, without amending the respective Acts. The Committee further note that apart from disciplinary powers, the Bill also has provisions for granting administrative powers to heads of ISOs to improve efficiency in the organisations. These administrative powers include the power to issue censure, deduction from pay and allowances of personnel, recovery of pay and allowances, grant of maintenance under the Army Act, 1950 etc. The Committee have every reason to believe that enactment of the Bill will have various tangible benefits such as maintenance of effective discipline and efficiency in Inter-services establishments by the Heads of Inter-Services Organisations, abolition of the system of reverting personnel under disciplinary proceedings to their parent Service units, expeditious disposal of cases of misdemeanor or indiscipline, saving of Government expenses and time by avoiding multiple proceedings. The Committee, therefore, in no uncertain words acquiesce with the proposed legislation in totality.

5. The Committee learn that for the purpose of the Bill, an ISO will have to be 'constituted'/notified/declared based on the capability of the organization to

execute requisite disciplinary powers. For instance, the Andaman and Nicobar Command, the Tri-Services Theatre command of the Indian Armed Forces, is still not 'constituted'/notified as an ISO for the purpose of the Bill. The Central Government, after enactment of the Bill, has the power to 'constitute' an organization/unit/establishment as ISO depending on the wherewithal of the organization/unit/establishment to execute the mandate of the Bill. In this regard, the Committee are of the considered view that enactment of the Bill will herald greater integration and joint manship in Inter-services Organisations/ establishments.

6. The Committee find that the Bill in Clause 4 provides that the Central Government may notify any force or part thereof, under the authority of the Government to which all or any of the provisions of the Act shall, with or without modifications, apply. The Committee understand that this provision has been given in the Bill with an aim to meet any military exigencies that may arise, where there is a requirement of placing other Forces for operation along with the Army, Navy or Air Force; as in the normal course, the provisions of the Bill will not apply to personnel of Forces, other than three Services, serving in or attached to an ISO. In this regard, the Committee recommend that consequent to the enactment of this Act, the requisite notification may be issued by the Government at the earliest.

7. On a related matter and on a specific query regarding the time taken for conclusion of the proceedings in any case, the Committee were informed that a fixed time cannot be indicated and the time consumed depends on intensity of the offence and the number of people involved etc. The Committee in this regard, unequivocally recommend that consequent to the passing of this Bill, ways and

means be devised for the expeditious completion of the proceedings in all the cases coming before the Heads of the ISO, then only the intent of the provisions of the Bill would pragmatically be achieved.

8. In summation, the Committee, while agreeing with the provisions of the Bill, in no uncertain words recommend that the Bill without any amendments be passed, enacted as a statute and the Committee's observations/recommendation be considered.

New Delhi;
20 July, 2023
29 Ashadha, 1945 (Saka)

JUAL ORAM
Chairperson
Standing Committee on Defence

STANDING COMMITTEE ON DEFENCE (2022-23)

MINUTES OF THE NINTH SITTING OF THE STANDING COMMITTEE ON DEFENCE
(2022-23)

The Committee sat on Monday, the 29th May, 2023 from 1500 hrs to 1630 hrs in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

SHRI JUAL ORAM

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CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Annasaheb Shankar Jolle
3. Shri Durai Murugan Kathir Anand
4. Kunwar Danish Ali
5. Shri Reddeppa Nallakonda Gari
6. Shri Uttam Kumar Reddy Nalamada
7. Dr. Shrikant Eknath Shinde
8. Shri Brijendra Singh
9. Shri Mahabali Singh
10. Shri Durga Das Uikey

RAJYA SABHA

11. Dr. Ashok Bajpai
12. Shri Prem Chand Gupta
13. Shri Sushil Kumar Gupta
14. Dr. Sudhanshu Trivedi
15. Smt. P.T. Usha
16. Shri G.K. Vasani
17. Lt. Gen. (Dr.) D. P. Vats (Retd.)
18. Shri K.C. Venugopal

SECRETARIAT

1. Smt. Suman Arora - Joint Secretary
2. Dr. Sanjeev Sharma - Director
3. Shri Rahul Singh - Deputy Secretary

LIST OF WITNESS

MINISTRY OF DEFENCE

S. No.	Name & Designation
1.	Lt. Gen. J.P. Mathew, Chief of Integrated Defence Staff to the Chairman, Chiefs of Staff Committee (CISC)
2.	Rear Admiral Kapil Mohan Dhir, Senior Advisor
3.	Maj Gen. Vijay Kumar, Judge Advocate General {JAG (Army)}

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee convened to have briefing by the representatives of the Ministry of Defence on 'The Inter-Services Organisations (Command, Control and Discipline) Bill, 2023', which was introduced in Lok Sabha on 15th March, 2023 and referred to the Committee on 24th April, 2023 for examination and report by the last day of the first week of the next session. The Committee also expressed their deep sense of grief at the sad demise of Shri Rattan Lal Kataria, a Member of Lok Sabha and a member of the Committee. They placed on record their sincere appreciation of the valuable contribution of Shri Rattan Lal Kataria in the multitude of responsibilities borne by him towards the Committee and the Country.

3. The Chairperson, before the commencement of the Sitting, with the indulgence of the Committee directed that the briefing may be treated as oral evidence of the representatives of the Ministry of Defence keeping in view that preparation and presentation of the Report on the aforesaid Bill is a time-bound exercise, precisely by the last day of the first week of the next session. If required, further oral evidence(s) would be held consequent to examination of the written replies furnished by the Ministry of Defence.

4. Thereafter, the Chairperson welcomed the representatives of the Ministry of Defence and drew their attention to Directions 55(1) and 58 of the Directions by the Speaker, Lok Sabha regarding confidentiality of the proceedings of the Committee.

5. The representatives of the Ministry of Defence, through a Power Point Presentation, briefed the Committee on the Subject. Thereafter, the Chairperson and Members of the Committee raised several issues/points, as indicated below and sought clarifications /information from the representatives of the Ministry of Defence thereon:

- i. Seeking views/opinions/suggestions of the stakeholders regarding the Bill;
- ii. Statement of Objects and Reasons of the Bill;
- iii. Feasibility of implementing Uniform Military Code for the Armed Forces;
- iv. Criteria of an Organisation/Unit for qualifying as an Inter-services Organisation (ISO);
- v. Clause in the Statement of Objects and Reasons regarding empowerment of 'the Commander-in-Chief, Officer-in-Command or any other officer, specially empowered in this behalf by the Central Government, with all the disciplinary and administrative powers in respect of personnel serving in or attached to their Inter-

services Organisations, irrespective of the Service to which they belong, for the maintenance of discipline and proper discharge of their duties' ;

- vi. Rank of the Commander-in-Chief in an ISO;
- vii. Clause in the Statement of Objects and Reasons regarding empowering the Central Government to constitute ISO by notification, which may include a Joint Services Command; and
- viii. Average time for conclusion of disciplinary/administrative proceedings against an officer in ISO and posting/attachment of the Officer while undergoing the proceedings.

6. The representatives of the Ministry of the Defence responded to the queries raised by the Members. The Chairperson directed the representatives of the Ministry to furnish written replies/information on the points raised by the Members which were not readily available at the earliest.

7. The Chairperson also asked the Members to provide their inputs/suggestions/recommendations regarding the bill under examination to the Secretariat, in writing or through mail, within three days.

The witnesses then withdrew.

The Committee then adjourned.

8. A copy of verbatim record of the proceedings has been kept.

STANDING COMMITTEE ON DEFENCE (2022-23)

MINUTES OF THE TENTH SITTING OF THE STANDING COMMITTEE ON DEFENCE
(2022-23)

The Committee sat on Thursday, the 20th July, 2023 from 930 hrs to 1015 hrs in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

SHRI JUAL ORAM

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CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Annasaheb Shankar Jolle
3. Shri Suresh Kumar Kashyap
4. Prof. (Dr.) Ram Shankar Katheria
5. Shri Durai Murugan Kathir Anand
6. Kunwar Danish Ali
7. Dr. (Smt.) Rajashree Mallick
8. Shri Uttam Kumar Reddy Nalamada
9. Shri Jugal Kishore Sharma
10. Dr. Shrikant Eknath Shinde
11. Shri Prathap Simha
12. Shri Durga Das Uikey

RAJYA SABHA

13. Dr. Ashok Bajpai
14. Shri Sushil Kumar Gupta
15. Shri Kamakhya Prasad Tasa
16. Dr. Sudhanshu Trivedi
17. Smt. P.T. Usha
18. Shri G.K. Vasan
19. Lt. Gen. (Dr.) D. P. Vats (Retd.)

SECRETARIAT

1. Dr. Sanjeev Sharma - Joint Secretary
2. Shri Tirthankar Das - Director
3. Shri Rahul Singh - Deputy Secretary

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee convened to have consideration and adoption of the draft Report of the Committee on the 'Inter-Services Organisations (Command, Control & Discipline) Bill, 2023'.

3. The Committee then took up for consideration the draft Report on the 'Inter-Services Organisations (Command, Control & Discipline) Bill, 2023'. A suggestion was given regarding a recommendation pertaining to Tri-Service/Theater Commands. After deliberations, the Committee adopted the Report without any modifications. The Committee authorized the Chairperson to finalise the above draft Report and present the same to the House.

4. ****Does not pertain to the Report****

5. ****Does not pertain to the Report****

The Committee then adjourned.

Bill No. 62 of 2023

**THE INTER-SERVICES ORGANISATIONS (COMMAND, CONTROL
AND DISCIPLINE) BILL, 2023**

A
BILL

to empower the Commander-in-Chief or the Officer-in-Command of Inter-services Organisations in respect of service personnel who are subject to the Air Force Act, 1950, the Army Act, 1950 and the Navy Act, 1957, who are serving under or attached to his command, for the maintenance of discipline and proper discharge of their duties, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

5 1. (1) This Act may be called the Inter-services Organisations (Command, Control and Discipline) Act, 2023.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Application of Act.	2. The provisions of this Act shall apply to all persons who are subject to the Air Force Act, 1950, the Army Act, 1950 and the Navy Act, 1957, and to persons of such other forces as the Central Government may specify, by notification, under section 4, who are serving in or attached to an Inter-services Organisation.	45 of 1950. 46 of 1950. 62 of 1957.
Definitions.	3. (1) In this Act, unless the context otherwise requires,—	5
	(a) "Air Officer" means any officer of the Air Force above the rank of group captain;	
	(b) "Chief of Defence Staff" means an officer of the regular Army, or the Indian Navy, or the Air Force, as the case may be, appointed as such by the Central Government;	10
	(c) "Commander-in-Chief" means a General Officer of the regular Army, or a Flag Officer of the Indian Navy, or an Air Officer of the Air Force, appointed as Commander-in-Chief of a Joint Services Command, and in his absence, the officer on whom the command devolves;	
	(d) "Commanding Officer" means the officer in actual command of the unit, ship or establishment and includes an officer appointed as such by the Commander-in-Chief or the Officer-in-Command, as the case may be, of an Inter-services Organisation;	15
	(e) "Flag Officer" means an officer of the rank of Admiral of the Fleet, Admiral, Vice-Admiral or Rear-Admiral;	
	(f) "General Officer" means an officer of the regular Army above the rank of Brigadier;	20
	(g) "Inter-services Organisation" means a body of troops including a Joint Services Command consisting of persons, subject to the Air Force Act, 1950, the Army Act, 1950 and the Navy Act, 1957 or any two of the said Acts;	45 of 1950. 46 of 1950. 62 of 1957.
	(h) "notification" means a notification published in the Official Gazette;	25
	(i) "officer", in relation to an Inter-services Organisation, means an officer as defined in clause (xxiii) of section 4 of the Air Force Act, 1950, or clause (xviii) of section 3 of the Army Act, 1950, or clause (16) of section 3 of the Navy Act, 1957, as the case may be;	45 of 1950. 46 of 1950. 62 of 1957.
	(j) "Officer-in-Command" of an Inter-services Organisation means either a General Officer of the regular Army, or a Flag Officer of the Indian Navy, or an Air Officer of the Air Force, appointed as the Officer-in-Command of an Inter-services Organisation, other than Joint Services Command, and in his absence, the officer on whom the command devolves;	30
	(k) "regulations" means the regulations made under the respective Service Acts;	35
	(l) "rules" means the rules made under this Act and under the respective Service Acts, as the case may be;	
	(m) "Service Acts" means the Air Force Act, 1950, or the Army Act, 1950, or the Navy Act, 1957 or any two of the said Acts or all the said Acts; and	45 of 1950. 46 of 1950. 62 of 1957.
	(n) "service personnel" means persons who are subject to any of the Service Acts.	
	(2) Words and expressions used herein and not defined but defined in the Air Force Act, 1950, or the Army Act, 1950, or the Navy Act, 1957 shall have the meanings, respectively, assigned to them under the said Acts.	45 of 1950. 46 of 1950. 62 of 1957.

CHAPTER II

SPECIAL PROVISION FOR CERTAIN FORCES

4. (1) The Central Government may, by notification, specify any force or any part thereof, raised and maintained in India under the authority of the said Government, to which
 5 all or any of the provisions of this Act shall, with or without modifications, apply and accordingly all the officers referred to in clause (i) of sub-section (1) of section 3 shall be deemed to be officers within the meaning of the respective Acts relating to the said forces.

Special provision for certain forces under Central Government.

(2) Upon issuance of a notification under sub-section (1), the authority to exercise all the disciplinary and administrative powers under the respective Acts governing such force
 10 or any part thereof including the powers conferred by warrants or commissions issued under such Acts governing that force or any part thereof, shall vest in the Commander-in-Chief or the Officer-in-Command, as the case may be, of the Inter-services Organisation.

(3) Where any of the provisions of this Act applies to a force or any part thereof as referred to in sub-section (2), the Central Government may, by notification, direct that by
 15 what authority or which officer, the jurisdiction, powers or duties incidental to the operation of the provisions of this Act shall be exercised or performed in respect of that force or any part thereof.

CHAPTER III

CONSTITUTION OF INTER-SERVICES ORGANISATION AND ITS OFFICERS

20 5. (1) The Central Government may, by notification, constitute an Inter-services Organisation, which may include a Joint Services Command, comprising of units or service personnel who are subject to any of the Service Acts, as may be placed under the command of the Commander-in-Chief or, as the case may be, the Officer-in-Command.

Constitution of Inter-services Organisation or Joint Services Command.

(2) The Central Government may, by an order published in the Official Gazette, direct
 25 that any power exercisable by the Commander-in-Chief or, as the case may be, the Officer-in-Command may also be exercisable by any other officer specially empowered in this behalf by the said Government.

6. (1) Notwithstanding anything contained in this Act,—

30 (a) the Inter-services Organisations constituted by the Central Government and functioning as such immediately before the date of commencement of this Act, shall be deemed to have been constituted under the provisions of this Act; and

(b) the Commander-in-Chief or, as the case may be, the Officer-in-Command of an Inter-services Organisation, who has been appointed and functioning as such
 35 immediately before the date of commencement of this Act, shall be deemed to have been appointed under the provisions of this Act.

Existing Inter-services Organisations and Commander-in-Chief or Officer-in-Command to continue.

(2) Nothing contained in this Act shall render invalid any action taken or acts performed, immediately before the commencement of this Act, by the Inter-services Organisation, or by the Commander-in-Chief or by the Officer-in-Command, as the case may be, of an Inter-services Organisation, while functioning as such under any law applicable at
 40 that time.

7. (1) The Commander-in-Chief or, as the case may be, Officer-in-Command of an Inter-services Organisation, shall be the head of such Inter-services Organisation and shall exercise command and control over the personnel serving in or attached to that Inter-services Organisation, for the purpose of maintenance of discipline and proper discharge of their
 45 duties.

Powers of Commander-in-Chief or Officer-in-Command.

(2) For the purposes of sub-section (1), the Commander-in-Chief or, as the case may be, the Officer-in-Command of an Inter-services Organisation shall be competent to exercise all the disciplinary and administrative powers vested in and exercised by—

(a) the General Officer Commanding the Army;

(b) the Flag Officer Commanding-in-Chief of a Naval Command; 5

(c) the Air Officer Commanding-in-Chief of an Air Command;

(d) any other officer or authority specified in the Service Acts or in the rules and regulations made thereunder, including the powers conferred by warrants or commissions issued under the provisions of such Service Acts; and

(e) any other officer or authority as may be specified in the notification issued under section 4. 10

Commanding Officer.

8. The Commanding Officer of an Inter-services Organisation shall, in addition to having command over any unit, ship or establishment, also perform such duties as may be assigned to him in respect of such Inter-services Organisation by its Commander-in-Chief or, as the case may be, the Officer-in-Command and shall be empowered to initiate all disciplinary or administrative actions over the personnel appointed, deputed, posted or attached to that Inter-services Organisation. 15

Superintendence of Central Government.

9. The superintendence of the Inter-services Organisation shall vest in the Central Government, which shall have the power to issue directions to each of such organisations, on any matters concerning national security or general administration, if it considers necessary and expedient so to do in the public interest. 20

Power to declare persons to be on active service.

10. Notwithstanding anything contained in the Service Acts, the Central Government may, by notification, declare that any service personnel or class of service personnel to whom the Service Acts apply shall, with reference to any Inter-services Organisation in which he or they may be serving in or attached to or with reference to any provision of this Act, be deemed to be on active service within the meaning of this Act and the Service Acts. 25

CHAPTER IV

MISCELLANEOUS

Power to make rules.

11. The Central Government may make rules for the purposes of carrying out the provisions of this Act. 30

Overriding effect of this Act.

12. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Protection of action taken in good faith.

13. No suit, prosecution or any other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act. 35

Power to remove difficulties.

14. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of three years from the commencement of this Act. 40

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Laying of rules before Parliament.

15. Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive 45

sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Presently, the service personnel of Air Force, Army and Navy are governed by the provisions of the Air Force Act, 1950, the Army Act, 1950 and the Navy Act, 1957 (the Service Acts). Only officers of the respective services are empowered to exercise disciplinary powers over the service personnel under the respective Service Acts. This has a direct impact on command, control and discipline of Inter-services Organisations like Andaman and Nicobar Command or Defence Space Agency, and joint training establishment like National Defence Academy or National Defence College, as the Commander-in-Chief or Officer-in-Command of such Inter-services Organisations are not empowered to exercise disciplinary or administrative powers over the personnel belonging to other services.

2. As a consequence, the personnel serving in Inter-services Organisations need to be reverted to their parent Service units for any disciplinary or administrative action. This is not only time consuming, but also has financial implications relating to movement of the personnel. The problem becomes more cumbersome when the disciplinary or administrative proceedings arise from the same set of facts and circumstances but involves personnel belonging to different services. As a result, multiple sets of proceedings under the respective Service Acts are required to be initiated, which impedes expeditious disposal of cases, thereby affecting the standard of discipline.

3. Accordingly, a need arises to empower the Commander-in-Chief and Officer-in-Command of the Inter-services Organisations to exercise control over the service personnel serving under or attached under their command, for maintenance of discipline and proper discharge of their duties, without disturbing the unique service conditions or amending the Service Acts.

4. The proposed Bill will essentially be an enabling legislation, which empowers the Heads of the Inter-services Organisations to exercise effective command, control and discipline on all personnel of regular Air Force, Army and Navy and to persons of other forces as notified by the Central Government, who are serving in or attached to an Inter-services Organisation, without amending the respective Acts.

5. The salient features of the Inter-services Organisations (Command, Control and Discipline) Bill, 2023, *inter alia*, are as follows:—

(i) to empower the Central Government to constitute Inter-services Organisation, by notification, which may include a Joint Services Command, comprising of units or service personnel subject to the Air Force Act, 1950, the Army Act, 1950 and the Navy Act, 1957, as may be placed under the command of the Commander-in-Chief or the Officer-in-Command;

(ii) to empower the Commander-in-Chief, Officer-in-Command or any other officer, specially empowered in this behalf by the Central Government, with all the disciplinary and administrative powers in respect of personnel serving in or attached to their Inter-services Organisations, irrespective of the Service to which they belong, for the maintenance of discipline and proper discharge of their duties;

(iii) to provide that the service personnel shall continue to be governed by their respective Service Acts for the purposes of disciplinary or administrative action, if any, when serving in or attached to an Inter-services Organisation;

(iv) to provide that the Inter-services Organisations, which were constituted by the Central Government and functioning as such immediately before the date of commencement of the proposed legislation, shall be deemed to have been constituted under the provisions of the proposed legislation;

(v) to provide that the Commander-in-Chief or the Officer-in-Command of an Inter-services Organisation, who was appointed and functioning as such immediately before the date of commencement of the proposed legislation, shall be deemed to have been appointed under the provisions of the proposed legislation;

(vi) to pave way for various other tangible benefits such as expeditious disposal of cases, saving of time and public money by avoiding multiple proceedings and greater integration and jointmanship amongst Armed Forces personnel; and

(vii) to provide for overriding effect over anything inconsistent contained in other law for the time being in force or in any instrument having effect by virtue of any other law other than the proposed legislation.

The Bill seeks to achieve the above objectives.

NEW DELHI;
The 3rd March, 2023.

RAJNATH SINGH.

FINANCIAL MEMORANDUM

The Inter-services Organisations (Command, Control and Discipline) Bill, 2023 seeks to empower the Commander-in-Chief or the Officer-in-Command or any other officer, specially empowered in this behalf by the Central Government, with all the disciplinary and administrative powers in respect of service personnel who are subject to the Air Force Act, 1950, the Army Act, 1950 and the Navy Act, 1957 and to persons of other forces as notified by the Central Government, serving under or attached to his command in an Inter-services Organisation, for the maintenance of discipline and proper discharge of their duties, and for the matters connected therewith or incidental thereto.

The said Bill is essentially an enabling legislation, which empowers the Heads of the Inter-services Organisations to exercise effective command, control and discipline on all personnel serving in or attached to these Organisations and does not involve any additional financial implication.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for the purpose of carrying out the provisions of the proposed legislation.

The matters in respect of which rules may be made are matters of procedure and administrative detail, and as such, it is not practicable to provide for them in the proposed Bill itself. The delegation of legislative power is, therefore, of a normal character.

LOK SABHA

A
BILL

to empower the Commander-in-Chief or the Officer-in-Command of Inter-services Organisations in respect of service personnel who are subject to the Air Force Act, 1950, the Army Act, 1950 and the Navy Act, 1957, who are serving under or attached to his command, for the maintenance of discipline and proper discharge of their duties, and for matters connected therewith or incidental thereto.

(Shri Rajnath Singh, Minister of Defence)

MGIPMRND—2722LS(S3)—07-03-2023.