

**ESTIMATES COMMITTEE  
1956-57**

**FORTY-SIXTH REPORT**

**MINISTRY OF DEFENCE  
(LANDS AND CANTONMENTS)**



सत्यमेव जयते

**LOK SABHA SECRETARIAT  
NEW DELHI  
March, 1957**

## CORRIGENDA

Forty-Sixth Report of the Estimates Committee on the Ministry of Defence Lands and Cantonments.

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- Page 10, Para 18, line 7, *after* "anxiety" *read* "with".
- Page 13, Para 25, line 5, *for* "brining" *read* "bringing".
- Page 29, Main heading, *for* "Departments" *read* "Department".
- Page 37, Para 78, line 4, *for* "genuins" *read* "genuine".
- Page 57, (G) (iii), *for* " 00" *read* "500".
- Page 59, (L)(xviii), *for* "SHILLING" *read* "SHILLONC".
- Page 78, column 4, *delete* "Cantonments" *after* "Municipality".
- Page 83, S.No. 40, under column 5 *read* " 5-6-3" and under column 6 *read* " 7-9-0".
- Page 88, line 17 from bottom, *for* "less higher" *read* " much less".
- Page 120, line 10, *for* "Cantonmedts" *read* "Cantonments".
- Page 120, lines 13-20, *delete* "course of training of six months, during which the trainees are attached to some Executive Officers, as satisfactory".

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# ESTIMATES COMMITTEE

1956-57

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Shri A. R. Shirali—*Deputy Secretary.*

Shri C. S. Swaminathan—*Under Secretary.*

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Resigned on the 20th November, 1956.

Died on the 6th October, 1956.

Ceased to be a Member upon his election to Rajya Sabha on the 13th December, 1956

## INTRODUCTION

I, the Chairman, Estimates Committee having been authorised by the Committee to submit the Report on their behalf, present this Forty-Sixth Report on the Ministry of Defence on 'Lands and Cantonments'.

2. The Committee wish to express their thanks to the Officers of the Ministry of Defence for placing before them the material and information that they wanted in connection with the examination of the estimates. They also wish to thank Shri N. V. Gadgil, M.P., Shri R. K. Sidhwa, President, All India Cantonments Association and Shri Kidar Nath, Secretary, All India Cantonments Association for giving their evidence and making valuable suggestions to the Committee.

BALVANTRAY G. MEHTA,

NEW DELHI ;  
*The 16th March, 1957.*

*Chairman,  
Estimates Committee.*

# I

## ORGANISATION

### (a) Historical

A cantonment, as defined in the Dictionary, means the temporary quarters of troops when taking part in manoeuvres etc. For more than 150 years, it has been applied to permanent military stations in India in which troops are regularly quartered.

2. The precise historical origin of every cantonment is often difficult to trace. Some were acquired on payment of compensation to the original holders of the Land; others came into the hands of Government by right of conquest or by appropriation and others again formed the subject of a treaty with the ruling chiefs concerned. It seems pretty safe, however, to assume that nearly all of them started as temporary encampments of the military and their camp followers, and in due course, some of them had been selected and laid out as permanent camps with residential accommodation for officers.

3. Early in the 19th century, maintenance of law and order in cantonments was vested in the Officer Commanding the troops. As the number of retainers and followers attached to military establishments increased, it was found necessary, for the better maintenance of good order, that they and their dependents should be governed under a modified form of Military Law. The development of the permanent cantonments presented other problems. The earliest rules which were thus formulated for the administration of the civilian population of cantonments were consolidated in the Bengal, Bombay and Madras Regulations and later on in the Army Regulations (India). In 1864, an Act to consolidate the existing rules and regulations for the administration of military cantonments was, however, introduced in the Council of the Governor General of India whereby the post of the Cantonment Magistrate for the purpose of administering law and justice was constituted. This Act was, however, amended by Act II of 1880 and again by Act XIII of 1889. The Cantonments Act, 1889, which dealt mostly with the civic administration of cantonment areas and vested powers in the Local Government to impose in a cantonment, taxes of the same description as were commonly imposed in municipalities, was modified in 1910. Later, with the promulgation of the Cantonments Act II of 1924, the civic administration of Cantonment Boards was municipalised and vested in the Cantonment Boards. Administration of Law and Justice, which till then vested in the Cantonment Magistrates, who were also the executive authorities in the Cantonments, was transferred to the State Governments concerned. Cantonments, at present, are administered under this Act as amended from time to time.

Under this Act, powers of control over the Boards are vested in the General Officer Commanding-in-Chief of the Command and the Central Government. The general frame-work of the Act is otherwise similar to that of most municipal laws.

### (b) Organisation

4. There are, at present, 59 Cantonments in the whole of India. A list of Cantonments showing their area, population, income and expenditure is given in Appendix I.

5. Under the provisions of the Cantonments Act, 1924 (II of 1924), every Cantonment is to be administered by a Board consisting of *ex-Officio*, nominated and elected members. The Officer Commanding the Station is the *ex-officio* President of every Board. The Vice-President is elected by the elected members from amongst themselves. The number of members comprising each Board is determined according to the population of the Cantonments for which purpose cantonments are categorised into three classes. The classification of the various Cantonments is also shown in Appendix I. The basis of classification is as under:

Classification	Population	Members in the Board			
		Total	Ex-Officio	Nominated	Elected
I	10,000 & above	15	4	4	7
II (a)	above 7,500 & below 10,000 .	13	4	3	6
II (b)	above 5,000 & below 7,500 .	11	4	2	5
II (c)	above 2,500 & below 5,000 .	9	4	1	4
III	below 2,500 . . . .	3		1	1

6. The Officer Commanding the Station, who is the *ex-Officio* President of the Cantonment Board, exercises supervision and control over the financial and executive administration of the Board. He performs all the duties and exercises all the powers specifically imposed or conferred on the President under the Cantonments Act, 1924.

7. The Cantonment Executive Officer, who is a Central Government employee and is paid half of his salary from the Defence Services Estimates and half from the Cantonment Fund, performs all the duties imposed upon him under the Cantonments Act, 1924. He is also responsible for the custody of all the records and has to arrange for the performance of duties relating to the proceedings of the Board or of any Committee of the Board. He is the Secretary of the Board and of every Committee of the Board.

8. The Cantonment Boards are autonomous bodies and their main functions in relation to Cantonments are more or less the same as those of municipalities over the areas for which they are constituted.



9. The duties as well as discretionary functions of the Cantonment Boards are as under:—

**(c) Duties**

- (a) Lighting streets and other public places.
- (b) Watering streets and other public places.
- (c) Cleansing streets, public places and drains, abating nuisance and removing noxious vegetation.
- (d) Regulating offensive, dangerous or obnoxious trades, callings and practices.
- (e) Removing, on the grounds of public safety, health or convenience, undesirable obstructions and projections in streets and other public places.
- (f) Securing or removing dangerous buildings and places.
- (g) Acquiring, maintaining, changing and regulating places for the disposal of the dead.
- (h) Constructing, altering and maintaining streets, culverts, markets, slaughter-houses, latrines, privies, urinals, drains, drainage works and sewerage works.
- (i) Planting and maintaining trees on road-sides and other public places.
- (j) Providing or arranging for a sufficient supply of pure and wholesome water, where such supply does not exist, guarding from pollution water for human consumption and preventing polluted water from being so used.
- (k) Registering births and deaths.
- (l) Establishing and maintaining a system of public vaccination.
- (m) Establishing and maintaining or supporting public hospitals and dispensaries and providing public medical relief.
- (n) Establishing and maintaining or assisting primary schools.
- (o) Rendering assistance to extinguish fires, and protecting life and property when fires occur.
- (p) Maintaining and developing the value of property vested in, or entrusted to the management of the Board, and.
- (q) Fulfilling any other obligation imposed upon it by or under the Cantonments Act or any other law for the time being in force.

**(d) Discretionary functions.**

- (i) laying out in areas, whether previously built upon or not, new streets, and acquiring land for that purpose and for the construction of buildings, and compounds of buildings,
- (ii) constructing, establishing or maintaining public parks, gardens, offices, dairies, bathing or washing places, drinking fountains, tanks, wells and other works of public utility,
- (iii) reclaiming unhealthy localities,
- (iv) furthering educational objects by measures other than the establishment and maintenance of primary schools,
- (v) taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics,
- (vi) making a survey,
- (vii) giving relief on the occurrence of local epidemics by the establishment and maintenance of relief works or otherwise,
- (viii) securing or assisting to secure suitable places for carrying on of any offensive, dangerous or obnoxious trades, calling, or occupation,
- (ix) establishing and maintaining a farm or other place for the disposal of sewage,
- (x) constructing, subsidising or guaranteeing tramways or other means of locomotion and electric lighting or electric power works,
- (xi) adopting any other measure, likely to promote the safety, health or convenience of the inhabitants of the Cantonments, or
- (xii) the doing of anything on which expenditure is declared by Local Government, or by the Board with the sanction of the Local Government to be an appropriate charge on the Cantonment Fund.

In addition to the above duties and discretionary functions, the Boards are empowered to make provisions for educational objects outside the Cantonments if they are satisfied that the interests of the Cantonment will be served thereby and also to make rules and bye-laws for municipal administration of Cantonment Areas. They are also empowered to levy taxes in Cantonments for the purpose of raising funds for rendering municipal services to the inhabitants of the Cantonments.

### **(e) Functions of the General Officer Commanding-in-Chief**

10. The G.O.C.-in-Chief of a Command exercises all the powers conferred on him under the Cantonments Act, 1924 and the rules made thereunder e.g. Cantonment Account Code 1924, Cantonments Lands Administration Rules, 1937, Cantonment Fund Servants Rules, 1937, etc. He has also been vested with powers on behalf of the Central Government with regard to leases, licences, conveyance deeds, Budget Estimates, sanitation and health of Cantonments and management of lands and establishment matters of the employees of the Cantonment Board.

The Deputy Director, Military Lands and Cantonments, at each Command acts as an adviser to the General Officer Commanding-in-Chief of the Command, in all matters connected with the administration of lands and municipal affairs of the Cantonment Boards. The various duties performed by him in this behalf are detailed hereunder:—

- (i) To scrutinise various proposals and to see that the Cantonment Boards have correctly applied the various rules and Government orders in the management of the land.
- (ii) To vet the draft leases, licences and conveyance deeds etc. submitted by Cantonment Boards for approval either of the General Officer Commanding-in-Chief of the Command or the Central Government.
- (iii) To scrutinise building applications received from Cantonment Boards.
- (iv) To scrutinise various proposals received for sub-division, additions and alterations, change of purpose, new sites, etc. and see if they have been properly framed and that the payments proposed are adequate.
- (v) To scrutinize the Budget Estimates of Cantonment Boards and suggest ways and means of maintaining the financial equilibrium (where it is not so) and of improving the finances.
- (vi) To deal with the establishment matters of Cantonment Boards, fixation of pay-scales, grant of advances, advance increments etc.
- (vii) To deal with proposals for farming stallages and leasing out other Cantonment Fund property.
- (viii) To deal with applications for financial appropriations, sanction to original works, maintenance of existing ones etc.
- (ix) To deal with matters affecting sanitation and health of Cantonments, maintenance of hospitals and schools etc.
- (x) To deal with matters relating to the supply of water to civilian residents.

- (xi) To deal with matters relating to the formation of new Cantonments, inclusion into or excision from existing Cantonments of areas and the various connected formalities.
- (xii) To deal with matters dealing with outbreak of epidemics.
- (xiii) To deal with matters relating to the constitution of Cantonment Boards, election of members, nomination of members and removal of members.
- (xiv) To deal with proposals relating to the framing of bye-laws for various matters provided for under the Cantonments Act and the framing of regulations for conducting the business of the Cantonment Boards and the various committees.
- (xv) To deal with proposals for the imposition of fresh taxes, modification and/or revision of old tax notifications.
- (xvi) To deal with appeals preferred by public under the provisions of the Cantonments Act, 1924.
- (xvii) To deal with appeals preferred by Cantonment Fund Servants under the relevant rules.
- (xviii) To deal with proposals of entering into agreements with the neighbouring municipalities for the joint collection of taxes and fees.
- (xix) To deal with matters arising out of the Audit and Inspection Reports.
- (xx) To deal with requests from Cantonment Boards for write-off of irrecoverable dues or infructuous expenditure.
- (xxi) To deal with proposals received from Cantonment Boards for remission of rents/contract fees owing to failure of crops, grazing etc.
- (xxii) To deal with matters relating to the loss of Cantonment Fund Property.
- (xxiii) To scrutinise proceedings of the Cantonment Boards and its various sub-committees—Finance, Bazar, Building, Public Works, Education—with a view to ensuring that the various sets of rules, regulations and orders are applied correctly.

#### **(f) Functions of the Ministry of Defence**

11. The Central Government may declare any place or places, in which any part of regular forces are quartered or which are required for the service of such forces, to be a Cantonment, for the purpose of Cantonments Act, 1924 (II of 1924) and for all other enactments for the time being in force or that any Cantonment shall cease to be a Cantonment.

In addition to the above, the functions of the Ministry of Defence in matters relating to Cantonment administration are as follows :—

- (i) To make rules for carrying out the purposes and objects of the Cantonments Act, 1924;
- (ii) To grant financial aids to Cantonment Board;
- (iii) To deal with appeals preferred by public under the provisions of the Cantonments Act, 1924;
- (iv) To deal with the appeals preferred by the Cantonment Fund Servants;
- (v) To deal with the proposals to enter into contract, agreements with the neighbouring municipalities;
- (vi) To divide Cantonment into wards for the purpose of holding elections;
- (vii) To determine the number of elected members on each Cantonment Board;
- (viii) To fix dates for holding elections;
- (ix) To nominate the members on the Cantonment Boards;
- (x) To appoint Executive Officers and to transfer them from Cantonment to Cantonment and also promotion and disciplinary action relating to these officers;
- (xi) To accept the resignation of the members of the Board;
- (xii) To accept bye-laws framed by Cantonment Boards for the purpose of municipal administration of the Cantonment areas;
- (xiii) To deal with proposals relating to grant of fresh leases of military lands;
- (xiv) To deal with proposals regarding sale of surplus military lands;
- (xv) To deal with proposals regarding acquisition of lands for the Defence Services;
- (xvi) To deal with questions of resumption of military lands;
- (xvii) To deal with suits connected with administration of military lands;
- (xviii) Application of Minimum Wages Act, 1948.

In other words, the Central Government is concerned with the general administration of the Cantonments through the Commands and to exercise control over them within the framework of the Cantonments Act, 1924 (II of 1924). The Director, Military Lands and Cantonments, who is the head of the Military Lands and Cantonments Services, acts as an adviser to the Ministry of Defence on all matters concerning Cantonment Administration.

## II

### CONSTITUTION OF CANTONMENT BOARDS

12. Section 13 of the Cantonments Act lays down the constitution of Cantonment Boards. As already stated in paragraph 5, Cantonments are divided into three classes depending upon the total civil population calculated in accordance with the latest official census, or, if the Government of India by general or special orders, so directs, in accordance with a special census taken for that purpose. In Cantonments other than class III, the Officer Commanding the Station, a Magistrate of the first class nominated by the District Magistrate, the Health Officer, and the Executive Engineer are the *ex-officio* members. In class III Cantonments (*i.e.* whose population is below 2500) only the Officer Commanding the Station is the *ex-officio* member. Nominated members are all Military Officers nominated by name by the Officer Commanding the Station by order in writing. There are four nominated members in Class I Cantonments three in class II(a); two in class II(b); one in class II(c); and one in class III. The number of elected members in the Boards in all the classes of Cantonments is one less than the total number of the *ex-officio* and nominated members. Thus statutorily it is ensured that the officials are in a majority. Besides, the Officer Commanding the Station is the *ex-officio* President of the Cantonment Board and has as such a second or a casting vote. The Executive Officer who is appointed by Government is responsible through the Director of Lands and Cantonments to the Defence Ministry.

13. Under the Cantonments Act, the Cantonment Boards impose municipal taxes like octroi, terminal taxes, toll taxes, taxes on buildings, conservancy taxes, etc.; look after the public health and sanitation of the civil areas in the Cantonments; control public safety in matters like prevention of nuisance, prevention of fire, etc.; regulate markets, slaughter houses and certain other trades and occupations; exercise control over buildings, trees, boundaries, etc.; and look after water supply, drainage and lighting. As regards purely military areas within the Cantonment limits, the Cantonment Boards provide the services of street lighting and cleaning of only those roads over which the public have a right of way and also conservancy services under Section 98 of the Cantonments Act, 1924 in the entire military area, the expenditure on the latter account being reimbursed to the Boards by the local military authorities under an agreement. But civic amenities to military personnel in Cantonments like schools, libraries, water supply, electric supply, roads, lighting, fire fighting, play grounds, hospitals, housing, cinemas in wh barrack areas, etc., are provided directly by the Defence services. *Thus the Cantonment administration which is only a form of Local Self-Government is concerned mainly with the provision of civic amenities to the civil population from whom the taxes levied by it are realised but is not concerned with the troops stationed in the Cantonments.*

14. As may be seen from Appendix I, many of the Cantonments have very large civil population. According to the 1951 census, 26 out of the 59 Cantonments had civil population amounting to over 10,000. Some of them like Ambala, Meerut, Secunderabad, Poona, Kanpur, Agra and Mhow had civil population exceeding 30,000. The Committee consider it strange that even with such a large civil population in the Cantonment areas, the voice of their elected representatives, 10 years after India became independent, should be of less importance than that of the nominated and *ex-officio* officials who are in a majority on the Board as at present constituted, in the civic administration and the provision of civic amenities in areas other than those occupied by Military personnel.

15. There have been repeated demands from the civilian population of the Cantonments for democratic administration. The Committee understand that as a result of a conference of the elected representatives of the Cantonments, which was convened by the Minister for Defence Organisation on the 27th and 28th March, 1954, the question of establishing parity among the elected and nominated members was considered. As a result, it was decided to introduce parity as an experimental measure for a period of one year to start with in the Cantonment Boards of Poona, St. Thomas Mount, Bareilly, Lucknow, Jullundur and Mhow, by keeping one seat of the nominated members vacant in these Boards. The Committee regret to find that even though the experiment has been tried for nearly a year or more and even though its results were stated to have already been assessed, the matter was still under consideration and no final decision had yet been taken. They were informed by the representatives of the Ministry that it was intended to review the position this year. The Committee feel that sufficient attention has not been given by the Government to this question as also to that of democratisation in the civic administration of Cantonments.

16. It might be recalled that even the Cantonments Act, 1924 purported, to some extent, to meet the demand for Local Self-Government by the Civil Population residing in Cantonment towns. Speaking on the bill in the Council of State on the 14th February, 1924, General Lord Rawlinson said "Cantonments in their origin were military camps; they were created primarily for the accommodation and for the service generally of troops in peace time; and when they were first established, the needs of the troops constituted the sole consideration by which the system of governing Cantonments had to be and was determined..... But in the course of time changes have occurred in Cantonments which it is necessary to recognise and, to some extent, to provide for. The population of Cantonments have increased and diversified and there are now many large areas of Cantonments in India containing a considerable number of civil inhabitants whose presence in Cantonments has no specific connection with the troops or with the military administration. It is only natural and in accordance with the spirit of the times that in Cantonments, such as I have described, the civilian population come to desire, and desire very keenly that the Government of

Cantonments should acquire a more progressive and popular character. Institutions which are suited to the purely military Government of purely military areas naturally do not commend themselves to men who have seen representative institutions introduced in the general Government of the country." Proceeding to say that the Government had agreed to adapt the administration of Cantonments to the more progressive ideas of the present day, General Rawlinson said "the fundamental purpose for which Cantonments exist must not be lost sight of; they cannot merely be converted into municipalities. Certain special powers must be reserved to Government to safeguard the health, the welfare and the discipline of the troops; and the means of exercising these powers must also be secured. Fundamentally, therefore, the conception of the bill now before the House is that it shall serve two well defined purposes; that the provisions of the law which it seeks to introduce shall deal justly and fairly with two important interests—the interests of the civil community and the interests of bodies of troops, the two living together in close association. But the interests of troops have to come first. . . . . Speaking generally the Government of Cantonments will be municipalised so far as this is compatible with the special military requirements to which I have previously alluded. . . . . The Cantonment Boards will have considerable elected representatives to safeguard the interests of the civil population. There will be an official majority; but it will be a majority of one."

17. The type of municipal administration proposed and provided at that time was in keeping with the pattern of 'responsible' Government, then considered appropriate for the whole country by the then British Government. The declared policy at that time was "to provide for the increasing association of Indians in every branch of Indian Administration and for the gradual development of self-governing institutions, with a view to the progressive realisation of responsible Government." It is, therefore, not surprising, and, on the contrary quite understandable, that the Cantonments Act as framed in 1924 provided a statutory official majority in the boards constituted for the civic administration of the Cantonments. What is surprising, however, is that it has not been considered necessary or desirable even today to make a change in a position which has continued for decades.

18. Since 1924, when the Cantonments Act was framed, much has happened in the country. A Political Revolution of epoch-making importance has taken place and a sovereign democratic republic has been established. The armed forces have ceased to serve a foreign power and are entrusted with patriotic duties of defending the freedom and integrity of the country. Consequently, the anxiety which the Government of those days kept the troops and the Officers insulated from the civil population and the feeling of mutual distrust and suspicion that existed between the troops and civilians have both become out of date and meaningless now.