

Bill No. 63 of 2020

THE WELFARE OF FAMILIES OF DEFENCE PERSONNEL BILL, 2020

By

SHRI MANOJ KOTAK, M.P.

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BILL

to provide for constitution of a fund for the welfare of families of defence personnel who are killed in action or seriously injured during such action and for matters connected therewith.

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

1. (1) This Act may be called the Welfare of Families of Defence Personnel Act, 2020. Short title and commencement.
- (2) It shall come into force on such date, as the Central Government may, by notification
5 in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,— Definitions.
 - (a) "defence personnel" means a person employed in the Army or the Air Force or the Navy or central paramilitary forces or in any institution connected with defence of the country and who is killed in action or sustained serious injuries resulting in
10 permanent disability in any warlike situation or in a terrorist attack;

(b) "dependant family member" includes—

(i) spouse; or

(ii) son (including adopted sons); or

(iii) daughter (including adopted daughter); or

(iv) in case of unmarried defence personnel, brother or sister wholly dependant on such personnel; or 5

(v) parents, if the defence personnel was their only child;

(c) "Fund" means the Welfare of Families of Defence Personnel Fund constituted under section 3; and

(d) "prescribed" means prescribed by rules made under this Act. 10

Constitution of the Welfare of Families of the Defence Personnel Fund.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Welfare of Families of the Defence Personnel Fund with an initial capital of rupees ten thousand crore for carrying out the purposes of this Act.

(2) There shall also be credited to the Fund voluntary donations by citizens.

Utilization of Fund.

4. The Fund shall be utilised for providing following facilities in such manner, as may be prescribed, to the defence personnel or their dependant family members— 15

(i) free housing facilities;

(ii) free education to the children of defence personnel;

(iii) free health care facilities;

(iv) loan facilities for self-employment; and 20

(v) payment of lump sum amount of rupees two crore to the dependant family member in case of death of the defence personnel.

Responsibility of the appropriate Government.

5. (1) The Central Government shall—

(a) ensure that the defence personnel or their dependant family members, as the case may be, get mandatory benefits as early as possible which shall include— 25

(i) payment of rupees two crore within ten days to dependant family members in case of death of the defence personnel; and

(ii) government job to one eligible dependant family member within twenty days;

(b) ensure that all the facilities, as prescribed by the Central Government or the concerned State Government, are provided to the dependent of the defence personnel without making them visiting the Government offices frequently; 30

(c) provide free railway pass to the surviving defence personnel or their dependant family members, as the case may be;

(d) provide reservation of not less than five per cent. to the surviving defence personnel or their dependant family members, as the case may be, in government and private sector jobs. 35

(2) For the purpose of clause (b) of sub-section (1), the District Magistrate concerned shall be responsible for making all facilities available to the defence personnel or the dependant family members, as the case may be under this Act. 40

Constitution of Inspection and Promotion Committee.

6. (1) The Central Government shall, by notification in the Official Gazette, constitute an Inspection and Promotion Committee for effective implementation of the provisions of this Act.

(2) The Inspection and Promotion Committee shall consist of—

(a) the Prime Minister —Chairperson, *ex-officio*;

(b) Union Minister of Defence—member, *ex-officio*;

(c) Chief Ministers of the State Governments—members, *ex-officio*;

5 (d) one Member of Parliament each from the Council of States and the House of the People to be nominated by the Presiding Officers of the respective Houses—members, *ex-officio*;

(e) the Ministers of Social Welfare of the State Governments—members, *ex-officio*;

10 (f) the Ministers of Home Department of the State Governments—members, *ex-officio*;

(g) the Chief Secretaries of the State Governments— members, *ex-officio*;

(h) one senior military officer of the Union Ministry of Defence to be nominated by the Central Government—member-Secretary; and

15 (i) one officer from the Indian Administrative Service or of equivalent rank to be nominated by the Central Government.

(3) The meeting of the Inspection and Promotion Committee shall be held twice a month:

Provided that the Chairperson may call for a meeting of the committee as and when required.

20 **(4) The Union Ministry of Defence shall provide the secretarial and financial assistance to the Inspection and Promotion Committee.**

25 (5) The Inspection and Promotion Committee shall ensure that all benefits as stipulated under section 4 in respect of the defence personnel or their dependant family members, as the case may be, be provided within the stipulated time period without any prejudice and discrimination on the basis of caste and language.

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

Power to
make rules.

30 (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 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 the 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
35 be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The soldiers of the Indian forces are getting martyred in terrorist attacks and firing at the border by enemy. The financial condition of most of the families of martyrs soldiers is not as good as it should have been. The promises made by the State Governments take years to see the light of the day. Even to get the government facility, they have to visit government offices for the years to get the required formalities fulfilled. In such a situation, they have to face a lots of difficulties whereas the whole nation feels proud on their supreme sacrifice to protect the country.

Some of the examples of the sacrifice to the nation worth mentioning are that of martyr Javra Munda of Khunti Murahoo who was killed in a terrorist attack at the local headquarters of the Indian Army near Line of Control (LoC) in Uri sector of Jammu and Kashmir on September 18, 2016; martyr Santosh Gop from Tengra village in Basia block in Gumla, martyr Vijay Soreng of Farsama village in Basia block, Gumla who was killed in an attack on CRPF personnel in Pulwama, Jammu and Kashmir on February 14, 2019 and case of martyr Lance Naik Albert Ekka from Jari village of Gumla who had shown his bravery in the Indo-China war of 1962 and Indo-Pak war. All of them had sacrificed their life in the name of honour of our country. Although the Government is very liberal in giving compensation, yet it is not adequate keeping in view the rising inflation. Their dependant family members are yet to receive the support and assistance required to lead a dignified life.

The Bill, therefore, seeks to provide for,—

(a) prompt mandatory benefits to be provided by the Government within thirty days without any prejudice and discrimination on the basis of caste and language including—

(i) payment of rupees two crore within ten days to the dependant family members in case of death of defence personnel; and

(ii) a government job to the eligible dependant family member within twenty days;

(b) facilities to be provided to the dependents of the martyrs at a time without visiting government offices frequently for the same;

(c) free railway pass to the defence personnel or their dependant family members, as the case may be;

(d) reservation of not less than five per cent, to the defence personnel or their dependant family members, as the case may be, in Government and private sector jobs;

(e) constitute an Inspection and Promotion Committee under the Chairpersonship of the Prime Minister for effective implementation of the provisions of this Act.

Hence this Bill.

NEW DELHI;
February 6, 2020.

MANOJ KOTAK

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Welfare of Families of the Defence Personnel Fund by the Central Government. Clause 5 provides for the appropriate Government to ensure that the defence personnel or their dependant family members get prompt mandatory benefits within thirty days without any prejudice and discrimination on the basis of caste and language under their jurisdiction *inter alia* including payment of rupees two crore within ten days to the dependant family members and a Government job within twenty days to the eligible dependant family member, etc. Clause 6 provides for constitution of an Inspection and Promotion Committee for effective implementation of the provisions of this Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees Six Hundred Crores per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees One Hundred Fifty Crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 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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