



ISSUE BRIEF

No. 49

March 2015

National Veterans Commission



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..They gave their today for the nation, the nation must care for their tomorrow...

Introduction

The defence community has grown substantially over the years. There are more than 22.5 lakh ex-Servicemen today and the number grows by 55,000 to 60,000 every year¹. The accretions to the ex-Servicemen category occurs at a relatively younger age, given that 85 percent of the armed forces personnel compulsorily retire between 35 -37 years of age, and 12-13 percent between 40-54 years of age². The ex-Servicemen are unique because they comprise, at the same time, the biggest pension liability and a very sizeable asset. Moreover, military training makes the ex-Servicemen a most potent and skilled workforce, capable of making a significant contribution in their second innings. Since September 2004,

Key Points

1. Military training coupled with early retirement, makes ex-Servicemen a potent and skilled workforce, capable of making a significant contribution in their second innings.
2. The DESW has a budgetary liability of over Rupees 54,850 Crores, but is inadequately organised to respond to grievances of over 22.5 lakh defence pensioners.
3. Performance of the attached offices of the DGR, ECHS and the KSB has been adversely commented upon by the Standing Committee on Defence.
4. A strong case exists to upgrade DESW into a full-fledged ministry, with a view to ensure delivery of quality welfare to ex-Servicemen, and better utilisation of the tremendous potential of the veterans.
5. Veterans need to have a functional role in the DESW."
6. Operationalisation of **National Veterans Commission** and Indian Veterans Council would ensure that ex-servicemen's grievances are resolved in an acceptable time-frame and their concerns reach the political executive for appropriate consideration.

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the Department of Ex-Servicemen Welfare (DESW) has been performing the onerous task of looking after the welfare, resettlement and rehabilitation of Ex-Servicemen (ESM), war widows and their dependents³. Successive governments have made huge resources available to the department, but the harsh reality is that the ex-Servicemen community is not very impressed with the outcomes of the huge investments that the government has made.

The present paper attempts to analyse the role, function and short-comings of the DESW and proposes some structural changes in the existing organisation with a view to improve the interface between the veterans and the government of the day in the best interests of the nation.

Existing Set-up

The DESW owes its origin to an independent resettlement division which was created in the Department of Defence in 1986. The Department of Ex-Servicemen Welfare (DESW) came into existence only in September, 2004. The DESW formulates policies and programmes for the welfare and resettlement of Ex-Servicemen (ESM). It has two divisions viz., the Resettlement Division and the Pension Division. The Secretariat of the Kendriya Sainik Board (KSB), Directorate General of Resettlement (DGR) and Ex-Servicemen Contributory Health Scheme (ECHS) are the three offices attached to the department⁴.

The department is headed by the Secretary Ex-Servicemen Welfare (ESW) and has 13 other officers, including a Joint Secretary, 4 Directors and 8 Under Secretaries⁵. Interestingly, the department was given its first full-time Secretary only in December 2007, more than three years after its creation. In the following six years, 8 Secretaries have moved in and out of the department⁶. Certainly, the available statistics indicates that ESW is NOT a priority area as far as the staffing profiles of administrative services officers indicate. Fourteen officers to address the grievances and frame policies for 22.5 lakh ex-Servicemen, is a little too demanding. Moreover, the absence of defence Services officers and ex-Servicemen in the administration of the department meant for them has been a very serious concern of the defence community, voiced at all times since the inception of the department.

The department handles huge resources. The pensions budget itself is to the tune of Rs 53,000 crore. The ECHS, KSB, DGR and the DESW have budgetary allocations amounting to another Rs 1,850 crore. In pure budgetary terms, the department expenditure is larger than the combined expenditure of the Departments of Higher Education (Rs 25,456 crore), Health and Family Welfare (Rs 10,672.12 crore), School Education and Literacy (Rs 6,259.45 crore), Labour and Employment (Rs 3918.38 crore) and Micro, Small and Medium Enterprises (Rs 3702.28 crore)⁷. Enormous resources placed to meet equally challenging responsibilities, left at the discretion of a team of just about a dozen

officers, who are not in sync with the end customer's expectations, has not been a very satisfactory arrangement.

The performance of the attached offices has also been a cause of much concern. Instead of going by the overtly critical views of the ex-Servicemen leagues and associations, it would be pragmatic to form opinions on the basis of the recent observations of the Standing Committee on Defence (SCOD) and judgements of the Hon'ble Supreme Court in cases filed by ex-Servicemen. The performance deficit is very visible and aptly quantified by the SCOD in its reports to the Sixteenth Lok Sabha:

- The SCOD has in the recent past analysed the budget provided to Ex-Servicemen Contributory Health Scheme (ECHS) for the last five years and found that in Revenue Outlay from the financial year 2010-11 to 2014-15, the allocation has dwindled by Rs 278.96 crore, Rs 608.86 crore, Rs 460 crore, Rs 606.49 crore and Rs 1,068.63 crore respectively. The Secretary, DESW, during the presentation of oral evidence to the committee has highlighted that *"low BE raises the issue of pending bills and the department gets into arrears with the hospitals resulting in refusal by the hospitals to treat the patients"*. The SCOD report on ECHS reads as *"The Committee are dismayed over the cut in the allocation and feel that it is an instance of greatly misplaced priorities. The Committee are of the view that it is the responsibility of a grateful nation to look after their veterans who have given the best years of their lives to it. Therefore, the Committee recommends that the Ministry should*

*take immediate necessary modification in their planning processes so that ECHS get what it has projected for and our veterans and their family members do not suffer due to no fault of others"*⁸.

- SCOD has similarly examined the details of ESM registered with the Directorate General Resettlement (DGR) / Rajya Sainik Board (RSB) / Zila Sainik Board (ZSB) for purposes of employment in the last few years. The SCOD report reads, *"From the data supplied by the Ministry, it may be inferred that every year out of the registered ESM, less than 50 percent are getting employment/resettlement and the employment figure is decreasing every year. The Committee desire that DGR should be cautious in its planning and try to provide re-settlement to all the ESM registered with it and it should be commensurate with the qualification and aptitude of the retired soldier so he should not feel out of place."*⁹
- On One-Rank One Pension (OROP), the SCOD's exasperation is most visible. The report says *"Since the Hon'ble Prime Minister has already made a commitment and the Finance Minister has provided Rs 1,000 crore in the current budget, the OROP must be implemented at the earliest."*¹⁰

An extract of just two recent judgements of the Hon'ble Supreme Court conveys a lot about the attitude of the officials of DESW towards the ex-Servicemen community¹¹:

-Before parting with this case, we regret to say that the Army officers and Army men in our country are being treated in a

shabby manner by the government...The Army personnel are bravely defending the country even at the cost of their lives and we feel that they should be treated in a better and more humane manner by the governmental authorities, particularly, in respect of their emoluments, pension and other benefits....”

-We, just as every other citizen of India, would be extremely disturbed if the Authorities are perceived as being impervious or unsympathetic towards members of the armed forces who have suffered disabilities, without receiving any form of recompense or source of sustenance, since these are inextricably germane to their source of livelihood.

Ex-Servicemen Grievances

Ex-Servicemen's grievances are today very well-known and available on many a fora through umbrella organisations representing the widely spread defence community. They broadly pertain to issues as under:

- Issues related to disbursement of pension, disability pension and other financial grants / benefits.
- Reemployment and resettlement.
- Implementation of the ECHS.
- Disparity in pay, allowances and perks when compared to other government services.

Unfortunately, the DESW is neither geared nor, many times, inclined to resolve issues pertaining to the ex-Servicemen. This has increased litigation, though most of the ex-Servicemen can hardly afford costly and prolonged legal battles. The broad-banding of the disability pensions is a perfect example. The department did its best to push the litigation right till the apex court to deny disbursement of disability pension to disabled soldiers. Interestingly, the Supreme Court, in December 2014, dismissed 800 cases pertaining to broad-banding in favour of the ex-Servicemen and yet the DESW continued to advise further extension of litigation¹². The Raksha Mantri finally intervened and decided not to pursue balance four to five thousand appeals filed by the Ministry of Defence against disabled soldiers. There is definitely a need to introspect on the reasons that led to such a large number of court cases against disabled soldiers who have little resources to bear expensive and prolonged litigation.

Two harsh realities emerge from the aforesaid case. Firstly, the department which was created for the welfare of ex-Servicemen, actually repeatedly pleaded with the courts to deny the rightful grant of benefits to the affected soldiers. Secondly, the ex-soldiers, deprived of due pensions, without appropriate reemployment, and with very little means, paid for the expensive and prolonged litigation. There exists a very strong case to address these two issues holistically and on an urgent basis through structural changes and redefining of the charter.

DESW was tasked to provide employment avenues to retired armed forces personnel, and before retirement train them in skills required in the civil environment, including the industry and services. The performance here too is dismal. The Army Headquarters (HQ) have set up a placement agency from regimental funds to provide assistance in the employment field. Further, lack of a performance audit of the welfare dispensation policy and mechanism has reduced the probability and scope of improvement. The problems of veterans are also compounded by the fact that the multiple ex-Servicemen organisations/bodies that represent the cause of veterans are generally incoherent in projecting problems to the MoD, and are invariably working at cross-purposes to present fragmented and disjointed views.

Recommendations

The above arguments lead to three areas of focus: firstly, the governance and policy issues that rest in the domain of the MoD; secondly the lack of a performance audit and complaint redress mechanism; and lastly, the absence of a single organisation that represents the veterans cause. Based on the focus areas, the paper articulates three recommendations: creation of a Ministry of Veteran Affairs, a National Veterans Commission and an Indian Veterans Council and the same are elaborated below in some detail.

Ministry of Veterans Affairs

It has clearly emerged that the DESW is not

geared to handle its responsibilities to the satisfaction of its clientele. Further, the MoD today is a very huge ministry with four departments which include the Department of Defence (DoD), Department of Defence Production (DDP), Department of Defence Research & Development (DDR&D) in addition to DESW and the Finance Division. While the tasks of the other three departments are linked functionally to the country's war-waging potential, the DESW's functions are in contrast and mostly in stand-alone mode. However, in terms of budgetary resources, the DESW is much bigger than many other crucial ministries of the government; therefore, it deserves to be a full-fledged ministry. Many other nations, including the United States, have a separate independent entity looking after the affairs of veterans. In fact, the US Department of Veteran Affairs is one of the largest departments in the US and its budget has grown from \$100 billion in Fiscal Year (FY) 2009 to \$151 billion in FY 2014¹³. This is a reflection of the nation's unwavering support to those who have safeguarded their democracy and values.

There exists a strong case to upgrade DESW into a full-fledged ministry, with a full time political executive. This shall not only make a tremendous difference to the delivery of quality welfare to ex-Servicemen but, at the same time, ensure better utilisation of the tremendous potential that exists in the armed forces veterans. The proposed ministry needs to be organised and delivering as under:

- Comprehensively deal with all matters relating to armed forces veterans (ex-Servicemen) including pensioners.
- Separate divisions dealing with resettlement, skill development, pensions and benefits, and health.
- The Secretariat of KSB, DGR, and ECHS to be attached to the ministry.
- The proposed ministry should be fully staffed by serving defence personnel and ex-Servicemen in an equal ratio with financial and legal advisers.
- The proposed ministry should pursue with vigour fresh agendas to include housing for all veterans, skill enhancement to suit the corporate requirements, and provisions that help wards of armed forces veterans to seek higher education.

National Veterans Commission

The President of India, in his address to the Joint Session of Parliament on June 09, 2014, has *inter-alia* mentioned about the appointment of a Veterans Commission to address their grievances. The SCOD in its reports has already expressed the desire that the commission should be appointed at the earliest, with wide judicial powers. The proposed Veterans Commission Charter should include the following:

- The charter of the commission should be limited to the rights and benefits of the

armed forces veterans (ex-Servicemen), including pensioners. Such matters would be automatically excluded from the jurisdiction of the Armed Forces Tribunal.

- The commission should be vested with powers to take up *suo moto* cases which may impact armed forces veterans and all cases rejected by the ministry.
- The commission should be vested with quasi-judicial powers equivalent to those of the High Courts. Its decisions would be binding on the Ministry of Veteran Affairs. Petitions against the orders of the commission would be only at the level of the Supreme Court of India.
- The commission needs to be adequately structured to provide speedy and free of cost legal remedies to ex-Servicemen. Such a mechanism will also ease the workload at DESW which is almost bogged down by the spate of complaints that it receives. The commission should have at least 20 offices geographically located as per the troop recruitment profile of the Indian Army.
- The commission should dispense awards within three months of the receipt of grievances and this should form the basis of its staffing and grievance processing procedure. Any case pending for more than six months should be automatically declared in favour of the veteran.

- The performance audit of the Ministry of Veterans Affairs should be a part of the commission's charter and its report on performance should be tabled in the two Houses of the Parliament on an annual basis.
- The commission should be responsible to conduct elections of veterans organisations across the country.

The commission should be chaired preferably by a retired Chief of Army/Navy/Air Force (in rotation), and include a member each from the three Services and the judiciary. The commission should be staffed with veterans and administrative staff from the Services. The tenure of the Chairman and members should be restricted to a maximum of three years. The Chairman and members should be selected by a selection committee constituted by the President of India.

Indian Veterans Council

Today a large number of adhoc organisations

claim to represent defence veterans, as a consequence umbrella organisations have emerged that approach the Raksha Mantri and the Prime Minister on numerous occasions with varied voices.

It would be in the interest of all stakeholders that an elected/nominated council of senior veterans be formed and designated as the Indian Veterans Council. Such a body should become a single point of advice for the political executive. The council should have 25 members with appropriate geographical, service and rank-based "representation."

Conclusion

The trinity of Ministry of Veterans Affairs, National Veterans Commission and Indian Veterans Council would be a comprehensive and appropriately empowered infrastructure for the delivery of benefits and relief to armed forces veterans, who richly deserve the best from the nation for their dedication and selfless service.

Notes

1. The figures relate to the defence pensioners as retrieved from the DESW website at <http://desw.gov.in/pensions> on February 3, 2014. The ex-Servicemen are more than the defence pensioners.
2. Cdr Ravindra, Waman Pathak I.N. (Retd), Retrieved from "Open Letter to RM Seeking Good and Fair Governance in the MoD".
3. Retrieved from http://desw.gov.in/about_us on February 03, 2014.
4. Ibid
5. Retrieved from http://desw.gov.in/about_us#organogram-deswon February 01, 2014.
6. Second Report of the Standing Committee on Defence on 'Demands for Grants of the Ministry of Defence for the year 2014-15 on General Defence Budget (Demand No. 20, 21 & 27)'.
7. Retrieved from <http://indiabudget.nic.in/> on January 31, 2015.

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8. Third Report of the Standing Committee on Defence on `Demands for Grants of the Ministry of Defence for the year 2014-15 on Army (Demand No. 22)‘.
9. n.6.
10. Ibid.
11. Retrieved from “Indian Military – Service, Benefits and Issues”, at <http://www.indianmilitary.info/>
12. Ibid.
13. Department of Veterans Affairs FY 2014-2020 Strategic Plan, retrieved from <http://www.va.gov/op3/docs/StrategicPlanning/VA2014-2020strategicPlan.pdf>

The contents of this Issue Brief are based on the analysis of material accessed from open sources and are the personal views of the author. It may not be quoted as representing the views or policy of the Government of India or Integrated Headquarters of MoD (Army).



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