



SPEECH

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Ministerial Statement on National Service Defaulters by Minister for Defence Teo Chee Hean

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Minister for Defence, Mr Teo Chee Hean

Mr Speaker, Sir, there has been significant public interest recently in the issue of National Service defaulters arising from the case of Melvyn Tan. Members of the House have also submitted questions on MINDEF's policy on NS defaulters, the punishments meted out to them, and whether the punishments provided for in the Enlistment Act are adequate.

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(The Members of the House also shared their views and comments on the issue of National Service. The Minister of Defence's round up reply can be found at the following link.)

[Round Up Reply by Minister for Defence Teo Chee Hean in Parliament](#)

National Service was introduced 38 years ago in 1967, soon after we became independent. National Service fulfilled a critical need – we had to defend ourselves. It was a matter of survival. As a small country with a small population, the only way we could build a force of sufficient size to defend ourselves was through conscription. It was a decision not taken lightly given the significant impact that conscription would have on every Singaporean. But there was no alternative.

Over the past four decades, the need for National Service has been reaffirmed. With National Service, we have built up the SAF into a capable and credible force. The SAF deters aggression, protects our sovereignty and territorial integrity, and allows us to pursue our national interests without yielding to external threats or pressure. In addition, the SAF now also has to deal with a wider spectrum of threats which can derail our peace and prosperity, threats such as transnational terrorism and maritime security. The need for National Service therefore continues to be as critical as ever.

National Service and our committed National Servicemen form the backbone of the SAF. It is not an exaggeration to say that the peace and prosperity that Singapore and Singaporeans have enjoyed over the past four decades are built upon the dedication of NSmen who have dutifully served their country. 700,000 have served. More than 300,000 are currently doing their full-time NS or are active operationally ready national servicemen being called up annually for their in-camp training and standby duties. Another 400,000 have done their duty and completed their operationally ready national service cycle. Sons now follow in the footsteps of their fathers, as a second generation of Singaporeans serves our country through National Service.

National Service, both full-time and during operationally ready service, requires significant sacrifice on the part of our NSmen. The sacrifice is shared by their families; and their employers bear inconveniences as well. The Government acknowledges this, and has over the years introduced initiatives to recognise the efforts and sacrifices of our NSmen. But these initiatives can never fully compensate our NSmen for their sacrifice and the effort they commit to serving the nation.

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Our National Service policy is underpinned by three fundamental principles. The first is that

National Service must be for meeting a critical national need – for it requires considerable cost both to the individual and to the nation. That critical need is national security and our survival. This is why NSmen are deployed only in the Singapore Armed Forces, the Singapore Police Force and the Singapore Civil Defence Force, where they contribute directly to the security and defence of Singapore.

Once in a while, there are suggestions that Singaporeans should be allowed different forms of National Service. For example, a recent commentary by Ms Ong Soh Chin of The Straits Times advocated a rethink of the scope of National Service. She suggested that it be extended to include other forms of non-combat service, such as in the social sector or in the arts. MINDEF does not think this is appropriate. We are clear that if we require our people to perform National Service, it must be to fulfil a critical national need. Otherwise there is insufficient reason to compel a person to serve.

The second fundamental principle of our National Service is universality. All young Singaporean males who are fit to serve are conscripted. If we have a system in which some are conscripted but others are not, there will be strong feelings of unfairness which will undermine the commitment of our NSmen. This is not unique to Singapore. This was a problem that the US faced during the Vietnam War. Not everyone was conscripted. Some exploited loopholes and technicalities to avoid being drafted. There were exemptions, deferments and alternative forms of service. This affected morale and the will to fight among those who were drafted, and it also affected the American people's support for conscription and the war. MINDEF has always been very clear that National Service must be universal – all who are fit to serve National Service must serve.

The third fundamental principle of our National Service is equity. Everyone has to be treated in the same way, regardless of background or status. His deployment in NS is determined by where he is most needed to meet the needs of the national defence.

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In line with these three principles, MINDEF has consistently taken a tough stand against those who default on their National Service obligations. We have introduced various measures over the years to prevent such persons from evading National Service. For example, the Constitution was amended in 1979 so that those who refused to serve could not escape their National Service obligation by simply renouncing their citizenship. Only those who have emigrated at a young age and have not enjoyed substantial socio-economic benefits are allowed to renounce their citizenship without serving National Service.

Since 1970, we have required pre-enlistees who are going overseas for an extended period to

post a bond as a promise that they will return to fulfil their National Service obligation. The bond quantum was \$20,000 in 1970 and it has been increased over the years. Since 1992, the bond quantum has been set at \$75,000 or half the combined annual income of the parents, whichever is higher. The bond is however not a substitute for National Service. If a pre-enlistee fails to return to serve his National Service, not only has he broken his bond but, more importantly, he has broken his promise and broken the law by not returning to fulfil his National Service obligation. The bond quantum that is forfeited is the penalty he has to pay for breaking the bond. It is not redemption and not a substitute for National Service. He still has to face the law for failing to comply with his National Service obligations under the Enlistment Act; and he still remains liable for National Service.

There is strong support for National Service among Singaporeans. Every year only a small number, about 0.5% of those liable for NS each year, or on average 100 unresolved cases of NS defaulters a year over the past five years, fail to register or enlist for National Service, or fail to return after their exit permits expired. The vast majority of these defaulters are overseas.

An average of 12 NS defaulters a year were charged in Court for failing to comply with the Enlistment Act. The offences carry a sentence of up to three years imprisonment, a fine of up to \$5,000, or both. The sentence is decided by the Court based on the circumstances of each case. Besides answering to the Court, NS defaulters who are still Singaporeans and below the age of 40 will have to serve National Service.

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Mr Speaker, Sir, allow me now to touch on the specifics of the case of Melvyn Tan. Much has been said about his case and many Singaporeans have expressed strong views. I discern two key concerns in the public debate.

The first was that the punishment meted out to NS defaulters was insufficient and not proportionate with the seriousness of the offence. There were many indignant voices who argued that a \$3,000 fine was too light considering that other Singaporeans had to diligently serve 2 or 2½ years of full-time National Service and many more years of in-camp training. Such feelings are understandable and I will address this concern later in my statement.

The second concern expressed was whether Melvyn Tan had been given special treatment; whether different rules for National Service applied to different people. I would like to assure the House that this was not the case. Melvyn Tan was treated no differently from other NS defaulters in similar situations.

Melvyn Tan left Singapore at age 12 in 1969 to study music at the Yehudi Menuhin School in England. In 1974, when he was 17, he won a Foundation Scholarship, jointly funded by the Straits Times Press, Nanyang Siang Pau and the Lee Foundation, to further his music studies at the Royal College of Music. As the course would take him beyond the enlistment age of 18, he applied for and was granted deferment from National Service for three years, after his parents furnished a bond of \$30,000.

However, Melvyn Tan failed to return after his deferment period ended. Instead, he requested further deferment to pursue a Masters degree in music. The request was rejected, as we did not allow further deferment for postgraduate studies. When Melvyn Tan failed to enlist for full-time National Service after his deferment period was over and his exit permit had expired, the bond his parents furnished was forfeited and he was gazetted as an NS defaulter.

Melvyn Tan subsequently took up British citizenship in 1978 and applied to renounce his Singapore citizenship. He was allowed to renounce his citizenship based on the prevailing policy at that time. That policy was subsequently tightened, and someone in a similar situation today would not be allowed to renounce his citizenship and would remain liable for National Service.

Over the years, Melvyn Tan made a number of appeals, including one to the Prime Minister in 1995, to be allowed to return to Singapore without being charged for his National Service offences. MINDEF rejected all of his appeals. MINDEF's position was that while he was free to return to Singapore, he would have to answer for his National Service offence in Court, like all other NS defaulters.

In April last year, Melvyn Tan decided to return to Singapore to face the Court. He stated that he wanted to return in order to be with his ageing parents. He pleaded guilty in Court and was sentenced to a fine of \$3,000. His sentence was similar to that imposed on other NS defaulters under similar circumstances. As Melvyn was no longer a Singaporean and was in any case over 40 years old, he was no longer liable for National Service and could not be made to serve his National Service.

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Sir, let me now touch on the issue of punishment for NS defaulters. The legal framework for National Service is contained in two pieces of legislation – the Enlistment Act and the Singapore Armed Forces Act.

The Enlistment Act applies to all Singaporeans and Permanent Residents from age 16½ to 40, or age 50 in the case of officers. The Act provides for the registration and enlistment of those

liable for National Service, and also for the requirement to apply for an Exit Permit or to notify MINDEF when going overseas. Those who fail to comply with the provisions of the Enlistment Act are dealt with in the civil courts regardless of whether they are pre-enlistees, full-time NSmen or Operationally Ready NSmen. On conviction, they can be sentenced to a jail term of up to three years, or a fine of up to \$5,000, or both.

The Singapore Armed Forces Act deals with those in the service of the SAF and contains provisions pertaining to their conduct and discipline. Those in the service of the SAF comprise regulars, full-time NSmen, and Operationally Ready NSmen who have been served an order to report for service. Pre-enlistees are not subject to the Singapore Armed Forces Act as they are not yet in the service of the SAF. Servicemen who commit offences under the Singapore Armed Forces Act are dealt with either in the Subordinate Military Court or by SAF disciplinary officers.

NS defaulters are dealt with under the Enlistment Act as they have failed to respond to orders to register or enlist for National Service, or failed to comply with Exit Permit requirements. MINDEF's approach in dealing with NS defaulters has been to charge them in Court for Enlistment Act offences and let the Court impose an appropriate sentence based on the circumstances of each case and the provisions of the Enlistment Act.

Over the past 20 years, 185 NS defaulters have been convicted in Court for Enlistment Act offences. Of these, 43 received jail sentences, 140 were fined and two were punished in connection with other civil offences. Of the 140 who were fined, 35 were ultimately jailed when they did not pay their fines.

Of the 185 convicted defaulters, 127 were enlisted or are awaiting enlistment for National Service following their convictions. Two were supposed to enlist but defaulted again prior to their enlistment. 33 were not drafted as they were unsuitable for enlistment for security or medical reasons - they would not have been enlisted in any case even if they had not defaulted on NS. The remaining 23 were not drafted because they were either above the statutory age limit or no longer Singaporeans.

Of note is that the High Court had, in a 1993 case, reduced the sentences of two NS defaulters - two brothers - from eight months' imprisonment to a fine of \$3,000 on appeal. This was an unusual case where it could be said that there were mitigating circumstances. Since then the Subordinate Courts have been using this case as a guideline, and not imposed a jail sentence on single-instance defaulters, no matter how long the default period was. The courts have imposed jail sentence on single instance defaulters only in cases where there are aggravating factors, such as repeated Enlistment Act offences, past criminal records, concurrent charges of other civil offences, and absconding during investigation.

It is for the Court to decide on the appropriate punishment for individual cases of NS defaulters. MINDEF had not been pressing for custodial sentences, nor had it appealed for heavier sentences. The majority of cases so far have been those who returned at a relatively

young age and were still able to fulfil their National Service obligations. Half of those charged in Court over the past 20 years returned at age 21 or younger, and 80% returned at age 28 or younger. A fine for such NS defaulters was not inappropriate as they were still able to serve their National Service obligations in full.

However, Melvyn Tan's case has highlighted an inadequacy in penalties for those who have defaulted for so many years that they are no longer able to discharge their National Service obligations in full. Since the appeal case in the High Court in 1993, besides Melvyn Tan, there have been 13 other cases of convicted defaulters who were sentenced only to a fine and who were not subsequently enlisted because they were already over 40 or almost 40. This is something that we need to look into more closely, especially as there may now be more defaulters who are 40 or older coming before the courts with the passing of time.

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Sir, in the middle of last year, MINDEF embarked on a periodic review of the Enlistment Act and the Singapore Armed Forces Act. This review focused on the penalty regimes in the Acts. The review of the penalty regime in the Singapore Armed Forces Act was completed in November last year and a Bill to amend the Singapore Armed Forces Act is up for Second Reading now before the House. The proposal is to increase the maximum fine quantum provided for in the SAF Act.

The review of the Enlistment Act has taken longer, because in addition to reviewing the penalty regime, MINDEF is also studying how to modify the exit control measures to take into account the impending introduction of the biometric passport. I will provide details of the changes in the exit control measures at a later sitting when I move the Bill to amend the Enlistment Act.

Let me deal with the issues regarding the penalty regime. MINDEF considered whether, in the context of current conditions and the number of NS defaulters, it is necessary to change the nature and scale of punishments in the Enlistment Act. In particular, we looked at whether the maximum jail sentence of three years is adequate, whether we should specify a mandatory minimum jail sentence, and whether the maximum fine that can be imposed is adequate.

MINDEF will be proposing to the House to increase the maximum fine provided for in the Enlistment Act from the current \$5,000 to \$10,000. This will be in line with the amendment to the Singapore Armed Forces Act which is now before the House. While the maximum fine will be higher, it is important to note that the fine, like the bond, is not a substitute for serving National Service. The fine is a penalty for failing to fulfil his obligations under the Enlistment Act, and the defaulter remains liable for National Service.

MINDEF has concluded that the maximum jail sentence of three years is adequate, as it is longer than the current full-time National Service duration of two years. Whether or not a particular offence merits the maximum punishment of three years' imprisonment would be a matter for the Court to decide based on the facts of each case.

MINDEF does not consider it necessary at this time to seek a minimum mandatory jail sentence for Enlistment Act offences, as the circumstances of the cases vary widely. However, from now on, MINDEF will ask the prosecutor to press for a jail sentence in serious cases of NS defaulters, and explain why we consider a jail sentence appropriate in a particular case. Serious cases include those who default on their full-time National Service responsibilities for two years or longer from the time they were required to register or enlist, or from the time their exit permits expired for those granted deferment, whichever is later. We believe that it is in the public interest that such NS defaulters face a jail sentence, unless there are mitigating circumstances.

I would like to provide some illustrations of what MINDEF considers to be sentences appropriate to the nature of the offence or commensurate with its gravity:

- Where the default period exceeds two years but the defaulter is young enough to serve his full-time and operationally ready NS duties in full, MINDEF will press for a short jail sentence.
- Where the defaulter has reached an age when he cannot serve his full-time NS in a combat vocation or fulfil his operationally ready NS obligations in full, a longer jail sentence to reflect the period of NS he has evaded may be appropriate.
- Where the defaulter has reached an age when he cannot be called up for NS at all, a jail sentence up to the maximum of three years may be appropriate.

In all instances, we expect that the Court will take into account whatever aggravating or mitigating circumstances there may be in each case to determine the appropriate sentence.

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Mr Speaker, Sir, we need the appropriate laws and regulations, the fines, bonds and penalties to maintain our principles of universality and equity for National Service. But what is more important is having committed NSmen who are willing to serve, and who believe that they have something to fight for and to die for if necessary. As Mr Ivan Michael Pung wrote in his letter to The Straits Times on 1st December last year, and I quote “the reason why we answer

the call-up is not to enjoy the rewards cited, like HDB concessionary loans, IPPT monetary awards and New Singapore Shares. We all serve National Service so that our parents, siblings and loved ones will sleep well each and every night. We know that we must defend what belongs to us.”

Mr Pung is not alone in his commitment. Singaporeans can sleep well knowing that there are many others like him who are committed to the security and defence of our country. I recently met a young man at my meet-the-people session. He came to see me about his National Service call-up. It was a heart-warming meeting. MINDEF had exempted him from National Service on medical grounds, but he wanted to serve and felt that he could contribute despite his medical condition. He told me that National Service is something all Singaporean men had to do and he wanted to do his National Service too. I was most impressed by his determination to live a normal life and to serve our country in any way he can, in spite of his illness. This young man is still studying in a post-secondary institution, and MINDEF will review his case when he has completed his studies. If it is appropriate, we will enlist him and deploy him to serve in a role that is compatible with his medical condition.

Sir, ours is a compulsory National Service system. Singaporeans do not have a choice whether or not to serve National Service. Yet there is a strong commitment to National Service among our NSmen and a belief in the importance of National Service. In a survey of NSmen conducted last year, an overwhelming majority indicated that they will defend Singapore if it should come under threat (96%), and that they will risk their lives to fight for Singapore in a war (92%). The survey findings are supported by what MINDEF has observed of NSmen during their in-camp training. They take their training seriously and many are keen to offer suggestions on how training and operating procedures can be improved.

While we continuously seek to upgrade the SAF's hardware and software, we know that it is very important not to lose sight of the heart-ware. MINDEF and the SAF have therefore been working at eliciting higher levels of commitment and ownership in our nation's defence. To cement the bonds of commitment of our people, the Army has embarked on the Army Culture and Experience, or ACE movement. The aim is to shape a positive army experience for all NSmen and to build a strong culture that will inspire confidence and commitment to collectively defend our country.

Sir. We have come a long way since National Service was introduced 38 years ago. MINDEF is greatly heartened by the commitment of our NSmen and Singaporeans' support for National Service. The Government will continue to give recognition to the commitment and contributions of NSmen to the defence of our nation. The RECORD IV committee chaired by Dr Ng Eng Hen will soon be announcing its recommendations on ways to further recognise and enhance the contributions of NSmen to Total Defence. The Government looks forward to the recommendations of the RECORD IV committee.

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Mr Speaker, Sir, the response to Melvyn Tan's case has highlighted that Singaporeans feel strongly that defaulting on National Service is wrong and defaulters should face serious consequences. The Government agrees with this view. NS defaulters must face the Court to answer for their offences, and thereafter must discharge their National Service liabilities. Whether such NS defaulters, who have answered for their offences in Court and paid the penalty, should be eventually accepted back into our fold, is not something that MINDEF can determine. It is for society to decide. And society will also look at whether such individuals, apart from having paid a penalty, are sincerely contrite for having failed to serve our nation, and whether they have attempted to make amends.

Mr Speaker, Sir, National Service remains critical for our national survival. Singaporeans serve willingly out of a sense of duty, and also a sense that the system is fair. Every citizen does his part, and nobody can dodge his responsibility to serve without severe legal and social sanctions. The Government will strenuously uphold the National Service system, and preserve its fairness and equity. This is essential to maintain the commitment that Singaporeans have shown over four decades of National Service.

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