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The Inter-Services Organisations (Command, Control and Discipline) Bill, 2023

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Why in News: The Bill, 'The Inter-Services Organisations (Command, Control and Discipline) Bill, 2023', was tabled in the Lok Sabha by Minister of State for Defence Ajay Bhat during the recently concluded Budget Session.

The rationale behind the proposed law

Inter-services organisations include soldiers from the Army, the Air Force and the Navy, like joint training institutes National Defence Academy, National Defence College (NDC), Defence Services Staff College (DSSC), and the Andaman and Nicobar Command (ANC).

At present, armed forces personnel are governed by the provisions of three separate laws for the three services — the Air Force Act, 1950, the Army Act, 1950, and the Navy Act, 1957.

Only an officer of the same service holds disciplinary powers over persons governed by the respective Act. As far as inter-services organisations are concerned, this directly impacts command, control and discipline.

Since the commander-in-chief of a joint services command and the officer-in-command of any other inter-services organisation are not empowered with disciplinary powers, any person accused of an offence has to be sent back to the parent service unit for any disciplinary or administrative action.

For example: if an Air Force officer commits an offence at the Defence Services Staff College, then the Academy Commandant— who is a three-star rank officer of the Indian Army— can't initiate action against said individual. Instead, the officer is repatriated to their parent Air Force unit, and action, if any, will follow under the Air Force Act, 1950.

The existing framework is time-consuming and involves financial costs to move the personnel. Proceedings become even more cumbersome when the disciplinary or administrative proceedings arise from the same set of facts and circumstances but involve 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,” the text of the Bill says.

The proposed legislation aims to address these impediments to ensure discipline is maintained and targets faster disposal of cases, which in turn is likely to save time and public money “without disturbing the unique service conditions or amending the service Acts.”

Key provisions in the Bill

While existing inter-services organisations will be deemed to have been constituted under the Bill, the proposed legislation seeks to empower the central government to set up an inter-services organisation by notification.

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This can include a joint services command a key feature of the theaterisation plan of the armed forces comprising units and personnel drawn from the three armed forces and persons of other forces attached to such a body. The commander-in-chief or the officer-in-command will be the head.

The superintendence of the inter-services organisation will be vested 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 it necessary and expedient so to do in the public interest.”

All disciplinary and administrative powers in terms of personnel serving or attached to an existing or a future inter-services organisation will lie with the commander-in-chief, the officer-in-command, or any other officer specially empowered by the central government.

While serving in or attached to an inter-services organisation, personnel will continue to be governed by their respective service Acts.

The Centre can notify any force or part of it, which has been raised and maintained in India under the authority of the Government, to which the Bill will apply.

The government expects the “enabling legislation” to pave the way for “tangible benefits” such as expeditious disposal of cases, saving of time and public money by avoiding multiple proceedings and greater integration amongst armed forces personnel.

Impact of new bill on tri-services theaterisation plan

The Inter-Services Organisations (Command, Control and Discipline) Bill’s introduction in Parliament has come amid deliberations on the theatre command system that looks to integrate the capabilities of the three services.

Each of the theatre commands will have units of the Army, the Navy and the Air Force, as per the plan, which has the mandate of the government. All the units will work as a single entity looking after security challenges in a specified geographical territory under an operational commander.

The Bill holds the potential to ensure better management of theatre commands once they are operationalized. The difference in the rules of the service Acts when it comes to justice delivery for the same offence, however, can emerge as a cause for concern.