

Bill No. 328 of 2019

THE COMPULSORY MILITARY CONSCRIPTION BILL, 2019

By

SHRI JAGDAMBIKA PAL, M.P.

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BILL

to provide for compulsory military conscription to every Indian in the age group of seventeen to twenty-three years of age and for matter connected therewith.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Military Conscription Act, 2019.

Short title,
extent and
commencement.

(2) It extend to the whole of India.

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

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

Definitions.

(a) "military conscription" means six months of training and twelve months of service in the armed forces of the country; and

(b) "citizen" means every citizen between seventeen to twenty-three years of age.

Compulsory
Military
conscription
for every
citizen.

3. (1) Every citizen shall undergo military conscription in such manner as may be prescribed.

(2) Every citizen who undergoes military conscription under sub-section (1) shall,— 5

(a) not receive any salary, stipend or any other type of remuneration in cash or kind in any manner whatsoever during the entire period of conscription;

(b) have the option to choose his joining age within the age group of seventeen to twenty-three years; and

(c) receive physical and cognitive training, as may be deemed necessary by the 10 Central Government.

(3) The military conscription under sub-section (1) shall be provided free of cost and entire expenditure shall be borne by the Central Government:

Provided that if the citizen undergoing military conscription is having income above the Income Tax exemption limit, he may be made liable to pay subscription fees for the 15 training period, as may be specified by the Central Government under this Act.

Exemptions.

4. No person shall be compelled to undergo military conscription under sub-section(1) of section 3, if he is,—

(a) a person with disabilities; or

(b) a person with criminal record(s) or convicted for an offence; or 20

(c) exempted due to religious considerations; or

(d) he is a Non-Resident Indian (NRI) who has left the country at least sixty months prior to the eligible age of seventeen years and has not returned to the country for a period of not more than thirty days at once by the maximum age of twenty-three years; or 25

(e) exempted under any Acts of the Parliament.

Amendment
of the
Representation
of the People
Act, 1951.

5. In section 11A of the Representation of the People Act, 1951, after sub-section (3), the following sub-section shall be inserted, namely:— 43 of 1951.

"(3A) Any person who found guilty of any offence punishable under the Compulsory Military Conscription Act, 2019, by the order of the President shall be disqualified for such period, as determined, for voting at any election". 30

Penalty.

6. Any citizen who denies to undergo military conscription under sub-section (1) of section 3 shall be declared disqualified to vote under section 11A of the Representation of the People Act, 1951. 43 of 1951.

Power to
remove
difficulty.

7. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing difficulty. 35

Overriding
effect.

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. 40

Power to
make rules.

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

(2) Every rule made 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 45

expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the 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

5 without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Gandhi ji stated that rights cannot exist without duties. As articles 19 and 21 of the Constitution provide right to life and liberty, there emerges a need for every citizen to fulfil his duty of protecting the country, without which, such rights would have no real significance.

The need is to prioritise the love for our nation among the citizens, train the citizens in case of a war, instill discipline among youth, train women in the art of self-defence and give real life experience of a soldiers' life.

The Bill, therefore, attempts to provide for compulsory national military service for all citizens between the age group of seventeen and twenty-three years to achieve the above objectives.

Hence this Bill.

NEW DELHI;
November 5, 2019.

JAGDAMBIKA PAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the compulsory military conscription for every citizen who is in age group of seventeen to twenty-three years. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five thousand crore would be involved from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

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(*Shri Jagdambika Pal, M.P.*)