



RAJEEV CHANDRASEKHAR
MEMBER OF PARLIAMENT
RAJYA SABHA

Member of Standing Committee on Information Technology
Member of Consultative Committee on Finance
Member of Parliamentary Forum on Youth
Co-Chairman, Vigilance & Monitoring Committee, Bangalore Urban District

28 July, 2011

The Secretary General
Rajya Sabha
New Delhi

Sir,

I hereby give notice of my intention to move for leave to introduce the enclosed Private Members' Bill - THE ARMED FORCES COVENANT BILL, 2011 - in the House during the ensuing monsoon session of the Rajya Sabha.

Also, to introduce the Bill.

Yours Sincerely,

RAJEEV CHANDRASEKHAR

Encl. : As above



THE ARMED FORCES COVENANT BILL, 2011

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BILL

To enshrine in law a Covenant – a Commitment between the people of India and the Armed Forces Community (serving as well as retired) and their families (including bereaved families), pledging a duty of care and improving support towards them in return for their bravery and sacrifices made for protecting the nation; to ensure that they face no disadvantage compared to other citizens in the provision of public and commercial services; and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty Third Year of the Republic of India as follows:-

1.	<p>(1) This Act may be called The Armed Forces Covenant Act, 2011.</p> <p>(2) It extends to the whole of India and applies to members of Indian Armed Forces (serving as well as retired) and their families (including bereaved families), wherever they may be.</p> <p>(3) It shall come into force with immediate effect.</p>	Short Title, Extent and Commencement
2.	<p>In this Act, unless the context otherwise requires -</p> <p>(a) "Advisory Committee" means the Advisory Committee to advise the Ministry on matters relating to pensions and compensation constituted under Section A;</p> <p>(b) "appropriate Government" means in the case of a State, the Government of that State, and in other cases, the Central Government;</p> <p>(c) "Armed Forces Community" includes serving and retired personnel of the Air Force, Army and Navy, and their immediate families (including bereaved families);</p>	Definitions

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	<p>(d) "Commission" means the Armed Forces Grievances Redressal Commission established under Section 5;</p> <p>(e) "Immediate family" means spouses, children and parents.</p> <p>(f) "Ministry" means the Ministry of Defence;</p> <p>(g) "prescribed" means prescribed by rules made under this Act;</p> <p>(h) Words and expressions used and not defined in this Act but defined in the Armed Forces (Emergency Duties) Act, 1947, the Air Force Act, 1950, the Army Act, 1950, the Army and Air Force (Disposal of Private Property) Act, 1950, the Navy Act, 1957 and the Armed Forces (Special Powers) Act, 1958, shall have the meanings respectively assigned to them in those Acts.</p>	
3.	<p>(1) Notwithstanding anything contained in any other law for the time being in force, there shall be an Armed Forces Covenant pledging a commitment to care for members of Armed Forces – serving as well as retired, and their families (including bereaved families), in return for their commitment, bravery and sacrifices made for protecting the nation at borders and fighting enemies within and extending services during natural and other disasters.</p> <p>(2) Without prejudice to the generality of the provisions of Sub-Section (1), the Covenant referred to therein may provide for the Armed Forces personnel and their families:-</p> <p>(a) Medical support to Armed Forces personnel and adequate and appropriate healthcare services to the serving and those retired or disabled, next of kin of those killed in operations and their immediate family members at military hospitals, Armed Forces medical clinics and recognized private hospitals and nursing homes and Government hospitals, dispensaries and medical centers run by appropriate Government;</p> <p>(b) Appropriate training and education to service</p>	Armed Forces Covenant

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	<p>personnel for both personal and professional development, including the opportunity to gain nationally recognized civilian qualifications, in order to support them through their Service career and to prepare them for life after leaving the Service.</p> <p>(c) Educational facilities including higher education, medical and technical education, vocational education facilities to their dependent children in schools, colleges, institutes run by Armed Forces in appropriate Government or private sector;</p> <p>(d) Provision of good quality, affordable and suitably located accommodation to personnel and their families and improving their living conditions;</p> <p>(e) Members of the Armed Forces Community to have the same access to tax benefits as any other Indian citizen, except where tailored alternative schemes are in place;</p> <p>(f) Adequate support and compensation for those injured in operations or training;</p> <p>(g) Comprehensive system of compensation and maintenance for disabled servicemen and bereaved families and widows' pension;</p> <p>(h) Monthly index linked guaranteed income payment for life upon discharge to those more seriously injured;</p> <p>(i) Right to claim civil damages against the Ministry where the personnel believe that the injury, illness or death was a result of negligence on the part of the Ministry;</p> <p>(j) Sufficient time limit for claiming compensation under this Act and provision for extending the time limit in genuine cases like illness etc.;</p> <p>(k) Mental health support for those who may have suffered psychological injury as a result of their service or in cases wherever required;</p> <p>(l) Free legal aid wherever required;</p> <p>(m) Reservation in civilian jobs and in particular related to security of the appropriate Government;</p> <p>(n) Attractive pay and perks than the civilians to</p>	
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	<p>draw in the best talents in the Armed Forces;</p> <p>(o) One rank, one pension scheme;</p> <p>(p) Such other measures as may be deemed necessary for the welfare and rehabilitation of the Armed Forces personnel.</p>	
4.	<p>(1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish an Advisory Committee consisting of the Chief of Defence Services, the Chiefs of Air Force, Army and Navy, one representative each of the three wings of the Armed Forces, two representatives of the Ministry, not less than six representatives of ex-service organizations preferably recognized by the Ministry and one representative each from the Union Ministries of Finance and Law and Justice to be appointed by the Central Government in such manner as may be prescribed.</p> <p>(2) It shall be the duty of the Advisory Committee to advise the Ministry on matters relating to pay and perks, pensions and compensation for the members of the Armed Forces covered under this Act in such manner as may be prescribed.</p>	Establishment of an Advisory Committee
5.	<p>(1) The Central Government shall, as soon as may be, but not later than six months of the commencement of this Act, by notification in the Official Gazette, establish a Commission to be called the Armed Forces Grievances Redressal Commission for carrying out the purposes of this Act.</p> <p>(2) The Commission shall consist of:-</p> <p>(a) A Chairperson who shall be a retired Judge of the Supreme Court or of a High Court who shall be appointed by the Central Government in consultation with the Chief Justice of India;</p> <p>(b) The Chief of Defence Services, the Chiefs of Air Force, Army and Navy and the Defence Secretary of the Union Government as members;</p> <p>(c) The Secretary and one Additional Secretary of the Department of Legal Affairs of the Union</p>	Establishment of the Armed Forces Grievances Redressal Commission

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	<p>Ministry of Law & Justice as members.</p> <p>(3) The Ministry shall provide secretarial assistance to the Commission.</p> <p>(4) The Commission shall follow such procedure in discharging its function as may be prescribed.</p> <p>(5) The functions of the Commission shall include:-</p> <p>(a) To look into all grievances submitted to it in writing or through email by serving or retired personnel of the Armed Forces community and take appropriate decisions thereon;</p> <p>(b) Forming schemes for proper rehabilitation of Armed Forces personnel who are discharged at young ages;</p> <p>(c) Recommending changes in rules or regulations if the Commission is of the opinion that the rules or regulations, as the case may be, are defective or inadequate.</p> <p>(d) Such other issues as may be referred to it by the Ministry or in case the Commission feels that issues are necessary and expedient for carrying out the purposes of this Act.</p>	
6.	<p>(1) The Minister of Defence shall in each calendar year:-</p> <p>(a) Prepare an Armed Forces Covenant Report; and</p> <p>(b) Lay a copy of the report before each House of Parliament.</p> <p>(2) An Armed Forces Covenant Report is a report about the effects that the demands of service may have on the Armed Forces Community, or particular descriptions of such people –</p> <p>(a) in the fields of healthcare, education and housing; and</p> <p>(b) in such other fields as the Minister of Defence may determine.</p> <p>(3) In preparing an Armed Forces Covenant Report, the Minister of Defence must have regard in particular to-</p> <p>(a) The unique obligations of, and sacrifices made by the Armed Forces;</p> <p>(b) The principle that it is desirable to remove</p>	Armed Forces Covenant Report

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	<p>disadvantages arising for the Armed Forces personnel from being or having been in service; and</p> <p>(c) The principle that special provision for Armed Forces Community may be justified by the effects on such people of the demands of service of the Armed Forces.</p> <p>(4) An Armed Forces Covenant Report shall state whether, in the Minister of Defence's opinion, any effects covered by the report are such that Armed Forces Community or particular descriptions of such persons are at a disadvantage with regard to the field (s) in question, when compared with other persons or such descriptions of other persons that the Minister of Defence may consider appropriate.</p> <p>(5) Where the Minister of Defence's opinion is that the Armed Forces Community or particular descriptions of such persons are at a disadvantage as mentioned in sub-section (4), the Report must set out the Minister of Defence's response to that.</p> <p>(6) With regard to effects covered by an Armed Forces Covenant Report –</p> <p>(a) The Minister of Defence must consider whether the making of special provision for the Armed Forces Community or particular descriptions of such persons would be justified; and</p> <p>(b) Where the Minister of Defence considers that such provision would be justified, the report must contain a reference to that fact.</p>	
7.	The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.	Central Government to provide funds
8.	The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to personnel of the Armed Forces.	Act to have overriding effect

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9.	The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.	Powers to make rules
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STATEMENT OF OBJECTS AND REASONS

The nation's commitment to respect and support its Armed Forces is an unwritten pact between society and the military, and this pact has been reinforced by custom and convention since time immemorial. Centuries ago, Kautilya, the great political strategist, wrote to Chandragupta Maurya on the importance of having a pact between society and military: *"The day the soldier has to demand his dues will be a sad day for Magadha. For then on that day, you will have lost all moral sanction to be king"*.

Our nation is aware of the bravery and sacrifices made by our Armed Forces personnel who are protecting the nation at the borders as well as fighting enemies within and helping the nation during natural calamities. The Armed Forces constitutes a truly unique and dedicated group of people, whose sense of selfless service and nationalism is a matter of great pride and dignity for the nation. Families also play a vital role in offering moral support to the Armed Forces.

Therefore, the country needs to demonstrate its commitment to the wellbeing of our brave Armed Forces personnel and their families. It is the duty of the nation to ensure that the Armed Forces personnel and their families have the support they need and are treated fairly and with the dignity and respect that they deserve.

This Bill underlines the country's commitment and its moral obligation towards the Armed Forces and their families. It will also require the Minister of Defence to present an Annual Covenant Report to the Parliament every year on the progress of improvements to the Covenant in key areas including healthcare, housing and education. These measures will provide a regular review of the policies that will make greater support to our Armed Forces a reality and ensure that Parliament can scrutinize this review through an annual report, and that the report itself is widely informed, consultative and transparent.

Hence this Bill.

RAJEEV CHANDRASEKHAR



Financial Memorandum

Clause 3 of the Bill provides for a Covenant for the Armed Forces, pledging a commitment to care for members of the Armed Forces and their families. Clause 4 provides for the establishment of an Advisory Committee. Clause 5 provides for the establishment of a Commission. Clause 7 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible to quantify the exact amount which may be involved, but it is estimated that up to 15% of the amount allocated to Defence Services in the Union Budget 2011-12 may be provisioned to account for the recurring as well as non-recurring expenditure in this regard.

K. S. Chawla



MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

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