

Bill No. XXXIV of 2019

THE TRIBAL (ADIVASI) REGIMENT BILL, 2019

A

BILL

to provide for the constitution and regulation of a new army regiment to be known as the Tribal Regiment for safeguarding the borders of the country and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Tribal (Adivasi) Regiment Act, 2019.

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.

5 2. In this Act, unless the Context otherwise requires,—

Definitions.

(a) "battalion" means the unit of the Regiment constituted as a battalion by the Central Government;

(b) "Commandant" when used in any provision of the Act, with respect to any unit of the Regiment means the officer whose duty is under the rules of discharge with respect to that unit, the functions of a Commandant in regard to the matters of the description referred to in that provision;

(c) "Criminal Court" means a court of ordinary criminal Justice in any part of India; 5

(d) "Deputy-Inspector General" means a Deputy Inspector General of the Regiment appointed under section 4;

(e) "Director General" means the Director-General of the Regiment appointed under section 4; 10

(f) "Government" means the Central Government;

(g) "Inspector-General" means the Inspector-General of the Regiment appointed under section 4;

(h) "notification" means notification published in the Official Gazette;

(i) "offence" means any act or omission punishable under this Act and includes a civil offence; 15

(j) "officer" means a person appointed or in pay as an officer of the Regiment but does not include a subordinate officer or an under officer;

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

(l) "Regiment" means Tribal Adivasi Regiment constituted under section 3; 20

(m) "regiment custody" means the arrest or confinement of a member of the Regiment according to rules;

(n) "rule" means, a rule made under this Act;

(o) "Security Regiment Court" means a court for trial of offences under the Act, to be converted in such manner as may be prescribed; 25

(p) "superior officer" when used in relation to a person subject to this Act, means,—

(i) any member of the Regiment to whose command such person is for the time being, subject in accordance with the rules; and

(ii) any officer of higher rank or class or of a higher grade in the same class; and 30

includes when such person is not an officer, a subordinate officer or an under officer of higher rank, class or grade;

(q) "subordinate officer" means a person appointed or in pay as Subedar-Major, as a Sub-Inspector of the Regiment; and 35

(r) "under-officer" means a Head Constable, Naik and Lance Naik of the Regiment.

Constitution
of the Tribal
Adivasi
Regiment.

3. (1) There shall be an armed Regiment of the Union Called the Tribal Adivasi Regiment to ensure the security of the country.

(2) Subject to the provisions of this Act, the Regiment shall be constituted in such manner as may be prescribed and the conditions of service of the members of the Regiment shall be such as may be prescribed. 40

Direction and
control of the
Regiment.

4. (1) The general superintendance, direction and control of the Regiment shall vest in and be exercised by the Central Government and subject thereto and to the provisions of this Act and rules made thereunder, the command and superintendance of the Regiment

shall vest in an officer to be appointed by the Central Government as the Director-General of the Regiment.

5 (2) The Director-General shall, in the discharge of his duties under this Act, be assisted by such member of the rank of Inspector General, Deputy Inspector General, Commandants and other officers as may be prescribed.

5. (1) The persons to be enrolled to the Regiment, the mode of enrolment and the procedure for enrolment shall be such as may be prescribed.

Enrolment to the Regiment.

10 (2) Notwithstanding anything contained in this Act and the rules made thereunder, every person who has, for a continuous period of three months been in receipt of pay as a person enrolled under this Act and borne on the rolls of the Regiment shall be deemed to have been duly enrolled.

6. Every member of the Regiment shall be liable to serve in any part of India as well as outside India as and when required by the Government during his term of engagement.

Liability for service outside India.

7. No member of the Regiment shall be at liberty,—

15 (a) to resign his appointment during the term of this engagement; or

(b) to withdraw himself from all or any of the duties of this appointment,

except with the prior permission in writing of the prescribed authority.

Resignation and withdrawal from the post.

8. Every person subject to this Act shall hold office during the pleasure of the President.

Tenure of service.

20 **9.** Subject to the provisions of this Act and rules, the Central Government may dismiss or remove any person from service.

Termination of service by Central Government.

10. A subordinate officer or an under-officer or other enrolled person who is retired, discharged, released, removed or dismissed from service shall be presented by the officer, to whose command he is subject, with a certificate in the language which is the mother tongue of such person and also in Hindi or English language setting forth—

Certificate of termination of service.

25 (a) the authority terminating his service;

(b) the cause for such termination; and

(c) the full period of his service in the Regiment.

30 **11. (1)** the Director General or any Inspector General may dismiss or remove from the service or reduce to a lower grade or rank or ranks any person subject to this Act other than an officer.

Dismissal, removal or reduction by the Director General and by other officer.

(2) An officer not below the rank of Deputy Inspector General or any prescribed officer may dismiss or remove from the service any person under his command other than an officer or subordinate officer of such rank or ranks as may be prescribed.

35 (3) Any officer not below the rank of Deputy Inspector General or any prescribed officer may reduce to a lower grade or rank or ranks any person under his command except an officer or a subordinate officer.

(4) The exercise of any power under this section shall be subject to the provisions of this Act and the rules made thereunder.

40 **12.** Any person subject to this Act who commits any of the following offences, that is to say—

Mutiny.

(a) begins, incites, causes or conspires with any other person to cause any mutiny in the Regiment or in the Army, Naval or Air Forces of India or any forces co-operating therewith; or

(b) joins in any such mutiny; or

(c) being present at any such mutiny, does not use his utmost endeavor to suppress the same; or

(d) knowing or having reason to believe in the existence of any such mutiny or of any intention to mutiny or of any such conspiracy, does not without delay, give information thereof to his commandant or other superior officer; or

(e) endeavors to seduce any person in the Regiment or in the Army, Naval or Air Forces of India or any forces co-operating therewith from his duty or allegiance to the Union,

shall, on conviction by a Security Regiment Court, be liable to suffer death or such less punishment as is mentioned in this Act.

Absence
without leave.

13. Any person subject to this Act who commits any of the following offences that is to say—

(a) absents himself without leave; or

(b) without sufficient cause overstays leave granted to him; or

(c) without sufficient cause fails to appear at the time appointed at the parade or place fixed for exercise or duty; or

(d) when on parade, or on the line of march without sufficient cause or without leave from his senior officer, quits the parade or line of march; or

(e) without leave from his senior officer or without due cause, absents himself from any school when duly ordered to attend there,

shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend upto five years.

Misbehaviour
with a senior
officer.

14. Any officer, subordinate officer or under officer applies criminal force on a person that holds such a post as is under this Act or misbehave with him, shall on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend upto ten years.

Extortion and
corruption.

15. Any person subject to this Act who commits any of the following offences that is to say—

(a) commits extortion; or

(b) without proper authority exacts from any person money, provisions or service,

shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend upto ten years.

False
accusations.

16. Any person subject to this Act who commits any of the following offences, that is to say—

(a) make a false accusation against any person subject to this Act, knowing or having reason to believe such accusation to be false; or

(b) in lodging a complaint against any person subject to this Act makes any statement affecting the character of such person, knowing or having reason to believe such statement to be false, or knowingly and willfully suppresses any material facts,

shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend upto three years or such less punishment as is in this Act mentioned.

Disobedience
to Senior
Officer.

17. Any person subject to this Act who disobeys in such manner as to show a willful defiance of authority any lawful command given personally by his senior officer in the execution of his office whether the same is given orally or in writing or by signal or shall on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend upto twenty years or such less punishment as a provided in this Act.

18. Any person subject to this Act who commits any of the following offences, that is to say—

Offence relating to Security Regiment Court.

(a) being duly summoned or ordered to attend as witness before a Security Regiment Court, willfully or without reasonable excuse makes default in attendance; or

(b) refuses to take an oath or make an affirmation legally required by a Security Regiment Court to be taken or made; or

(c) refuses to provide or deliver any document in his power or control legally required by a Security Regiment Court to be produced or delivered by him; or

(d) refuses, when a witness, to answer any question which he is by law bound to answer; or

(e) is guilty of contempt of the Security Regiment Court by using insulting or threatening language or by causing any interruption of disturbance in the proceedings of such court,

shall on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is mentioned in this Act.

19. (1) Punishment may be inflicted in respect of offences committed by persons subject to this Act and convicted by Security Regiment court according to the scale following, that is to say—

Punishment awardable by Security Regiment Court.

(a) death; or

(b) imprisonment which may be for the term of life of any other lesser term but excluding imprisonment for a term not exceeding three months in Regiment Custody; or

(c) dismissal from service; or

(d) imprisonment for a term not exceeding three months in Regiment custody; or

(e) reduction to the ranks or to a lower rank or grade or a place in the list of their rank in the case of under-officer; or

(f) forfeiture of seniority of rank and forfeiture of all or any part of the service for the purpose of promotion; or

(g) forfeiture of service for the purpose of increased pay, pension or any other prescribed purpose; or

(h) fine in respect of civil offences; or

(i) severe reprimand or reprimand except in the case of person below the rank of an under-officer; or

(j) forfeiture of pay and allowances for a period not exceeding three months for an offence committed in active duty; or

(k) forfeiture in case of person sentenced to dismissal from service of all the arrears of pay and allowances and other public money due to him at the time to such dismissal; or

(l) stoppage of pay and allowances until any proved loss or damage occasioned by the offence for which he is convicted is made good.

(2) Each of the punishment specified in sub-section (1) shall be deemed to be inferior in degree to every punishment preceding it in the above scale.

Minor
Punishment.

20. A Commandant or such officer as is with the consent of the Central Government, specified by the Director-General may, in the prescribed manner, proceed against a person subject to this Act, otherwise than as an officer or a subordinate officer who is charged with an offence under this Act and award such person to the extent prescribed, one or more of the following punishment, that is to say—

(a) imprisonment in Regiment custody upto twenty-eight days; or

(b) detention upto twenty-eight days; or

(c) confinement to the lines upto twenty-eight days; or

(d) extra guards or duties; or

(e) deprivation of any special position or special employments or any acting rank or reduction to a lower grade of pay; or

(f) forfeiture of good service and good conduct pay; or

(g) severe reprimand or reprimand; or

(h) fine upto fourteen days pay in any one month; and

(i) deduction from his pay of any sum required to make good such compensation for any expense, loss, damage, or destruction caused by him to the Central Government or to any building or property as may be awarded by his commandant.

Punishment to
persons of and
below the rank
of subordinate
officer by
Deputy
Inspector
General and
others.

21. (1) An officer who is not below the rank of Deputy Inspector General or any other officer specified by the Director General with the consent of the Central Government shall initiate proceedings against any subordinate officer or one of the rank of subordinate officer who is the accused of any offence under this Act, in the prescribed manner and shall award one or more punishment of the following punishments, that is to say—

(a) forfeiture of seniority or in the case of any of them whose promotion depends upon the length of service, forfeiture of service for the purpose of promotion for a period not exceeding twelve months, but subject to the right of the accused previous to the award to elect to be tried by a Security Regiment Court; or

(b) severe reprimand or reprimand; or

(c) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

(2) In every case in which punishment has been awarded under sub-section (1), certified true copies of the proceedings shall be forwarded in the prescribed manner by the officer awarding the punishment to the prescribed senior authority who may, if the punishment awarded appears to him to be illegal, unjust or excessive, cancel, vary or remit the punishment and make such other direction as may be appropriate in the circumstances of the case.

Collective
fines.

22. (1) Whenever any weapon or part of a weapon or ammunition, forming part of the equipment of a unit of the Regiment, is lost or stolen, an officer not lower than the rank of the commandant of a battalion may, after making such enquiry as he thinks fit and subject to the rules, impose a collective fine upon the subordinate officers, under-officers and men of such unit or upon so many of them, as in his judgment should be held responsible for such loss or theft.

(2) Such fine shall be assessed as a percentage on the pay of the individuals on whom it fall.

Central
Government
to provide
funds.

23. The Central Government shall after due appropriation made by Parliament by law in this behalf, provide requisite funds, from time to time, for carrying out the purposes of this Act.

24. The Central Government may give such directions to the Government of State concerned within the territorial jurisdiction of a State for carrying out in the State any provision of this Act or any rule made thereunder. Power to give directions.

5 **25. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act. Power to make rules.

(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, 10 both House 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 be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In the pre-independence era various Regiments had been constituted seeking their base in historic as well as symbolic reasons. In the post-independence era so many Regiments had been constituted, according respect and esteem to the military values of various cultures. The constitution of Ladakh Scouts, Naga Regiment, Arunachal Scouts and the Sikkim Scouts are cases in point that were formed in the years 1963, 1970, 2010 and 2013 respectively.

Adivasi is the collective term for the indigenous peoples of India. In India, Scheduled Tribes are referred to as Adivasi. Although, the term indigenous and tribe have different meanings, indigenous means descent from populations, who inhabited the country or region at the time of conquest, colonisation and tribe means who are distinguished by their social, cultural and economic conditions from other sections of the community. Scheduled Tribes make up 8.6 per cent of India's population, or 104 million people, according to the 2011 census.

Adivasi societies are particularly prominent in Rajasthan, Andhra Pradesh, Chhattisgarh, Gujarat, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, West Bengal, and some north-eastern states, and the Andaman and Nicobar Islands.

Adivasi Regiment would not only strengthen the security of the borders but will also act as a gesture of respect to the great traditions, values and culture of tribal population in the country.

Hence this Bill.

DR. KIRODILAL MEENA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Tribal Regiment. Clause 4 provides for appointment of certain officers of the Regiment. Clause 23 provides requisite funds for functioning of the Regiment. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible to quantify the funds that may be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 25 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 details only, the delegation of legislative power is, therefore, of a normal character.

RAJYA SABHA

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BILL

to provide for the constitution and regulation of a new army regiment to be known as the Tribal Regiment for safeguarding the borders of the country and for matter connected therewith or incidental thereto.

(Dr. Kirodi Lal Meena, M.P.)