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OF THE

FIFTH LEGISLATIVE ASSEMBLY, 1936



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Legislative Assembly.

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LEGISLATIVE ASSEMBLY.

Monday, 7th September, 1936.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

QUESTIONS AND ANSWERS.

REPORT OF THE ZANZIBAR RIOT ENQUIRY COMMITTEE.

146. *Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether the Committee appointed by the Government of Zanzibar to enquire into the riots there has submitted its report ;
- (b) if so, what the report is ; and
- (c) whether a copy of the report will be placed on the table of the House ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) and (c). A copy of the report has been placed in the Library of the Legislature.

Mr. S. Satyamurti : Will the Honourable Member consider placing it on the table, unless it is a very big volume ?

Sir Girja Shankar Bajpai : It is about seven or eight foolscap pages in print. That is why I did not lay it on the table of the House.

Mr. S. Satyamurti : May I suggest that, in view of the importance of the matter, Government may be good enough to place a copy on the table of the House ?

Sir Girja Shankar Bajpai : I have no objection ; I will place a copy on the table of the House.

APPOINTMENT OF A COMMITTEE TO ENQUIRE INTO THE FINANCES OF RAILWAYS.

147. *Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether they have come to any conclusion on the question of appointing a Committee to enquire into the finances of the Indian Railways ;
- (b) what the conclusion is ;
- (c) when that Committee is to be appointed ;
- (d) if so, what the composition and terms of reference to the Committee will be ; and
- (e) if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : I would refer the Honourable Member to the reply I gave to Mr. Ananthasayanam Ayyangar's question No. 84 on the 2nd September, 1936.

Mr. S. Satyamurti : May I know if, to-day, Government have in mind any idea of appointing a committee or arranging for any other mode of inquiry into the finances of the Indian railways ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I have nothing to add to the reply I gave on the 2nd September.

Mr. S. Satyamurti : What is the latest figure about the finances of the Indian railways available to the Railway Member ?

The Honourable Sir Muhammad Zafrullah Khan : I should like to have notice of that question. I have not got the figures here.

Mr. T. S. Avinashilingam Chettiar : Have they under consideration any proposal to bring any foreign expert to examine this question ?

The Honourable Sir Muhammad Zafrullah Khan : As I have said, I have nothing to add to what I said on the 2nd September.

Mr. S. Satyamurti : Have Government made up their mind, either tentatively or finally, on the question of increasing freights and fares, with a view to increasing the revenues of the railways ?

The Honourable Sir Muhammad Zafrullah Khan : That question is constantly under review and action is taken wherever possible.

Mr. S. Satyamurti : In regard to the last communiqué issued by the Railway Board suggesting certain changes in freights and fares for 200 articles and in respect of which opinions were received, have Government disposed of this matter, or do they propose to dispose of it soon ?

The Honourable Sir Muhammad Zafrullah Khan : I believe action has been taken over different railways to different extents ; I could not say to what extent on each railway.

Mr. S. Satyamurti : Have Government any proposal with regard to economies in expenditure, which they are now considering ?

The Honourable Sir Muhammad Zafrullah Khan : To that question I have already replied more than once during this Session alone.

Mr. S. Satyamurti : Apart from sending away the lower paid staff, have they any proposals for introducing any other economies in expenditure ?

The Honourable Sir Muhammad Zafrullah Khan : My last answer covers that question also.

Prof. N. G. Ranga : Is it not a fact that the Agent of the Bengal Nagpur Railway is now negotiating with the workers in order to make them agree either to retrenchment or to short-time ?

The Honourable Sir Muhammad Zafrullah Khan : There is a short notice question on the subject today which I shall reply to in due course.

LETTER ENTITLED "RAILWAY FINANCE AND RAIL-ROAD COMPETITION"
PUBLISHED IN THE *Hindu*.

148. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether their attention has been drawn to an anonymous letter entitled " Railway Finance and Road-Rail Competition ", published in the *Hindu* of the 7th March, 1936 ;
- (b) whether the facts and allegations made therein have been examined ; and
- (c) whether they propose to take any steps to remedy the wrongs complained of ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b).

Yes.

(c) The points to which attention has been drawn are continually borne in mind by Railway Administrations.

Mr. S. Satyamurti : May I know whether, apart from being continually borne in mind, any action has been taken or is proposed to be taken in order to meet this problem ?

The Honourable Sir Muhammad Zafrullah Khan : There are several matters referred to in the article to which the Honourable Member has made reference, and two of the proposals he has had an opportunity of considering even in this Session.

Mr. S. Satyamurti : In view of the fact that my Honourable friend was unlucky in not getting the House to agree with him, may I know whether Government are thinking of any other proposals, with a view to meeting this road-rail competition, besides those that have been put forward ?

The Honourable Sir Muhammad Zafrullah Khan : Action is being taken on different railways. For instance, one Honourable Member referred to steam coaches, light and faster trains being run to induce traffic of a certain class to return to the railways, or to retain it or develop it.

Mr. S. Satyamurti : May I know if Government have any proposals, apart from penalising road transport, for increasing facilities and amenities for passengers of the railways so that they can survive by competition and not by destruction of the other competitor ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir, continuously.

Mr. S. Satyamurti : What are they ?

The Honourable Sir Muhammad Zafrullah Khan : Increasing facilities and amenities.

Mr. S. Satyamurti : May I know if Government are aware of the fact that the Postal Department of the Government of India send their mails from Kalka to Simla by car and do not use the Kalka-Simla Railway ?

The Honourable Sir Muhammad Zafrullah Khan : That is for the Postal Department to answer.

Mr. S. Satyamurti : Is it not for the Government of India to find out if they are losing revenue by a Department of Government not using the railway which is admittedly losing, and taking advantage of motor transport ?

The Honourable Sir Muhammad Zafrullah Khan : I suggest that that should be addressed to my Honourable friend in the Industries and Labour Department. I could not accept the implications contained in the last question.

Mr. S. Satyamurti : May I know if Government have no consistent policy of increasing the railway revenues, at least by seeing that their departments use the railways wherever necessary and possible ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, that policy is being pursued.

Mr. S. Satyamurti : May I know if Government will examine why the Postal Department is using the motorcar and not the railway, and take steps to see that the revenue thereby lost is brought back to the railways ?

The Honourable Sir Muhammad Zafrullah Khan : As I have said, I am not aware of the details of that arrangement and so I cannot accept that implication.

Mr. S. Satyamurti : Will Government kindly inquire into that matter ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir.

The Honourable Sir Frank Noyce : I will have the question examined, Sir.

PART PLAYED BY INDIA IN THE MEETINGS OF THE COUNCIL OR THE ASSEMBLY OF THE LEAGUE OF NATIONS AFTER THE CONQUEST OF ETHIOPIA BY ITALY.

149. **Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) what part India played in the various meetings of the Council or the Assembly of the League of Nations, which met after the conquest of Ethiopia by Italy ;
- (b) whether they were consulted at any time ;
- (c) whether they conveyed the opinion of the people of this country that the sanctions ought to be continued and intensified till Italy gives up her military hold on Ethiopia ; and
- (d) if not, why not ?

Sir Aubrey Metcalfe : (a) India is not a member of the Council. She was represented at the Special Session of the Assembly convened on the 30th June.

(b) The Government of India were consulted on the question of the instructions to be given to the Indian delegation at the Special Session in question.

(c) Without prejudice to the correctness of the Honourable Member's impression of the opinion of the people of this country, the answer is in the negative.

(d) The Government of India as the executive authority are responsible for forming their own opinion on a matter of this kind and cannot delegate this responsibility to any section of the Indian public.

Mr. S. Satyamurti : With reference to the answer to clause (c), may I ask for some elucidation ? May I know what was the opinion or instruction conveyed to the Indian delegates at the special Assembly of the League of Nations, with regard to the question whether the sanctions ought to be continued or lifted ?

Sir Aubrey Metcalfe : So far as I remember, the terms of the instructions were that they should follow the opinion expressed by His Majesty's Government.

Mr. S. Satyamurti : Whatever it was ?

Sir Aubrey Metcalfe : No ; the opinion of His Majesty's Government was, as the Honourable Member must be aware, that there was no advantage in continuing the sanctions.

Mr. S. Satyamurti : May I know if the Government of India were at one time of opinion, when His Majesty's Government was of that opinion, that the sanctions ought to be continued, when Sir Samuel Hoare was dismissed for negotiating the Hoare-Laval conversations, and whether they changed their opinion later on, when His Majesty's Government changed their opinion, in favour of lifting the sanctions ?

Sir Aubrey Metcalfe : I imagine that His Majesty's Government's opinion followed events.

Mr. S. Satyamurti : And may I know if the Government of India's opinion followed His Majesty's Government's opinion, irrespective of events ?

Sir Aubrey Metcalfe : It is perfectly obvious. Surely there is no point in India taking a different view from all other nations on a practical question of this kind. Sanctions can only be effective if all nations impose them.

Mr. President (The Honourable Sir Abdur Rahim) : That is rather a dead question.

SIGNING OF THE LONDON NAVAL TREATY BY INDIA.

150. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether India signed the London Naval Treaty ;
- (b) who signed it on behalf of India ; and
- (c) whether they were consulted in this matter ?

Mr. G. B. F. Tottenham : (a) Yes.

(b) The Under Secretary of State for India.

(c) Yes.

Mr. S. Satyamurti : And was the opinion of the Government of India conveyed to the Indian delegate who signed the London naval treaty ?

Mr. G. B. F. Tottenham : It would be difficult for me in answer to a supplementary question to make a coherent statement about that. If

my Honourable friend wishes to know, I will be quite prepared to give him an answer if he will put down a question.

Mr. S. Satyamurti : May I know if, as a matter of fact, Government gave any instructions or simply asked him to sign what His Majesty's Government signed ?

Mr. G. R. F. Tottenham : Yes, Sir, they gave certain instructions.

VALUE OF INDIA AS A TRAINING GROUND FOR BRITISH TROOPS.

151. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether their attention has been drawn to the question and answer in the House of Commons published in the *Amrita Bazar Patrika*, dated the 26th March, 1936 ;
- (b) whether their attention has been particularly drawn to the statement of Sir Edward Grigg that the grant recommended by the Garran Tribunal of 1933, was made with a view to the availability of the army in India for use in emergency in the East, and also in view of the value of India as a training ground ;
- (c) whether their attention is drawn to the statement of the Under-Secretary of State for India that the understanding had been that India would give assistance in emergency if the external and internal situation permitted ;
- (d) if so, what the understanding was ;
- (e) whether their attention has been drawn to another statement by the Under-Secretary of State for India that all military experts were agreed as to the value of India as a training ground for British troops ; and
- (f) if so, whether the British Government will be asked to make a further contribution to the cost of defence in India ?

Mr. G. R. F. Tottenham : (a), (b), (c) and (e). Yes.

(d) As stated by the Honourable Member in part (c).

(f) The grounds on which the present contribution is given are precisely those mentioned in parts (b) and (e) of the question. The mere re-statement of those grounds affords no reason in itself for asking for more.

Mr. S. Satyamurti : May I know, with reference to the answer to clause (f) of the question, how much of this contribution which is now made by His Majesty's Government to Indian defence is debitable to the considerations mentioned in clauses (b) and (e) of the question,—that is to say, that India is bound to help in times of emergency, as also providing a training ground for British troops ?

Mr. G. R. F. Tottenham : No attempt has ever been made, nor would it be possible, to divide the sum proportionately between those two grounds : the contribution was made on consideration of the two grounds taken together.

Mr. S. Satyamurti : May I know if those were the only two considerations on which the contribution was based ?

Mr. G. E. F. Tottenham : Yes : if the Honourable Member will read the report of the Garran Tribunal, he will find that those were the only two grounds on which that tribunal recommended that the contribution should be made.

Mr. S. Satyamurti : May I know whether the Government of India will re-examine the question, and satisfy themselves that the contribution now being paid by His Majesty's Government is adequate or not adequate ?

Mr. G. E. F. Tottenham : No : I do not think we can undertake to re-examine that question unless we have further grounds for doing so.

Mr. S. Satyamurti : May I know if the Government of India are aware that, in their claim before that Capitation Tribunal, they put forward a much higher amount as due to India, on those considerations ?

Mr. G. E. F. Tottenham : Yes : it is perfectly true that a larger claim was put forward. That claim was not accepted.

Mr. S. Satyamurti : May I know, when their claim was not accepted in full, whether the Government of India will re-examine this question, in view of the facts mentioned in this question ?

Mr. G. E. F. Tottenham : On what grounds could they do so ? They have accepted the award and there are no new grounds on which they can ask for a re-examination.

Mr. S. Satyamurti : Did they accept the award, without any reservation whatever ?

Mr. G. E. F. Tottenham : We accepted the award as being what we were actually likely to get.

Mr. S. Satyamurti : Therefore, will Government re-examine this question, apart from their having accepted it because they could not get more, in the light of these facts, and press for a little more grant from His Majesty's Government ?

Mr. G. E. F. Tottenham : I do not think we can undertake to re-examine the question at present : but undoubtedly the Honourable Member's suggestion will be borne in mind ; and if any good ground arises for re-examination, we certainly shall do so.

BRITISH TROOPS IN INDIA AND THEIR COST OF MAINTENANCE.

152. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to a leading article, published in the *Hindu*, dated the 25th March, 1936 about the British troops in India and their cost of maintenance in India ;
- (b) whether their attention has been drawn to the statement " The fact is that the Indian Army is organized and equipped as much to subserve Imperial purposes as Indian ; and India is entitled to a grant from the British Exchequer, if the value of the Army in India is properly assessed, not of the paltry sum of a million and a half pounds, but many times that sum " ; and

(c) whether they propose to address His Majesty's Government about this matter ?

Mr. G. R. F. Tottenham : (a) and (b). Yes.

(c) Government do not agree that the Indian Army is organized and equipped as much to serve Imperial purposes as Indian, or that £1½ million is a paltry sum, or that India is entitled to many times that sum. They certainly could not put such a proposition before His Majesty's Government nor do they intend to do so.

Mr. S. Satyamurti : May I know whether the Indian Army is or is not organised as part of the Imperial Defence Forces ?

Mr. G. R. F. Tottenham : The Indian Army, and the Army in India as a whole, are organised for the defence of India. There is a resolution of this Assembly which recommends that the organisation of the Army in India should be more or less on the same lines as that of the Army in England, so that in the event of an Imperial emergency, if India were fighting along with the Imperial forces, they would not be at a disadvantage.

Mr. M. S. Aney : Does the Honourable Member mean that the Indian Army does not form part of the Imperial Defence ?

Mr. G. R. F. Tottenham : India is part of the Empire and therefore the Army in India is part of the Imperial forces.

Mr. M. S. Aney : Does the Honourable Member think that the contribution made by the Imperial Government to Indian defence expenditure is adequate ?

Mr. G. R. F. Tottenham : I do not think that question arises.

Mr. S. Satyamurti : May I know if the Government are aware—or whether they will ascertain—whether the British Imperial Defence Forces are or are not kept on the present basis taking into full account the organisation and strength of the Indian Defence Forces ?

Mr. G. R. F. Tottenham : India being part of the Empire, naturally the forces in India are part of the Imperial forces ; in that sense and to that extent naturally the strength of the Army in India is taken into consideration.

Mr. S. Satyamurti : May I know if any calculation has been made or will be made of the reduced cost of the British Defence Force, on account of the Indian Defence Force, and whether the Government will examine the question whether His Majesty's Government should not pay us the full contribution representing the saving they make because of the Indian Defence Force ?

Mr. G. R. F. Tottenham : As I said just now the whole matter was exhaustively discussed by the Garran Tribunal. They heard the arguments put forward on both sides ; a decision was given and that decision was accepted. As I explained in answer to the last question, no new grounds have arisen on which we can attempt to modify that decision.

Mr. S. Satyamurti : May I just know whether any calculation has been made or will be made, showing the saving to the British tax-payer, on account of the maintenance of the Indian defence forces at their present level ?

Mr. G. B. F. Tottenham : That was one of the arguments put forward before that Tribunal. It was not accepted by them.

Mr. S. Satyamurti : What was the result of that calculation ? Is the Government of India aware of the results of any such calculations, as mentioned in my last question ?

Mr. G. B. F. Tottenham : I should want notice of that.

ARTICLE ENTITLED "INTER-RELATED PROBLEMS" PUBLISHED IN THE *Hindustan Times* REGARDING UNEMPLOYMENT PROBLEM.

153. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to a leading article in the *Hindustan Times*, dated the 27th March, 1936, entitled "Inter-related problems" regarding Mr. Clow's statement in the Council of State regarding the Sapru Report on Unemployment ;
- (b) whether they propose to accept wholly or partially the suggestions contained in the article ; and
- (c) if not, why not ?

The Honourable Sir Frank Noyce : (a) I saw the article.

(b) and (c). I was unable to find any concrete practical suggestions in the article, which dealt in very general terms with the interdependence of central and provincial policies.

Mr. S. Satyamurti : May I know if Government have any proposal to examine this unemployment problem, from an All-India point of view, with a view at least to making suggestions to Local Governments to act upon, as and when they choose ?

The Honourable Sir Frank Noyce : I think I have given the House a good deal of information on that subject in the course of this Session. I have explained on several occasions that the Government are considering the report of the Sapru Committee as a whole, that is, taking into account all the relevant factors. I would add that the very complexity of the problem which is recognised by the writer in the *Hindustan Times* makes it impossible to take any decision quickly : Government are examining the report from an All-India point of view.

Seth Govind Das : How long will they take in arriving at a conclusion ?

The Honourable Sir Frank Noyce : I have answered that question several times already this Session. I explained that the report concerns a large number of departments, which makes it difficult to come to an early decision, but that the Government of India will do all in their power to expedite its consideration. I would add that it is engaging our anxious attention.

Mr. S. Satyamurti : May I take it, therefore, that, apart from any action which either the Central or the Provincial Governments may have to take under the Government of India Act, 1935, the Central Government will examine the problem, with a view to evolving suggestions which the respective Governments may consider from their points of view ?

The Honourable Sir Frank Noyce : I should prefer not to anticipate the results of Government's examination.

Prof. N. G. Banga : Are Government aware of the existence of unemployment on a much greater scale, among the rural masses, among the educated middle classes, and, if so, have they considered the advisability of taking any measures to relieve it ?

Mr. President (The Honourable Sir Abdur Rahim) : That does not arise out of this question.

REPORT OF THE SPECIAL TARIFF BOARD.

154. ***Mr. S. Satyamurti** : Sir, I do not put clauses (a) and (e), but only clauses (b), (c) and (d) of the question.†

The Honourable Sir Muhammad Zafrullah Khan : (b), (c) and (d). The attention of the Honourable Member is invited to the Report of the Special Tariff Board, a copy of which was supplied to him ; and also to the Government of India, Department of Commerce, Notification and Resolution No. 341-T. (10)36, dated the 25th June, 1936, which were published in a Gazette of India Extraordinary on that date.

Mr. S. Satyamurti : When passing their orders, did the Government take into account the facts mentioned in clause (b) of the question, namely, that the present level of duty against the United Kingdom goods gives Indian textile goods the barest protection in certain lines, and that reduction in those lines by even one per cent. will place the Indian industry at a disadvantage ?

The Honourable Sir Muhammad Zafrullah Khan : The Government of India took into account every consideration set out in the Report.

Mr. S. Satyamurti : Will the Government of India keep a careful watch on the results of the orders on the Special Tariff Board Report, and take very early steps to revise their orders, if conditions show that what is anticipated in clause (b) is justified ?

The Honourable Sir Muhammad Zafrullah Khan : The Government of India will naturally keep the position under review and will take such action as the position might necessitate.

Mr. S. Satyamurti : With regard to clause (c) of the question, did the Lancashire delegation lead any evidence before the Tariff Board ?

The Honourable Sir Muhammad Zafrullah Khan : I believe so.

†154. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether they propose to pass orders on the report of the Special Tariff Board ;
- (b) whether the Special Tariff Board has found that the present level of duty against the United Kingdom goods gives Indian textile goods the barest protection in certain lines and that reduction in those lines by even one per cent. will place the Indian industry at a disadvantage ;
- (c) whether it is a fact that the Lancashire Delegation did not lead any evidence before the Tariff Board to prove their cost price ;
- (d) whether the Tariff Board have been able to ascertain the fair selling price of Indian as well as the United Kingdom goods ; and
- (e) whether they will place on the table of the House the Special Tariff Board's Report ?

Mr. S. Satyamurti : And did the Special Tariff Board come to any conclusion on the cost prices of their goods ?

The Honourable Sir Muhammad Zafrullah Khan : The report is available to the Honourable Member.

Mr. M. Ananthasayanam Ayyangar : Are Government aware that a very serious situation has arisen in Ahmedabad, and the millowners there are closing down their mills for a month owing to the lower rate of protection and the lowering of rates against British textiles ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. M. Ananthasayanam Ayyangar : Are Government aware that there is a strike going on in the Ahmedabad mills ?

The Honourable Sir Muhammad Zafrullah Khan : I am not aware of that. There was some dispute over the lowering of wages ; but I do not know how the situation has developed.

Mr. M. Ananthasayanam Ayyangar : Are Government aware that the lowering of wages is due to the lowering of rates as against British textiles ?

The Honourable Sir Muhammad Zafrullah Khan : No.

Mr. S. Satyamurti : Have there been greater imports of British textiles of the kinds on which duties were reduced, since the Government order reducing the duties ?

The Honourable Sir James Grigg : No.

The Honourable Sir Muhammad Zafrullah Khan : I have no information with regard to that.

Mr. S. Satyamurti : But the Finance Member says " No ".

The Honourable Sir Muhammad Zafrullah Khan : He may have information, because the information goes first to the Central Board of Revenue, not to me.

Mr. M. Ananthasayanam Ayyangar : Have Government considered the adverse effects on the local production of mill-made cloth in India on account of the lowering of the rates ?

The Honourable Sir Muhammad Zafrullah Khan : I am not aware of any adverse effects.

Mr. M. Ananthasayanam Ayyangar : Is it not due to that that the mills in Ahmedabad are contemplating to close down ?

The Honourable Sir Muhammad Zafrullah Khan : I have already answered that question.

GOVERNMENT DEPOSITS WITH THE RESERVE BANK OF INDIA.

155. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to a leading article, entitled " Spring Finance " in the *Indian Finance*, dated the 21st March, 1936 ;

(b) whether they propose to abandon their present policy of abstemious cash balance and agree with the Reserve Bank as

to the formulation of a definite convention that the minimum balance of Government deposits with the Reserve Bank must be round about Rs. 15 crores ; and

- (c) whether they propose to take steps to see that while the Reserve Bank claims statutory deposits as a matter of right, the member banks derive a number of valuable facilities ?

The Honourable Sir James Grigg : (a)†.

(b) There is a convention under which the Government of India maintains a balance of between six and seven crores with the Reserve Bank. The Government of India see no reason why they should increase it at the cost of the tax-payer.

(c) I would invite the attention of the Honourable Member to Regulation 9 of the " Regulations regarding the relations of the Scheduled Banks with the Reserve Bank " and to the proceedings of this House on the 19th December, 1933.

Mr. S. Satyamurti : As a matter of fact, how much balance do they keep in the Reserve Bank ? Is it only six or seven crores, or slightly more or less ?

The Honourable Sir James Grigg : Almost invariably between six and seven crores, but very occasionally it has fallen below six and rather more often it rises above seven crores.

Mr. S. Satyamurti : May I know if the Government are satisfied that this cash balance in the Reserve Bank amply meets all their needs, and they cannot usefully increase it ?

The Honourable Sir James Grigg : The Honourable Member will be aware that the fixing of the balance at this level is designed to provide the Bank with a free balance which is sufficient to remunerate them for the work they do on behalf of the Government.

Prof. N. G. Ranga : Is it not a fact that when the Reserve Bank Bill was passed here, the Reserve Bank was expected, after it came into existence, to cater to the needs of the rural masses in respect of credit, and that it has till now failed to do anything in that direction ?

The Honourable Sir James Grigg : I don't think the Bank or anybody else can be held to blame for not having fulfilled unfounded expectations.

Prof. N. G. Ranga : Is it not a fact that it was not merely an expectation, but it was a duty charged on them that they should open rural credit facilities for the masses, and that they should help them in regard to their means of credit ?

The Honourable Sir James Grigg : I am afraid if by what the Honourable Member regards as the needs of the masses he means that they should be able to borrow at one or two per cent. without security, then I know of no banking institution in the world which can do it ; that is not banking ; it is charity.

Prof. N. G. Ranga : Is it not a fact that the Reserve Bank has failed to discharge any of their duties in regard to rural credit ?

The Honourable Sir James Grigg : If by discharging their duties the Honourable Member means that the Reserve Bank should provide

† No reply was given to part (a) of this question.

very cheap credit for borrowers who are not in a position to offer any security, then the Reserve Bank will never be able to discharge its duties, nor will any other institution in this world or the next.

Prof. N. G. Ranga : Is it not a fact that none of the Land Mortgage Banks established in the country has so far advanced any credit even on very sound security ?

The Honourable Sir James Grigg : I should have notice of that question ; it relates to a particular type of transaction.

Prof. N. G. Ranga : Is it not a fact, Sir, that all these facilities were granted to the Reserve Bank for the services it was expected to render to the public including the supply of rural credit ?

The Honourable Sir James Grigg : No, Sir, the Government balance was intended, as I said, to remunerate the Bank for the services it does for Government.

Mr. S. Satyamurti : With reference to clause (c) of the question, may I know whether the Government have made or will make an inquiry and satisfy themselves that the member banks derive a number of valuable facilities ?

The Honourable Sir James Grigg : Would the Honourable Member mind looking first at the Regulation to which I referred and then asking a further question if he wants to ?

ARTICLE ENTITLED " INDIANS NOT WANTED " PUBLISHED IN THE *National Call* REGARDING INDIANS IN CEYLON.

156. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to a leading article entitled " Indians not wanted ", in the *National Call*, dated 3rd April, 1936, regarding Indians in Ceylon ;
- (b) whether they propose to enquire into the matter ; and
- (c) what steps they propose to take ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) and (c). Government have made enquiries from their Agent in Ceylon. As regards the allegation that Indians are being sent away from plantations without notice, his report is that there have been no cases of this kind recently. Neither he nor Government have any information that Indian immigration into Ceylon is to be peremptorily stopped.

Mr. S. Satyamurti : Are Government aware that a strong anti-Indian agitation, especially anti-Malayalee agitation, is going on in Colombo and parts of Ceylon ?

Sir Girja Shankar Bajpai : Yes, Sir ; Government are aware of that, and they have instructed their Agent to watch developments and if any action is called for on his part immediately without reference to us in order to protect the interests of any section of the Indian community, to take that action.

Mr. S. Satyamurti : Will Government keep in mind this problem, in settling the trade relations between India and Ceylon ?

Sir Girja Shankar Bajpai : Sir, my Honourable friend, I think, has given notice of a question on that subject which will come up later, and I request him to wait till then for the answer.

GOVERNMENT COTTAGE INDUSTRIES INSTITUTE, DELHI.

157. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the agency which finances the Government Cottage Industries Institute in Delhi ;
- (b) the reasons why admission to it is restricted to applicants from the Delhi province ; and
- (c) whether the Institute will be expanded to admit students from all parts of India ?

The Honourable Sir Frank Noyce : (a) The Institute is financed mainly out of the Government of India grant-in-aid for the development of the handloom industry.

(b) As the grant is made to the Delhi Administration for the benefit of the people of that province, there is no reason why local applicants should not get preference.

(c) No.

Mr. S. Satyamurti : Is it a case of non-local students having to wait, till the claims of the Delhi students have been satisfied, or is it a case of exclusion of non-resident students of Delhi altogether ?

The Honourable Sir Frank Noyce : The Institute is a very small one, and I understand that it could only accommodate about 20 out of 277 applicants last year. My Honourable friends on the other side are continually complaining that Government do not do anything in the Centrally administered areas. Surely it is only fair that they should be allowed to have this small Institute of their own. It is open to other Local Governments, who get grants for the development of the handloom industry, to open their own institutes for provincial applicants.

Prof. N. G. Ranga : Is there any emporium attached to this Industrial Institute at Delhi in which hand woven goods are exhibited ?

The Honourable Sir Frank Noyce : I should require notice of that question.

Sirdar Sant Singh : Is it a fact that this Institute is doing very good work in rural areas for the promotion and development of cottage industries ?

The Honourable Sir Frank Noyce : Undoubtedly.

Sirdar Sant Singh : Is it a fact that it organized certain exhibitions which were of great value to rural people ?

The Honourable Sir Frank Noyce : I am not sure if this particular Institute has organized exhibitions of great value, but the Superintendent of Industries at Delhi has organized some exhibitions. I myself saw one at Mahrauli last year.

Mr. Lalchand Navalrai : May I know if such Institutes are going to be started in other Centrally administered areas ?

The Honourable Sir Frank Noyce : I should like to have notice of that question.

Mr. Lalchand Navalrai : Do Government propose to start any such Institutes, for instance, in Baluchistan or Ajmer ?

The Honourable Sir Frank Noyce : That is a matter for the local administrations. If they put forward proposals to that effect, they would be considered. The initiative rests with the Local administrations.

Mr. Lalchand Navalrai : What about Baluchistan ?

The Honourable Sir Frank Noyce : I have already answered that question. It is a matter for the local administration to take the initiative.

Mr. Lalchand Navalrai : May I know if students from the Centrally administered areas will be admitted in the Delhi Institute ?

The Honourable Sir Frank Noyce : As I said, this Institute is essentially meant for the Delhi Province. I am not aware that any applicants from other Centrally administered areas have been forthcoming.

Seth Govind Das : In view of the fact that the Government think that this Institution is doing good work, will they advise the Baluchistan administration also to open such an institute ?

The Honourable Sir Frank Noyce : I could not answer that question off hand. I am not at all sure that an Institute of this kind would be of any great value in Baluchistan which, as far as I know,—I am speaking without the book,—has not got a very extensive handloom industry.

Mr. Lalchand Navalrai : What about Ajmer ?

The Honourable Sir Frank Noyce : I am not sure either, as regards Ajmer, that an institute of this kind would be of any great value. As I said, it is for the local administration to put forward proposals for its establishment.

REDUCTION OF SCALES OF PAY IN THE RAILWAY AND THE POSTS AND TELEGRAPHS DEPARTMENTS AND ITS EFFECT ON ANGLO-INDIANS.

158. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to a leading article entitled "Parliament" in the *Hindustan Times*, dated 16th April, 1936, regarding reduction of scales of pay in the Railway and the Posts and Telegraphs Department and its effect on Anglo-Indians ;
- (b) whether any such attempts have been made to approach the Parliament by the Anglo-Indians ; and
- (c) whether they propose to take any steps in the matter ?

The Honourable Sir Henry Craik : (a) I have seen the article.

(b) Government have no information.

(c) Government have at present under consideration representations made in respect of this matter by the President of the Anglo-Indian and Domiciled European Association.

Mr. S. Satyamurti : May I know if, when representations are made to Parliament, the Government of India are invariably consulted, before any final orders are passed by the Secretary of State ?

The Honourable Sir Henry Craik : Well, I cannot say definitely in all cases, but I think that is the general rule. But I said that I have no information that any representation has been made to Parliament.

Mr. S. Satyamurti : With reference to the answer to clause (c) of the question, may I know whether the Government are at present satisfied with the class of recruits who are applying for jobs in these two departments, that they are getting the right type of men on the present scales of pay ?

The Honourable Sir Henry Craik : That should be addressed to the Members responsible for the two departments.

Mr. S. Satyamurti : My question is, will Government be pleased to state if they are satisfied with regard to the Railway and Posts and Telegraphs Departments that they are getting the right type of Anglo-Indians for jobs in these departments on the present scales of pay ?

The Honourable Sir Muhammad Zafrullah Khan : I dealt with that matter in the course of the railway budget debates. There has been no recent falling off in the standard, though there had been some falling off during a period antecedent to the reduction of pay.

Mr. S. Satyamurti : And there has been none since the reduction of pay ?

The Honourable Sir Muhammad Zafrullah Khan : No further falling off.

Mr. S. Satyamurti : May I know from the Honourable Member in charge of the Posts and Telegraphs Department, whether there has been any falling off in the standards of recruitment from the Anglo-Indian community for jobs in that department since the introduction of the new scales of pay ?

The Honourable Sir Frank Noyce : I must ask for notice.

Mr. S. Satyamurti : Then it is obvious that there has been no falling off.

The Honourable Sir Frank Noyce : No. I am not at all sure how much recruitment there has been of Anglo-Indians since the new scales of pay were introduced, and that is why I wish for notice.

POLICY IN RESPECT OF THE ISSUE OF TREASURY BILLS.

159. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to a leading article entitled " Treasury Bills Policy " in the *Hindu*, dated the 2nd April, 1936 ;

(b) whether their attention has been particularly drawn to the sentences in the article " There is no reason why in India, as

in England, the issue of Treasury Bills should not be regulated according to the needs of the money market. Our floating debt is by no means unmanageable and the need of banks and the investing public for safe short term investment is great. Why should not Treasury Bills borrowing be more freely resorted to in these circumstances as suits the market"; and

(c) whether they propose to consider the suggestions made in the article ?

The Honourable Sir James Grigg : The condition of the money market is always taken into account in regulating our borrowing operations and Government are assisted in this direction by the advice of the Reserve Bank, one of whose main functions is the control of credit. I must, however, make it clear that the needs of Government constitute the paramount consideration.

Mr. S. Satyamurti : Do Government consider the need of banks and the investing public for safe short term investments, when they decide the issue of treasury bills ?

The Honourable Sir James Grigg : Well, Sir, that is covered by my original answer. No doubt banks need short term investments, but there is no reason why Government should provide them with short term investments at the expense of the tax-payer.

Mr. S. Satyamurti : What is the loss in the issue of treasury bills, which the Government avoid, by not obliging these banks and investing public with safe short term investments ?

The Honourable Sir James Grigg : That is a hypothetical question.

Mr. S. Satyamurti : May I know, therefore, whether, in the issuing of treasury bills, the Government consider the needs of Government and neither the needs of banks nor those of the investing public ?

The Honourable Sir James Grigg : If the Honourable Member means, are Government going to issue treasury bills solely to provide the banks with investments which they would not otherwise have, the answer is that Government certainly do not consider that.

Mr. S. Satyamurti : I am not asking that ; but will Government, in deciding their policy in respect of the issue of treasury bills, bear all these things in mind, namely, the needs of Government as well as the needs of the banks and the investing public ?

The Honourable Sir James Grigg : If it is a choice between treasury bills and longer dated securities, I think I can answer that question in the affirmative. But if it is a question of Government borrowing from the market more than they require, then the answer is "No".

RECRUITMENT TO THE INDIAN MEDICAL SERVICE.

160. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to a leading article in the *Hindu*, dated the 27th April, 1936, on the question of future recruitment to the Indian Medical Service ;

- (b) whether they propose to take steps to stop recruitment of Europeans to the Indian Medical Service; and
- (c) whether they are aware that European civilians and their families do not disdain to avail themselves of the services of Indian doctors of established reputation in preference to those of doctors of their own race ?

Mr. G. R. F. Tottenham : (a) Yes.

(b) No.

(c) Government are aware that Englishmen often employ Indian doctors and *vice versa*. But the principle on which the present policy is based is that British Officers and their families, like Indians, should have reasonable opportunities of securing medical attendance from doctors of their own race, if they so wish.

Mr. Lalchand Navalrai : May I know from the Honourable Member if there is any ratio fixed of the number of Indians and Europeans in this service ?

Mr. G. R. F. Tottenham : I have answered that often before, but it does not arise out of this question.

Mr. S. Satyamurti : When was this principle laid down that patients should be treated by doctors of their own race ?

Mr. G. R. F. Tottenham : I did not say a principle was laid down ; I said what the principle was.

Mr. S. Satyamurti : I want to know when it was laid down ?

Mr. G. R. F. Tottenham : It was not laid down on any particular day of any particular month, it simply is the principle.

Mr. S. Satyamurti : May I know why Government may not re-examine this question, in view of the admission in answer to my question, that European civilians and their families do not disdain to avail themselves of the services of Indian doctors of established reputation ?

Mr. G. R. F. Tottenham : The actual fact is that the number of British doctors in this country has decreased enormously during the last twenty years.

Mr. S. Satyamurti : Why should it not come to zero ?

Mr. G. R. F. Tottenham : For the reason that I have explained in answer to part (c) of the question.

Mr. S. Satyamurti : May I know whether Government will now consult their own European servants and find out how many of them want to be treated by doctors of their own race, good, bad or indifferent ?

Mr. G. R. F. Tottenham : No. We shall not do that.

Mr. S. Satyamurti : May I know whether Government realise that there is a tinge of racialism in this, and do Government propose to take steps to meet that ?

Mr. G. R. F. Tottenham : I really do not think that this is a matter in which there is any question of racialism. After all, British people in this country are allowed to have British food, they are

allowed to wear British clothes, they are allowed to attend British schools, they are allowed to attend British churches, and I do not see why they should not be allowed to be killed or cured by British doctors when they are ill.

Mr. S. Satyamurti : Does the Honourable Member assert that Britishers prefer to be killed by British doctors, and not to be cured by Indian doctors ? (Laughter.)

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. Next question.

DETAILS OF CERTAIN ALLOWANCES OF HIS EXCELLENCY THE VICEROY'S HOUSEHOLD.

161. ***Mr. S. Satyamurti :** Will Government be pleased to state :
- (a) the details of contract allowance for His Excellency the Viceroy's Household ;
 - (b) the details of sumptuary allowance ; and
 - (c) the total expenditure on His Excellency the Viceroy's Household besides his monthly salary ?

The Honourable Sir James Grigg : (a) The contract grant for His Excellency the Viceroy is intended to cover expenditure on special stationery, wages and liveries of permanent and temporary household servants and conservancy establishment, allowances and pension of permanent household servants, lighting and fans, advertisement charges, library, heating and hot-water installation and washing charges on account of household linen. It is Rs. 1,41,800 per annum.

(b) The sumptuary grant is a contribution to the cost of State entertainments, and is Rs. 40,000 per annum.

(c) The Honourable Member is referred to pages 145 to 149 of the Demands for Grants for the year 1936-37.

Mr. S. Satyamurti : With reference to the answer to clause (a) of the question, may I know when this contract allowance was settled ?

The Honourable Sir James Grigg : I cannot say that off-hand. I will look into it and let the Honourable Member know.

Mr. S. Satyamurti : May I know the reasons why the best paid servant of the British Empire, perhaps the best paid in the whole world, is being paid all this for domestic expenditure, which he ought to defray from his own pocket ?

The Honourable Sir James Grigg : That seems to be a question of argument.

Mr. S. Satyamurti : May I know the reasons why this contract allowance is given ?

The Honourable Sir James Grigg : I have already explained that.

Mr. S. Satyamurti : My Honourable friend has given details of the expenditure, and I am asking the reasons why this expenditure should be defrayed by the tax-payer and not by the gentleman himself.

The Honourable Sir James Grigg : If my Honourable friend wants information I have given it ; if he wants argument, I am afraid I cannot oblige him.

Mr. S. Satyamurti : Sir, I am asking for reasons why a contract allowance should be given to the best paid servant in this world.

The Honourable Sir James Grigg : I say that is an argument.

Prof. N. G. Ranga : How often is the furniture in the Viceregal Lodge at Delhi and Simla changed ? Once in two or three years ?

The Honourable Sir James Grigg : I cannot answer that.

Mr. President (The Honourable Sir Abdur Rahim) : Next question.

ARTICLE ENTITLED "INDIA AS A NAVAL POWER" PUBLISHED IN THE
Statesman.

162. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether their attention has been drawn to the leading article, entitled "India as a naval power" in the *Statesman*, dated the 30th March, 1936 ;
- (b) whether their attention has been drawn to the last sentence in the article, "Can the blind lead the blind" ; and
- (c) whether they will explain the position ?

Mr. G. R. F. Tottenham : (a) and (b). Yes.

(c) I am not clear what position the Honourable Member wishes to be explained. All I can say is that India does depend on assistance from Great Britain in the event of attack by any Great Power, whether by sea or land or air. On the other hand, the question of improving India's Local Naval Defence organization has for some time been engaging the special attention of the Government of India.

Mr. S. Satyamurti : May I know, with regard to the last sentence of my Honourable friend's answer, whether any steps have been taken since the passing of the Navy Bill by this Honourable House,—some two or three years ago—whether any further steps have been taken in this direction ?

Mr. G. R. F. Tottenham : Yes, we have been in correspondence with the Secretary of State for the past two years.

Mr. S. Satyamurti : And has any result come out of that ?

Mr. G. R. F. Tottenham : No final decision has yet been reached, but I hope it will be reached pretty soon.

Mr. S. Satyamurti : May I know what is the defence of India against air attacks ?

Mr. G. R. F. Tottenham : We maintain the Royal Air Force in this country and an army too.

Mr. M. Ananthasayanam Ayyangar : How many submarines and men-of-war are there in the Royal Indian Marine ?

Mr. G. R. F. Tottenham : I think we maintain about seven men-of-war but no submarines.

Mr. M. Ananthasayanam Ayyangar : Are Government aware that Japan is increasing the number of her submarines and we have to contend against her ? (Laughter.)

(No answer.)

INDIA'S DEFENCE PROBLEMS.

163. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to an article, entitled "India's Defence problems considered", published in the *Statesman*, dated 9th April, 1936 ;
- (b) whether they have examined the statements and allegations contained therein ;
- (c) whether their attention has been particularly drawn to the last sentence, "Nevertheless there must be a striking of the balance between expenditure on defence and on other requirements ; and it must be remembered that India shares by virtue of her membership of the British Empire in the common provision for defence of that Empire ; and further that no country can have an adequate defence to meet every eventuality " ; and

(d) whether they propose to examine the whole question ?

Mr. G. R. F. Tottenham : (a) to (c). Yes.

(d) The problems of Indian defence are continually reviewed in the light of changing conditions.

Mr. S. Satyamurti : Is there any change in the attitude of the Government of India as regards their defence arrangement, in view of the present very perilous situation in Europe ?

Mr. G. R. F. Tottenham : As I tried to explain the other day, the army in India is maintained for the defence of India against local aggression and for the maintenance of internal security. These international complications in Europe do not affect India directly.

Mr. S. Satyamurti : May I know if the calling up of these reserves has anything to do with any increased military commitments on the part of this Government in view of the European situation ?

Mr. G. R. F. Tottenham : No reserves have been called up in India.

Mr. S. Satyamurti : I saw a notification in the papers. My friend will correct me if I am wrong.

Mr. G. R. F. Tottenham : I think the Honourable Member is thinking of the new scheme that we are going to start, of forming a reserve of officers for the Indian Army on different lines from the existing Reserve. There is already an Army in India Reserve of Officers but that reserve is being reorganised on certain lines. There is no intention of calling up the Reserve.

Mr. S. Satyamurti : May I know if it has anything to do with the international situation ?

Mr. G. R. F. Tottenham : None whatever.

Prof. N. G. Ranga : Is it not a fact that the Indian Defence Forces including the navy and aircraft are intended to maintain law and order in this country ?

Mr. G. R. F. Tottenham : I have told the House over and over again what the duties of the Indian Defence Forces are.

Prof. N. G. Ranga : It is just as likely that these forces will be pitched against Indians as against non-Indians from outside.

Mr. President (The Honourable Sir Abdur Rahim) : These are arguments.

ZANZIBAR INDIAN NATIONAL ASSOCIATION'S MEMORANDUM SUBMITTED TO THE RIOT INQUIRY COMMISSION.

164. ***Mr. S. Satyamurti** : Will Government be pleased to state :

(a) whether their attention has been drawn to the memorandum of the Zanzibar Indian National Association submitted to the Riot Inquiry Commission of Zanzibar, published in the *Hindu*, dated the 11th April, 1936 ;

(b) whether they have examined the memorandum ; and

(c) what their conclusions are ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) The attention of the Honourable Member is invited to my reply to parts (b) and (c) of his starred question No. 134 answered on the 4th of this month.

Mr. K. Ahmed : On a point of order

Mr. President (The Honourable Sir Abdur Rahim) : There is no point of order.

Mr. K. Ahmed : My point of order relates to this question. The identical question has been put on the agenda so many times by different Members. I understand this question was put also on the 4th September last. Some tactful person must have circulated these similar questions to Members opposite

Mr. President (The Honourable Sir Abdur Rahim) : There is nothing to prevent the same question being put again.

SPEECH OF SIR PHILIP CHETWODE PUBLISHED IN THE *Madras Mail*.

165. ***Mr. S. Satyamurti** : Will Government be pleased to state :

(a) whether their attention has been drawn to the speech of Sir Philip Chetwode, lately Commander-in-Chief in India, published in the *Madras Mail*, dated the 11th April, 1936 ;

(b) whether their attention has been particularly drawn to his statement, " India must have a larger voice also in army matters ; otherwise the Reforms would be a farce " ;

(c) whether their attention was also drawn to his statement, " Indianisation would be slow ; by 1939-40 there would be a slight increase. Defence was to be an entirely reserved subject for the Viceroy and the Commander-in-Chief.

Indianisation would be stopped if the Viceroy and the Commander-in-Chief felt it impracticable to go further with it"; and

(d) whether this is the position which the Government of India take ?

Mr. G. R. F. Tottenham : (a), (b) and (c). Yes.

(d) Government have not seen a full copy of Sir Philip Chetwode's speech. The reference to the progress of Indianisation in part (c) is probably a repetition of what he himself frequently said as Commander-in-Chief in India, namely, that the time to consider any possible increase of Indianisation would be when a sufficient number of Indian officers had reached the seniority required to command squadrons and companies—i.e., in about 1939-40.

It would also of course be more correct to say that the constitutional responsibility for defence under the New Constitution will be that of the Governor General alone and not that of the Viceroy and the Commander-in-Chief.

With these provisos, the Government of India agree with what Sir Philip is reported to have said.

Mr. S. Satyamurti : With reference to the answer to clause (c) of the question, I am asking with reference to the last sentence in my paragraph "Indianisation would be stopped if the Governor General felt it impracticable to go further with it" (I accept the Army Secretary's correction). May I know what is meant or attempted to be conveyed by the word "impracticable" ?

Mr. G. R. F. Tottenham : It means that if the experiment on which we have now embarked breaks down and it is no use going on with it, the decision constitutionally to stop it would rest with the Governor General.

Mr. S. Satyamurti : What will be the tests which will be applied at the time in 1939-40, to find out whether the experiment has succeeded or failed ?

Mr. G. R. F. Tottenham : That is a hypothetical question.

Mr. S. Satyamurti : May I know, when the period arrives, this House or its successors will be consulted, or the decision will lie solely with the Governor General ?

Mr. G. R. F. Tottenham : That also is a hypothetical question. I cannot say what is going to happen in 1939-40.

Mr. S. Satyamurti : My Honourable friend said that it will be the Governor General's sole discretion. I am asking whether the position as contemplated by the Government of India today is that when this question ripens for solution, the Governor General would have to decide this on his own responsibility ?

Mr. G. R. F. Tottenham : I was merely stating the constitutional position, which is that in 1939-40, if by that time the Federation has come into existence, the constitutional responsibility in this matter will rest with the Governor General alone, but what action the Governor General will or will not take before exercising his discretion in 1939-40 or at any other time, I am unable to say at the present moment.

Mr. S. Satyamurti : May I know, if till 1939-40, no further steps will be taken towards the Indianisation of the army ?

Mr. G. E. F. Tottenham : That question has been answered very frequently on the floor of the House. No major alteration can be expected until about that date.

ARREST OF MR. SUBHASH CHANDRA BOSE.

166. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the questions and answers in the House of Commons, on the 6th April, 1936, about the arrest of Mr. Subhash Chandra Bose, published in the *Amrita Bazar Patrika*, dated the 8th April, 1936 ;
- (b) whether their attention has been drawn to the Under-Secretary of State for India's statement that Lord Zetland must be guided by the views of the authorities in India as regards any action to be taken ;
- (c) what the views of the Government of India were ;
- (d) whether they will place them on the table of the House ; and
- (e) what is the ' reason ' alluded to by the Under-Secretary when he said that " the same reason which led to Mr. Bose's detention still held good " ?

The Honourable Sir Henry Craik : (a) and (b). I have seen the questions and answers.

(c) The Honourable Member, I presume, desires to know whether it is proposed to put Mr. Bose on trial or to refer his case to judges. If so, I would invite his attention to the replies given by me on the 31st August, 1936, to parts (f) and (g) of his question No. 9. As he is aware, Mr. Bose's case was referred to judges in 1932 and their finding was that there was ample justification for his detention under Regulation III of 1818. Such a procedure does not involve trial upon definite charges.

(d) I am not prepared in the public interest to lay a copy of the correspondence on the table.

(e) The reference by the Under Secretary of State was to the reasons for Mr. Bose's detention in 1932 which were explained in the course of the debate on the adjournment motion relating to his return to India.

Mr. S. Satyamurti : Since 1932, has Mr. Bose's case been examined by any committee, tribunal or judges ?

The Honourable Sir Henry Craik : It was referred to judges in 1932 when he was first detained under this Regulation. He was only released on medical grounds to proceed to Europe.

Mr. S. Satyamurti : Since 1932, has his case been examined by any other tribunal ?

The Honourable Sir Henry Craik : There has been no occasion to examine it. It has been reviewed from time to time by the Government of India but not examined by any judicial tribunal.

Mr. S. Satyamurti : Do the Government propose to refer his case to any tribunal in the immediate future ?

The Honourable Sir Henry Craik : I have already answered that.

Pandit Lakshmi Kanta Maitra : When was the case last reviewed ?

The Honourable Sir Henry Craik : I have answered that too.

ARTICLE ENTITLED "RAILWAY COAL RAMP" PUBLISHED IN THE *Bombay Sentinel*.

167. ***Mr. S. Satyamurti** : Will Government be pleased to state :

(a) whether their attention has been drawn to an article, entitled "Railway Coal Ramp", published in the *Bombay Sentinel*, dated the 6th April, 1936 ;

(b) whether the facts stated therein are correct ; and

(c) whether they propose to go closely into the matter and see that the interests of the Railways are not allowed to suffer ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) The allegations in the article are entirely baseless.

(c) The matter has been re-examined by Government who are satisfied that the charges made of favouritism and defiance of the demands of economy are unfounded. The purchases were based strictly on considerations of price and quality. The tenderers whose offers were accepted quoted relatively lower prices.

Mr. S. Satyamurti : Were the lowest tenders accepted in all cases ?

The Honourable Sir Muhammad Zafrullah Khan : I must ask for notice of that question.

Mr. S. Satyamurti : May I know whether the Honourable Member has satisfied himself that the lowest tenders were accepted ?

The Honourable Sir Muhammad Zafrullah Khan : I would draw the Honourable Member's attention to the answer to part (c) of the question.

Mr. S. Satyamurti : They quoted lower tenders. May I know if the Government are satisfied as a result of the inquiry, whether the lowest tenders were accepted in all cases ?

The Honourable Sir Muhammad Zafrullah Khan : I replied that the matter has been re-examined by Government who are satisfied that the charges made of favouritism and defiance of the demands of economy are unfounded.

Mr. S. Satyamurti : May I know on what grounds they were so satisfied ? I am asking for one capital reason.

The Honourable Sir Muhammad Zafrullah Khan : The scrutiny of the tenders depends not only upon price but also on the quality and grade of the coal.

Mr. S. Satyamurti : May I take it, therefore, that they are taking all relevant considerations into account and that they have satisfied themselves that the tax-payer's interests were amply protected ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir.

MANUFACTURE OF CHEAP RADIO SETS.

168. *Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether their attention has been drawn to an article on "the recommendations of the Government Broadcasting Committee of Great Britain", in the *Amrita Basar Patrika* of the 20th March, 1936 ;
- (b) whether they propose to accept the recommendations relating to the manufacture of cheaper receiving sets than are available at present ;
- (c) if not, why not ;
- (d) whether any industrialists have been approached in this matter ; and
- (e) if not, why not ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) Although the recommendations were not made to the Government of India, they recognise the necessity for cheaper sets and the newly established Research section of All-India Radio has already begun to investigate problems relating to reception in India with a view to facilitating the manufacture of such sets.

(c) Does not arise.

(d) and (e). The Controller of Broadcasting has had informal talks on the subject with a few manufacturers, but he will not be in a position to give practical advice to manufacturers until the Research Department has had more time to carry out the investigations referred to in the reply to part (b) of the question. The information which it gathers will be at the disposal of any industrialists who wish to undertake the manufacture of receiving sets.

Mr. S. Satyamurti : Which is the Research Department doing this work ?

The Honourable Sir Frank Noyce : The Research Department of the Broadcasting Department, now known as All-India Radio.

Mr. S. Satyamurti : Have they got facilities by way of suitable personnel and other suitable facilities for carrying on this research ?

The Honourable Sir Frank Noyce : We are endeavouring to give them all the facilities they want for this purpose.

Mr. S. Satyamurti : Will Government expedite this work, in view of the imperious need for having cheaper receiving sets, if we are to have fruitful results of broadcasting in this country ?

The Honourable Sir Frank Noyce : The Standing Finance Committee will shortly be in a position to examine the proposals we are putting forward under this head.

Mr. M. Ananthasayanam Ayyangar : Are they supplying materials or information for the production of materials and receiving sets in this country, or in England ?

The Honourable Sir Frank Noyce : In this country, obviously.

Mr. Muhammad Azhar Ali : Are Government aware that Japan and America are importing into India very cheap broadcasting apparatus and other broadcasting implements ?

The Honourable Sir Frank Noyce : There are American sets in use in this country, but I would remind my Honourable friend that there is a fifty per cent. duty on them.

Mr. M. Ananthasayanam Ayyangar : Are there no companies in India producing receiving sets ?

The Honourable Sir Frank Noyce : Not as yet, Sir.

Mr. M. Ananthasayanam Ayyangar : Do Government propose, then, as part of the scheme of broadcasting on which a large amount is being spent, to help in starting industries for the production of receiving sets in this country ?

The Honourable Sir Frank Noyce : We are prepared to help local manufacturers by placing at their disposal all the information we have on the subject. They already have the very substantial help afforded by a fifty per cent. duty.

Mr. M. Ananthasayanam Ayyangar : May we take it that the information will be useful to English manufacturers only ?

The Honourable Sir Frank Noyce : No, Sir. It will be available to all manufacturers. If manufacturers in this country cannot take this up with the incentive of the fifty per cent. duty, one can only express one's regret.

Mr. M. Ananthasayanam Ayyangar : Will Government consider the desirability of starting the industry in the first instance and then make it over to the public ?

The Honourable Sir Frank Noyce : If they did so, they would immediately be accused of stifling private enterprise.

Mr. President (The Honourable Sir Abdur Rahim) : Next question.

AMENDMENT OF THE LAW GOVERNING THE TRANSACTIONS IN GOVERNMENT SECURITIES.

169. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to a leading article on the need for amending the law governing the transactions in Government securities, as a result of a recent case, the Secretary of State *versus* The Bank of India, Ltd., decided by the Bombay High Court, published in the *Hindu* of the 16th March, 1936 ;

(b) whether they propose to take steps as suggested in this article in this behalf ;

(c) if so, what ; and

(d) if not, why not ?

The Honourable Sir James Grigg : Government have preferred an appeal in the case and propose to await the result before considering the further action, if any, to be taken in the matter.

POSSIBILITIES OF INDUSTRIALIZATION IN INDIA.

170. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether their attention has been drawn to an article entitled " Evil of Griggism ", in the *Amrita Bazar Patrika*, of the 25th March, 1936 ;
- (b) whether they have examined the possibilities of industrialization in this country, especially village industries and small scale industries ; and
- (c) if so, what their conclusions are ?

The Honourable Sir Frank Noyce : Sir, I must apologise for answering this question as my Honourable friend's name appears in it.

(a) Yes.

(b) A survey of the nature which the Honourable Member appears to contemplate would, under the present constitution, be a matter for the Provincial Governments to undertake.

(c) Does not arise.

Mr. S. Satyamurti : Did Government consider the question of reviving village and small scale industries, from the point of view of relieving all-India unemployment and the improvement of the finances of the country as a whole, and if so, will they therefore make friendly suggestions to Local Governments, apart from taking responsibilities themselves ?

The Honourable Sir Frank Noyce : My Honourable friend is raising a very wide question which it is really impossible to answer in the course of supplementaries.

Mr. S. Satyamurti : Will my Honourable friend take up this question of examining the possibilities of the development of small and village cottage industries, with a view to placing at the disposal of the Local Governments such information as may be useful to them in pursuing this line of action ?

The Honourable Sir Frank Noyce : Government are considering the possibility of developing small-scale industries. This is a matter which is always engaging their attention. The Government of India have given grants for the development of cottage industries, in regard to hand-loom weaving, silk and wool. The question of small-scale industries is always under their consideration and is brought continuously before the Industries Conference.

Mr. S. Satyamurti : May I take it that there is no change of policy, thanks to the Honourable the Finance Member, in this matter.

The Honourable Sir Frank Noyce : I have always found my Honourable friend very helpful in this matter.

Prof. N. G. Ranga : Do not the Central Government share the responsibility for the development of these industries with the Local Governments and that being so, is it not still permissible for the Central Government to take the initiative ?

The Honourable Sir Frank Noyce : We take such action as we can by co-ordination. The Industries Conference has been revived specially

with that object in view. My Honourable friend knows as well as I do the limitations of the present constitution. We do all we can, within those limitations, to help the development of small-scale and cottage industries.

Prof. N. G. Ranga : Even under the present Act it is still possible for the Government to undertake an inquiry into the possibilities of the extension, development and protection of the cottage industries and village industries ?

The Honourable Sir Nripendra Sircar : Sir, I object to the Honourable Member's raising such points ; it is really entering into a debate on every question,—“ whether it is possible or not possible ”, and so on and so forth.

Mr. President (The Honourable Sir Abdur Rahim) : That question need not be answered.

Prof. N. G. Ranga : Sir, in view of the answer given by the Honourable the Industries Member that it is purely provincial and therefore the Government of India cannot undertake an all-India survey, I merely want to raise the question how is it impossible for the Government of India to order that survey even under the present Act.

Mr. President (The Honourable Sir Abdur Rahim) : That is a matter of argument. The Chair cannot allow questions to be put which would turn the question hour into a debate on a resolution.

Mr. Muhammad Azhar Ali : Have the Government of India recently got any reports from Local Governments regarding the progress in industrialization which they have made in villages ?

The Honourable Sir Frank Noyce : The Industries Department of the Local Governments publish reports every year.

Mr. Muhammad Azhar Ali : My question is whether the Government of India have got any information or report which they can place in the Library of the House to show if any progress has been made at all ?

The Honourable Sir Frank Noyce : I am not sure whether it is the practice to place provincial reports in the Library of the House, but if my Honourable friend is specially interested in any of them, I will endeavour to procure them for him.

Mr. Muhammad Azhar Ali : Thanks.

EARMARKING OF A PORTION OF THE RURAL DEVELOPMENT GRANT FOR THE DEPRESSED CLASSES.

171. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to a leading article entitled “ A great need ”, in the *Statesman* of the 29th March, 1936 ;
- (b) whether they propose to ask the Local Governments to earmark a portion of their share of the rural development grant for the depressed classes ; and
- (c) if not, why not ?

The Honourable Sir James Grigg : (a) Yes.

(b) No.

(c) The reasons were explained during the course of the debate on the 13th March, 1936, in the other House on a Resolution on this subject. A copy of that debate has, however, been forwarded to Local Governments.

Mr. S. Satyamurti : When do the Government of India propose to place on the table of this House a report of the manner in which this grant has been allocated ?

The Honourable Sir James Grigg : I think very shortly ; I have not got all the information, but I have got most of it ; there is already a question on the subject down on the paper.

Mr. S. Satyamurti : Have the Government considered this point that, in several parts of India, the depressed classes do not get even drinking water facilities ? Will the Government of India recommend to the Local Governments that they should take into special consideration the special needs of the depressed classes, while they are spending the rural development grants ?

The Honourable Sir James Grigg : We have forwarded to them copies of the debate in the other House and that should give them a lead.

Mr. S. Satyamurti : I take it the Government of India have no prohibition against earmarking any portion of these grants specially for the depressed classes ?

The Honourable Sir James Grigg : None whatsoever.

ARTICLE ENTITLED "INDIANS OVERSEAS" PUBLISHED IN THE *Hindustan Times*.

172. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to an article entitled "Indians Overseas", published in the *Hindustan Times*, dated the 30th March, 1936 ;
- (b) whether they have examined the points raised in the letter of Mr. Henry S. L. Polak ; and
- (c) if so, what their conclusions are ?

Sir Girja Shankar Bajpai : (a) and (b). Yes.

(c) The points raised in Mr. Polak's letter have formed the subject of separate questions and I would invite the Honourable Member's attention to my replies to them.

SHORT NOTICE QUESTION AND ANSWER.

STRIKE IN THE BENGAL NAGPUR RAILWAY WORKSHOPS AT KHARAGPUR.

Mr. V. V. Giri : (a) Are Government aware of the serious situation that has arisen at Kharagpur where eight thousand workers engaged in the Bengal Nagpur Railway Workshops went on peaceful "satyagraha" on the 31st August, between 11 A.M. and 12-30 P.M. as a protest against the action of the Agent and the Chief

12 NOON.

Mechanical Engineer in not giving the representatives of the workers an interview regarding the cancellation of "short-time working" ?

(b) Are Government aware of the fact that in 1933 there was retrenchment in the shops, and further there was reduction in the number of workers in the shops due to normal wastage, such as, deaths, retirements and stoppage of recruitment, discharge, etc. ?

(c) Do Government propose to consider the advisability of instructing the Railway administration under the circumstances mentioned to meet the workers' representatives and come to a settlement on this outstanding question and thus allay their discontent ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government understand that on the 30th August the Bengal Nagpur Railway Union asked the Chief Mechanical Engineer to meet a body of workmen to discuss short time working. The Chief Mechanical Engineer advised the Railway Union to address the Agent. The Labour Union informed the Agent that unless he saw the workmen before 11 hours next day the men would observe starvation during the midday interval. It is understood that this demonstration took place. The Labour Union then proposed that 8,000 workmen should proceed to Calcutta to interview the Agent. The Agent informed the Labour Union that he was prepared to meet a deputation of four workmen, or, if the request for a deputation was sponsored by the Labour Union that he was prepared to meet a deputation comprising the President, the Vice-President and General Secretary of the Railway Union together with four workmen. He was unable to agree to meet a deputation of 8,000 workmen. So far as Government are aware, no reply has been received from the Labour Union to the Agent's offer to meet a deputation.

(b) Government are aware that certain retrenchments have taken place in the Kharagpur shops from time to time. As regards further reduction in numbers of workers due to normal wastage, deaths, etc., Government have no information, but they have no reason to believe that this is not so as it is a normal process, if no fresh recruitment takes place.

(c) In view of my reply to (a) above, does not arise.

MOTION FOR ADJOURNMENT.

ORDER SERVED ON KHAN ABDUL GHAFFAR KHAN NOT TO ENTER THE NORTH-WEST FRONTIER PROVINCE AND THE PUNJAB.

Mr. President (The Honourable Sir Abdur Rahim) : Mr. Avinashilingam Chettiar has given notice of a motion for adjournment. He wishes to move the adjournment of the Assembly in order to discuss a matter of urgent public importance, namely, the order served on Khan Abdul Ghaffar Khan preventing him from entering, remaining and residing in the North-West Frontier Province and the Punjab. Does the Honourable Member wish to move it ?

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : As no objection has been taken, the motion will be taken up at 4 o'clock.

THE GENEVA CONVENTION IMPLEMENTING BILL.

Mr. G. E. F. Tottenham (Defence Secretary) : Sir, I move for leave to introduce a Bill to implement Article 28 of the Geneva Convention of the 27th day of July, 1929.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill to implement Article 28 of the Geneva Convention of the 27th day of July, 1929.”

The motion was adopted.

Mr. G. E. F. Tottenham : Sir, I introduce the Bill.

THE CANTONMENTS (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume discussion on the Bill further to amend the Cantonments Act, 1924, for certain purposes.

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural) : Sir, I was the other day referring to the division of each cantonment into communities by the Government of Bombay and the Government of the Central Provinces. I find from sub-section (a) of section 31 of the original Act, that it really does not contemplate such a division. What it says is this :

“ The division of a cantonment into wards or of the inhabitants of a cantonment into classes, or both.”

I submit that the word “ classes ” has been wrongly interpreted by the Government of Bombay as well as by the Government of the Central Provinces. If we take the dictionary meaning of the word, we find that ‘ class ’ means order, rank or persons in society supposed to have some resemblance or equality in rank, education, talent and the like. Therefore, by no stretch of imagination the word ‘ class ’ can be literally taken to mean as “ caste ”. Beyond this, I do not want to say further on this point. I do hope that this wrong interpretation by the Government of Bombay as well as by the Government of the Central Provinces on the word “ class ” will be taken note of by the Honourable Mr. Tottenham and matters will be put right. As regards the franchise about the Cantonment Board, I have given two amendments, and I will say whatever I want to say when I come to actually move them. At this stage, I only wish to say a few words. I want that the franchise should be as wide as possible, and, in fact, my amendments seek to make it as wide as is available for the election of the Provincial Assembly in that province.

There is another point which I wish to refer. It is about the demarcation of what is called the Bazaar area. The Bill provides that the Bazaar area will be declared by the Governor General in Council by notification in the Gazette. When the question comes for demarcating the Bazaar area, I do hope the needs of every cantonment, particularly of the civil population for the purpose of expansion, will be taken into consideration. It is very likely that the present Bazaar area may not be enough from the point of view of the density of population or from the point

of view of other amenities. These factors, I do hope, will be taken into consideration when the question comes for demarcating the Bazaar areas. I read the other day in one of the Anglo-Indian papers that the Bazaar area should be confined to the present state of affairs so as not to allow any expansion and the reason given was that the cantonment administration so far as municipal matters are concerned represents a sort of oasis in the whole of India. I do not accept that position nor do I accept the statement of my Honourable friend which he made the other day that if a referendum was taken, the civil population in every cantonment would go in for military control. I do not accept that. But so far as the demarcation of Bazaar area is concerned, I do hope the factors that I have just referred to will be taken into consideration.

Now, coming to the point of finances, the position before 1924 was that everything rested with the Government. At present considerable revenue coming out from lands is being taken by the military authorities and the military authorities have a predominant voice as the Bill stands today. What are the grants made by the Government for the purpose of education? If the municipal administration was entirely under the Local Governments, there are certain enactments such as the Primary Education Act and others which make the Government contribute some share for compulsory free and primary education if introduced in the specified areas after certain preliminary surveys are undertaken. But so far as these 90 cantonments are concerned, subject to what my Honourable friend has to say, about Rs. 87,000 are contributed and this contribution is distributed among the 12 cantonments out of the total number of 90. I think when they are taking a considerable amount of income from the land, it is up to the military to contribute a substantial share for the purpose of educating the school going children in the cantonments. Hitherto the taxation entirely rested with the Local Government. Now the power is sought to be given to the various Cantonment Boards. I do hope that in levying additional and new taxes, the majority that is given to the officials in the proposed Cantonment Boards will not be so used as to thwart the declared wishes of the non-official elected Members.

There is another point with respect to the appointment of Executive officers in the various cantonments. The service, I understand, is to be Indianised. But I hope that no retired military officers, such as Jamedars, or Subedars or Subedar-Majors will be appointed. I may very frankly state here that the experience of certain Cantonments about these retired military officers, such as Jamedars or Subedars is not a very happy one. In some cases, it has so happened that some of them have been transferred to Cantonments in the Deccan from the North and they have so managed things that they have brought to the respective Cantonments under one pretext or another their friends and relatives, sometimes as contractors, sometimes as clerks—a thing which happened beyond all proportion in the case of the Back Bay Reclamation scheme. I think this is a small edition of that practice and therefore I would urge that the Honourable Member in charge of this Bill would take this fact into consideration and will not keep this service open to retired military Havildars or Subedars or Jamedars. Let the standard be as declared by two Honourable Members on the Treasury Benches the other day that the best men available will be appointed. I hope the best men will be the best irrespective of any class or racial consideration.

[Mr. N. V. Gadgil.]

Then, Sir, there is another point which is the most important, that is the land problem. I am glad that before this motion for taking the Bill into further consideration was made, a Press Note was issued by the Government of India. Last year when this Bill was under discussion, I ventured to make certain suggestions. I then said that it was not the ownership that really mattered so much as the undisturbed possession of the land. I actually threw out a suggestion that perpetual leases should be granted on nominal rents. I am glad that the position has been accepted so far as this Press Note is concerned. But I further find in the Press Note that there are other matters which are not entirely to my satisfaction at any rate. If they are going to give satisfaction to those persons whose interests are primarily concerned, I have nothing to say. But in so far as I can say about what is contained in the Press Note I submit that I am not entirely satisfied with the position. There are certain matters which the Press Note says will be discussed hereafter and that is the only ray of hope in the sense that matters have not been finally decided and decided once for all. I submit that taking a practical case, if a person has got three acres of land in a Cantonment and the building is situated actually on one-fourth acre and the remaining land lying vacant, if he wants to develop it, the military authorities may not grant permission and thereby they clog the development of the property. Not only this. They will deprive the Cantonment Boards of additional revenue, and similarly they will deprive the Government of India also of addition in the shape of income-tax. I submit that the best way is to sub-divide them into several leases and allow a particular person or persons to develop his or their properties subject to such conditions as regards sanitation and general amenity. The difficulty that has been pointed out is that Government will have to meet increased liabilities in case Government are obliged to buy this property whenever military necessities arise. I think if there are more bungalows and if properties are developed on the lines I have suggested the annual renting value will go down and not increase because there would be more supply than the demand justifies. The Government have taken up the position that under no circumstances they are going to pay for the land. If that is so, then, there should not be any objection on the part of the Government to be more liberal in granting permission to sub-divide the holdings on the same conditions, namely perpetual lease with a nominal rent.

Then, as regards the compensation to be paid, though no definite principle has been laid down in the Press Note, I may point out that in 1928 there was an Official Committee presided over by Mr. E. Sheepshanks, I.C.S., with two other Members, Lieut.-Colonel J. Bois and Lieut.-Colonel G. J. Mollison and the principle then adopted was :

“ A purchase price is usually based upon 20 times the annual value of the property less the cost of immediate repairs to put into habitable condition. This is the well established and recognised method of arriving at the purchase price of property in this country.”

Personally I would enunciate another principle which has been accepted in all the Land Acquisition Cases, that is what is known as the hypothetical scheme. Although the ground may be vacant at the time when it is notified for the purpose of acquisition the sale price is arrived at by calculating the net profit that a man may get every year if he were

to build a building on the vacant land after investing necessary capital, interest charges and depreciations as usual to be deducted. In this way, the price of land is calculated. That is doing some justice to the person who has got more land, say, four acres, though actually the building is on one-fourth acre. Well, Sir, in paying him compensation, the Military authorities ought to take into consideration in all fairness and justice the fact that he could have developed his property even by borrowing money from others. On the basis of hypothetical schemes, I think the price ought to be paid. But if the persons concerned, as I was able to ascertain from some of those who have got their buildings in the Cantonments and as I understand that to be the view of all-India Cantonments Association, are satisfied with the principle which I have just referred to and which was adopted by the Official Committee in 1928, *viz.*, that 20 times the annual letting value should be the price to be paid by way of compensation, I have nothing more to say. I hope, Sir, that these points which I have referred to in my speech will be taken due notice of. There are other matters with respect to the administration in the cantonments, *i.e.*, how some of the provisions are grossly abused. As I said the other day, I do not want to give instances and to strike a discordant note. I propose to write all these things to the Honourable Member in charge and I hope he will remove some of those grievances. It is not, as I have stated in the beginning of my speech, that we are satisfied with the Bill as it is. It falls short of our expectations, but I am not a man who believes that good is necessarily the enemy of the better. In that spirit and with that limitation I have accepted the Bill, and I am bound to say that when it actually comes into operation it is bound to give rise to certain immediate demands and we shall use them as spring-boards for further action. I do hope that the spirit in which the assurances were given by the Honourable Member will be the spirit that will guide the administration of this Act and the military authorities will not have merely a new Act to act upon but a new spirit and a new administration to work up.

Mr. G. E. F. Tottenham (Defence Secretary) : Sir, there are just a few points in the Honourable Member's speech which I think he would like me to refer to before the motion is put to the House. In the first place, he referred to the practice in Bombay and certain other parts of South India of dividing cantonments for the purpose of elections into communities instead of into geographical wards, and he asked whether anything could be done to stop this practice. Well, Sir, I may say at once that I entirely agree with him that it would be very much better if we did not have communal electorates in cantonments. I understand that it is not the practice in any cantonment in the north of India ; I do not understand why it is the practice in Bombay or other parts. But the actual provision of the Cantonments Act on the subject is contained in a section which unfortunately we cannot amend today. It lays down that the Local Government may make rules to divide a cantonment into wards or the inhabitants of cantonments into classes. As I say, we cannot amend that section now because it is not one of the sections which is under amendment in this Bill. But I will take up the matter with the Local Governments concerned and see whether anything can be done in the matter.

The Honourable Member then referred to the question of bazaar areas and the possibility of their expansion to meet the needs of the civil

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population. Sir, as he may be aware, bazaar areas are already demarcated in most cantonments at the present moment. We have also issued advance instructions to the military authorities to be prepared to take up this question of demarcating bazaar areas under the new law, if it is passed, and we have specially asked them to deal with it in a not illiberal spirit. There is to be no intention of defining a bazaar area, by drawing a line exactly round the present built-up area, and I hope that due space will be allotted for the necessary expansion where it is possible to do so.

The Honourable Member then referred to the question of finance and the amount of money that cantonment authorities spend on education. I have not got the figures here at my fingers' ends, but I would draw attention to the fact that the Bill itself is making a slight improvement in this respect, because it is including in the compulsory duties of cantonment boards the duty of establishing, maintaining and assisting primary schools. At present the Act says, "establishing and maintaining"; we are adding the word "assisting" as well.

The Honourable Member then asked whether, when the question of the imposition of taxes in the cantonment arose, I could give an assurance that the views of the non-official members of the board would prevail over those of the official members. I am afraid I cannot go so far as to give so broad an undertaking as that, but I have no doubt that the views of the elected members and the non-official members in the board will be taken into consideration.

The next point that the Honourable Member raised was about the class of people who were to be recruited as executive officers. He appears to have certain objections to Jamadars and Subadars. Whether those objections are or are not justified I cannot discuss at the moment; but the important point is that all candidates for these civilian executive officers' posts in future are to be selected through the instrumentality of the Public Service Commission. And that I think gives us far and away the best means of getting the best candidates available, irrespective of where they come from. I should rather doubt myself whether many of that class of officer in the Indian Army will be able successfully to compete in the examination which the Public Service Commission will prescribe, but I certainly do not think they should be debarred from being executive officers if they have got the education and other qualifications which enable them to pass this examination along with everybody else.

The Honourable Member finally referred to various matters regarding the land dispute and the press communiqué that we have issued on the subject. Well, Sir, he kept on repeating that he thought that the owners of the land ought to be allowed to develop their property, and so on. That of course all proceeds on the assumption that the land belongs to them, whereas, if he will read the press communiqué carefully, he will find that the whole of this agreement with the house-owners is based on the admission on their part that the land does not belong to them. That makes a considerable difference. The land is not their property. They were given the land originally for nothing; they have made a very good thing out of it during the last 60 or 70 years, and I do not think it is fair or that it will be in the interest of cantonments that every bit of

spare land on which a bungalow may be situated at the present moment should now be immediately applied to development, by building shops, for example, or commercial institutions, and so on. That, however, is a matter that must be dealt with on its merits in individual cases. We shall also take into account the suggestions that the Honourable Member made regarding this question of settling the formula for the payment of compensation if at any time the property is to be acquired for military purposes from the house owners. We have already considered the formula laid down by the Sheepshanks Committee. There are one or two objections to it from our point of view, but I have some hope that we shall be able to arrive at a formula which will be acceptable to the representatives of the all-India Cantonments Association with whom I discussed the matter.

I do not think, Sir, there are any other points raised by the Honourable Member in his speech, and if there are any other points arising on particular amendments I shall be prepared to deal with them as the amendments come up.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill further to amend the Cantonments Act, 1924, for certain purposes, as reported by the Select Committee for the second time, be taken into consideration.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 2 stand part of the Bill.”

Mr. G. H. Spence (Secretary, Legislative Department) : Sir, I move :

“ That after sub-clause (c) of clause 2 of the Bill, the following sub-clause be inserted :

‘ (cc) in clause (xii) after the words ‘ in a cantonment ’ the following shall be inserted, namely :

‘ or where more than one such officer has charge of the military works in a cantonment such one of those officers as the Officer Commanding the Station may designate in this behalf.’ ”

This amendment is directed to a very small point which has recently come to notice, namely, that the existing definition of “ executive engineer ” in the clause to which this addition is proposed proceeds on the assumption that there will always be one officer only in charge of military works throughout the cantonment. Actually that is not always the case. Sometimes different officers are in charge of military works in different parts of the cantonment, and the object of this amendment is to cover that class of case. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That after sub-clause (c) of clause 2 of the Bill, the following sub-clause be inserted :

‘ (cc) in clause (xii) after the words ‘ in a cantonment ’ the following shall be inserted, namely :

‘ or where more than one such officer has charge of the military works in a cantonment such one of those officers as the Officer Commanding the Station may designate in this behalf.’ ”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 2, as amended, stand part of the Bill.”

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Mr. G. H. Spence : Sir, I move :

“ That after clause 2 of the Bill, the following clause be inserted :

‘ 2A. To section 3 of the said Act, the following sub-section shall be added, namely :

‘ (3) When any place is declared a cantonment for the first time, the Governor General in Council may, until a board is constituted in accordance with the provisions of this Act, by order make any provision which appears necessary to him either for the administration of the Cantonment or for the constitution of the board.’ ”

When this Bill becomes law, the constitution of a board will become obligatory in all cantonments and the administration of all cantonments will be vested in the board. For obvious reasons it will be impossible for the board in a newly created cantonment to come into being simultaneously with the creation of the cantonment, and some form of temporary administration will be required to tide over the period intervening between the creation of the cantonment and the constitution of the board. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That after clause 2 of the Bill, the following clause be inserted :

‘ 2A. To section 3 of the said Act, the following sub-section shall be added, namely :

‘ (3) When any place is declared a cantonment for the first time, the Governor General in Council may, until a board is constituted in accordance with the provisions of this Act, by order make any provision which appears necessary to him either for the administration of the Cantonment or for the constitution of the board.’ ”

The motion was adopted.

New clause 2A was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 4 stand part of the Bill.”

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammadian Rural) : Sir, I move :

“ That in clause 4 of the Bill, in clause (b) of sub-section (3) of the proposed section 13, for the words ‘ Magistrate of the first class ’ the word ‘ person ’ be substituted.”

be substituted for the word ‘ person ’

The object of my amendment as well as the subsequent amendment is not to restrict the choice of the nominating authority to any particular class of persons. My Honourable friend, Mr. Tottenham, laid a certain amount of emphasis on the fact that the report of the Select Committee was agreed, but I think I am not divulging any secret of the Select Committee when I say that the agreement was brought about at the point of the bayonet. The threat that the Bill would be dropped unless certain conditions were fulfilled was always kept dangling before the eyes of the members, and I am therefore not surprised that the members of the Select Committee thought it advisable not to append any note of dissent. But, I think, while conceding the point made out by Mr. Tottenham that the cantonments were primarily places meant for the residence of soldiers, we cannot forget that, without a civil population or bazaar areas in the cantonment, the cantonments will not be what they are today : they will be reduced merely to camping grounds ; and therefore it is up to us, while bearing in mind health, welfare and discipline of the soldiers, we cannot ignore the interests of the civil population who have invested such large sums in cantonments, and therefore it would be only in the fitness of things that the choice of the District Magistrate should not be restricted to the first class magistrate : he might have the choice to nominate any person who may be able to serve on the cantonment board. There is no reason why his choice should be restricted to a first class magistrate. We know that there may be other persons who may be able to serve on the cantonment board better than a first class magistrate who may not be able to give as much time because of his other pre-occupations. With these words, I move this amendment.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That in clause 4 of the Bill, in clause (b) of sub-section (3) of the proposed section 13, for the words ‘ Magistrate of the first class ’ the word ‘ person ’ be substituted.”

Mr. G. R. F. Tottenham : Sir, there are altogether, I think, 18 amendments on the paper dealing with this one subject, that is the composition of cantonment boards. They all hang together and it is very difficult for me to deal with each one of them piecemeal ; and so I should like, if I may, to make clear to the House the general attitude of the Government regarding the scheme of these amendments.

The general object of the amendments is to increase the size of the boards, to make them more non-official in character and actually to introduce a majority of elected members on the boards. Under the scheme of this Bill at present, the boards contemplated range in size from 15 members in the largest cantonment to three members in the very smallest ; and in accordance with the principle which I described as of primary importance the other day, on each of these boards there is an official majority of one. Under the scheme of the amendments put forward by my Honourable friend opposite, the size of the boards would range from 19 in the largest cantonments to five in the smallest cantonments, though some of them are very tiny places which may contain only two or three hundred civilians, mostly of the followers class, or petty shopkeepers or menial servants ; in every one of these cantonments, according to his plan, there would be an elected majority on the board. If all these amendments were passed, that would be the effect.

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Now, the mere increase in the size of the boards proposed under this scheme would, in our opinion, render them unwieldy and difficult to work. But quite apart from that, the principle of introducing a non-official majority on cantonment boards cuts at the root of the whole agreement on which the structure of this Bill has been laboriously built up. It was on the understanding that Cantonments were primarily military organizations, and that, therefore, Cantonment Boards should have an official majority of one, composed mainly of military officers, that we on our side agreed to extend the principle of election to all cantonments in India. It was again on that same understanding that there would be an official majority on the Boards that we went as far as we could to meet Honourable Members opposite by bringing into existence these Bazar Committees, so as to give the non-official element in cantonments as much voice as possible in the control of their own affairs in that particular area of the cantonment in which alone it might be said that non-official interests predominate over those of soldiers. Naturally, Sir, if we were to have a non-official majority on every Board and in every Cantonment, there would be no justification whatever for these Bazar Committees. Now, Sir, if I were to go back on this agreement, and if I were to accept these amendments, I should, to my own mind, be betraying the interests of my own constituents, for, in this matter, I think I must regard the Army as my constituency, and the result would be chaos instead of co-operation, which is what I want. Personally, Sir, I could wish that it was unnecessary to make any distinction between officials and non-officials in Cantonments; I wish we could regard the inhabitants of a cantonment as one happy family with the same objects and interests in view, but, Sir, unfortunately, neither I nor my friends opposite can so regard them at the present moment. I do not deny that in many cases the elected members on Cantonment Boards even now do support the officials, but that does not alter the fact that once you introduce a non-official majority on the Board, you really surrender the principle that military interests in Cantonments must predominate, because you are putting it in the power of a non-official majority to over-rule the soldiers on every point which may arise.....

Mr. M. S. Aney (Berar Representative) : On a point of information, Sir. The Honourable Member referred to some agreement. May I know, Sir, when did this agreement take place, and between whom?

Mr. G. R. F. Tottenham : The agreement I was referring to was the agreement reached in Select Committee on which the Bill was built up.

As I was going to say, this position is not altered by the fact that under the scheme of the Honourable Members' amendments, a certain number of members on the Board would be non-officials appointed by the officials, and, therefore, it might be argued that they would always vote with the officials. Well, Sir, if they always did vote automatically with the officials, there would be no value in the amendment from the Honourable Member's point of view. Nor again is the position altered by the fact that the Officer Commanding the Station and the superior military authorities have under the Cantonments Act certain powers of control over Cantonment Boards. The last thing we want to do is to carry on the administration of Cantonments by means of continuous and frequent exercise of those powers, and I cannot imagine any process that would

be more likely to bring about the very result that I wish to avoid, that is, to keep the two elements as much apart as possible instead of bringing them together.

Sir, I have considered these amendments very carefully, and I regret that, although it might be possible to accept some of the small verbal changes that they contain, I must be quite firm on the point that we cannot possibly accept the principle of having a non-official majority on Cantonment Boards; and if that main principle cannot be accepted, I really do not think that the small verbal amendments are of any great value to Honourable Members opposite. I must, therefore, make it clear that I must oppose the whole set of amendments on this particular section 13. Further, in spite of what the Honourable Member said, I think I must make it clear that, if these amendments were passed, Government would have to reconsider their attitude towards the whole Bill, and would probably be unable to bring it into operation. That, Sir, is a step which I personally should profoundly regret, and I think it is a step that a great many of the inhabitants in Cantonments themselves would greatly regret, because, after all, this Bill does confer considerable advantages. It is an advance on the present position in many important respects, and I do think it would be a pity to sacrifice those advantages. I very much hope, therefore, that the Honourable Member will agree that half a loaf is better than no bread, and that he will be satisfied for the time being with what he has got and will not press these amendments.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I regret I feel a certain amount of handicap in the present matter, as I am informed that there was some sort of understanding between the Honourable the Mover of this Bill....

Mr. M. S. Aney : Agreement.

Pandit Govind Ballabh Pant :and the Members of the Select Committee, otherwise my estimate of the Bill is entirely different from his. I would have really very gladly thrown it out completely. The threat held out by the Honourable the Mover which, as far as he is concerned, may be no more than a statement of a plain fact, would not deter me from handling the Bill in the manner I consider necessary. Mr. Tottenham told us that half a loaf is better than no bread, but I see in the Bill not even quarter of a loaf. It seems to me that it contains all stone and no bread at all. I do not think I am exaggerating facts. I am sorry I have to strike a discordant note, but, Sir, I have very carefully considered the Bill, and I am definitely of the opinion that the people in the Cantonments would not be any the worse if this Bill were not enacted at all. Sir, I would not have spoken at this stage but for the fact that the Army Member has chosen to cover the entire ground and has taken....

Mr. President (The Honourable Sir Abdur Rahim) : So far as that one particular section is concerned.

Pandit Govind Ballabh Pant : So far as that particular section is concerned, which is after all the most vital part embodying the fundamental principle on which the Bill hangs. Now, Sir, I should like to understand the position clearly, and I should like to state how I look at it, and what I feel about it. Sir, the Cantonments consist of two parts. There are lands earmarked as A to which alone the military and the army people are confined; so the troops have nothing to do with

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the areas that are under the direct control of the Cantonment Boards. The Cantonment Boards as such deal exclusively with the civil population, but it cannot be denied that the civil population there to a large extent depends on and is connected with the army; they are very close to the army quarters. So, we are not here legislating for the troops themselves nor for the areas that are in the occupation of the troops but only for providing amenities for the people who, though associated with the military, do not themselves form a part whether of the ranks or of the officials of the army. Sir, the present Bill does not make any advance on the most important point with which it deals, that is, the constitution of the cantonment boards. The cantonment boards as they were formed in 1924 were to include an equal number of elected and nominated members with a military officer presiding over them, so according to the scheme of the Act which is in force today and which was passed in 1924 the cantonment boards had only a majority of one official member. That was the step taken in 1924. Much water has flown under the bridge since 1924. In fact, many empires have gone to pieces and many new republics and new governments have been formed in various parts of the world. In our own country we are supposed to be approaching a fresh instalment of Swaraj as it is called, if not Swaraj itself, and the spectre of provincial autonomy is hanging over us. With all this we do not understand why the constitution of the cantonment boards alone should remain unchanged and why, when there are so many oases emerging in so many places, they should continue to be a desert as before without any relieving feature whatsoever. In fact, there has been a certain amount of reactionary move in this matter, and like a certain animal the Army Secretary seems to be walking backwards. Formerly every cantonment which had a board had at least seven elected members, but now under this scheme many of those boards which have at present seven will have a smaller number. Not only will there be a majority of officials but even the number of non-officials will go down. I think the Army Secretary will realise and accept that the military people are guided above all by considerations of discipline and that is their principal characteristic. There are four military officers to be nominated to these boards, they cannot possibly be expected to think differently from the Commanding Officer, what of voting differently from him, so there will be a solid phalanx always against the elected members. These elected members will, in some of the cantonment boards, not be even in a plural number; there will be only one. I do not know how he will fare between the commanding officer and the military member of the Board, I will not say between the frying pan and the fire or between the pole and the pillar, but his position will really be embarrassing and he will have to think nine times before venturing to tread on delicate ground. So I do not see any advantage in this Bill at all. Then, there was one other safeguard so far and that safeguard was I submit a real one. The cantonment areas were practically under the supervision, direction and control of the Local Governments. The contacts between the Local Governments and the people at large are much closer and their affinities much greater than those between the inhabitants of any local area and the Government of India basking in the eminence of the Olympian heights of Simla. There is a great deal of difference between the state of affairs as it was when these people in the cantonments were more or less under the guardianship of the Local Governments and now when the

cantonments will be directly under the control of the Government of India. The Government of India is the stronghold of the Army. From these heights they want to overcome and overpower the whole of the country. Here the popular voice will be hushed and nobody will be able to hear any echoes anywhere. In the provinces it cannot be so and the main purpose of this Bill, in fact, is to transfer whatever powers the Local Governments possessed to the Government of India, from a more or less responsible Government to an altogether obsolete and absolute Government. That, Sir, is the main purpose of this Bill and I submit that I see great danger in that.

Mr. G. R. F. Tottentam : May I know from the Honourable Member what powers the Local Governments now exercise which are not under the control of the Government of India ?

Pandit Govind Ballabh Pant : What I am saying is this. Up to this time the cantonment boards were directly under the control of the Local Governments and the Government of India came in only so far as its supervisory powers over the Local Government were concerned, but now the cantonment areas are made the primary concern of the Government of India itself. The sting is in the tail. The last clause emphasises the control of the Government of India. (Interruption by Mr. G. R. F. Tottenham.) In fact, that is what the Army Secretary himself said in his note attached to the Bill itself—that the main purpose of this Bill is to transfer the powers which had been held by Local Governments so far, to the Government of India. If what he said was misleading I am not to blame for it. But I give him credit for being sincere in what he said and I suppose the Bill has fulfilled the purpose which he had in view. There need be no doubt about it. We are told that there will be bazar areas and in those areas the elected members will be in a majority. These bazar committees will be no better than any other sub-committee formed by the board itself. It has no statutory powers, it has no statutory rights or privileges, it cannot impose any taxes. In the very section under which the bazar committees are to be formed it is laid down that the bazar committee cannot frame any bye-laws or any regulations ; it will be no more than a small sub-committee formed for the purpose of administering such affairs as may be delegated by the board to it. It will be somewhat like the area formed for the segregation of persons suffering from epidemic diseases in cantonments. It will be something like the area reserved for natives in South Africa, so I cannot enthuse over this concession to which the Army Secretary seems to attach great importance. I personally feel that it is a wrong move. He does not want to make any distinction between officials and non-officials. I agree with him and I am prepared to put forward a suggestion. Let these boards have a majority of officials. Let there be eight officials and let there be seven non-officials, but let all of them be elected and let the inhabitants of the cantonments have the power of electing eight members from among the officials and seven from among the non-officials. Let there be a joint electorate. Let them have the privilege of electing high officers belonging to the high command of the Army, and I think they will consider it a privilege if they have an opportunity of returning my Honourable friend, Mr. Tottenham, to the Board as one of their representatives. There will be then no difference between officials and non-officials. But when you do not accept the principle of election and when you say that even in the matter of

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nomination you cannot trust your own officers to nominate the right type of men and you restrict their discretion so rigidly that they will have to nominate officials and none else, it does not come with any good grace from your mouth that you do not want any distinction between officials and non-officials. There is distinction galore and there is too much of it. What would be the consequences if the proposals embodied in the amendments of which notice has been given by the mover of this particular motion were accepted? There is nothing particularly revolutionary about them. At the utmost if all of them were accepted, there would be a majority of one among the elected and non-official nominated members as against a nominated official group. Has not the Army Member even so much of confidence in the persuasiveness, the reasoning power combined with the might and the authority the cantonment authorities and the military officers will inevitably possess inside the cantonment areas that he does not expect them to succeed in persuading even one of the non-official and elected members to agree with their phalanx? I think he is putting too low a value on their intelligence, their capacity and their might. All these three go together there and one should, I think, reasonably hope that it will be possible for them to wear away at least one from among the evil pack, if all of them are so wicked as to take a suicidal step, for ultimately it must recoil on them. Whatever they do is sure to undo them if it is against their interests. Why should not the Army Secretary take courage in both hands? The military are, above all, famous for the superabundance of courage, fortitude intrepidity, dash and fearlessness. These are their characteristics. Why should they be so timid as to fear the majority of even one single non-official in a Board. Then, Sir, assuming occasionally these people do join hands and carry out a motion against the officials, are not there safeguards enough in this Act. Firstly the President himself can veto the Resolution. Then the Commanding Officer can do it. Then, the Local Government can do it, then the Government of India can do it, then the Board itself can be superseded and perhaps a recalcitrant member can be turned out of the cantonment on so many grounds which are readily available to the cantonment authorities. Why this nervousness? If occasionally these people take a perverse and stupid view, you can override them. So what reasonable objection can you have to a larger non-official element being introduced? I have before me a report of the discussions of 1924. Then, the Viceroy assured the people interested in this matter of cantonment boards that the Government would only provide minimum safeguards necessary for the protection of the military interests and the health and safety of the troops and in other respects they would see that the cantonment boards conformed in as large a measure as possible to municipal boards. With that assurance from the Viceroy given in the year 1924, is it too much to expect that after 12 years have passed away it should be possible for the military authorities to add one more elected member to the number of elected members fixed in 1924? The amendments proposed by the Mover of this motion do not ask for anything more. I would again ask the Army Member to reconsider the position and to be just and fair. I have always regarded him as one of the gentlemen in this House whom we would not like to displease as he himself does not go out of his way to provoke us. I have some tenderness for him and I have already told him that I for one, knowing what has passed inside the Committee, would not go to the length of

wrecking this Bill ; and I repeat that I am prepared to acquiesce in it, however much I may dislike it and however much I might have been pleased and delighted to see it broken to pieces and thrown into the sea otherwise. Therefore, may I again earnestly appeal to him to reconsider his position and to accept at least some of these amendments so that the Bill may be improved at least in some minor respects.

Mr. M. S. Aney : When the Honourable Member, Mr. Tottenham, stated that the Bill before the House now is the result of an agreement between him and the members of the Select Committee, it has become necessarily difficult for us to offer any criticism that will be of any real use. At the same time, I believe a measure like this deserves to be considered and discussed from certain fundamental points of view. My Honourable friend, Pandit Govind Ballabh Pant, has rightly pointed out that he is somewhat disappointed at the measure before the House and the fact that there has been an agreement or an understanding between the members of the Select Committee and the Government is a handicap to him in considering this measure now. I also feel a good deal of embarrassment for the very same reason, I am offering my criticism on the clause as a whole and not merely on the particular amendment that has been moved by my friend, Mr. Mohan Lal Saksena. The object of offering that criticism is to see whether the Honourable Member who has been so very accommodating, I am told, in the Select Committee will not find it worth while to consider the suggestions and in the light of the criticism that will be made to improve the Bill at least on one or two important points. The most important provision in this Bill is in my opinion the clause which is under discussion now, that is, the clauses which relate to the constitution of the cantonment board itself. As has been rightly pointed out, great care has been taken here to keep an unchallengeable official majority in the cantonment boards. That is the main feature of this provision I believe, if this House is more interested in any provision of this Bill it is in this clause. I admit that in the constitution of the Board two things should be carefully looked into, first that the cantonments are primarily intended for the benefit of the army and the army interests ought not to suffer in any way in any constitution that is proposed for the Board. That is one of the propositions which we will have to subscribe to. At the same time, for the benefit of safeguarding the interests of the army, there should be no unnecessary anxiety to restrict the popular element from having its proper share in the Cantonment Board. This was the very principle which was enunciated by a Viceroy of India as long ago as 1924. If I am not mistaken, a reference to that was made by my Honourable friend, Pandit Govind Ballabh Pant, and I would like to quote it in the very language which was used by him then ?

“ It was also stated that ‘ in the larger cantonments the existing cantonment committee will be replaced by a cantonment Board which will be municipal in character and an essentially Local Self-Government Body ’ and that ‘ the military authorities will retain certain special powers in matters affecting the health, welfare and discipline of troops ’.”

Now, if it is to be essentially municipal in character, then the civil population of the cantonment ought to have the dominating voice in the affairs entrusted to the care of the Cantonment Board. As regards the second point, viz. that with regard to “ matters affecting the health, welfare and discipline of troops ”. I believe the very presence of a

[Mr. M. S. Aney.]

considerable number of military officers and of the military officer commanding the station on the Board is more than adequate for the protection of the interests which have been specifically referred to here. Besides, the other provisions in the Bill that the decisions of the body are generally subject to the control and approval of superior authorities and the Governor General in Council are also in my opinion a sufficient safeguard. Therefore if, as the Honourable Member has stated at the beginning of his speech that in his experience of the working of this Cantonment Act during the last few years, he has not got much reason to make any distinction between the official and non-official members, and that even elected members have been found to support officials, then I venture to say that it is a further ground in my opinion to claim that if the Government take a bold step in encouraging a non-official majority of one in the cantonment Board, it would not be taking a leap in the dark, as my Honourable friend fears, but on the other hand it would have the advantage of taking the non-official civil population of the cantonment area into greater confidence and thereby bringing the relations between the civil and military elements of the Cantonment area into closer contact and thereby establish better harmony between them. Therefore, if as I feel that there is not going to be any real danger to the safety of those interests which it is necessary to protect, viz. the military interests, by the addition of one non-official member, I do not think there is any good reason for my Honourable friend not to consider the suggestion with the sympathy and consideration which it deserves. Sir, it is only to appeal to him rather than to press this question to the vote of the House that I have stood up. There is agreement, and I wish that the House should stand by it. As regards the terms of that agreement, if it is possible to persuade my Honourable friend to take a more rational and equitable view of the interests of the civil population, I shall be so glad and it is in that spirit that I have got up to make these few observations. I hope the Honourable Member will give his time and consideration to the matter and let us know how far he is prepared to go with us in this matter.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Order, order : I have to read out a Message from His Excellency the Viceroy and Governor General. It runs thus :

“ In exercise of the power vested in me by sub-rule (2) of rule 22 of the Indian Legislative Rules, I, Victor Alexander John, Marquess of Linnithgow, hereby disallow the motion of Mr. T. S. Avinashilingam to move the adjournment of the House for the purpose of considering ‘ the

orders served on Khan Abdul Gafoor Khan preventing him from entering, remaining and residing in North West Frontier and Punjab' on the ground that the motion relates to a matter which is not primarily the concern of the Governor General in Council.

(*Sd.*) LINLITHGOW,
Viceroy and Governor General."

SIMLA :

The 7th September, 1936.

The adjournment motion, therefore, will not be taken up.

THE CANTONMENTS (AMENDMENT) BILL—*contd.*

Captain Sardar Sher Muhammad Khan (Nominated Non-Official) : Sir, I rise for a few minutes to intervene in the debate in spite of my recent illness to explain a few points on the Bill under discussion. Being a member of the Select Committee of the Bill, I know and my Honourable friends who have been in the Select Committee know it very well how an agreement has been reached on the Bill and how every clause of the Bill was worked smoothly and every word of it discussed. It looks that the most important point is the majority of one, of either officials or non-officials and my friend's fear is that if there is a majority of one of the officials, then probably they will carry out everything and the interests of the public will not be safeguarded. I do not think, that is, what is meant by the majority. The idea of having the majority of military members by one is, not to clash with the authority of the Board and of the Commanding Officer of the station. As my Honourable friends know, the Bazaar Committee will be appointed and every interest of the non-official public in the cantonment will be absolutely safeguarded by them. I will offer one example. Suppose there is a station order that all lights should be out by, say, 10 o'clock. This sort of order is published every day in the cantonment by the authority of the Station Commander who is either a Brigade Commander or a District Commander. Now, if there is a majority of non-officials on the Board and they pass a resolution that lights should be out after, say, 15 minutes of the time given in the order, then there may be a clash and it is with a view to prevent this clash that the majority of one military member or an official is kept on the Board. If that is done, military discipline and the orders will be carried out in the station. As regards other interests, such as water-supply, taxes, etc. they will be in the hands of a Bazaar Committee and there should be no fear whatsoever that these interests will be protected all right by the military official majority. Therefore, I appeal to my Honourable friends who have been in the Select Committee and who have thoroughly discussed this Bill there and who have already arrived at an honourable agreement that they should allow the Bill to pass as soon as possible.

Dr. N. B. Khare (Nagpur Division : Non-Muhammadan) : Sir, the amendment moved by my Honourable friend, Mr. Saksena, is a very simple one. It is innocuous and harmless even from the Government point of view. After all, what does the amendment propose to do? It simply removes the restriction imposed upon the District Magistrate and it simply substitutes the word "person" for the words "First Class Magistrate", so that the District Magistrate may, if he so wants,

[Dr. N. B. Khare.]

nominate a person other than a First Class Magistrate. It does not debar him from nominating a First Class Magistrate at all. After all, we know what the District Magistrates are and ten to one a District Magistrate will certainly nominate a First Class Magistrate. Therefore, there is no reason why the Defence Secretary should fight shy of accepting this amendment and it is really beyond my comprehension. Do the Government disbelieve or distrust their own District Magistrates? Have they come to this pass? Sir, I pause and wonder!

Mr. N. V. Gadgil : Sir, as one of the members of the Select Committee, I propose to abide by the convention, but at the same time I would urge the Honourable Member in charge of the Bill to accept this amendment. It is not really as radical as he thinks. As has been pointed out by Dr. Khare, there is ample discretion left to the District Magistrate to nominate a Magistrate of the First Class or any other person. I will go a step further and advance another argument. If after some time the Government comes to the conclusion that the non-official majority should be secured in the Cantonment Board, there would be no necessity for the Government to come to this House for fresh legislation at all if this amendment is accepted. They have simply to direct the District Magistrate that instead of nominating an official, a first class magistrate, they may nominate a non-official. If my Honourable friend sees the amendment in this light, I think he will agree with me that there is no radical change proposed. If the amendment is accepted, then for many long years the District Magistrate will continue to nominate an official. Sir, if this amendment is accepted both the ends will be secured. The present object of the Honourable Member is that there should be an official majority. That is secured. Our object is that in future it should be open, without having resort to fresh legislation, that there should be a non-official majority. Even that object is secured. I, therefore, support the amendment.

Mr. G. R. F. Tottenham : Sir, I understand that I have no right of reply on this particular amendment as I have already spoken. At the same time, some Honourable Members have made an appeal to me and I do not like to appear ungracious by not replying to them. I would suggest that possibly the difficulty might be overcome if I were to reply on the next amendment, or if you agree, you might allow the Honourable Member to move the next amendment before the one under discussion is put. I could speak on that amendment, if the House would agree, by way of reply.

Several Honourable Members : He should be allowed to speak.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Yes.

Mr. G. R. F. Tottenham : I understand the House would like me to reply now on this amendment. Several Honourable Members have spoken very persuasively and very temperately on this subject and they have put me in an embarrassing position. I really do not think they can quite understand what my status in this matter is. It is perfectly true that I am the Government member in charge of this Bill, but I was also a member of the Select Committee and I regard myself as the mouthpiece of the military authorities in this matter. As such, I do consider myself abso-

lutely bound by the agreement reached in the first Select Committee which I now propose to read to the House, to remind them exactly what it was :

“ While agreeing that military interests in cantonments must predominate, if the area of each cantonment is taken as a whole, and that therefore the local bodies responsible for the administration of cantonments must continue to contain an official majority, we consider—

- (a) that statutory provision should be made for some representation of non-official interests in all cantonments, instead of only in a limited number as at present—in other words, that there should be a Board containing an elected element, in every Cantonment ; and
- (b) that statutory provision should also be made whereby the detailed administration of bazaar areas (other than small regimental bazars) should be left as far as possible to the elected representatives of the civil population, thereby relieving the official members of the Board of much work in which they are not directly interested.”

Now, Sir, that agreement was reached as a result of prolonged discussion in the Select Committee in the course of which nearly all the arguments that have been put forward so ably by Pandit Govind Ballabh Pant were advanced and discussed. But my part in that agreement was also the result of prolonged discussion with the military authorities and also with the Local Governments. All the military authorities and the Local Governments agreed that this settlement which we reached represented the limit to which they were prepared to recommend that we should go. Everybody in the House who has spoken on these amendments realises that they raise an important point of principle, and so it comes to this, that they are now asking me to go back on the agreement that was reached in this laborious way on an important point of principle. I am afraid I cannot do it. I am sorry, but it is quite impossible. I am also sorry that my Honourable friend, Pandit Govind Ballabh Pant, regards this Bill as a retrograde measure. Personally I do not agree with him, but I am prepared to leave that to the verdict of the House. All that I wish to make clear now is that Government themselves do not attach any very great importance from their own point of view to this Bill. If I may say so, I think I personally attach more importance to it than Government do. But still, it is not a question of Government's giving away here in order to gain a great advantage there. So far as Government themselves are concerned, it would be quite possible for them to continue as at present and it would be by no means a difficult matter for them to say that they will not go on with this Bill at all and retain the *status quo*.

That is my attempt to make my position clear on the main point of principle in this series of amendments. But I must say a few words about this particular amendment, which suggests that the District Magistrate should be allowed to appoint a “ person ” instead of a “ Magistrate of the first class ” as his representative on the Board. My reasons for objecting to it are not that it is extremely important, but I do consider that it is very desirable for a First Class Magistrate to be on the Board, and I do think that the presence on the Board of a civil official along with the military officers has a distinctly salutary effect. I would also point out that even now under this wording, it is not absolutely necessary for a District Magistrate to appoint an official First Class Magistrate ; he can, if he wishes appoint an Honorary First Class Magistrate. I believe that has been done in one or two cases. Therefore the point which Honourable Members are trying to make, namely that it should be possible to appoint a non-official, is already a feasibility. If that is so, my position as regards

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this particular amendment is that it is not going to give the Opposition anything very important. On the other hand, if I agree to the amendment it will represent a departure from what we had agreed to, and, therefore, I must oppose it.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

“ That in clause 4 of the Bill, in clause (b) of sub-section (3) of the proposed section 13, for the words ‘ Magistrate of the first class ’ the word ‘ person ’ be substituted.”

The motion was negatived.

Mr. Mohan Lal Saksena : Sir, I beg to move :

“ That in clause 4 of the Bill, in clause (e) of sub-section (3) of the proposed section 13, for the words ‘ military officers ’ the word ‘ persons ’ be substituted, and the words ‘ by order in writing ’ be omitted.”

Sir, this amendment is also similar to the one that has been negatived by the House just now. But I think my Honourable friend Mr. Tottenham will concede that in this case his objection will not hold good, that is that the presence of a First Class Magistrate on the Board was desirable in the interests of administration of the board. By this amendment, it is sought to substitute the word “ persons ” for the words “ military officers ”. Before I proceed with this amendment, I want to say a few words in reply to what Mr. Tottenham has said just now while speaking on the other amendment. First of all he asked me whether half a loaf was not better than no bread. I may tell him frankly that I am one of those who believe that minor concessions are inimical to larger changes and therefore the threat which he has again held out before us that if all my amendments are carried out he will consider the position whether he should proceed with the Bill, is one which will not cow me down. I know that even if the Bill as it has emerged from the Select Committee is dropped now the Government will very soon bring another Bill because they are very anxious for changes in the present Act those changes may be in directions other than that in which we want. But I am sure that very soon they will bring in an amending Bill. Then, Sir, he said that he could not betray the interests of his constituency, that is, the army. I do not understand how he would be betraying the interests of the army if he accepted this amendment. After all the Officer Commanding will be there and he will have the right to nominate and instead of saying ‘ nominating officers ’ we say ‘ only such persons as he may deem fit ’. And then even, if the impossible were to happen and, the Commanding Officer nominated all non-officials and there were a non-official majority in the Cantonment Board, as has already been pointed out by Pandit Govind Ballabh Pant, there are other provisions under which the President can over-rule the decision of the Cantonment Board. Then again he asked me, if these non-official members nominated by these authorities were to vote with the Government or with the nominating authority, where was the good of having non-officials or making this provision ? I may tell him that after all even in this House we know that the Government Whip has not to care for the officials nominated in this Assembly. They know that their vote is already secured. As for the non-official nominated members they have to cajole them and they have to worry a little to persuade them to vote with them. Therefore it is absolutely necessary that when in this Act we are giving the Cantonment Board the power of taxation there must be at least some

scope for non-officials being nominated. As I have pointed out, after all cantonments are not only primarily places for the residence of soldiers but there is a large civil population which has invested large sums of money; and it is absolutely necessary that when the Board has this power of taxation there must be some opportunity or some scope by which non-officials, if they are the best available persons, should not be debarred from being nominated by the nominating authority. And, then, Sir, in this very Bill, we have got in the proposed section 13, clause (6) where it is said:

"The Officer Commanding the station may, if he thinks fit, with the sanction of the Officer Commanding-in-Chief, the Command, nominate in place of any military officer whom he is empowered to nominate under clause (e) of sub-section (3), clause (e) of sub-section (4) or clause (b) of sub-section (5), any person, whether in the service of the Government or not," etc.

So, in this very Bill, you have got a clause by which you empower the Officer Commanding-in-Chief to permit the nomination of any other person. Then why should not this House confer the nominating authority the same powers which you are reserving to the Officer Commanding-in-Chief? I hope Mr. Tottenham will not resist this amendment as he did the former one. After all, if he so chooses he can issue a circular and he can insist on the nominating authority to nominate only military officers. But by this amendment we leave a margin by which if there are persons who are competent to work on the Cantonment Boards, in the interest of the administration of the Cantonment Boards there should be no reason why they should not be nominated and only military officers should be nominated. Nomination of military officers only means that the nominating authority will have additional two to four votes instead of one, because I am sure there will not be a single occasion when these officers will dare vote against the nominating authority, while there is some chance, at least in the matter of taxation, that other nominated persons may vote against the Officer Commanding. In some cases at least it may be necessary for him to convince them of the correctness of the position to secure their votes. Sir, with these words I move the amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 4 of the Bill, in clause (e) of sub-section (3) of the proposed section 13, for the words 'military officers' the word 'persons' be substituted, and the words 'by order in writing' be omitted."

Mr. G. E. F. Tottenham: Sir, my objection to this amendment is not that it is going to prejudice to any great extent the interests of the soldiers or troops, but that it is unnecessary, for the reasons which the Honourable Member himself explained. Under the present Act, according to the proviso to section 14 (1) (e), the Officer Commanding the station may, if he thinks fit, with the sanction of the Officer Commanding-in-Chief, the Command, nominate in place of any military officer whom he is empowered to nominate under this clause any person, whether in the service of the Government or not, who is ordinarily resident in the cantonment, etc. That proviso is, as the Honourable Member himself explained, reproduced in clause (6) of section 13 of this Bill in exactly the same language, and therefore I can see no great value in deleting that sub-clause (6) of section 13 and putting its contents,—that is practically what it amounts to,—into the earlier clauses. The effect I admit would be very much the same in practice because, as the Honourable Member himself

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pointed out, it would always be open to the Officer Commanding-in-Chief to give directions to Commanding Officers that they were to appoint military officers. I cannot myself see that there is any great difference between that and the present provision of the law which says that the Officer Commanding the station may do it with the sanction of the Officer Commanding-in-Chief, the Command. In both cases the sanction of the Officer Commanding-in-Chief is required, and all that will happen if this amendment is passed will be exactly what we are doing at present, but in a roundabout way. From that point of view, therefore, I should prefer to keep the Bill as at present drafted, on the ground that it does give Honourable Members opposite substantially what they are asking for, that is, a chance of replacing official military officers on the Board by non-officials when there are reasonable grounds for doing so.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

“ That in clause 4 of the Bill, in clause (e) of sub-section (3) of the proposed section 13, for the words ‘ military officers ’ the word ‘ persons ’ be substituted, and the words ‘ by order in writing ’ be omitted.”

The motion was negatived.

Mr. Mohan Lal Saksena : Sir, I beg to move :

“ That in clause 4 of the Bill, in clause (f) of sub-section (3) of the proposed section 13, for the word ‘ seven ’ the word ‘ nine ’ be substituted.”

This will make nine elected members. By this amendment there

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will not be a majority of elected members in the board. There may be, if all the amendments are accepted, a non-official majority, but certainly there will be no majority of elected members ; and at present, as has been pointed out by Pandit Govind Ballabh Pant, wherever there is a board, there are at least seven elected members and seven nominated members, and one President. But in the new scheme there may be boards where the number of the elected members may be reduced. One objection taken by the Army Secretary was that it is just possible that there may be boards where the population is not large enough to supply the requisite number of elected members. But if my information is correct, I think even now there are about 36 cantonments where there are elected cantonment boards : that means that in these 36 places there are seven elected members. But under the new scheme of things, I am not sure, but I am given to understand, that in a large number of cases the number of elected members will be reduced. By this amendment I wanted that the number of elected members should be made nine, instead of seven, which will work out in this way, that there will be in all a board of 19 members of whom nine will be elected and ten will be nominated. There will still be a majority of one nominated member. For the reason which I have already stated that because under the present Bill the power of taxation is given to the board, it is necessary that they should have an effective, if not a predominant, voice, in the determination of taxes to be imposed upon them. Under the present Act, till now, the power of imposing taxes vests in the Local Government. Under the new scheme it will be the board which will decide upon measures of taxation. Of course there are certain safeguards. But as we know wherever we give power of taxation, we

also give power of representation and therefore so that the civil population may have an effective voice in the administration of the cantonment board and also in the imposing of taxes, it is necessary that there should be nine elected members instead of seven. With these words, I move this amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

" That in clause 4 of the Bill, in clause (f) of sub-section (3) of the proposed section 13, for the word ' seven ' the word ' nine ' be substituted."

Mr. G. B. F. Tottenham : Sir, I am afraid I cannot agree with the Honourable Member who has moved this amendment that a mere addition to the number of elected members will make their voice any more effective than at present. Their voice can be made more effective only if they are given a majority on the board. This amendment would give the elected members a clear majority on the board. The constitution of a class I cantonment board under this Bill will be one Commanding Officer as President, 7 elected members and 7 nominated officials—that is, 15 altogether. If this amendment were passed, the board would consist of 17 members consisting of one Commanding Officer, 9 elected members and 7 nominated officials; therefore the board would contain clear elected majority; and as I have already explained, I am afraid that is a principle that I am quite unable to accept.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

" That in clause 4 of the Bill, in clause (f) of sub-section (3) of the proposed section 13, for the word ' seven ' the word ' nine ' be substituted."

The motion was negatived.

Mr. Mohan Lal Saksena : Sir, I move :

" That in clause 4 of the Bill, after clause (f) of sub-section (3) of the proposed section 13, the following clause be inserted :

' (g) two non-official members nominated by the District Magistrate '."

Now that my Honourable friend has resisted all other amendments, I hope he will accept this. After all this will not give an elected majority. The power of nomination will rest with the District Magistrate and I think as has been pointed out by Dr. Khare, that stage has not yet arrived when the Government should distrust their own district officers. Therefore the interests of the army will not be betrayed if he accepts this amendment. I know, because of the agreement to which he has referred and in the face of the fact that he has not been able to accept any of my amendments so far, what the fate of this amendment will be; but still I know there is a large volume of public opinion outside which is against this Bill and which wants that there should be effective representation of civil population by inserting a non-official majority. Therefore I move this amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

" That in clause 4 of the Bill, after clause (f) of sub-section (3) of the proposed section 13, the following clause be inserted :

' (g) two non-official members nominated by the District Magistrate '."

Mr. G. E. F. Tottenham : Sir, the acceptance of this amendment would, I am afraid, be very much opposed to the interests of Honourable Members opposite, because they must remember that we are now left with a first class cantonment board consisting of seven elected members. They tell me that if we nominate non-officials, these nominated members will always vote with the official bloc, and therefore this amendment means increasing the official bloc by two and putting the elected members in a minority of three instead of a minority of one. From their own point of view, I think therefore that this amendment is not desirable; and for the reasons I have already explained I regret that I am unable to accept it.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

“ That in clause 4 of the Bill, after clause (f) of sub-section (3) of the proposed section 13, the following clause be inserted :

‘ (g) two non-official members nominated by the District Magistrate.’ ”

The motion was negatived.

Mr. Mohan Lal Saksena : I do not want to move any more amendments to clause 4.

Mr. G. H. Spence : Sir, I move :

“ That in clause 4 of the Bill, in the proposed new section 13 (4) (c) (iii), after the words ‘ five thousand ’ the following be inserted :

‘ and in cantonments which the Governor General in Council, by notification under the proviso to sub-section (1), has placed in class II, whatever be the population.’ ”

The effect of this amendment will be to reduce to one the number of military officers on the boards of cantonments in respect of which the power conferred by the proviso to sub-section (1) has been used. It is quite clear that if the insertion proposed in this amendment is not made, the object with which the proviso to sub-section (1) of section 13 was inserted will be defeated. That object was, as explained in the report of the Select Committee, to meet the difficulty apprehended in the North-West Frontier Province and Baluchistan that owing to the military duties and frequent movements of military personnel it might not always be possible or convenient to supply members for a more numerous board. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

“ That in clause 4 of the Bill, in the proposed new section 13 (4) (c) (iii), after the words ‘ five thousand ’ the following be inserted :

‘ and in cantonments which the Governor General in Council, by notification under the proviso to sub-section (1), has placed in class II, whatever be the population.’ ”

The motion was adopted.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

“ That clause 4, as amended, stand part of the Bill.”

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 was added to the Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

“ That clause 6 stand part.....

Mr. Mohan Lal Saksena : Sir, I have given notice of an amendment to clause 5.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Chair cannot allow this, because, in the first place, notice of the amendment was sent in only today ; secondly, the Honourable Member did not rise in his seat to move his amendment in proper time. We have passed clause 5, and are now on clause 6. (After a pause.)

The Chair was under the impression that clause 6 had been put, but it understands it is not so, and, therefore, the Chair is quite prepared to allow Mr. Saksena to move his amendment, unless there is any objection on the ground of notice.

The Honourable Sir Nirpendra Sircar (Law Member) : Sir, there is objection on two grounds, firstly, clause 5 has been put and passed, and we are now on clause 6. My Honourable friend's amendment is on clause 5.

Mr. Mohan Lal Saksena : No, Sir, my amendment comes after clause 5. It is a new clause to be added after clause 5.

Mr. Deputy President (Mr. Akhil Chandra Datta) : There is objection on the ground of notice.

Mr. Mohan Lal Saksena : I would request the Chair to suspend the Standing Order and allow me to move this amendment.

Pandit Govind Ballabh Pant : The Chair can have an opportunity of suspending the Standing Order.

Mr. Mohan Lal Saksena : Sir, I could not move the amendment in time. There were a large number of amendments to the Bill, and it was only today I found certain important amendments had been left out, and so I gave notice only today in the hope that the Chair would suspend the Standing Order as a special case and enable me to move it.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Chair suspends the Standing Orders and allows Mr. Mohan Lal Saksena to move his amendment.

Mr. Mohan Lal Saksena : Thank you, Sir. I move :

“ That after clause 5, add the following clause and number it as 5A :

‘ Delete section 18 of the said Act .’ ”

Sir, section 18 of the Cantonments Act reads thus :

“ Every person who is by virtue of his office, or who is nominated or elected to be, a member of a Board shall, before taking his seat, make at a meeting of the Board an oath or affirmation of his allegiance to the Crown in the following form, namely :

1,.....having become, or been elected or been nominated a member of this Board, do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, his heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

[Mr. Mohan Lal Saksena.]

(2) If any such person fails to make the oath or affirmation within such time as the Local Government considers reasonable, the Local Government shall, by notification in the local Official Gazette, declare his seat to be vacant.".....

Mr. Deputy President (Mr. Akhil Chandra Datta) : Order, order. Before the Honourable Member proceeds to speak further in support of his motion, the Chair would like to point out that this is an amending Bill, and section 18 of the Act is left untouched by the Bill before us. Therefore, it enlarges the scope of the Bill. How does he propose to get over that difficulty ?

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhamadan Rural) : It is narrowing the scope of the Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta) : So far as amendments to an amending Bill are concerned, even narrowing amounts to enlarging.

Mr. Mohan Lal Saksena : I thought we were really overhauling the whole Act, because from the very first section there are amendments right up to section 178, and so on.

Mr. N. V. Gadgil : On a point of order, Sir. I submit that this amendment is perfectly in order. What is under consideration is the constitution of the Board, including the question of franchise, qualifications and disqualifications of the members. I consider the whole section 15 is under discussion in the House. If new members are to be permitted by virtue of this Bill being passed into law to sit on the Cantonment Boards, why should they be obliged to take an oath under the old Act. Therefore, I submit, Sir, that this amendment is perfectly in order, and it does not enlarge the scope of the Bill at all.

Mr. Deputy President (Mr. Akhil Chandra Datta) : It cannot be allowed. The question is :

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clauses 7 and 8 were added to the Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

"That clause 9 stand part of the Bill."

Mr. G. H. Spence : Sir, I move :

"That in sub-clause (b) of clause 9 of the Bill, for the words 'has not been constituted for the first time' the words 'is not constituted' be substituted."

The existing wording, Sir, fails to cover the case where a Board has been constituted and, at a subsequent period, has ceased to exist. The only object of this amendment is to meet such a case. There are cases in point such as Ambala. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :
 "That in sub-clause (b) of clause 9 of the Bill, for the words 'has not been constituted for the first time' the words 'is not constituted' be substituted."
 The motion was adopted.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

“ That clause 9, as amended, stand part of the Bill.”

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

“ That clause 10 stand part of the Bill.”

Mr. N. V. Gadgil : Sir, I move :

“ That for sub-clause (a) (i) of clause 10 of the Bill the following be substituted :

(i) for sub-clause (iii) of clause (b), the following be substituted :

“(iii) is entitled to be on the electoral roll of the Provincial Assembly, by virtue of educational qualifications prescribed for the particular province concerned.”

My submission is that, in the old Act, the qualification laid down is that he must be a graduate of any university established by law in British India. The amending Bill has substituted Matriculation for the same. My point is that the literacy test must be wide and that the literacy franchise prescribed for the purpose of the various Provincial Assemblies must be adopted. In the 6th Schedule to the Government of India Act, 1935, so far as the Bombay Presidency is concerned, the educational qualification is laid down as follows :

“ Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved in the prescribed manner to have passed the matriculation or school leaving examination of the University of Bombay, or an examination prescribed as at least equivalent to either of those examinations, or, if it is so prescribed, any other prescribed examination, not lower than vernacular final examination.”

In different provinces different qualifications have been laid down. Therefore, my amendment seeks to cover all these things by making the proposal general, namely, that he is entitled to be on the electoral roll of the Provincial Assembly, by virtue of educational qualifications prescribed for the particular province concerned. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

“ That for sub-clause (a) (i) of clause 10 of the Bill the following be substituted :

(i) for sub-clause (iii) of clause (b), the following be substituted :

“(iii) is entitled to be on the electoral roll of the Provincial Assembly, by virtue of educational qualifications prescribed for the particular province concerned.”

Mr. G. R. F. Tottenham : I may say at once that I am in sympathy with the amendment proposed by my Honourable friend, and I think it is merely a question of the way in which his intention should be given effect to. It is true that at present the educational qualification for an elector in a cantonment is that he must be a graduate. The Select Committee widened the franchise by making the qualification the matriculation standard or its equivalent. One difficulty about giving effect to the amendment in the wording proposed by the Honourable Member is that it would not cover every cantonment in India. For instance,

[Mr. G. R. F. Tottenham.]

Delhi has a cantonment, but presumably nobody there would have a vote for a provincial Assembly. Therefore, it is necessary for us to provide some standard anyhow for those cantonments which are not in constituencies for a provincial Assembly. Further, I think I must take a more material point. The correct thing for us to do in cantonments would be to regulate our franchise by the franchise in provincial municipalities. I think that is the correct and straight way of doing it, and I am quite prepared to accept an amendment which would make the educational qualification for an elector in a cantonment the same as that for an elector in a municipality. It would then be open to the provincial Government concerned to arrange for the franchise in the municipality as it thought best to fit in with the franchise for the provincial Assembly and provision to that effect would formally be followed in cantonments and would give effect to the principle which the Honourable Member has in view. The form of the words I would suggest would be that, in place of the present clause, we should say, "has passed the matriculation examination of a university established by law in British India or holds any other educational qualification which would be required to qualify him for enrolment as an elector in a municipality in the province in which the cantonment is situate."

Mr. N. V. Gadgil : May I point out to the Honourable Member that so far as the Bombay Presidency is concerned the Municipal Acts do not contemplate literacy qualification for the purpose of franchise? The literacy franchise for the provincial Assembly would be of great utility.

Mr. G. R. F. Tottenham : I understood that under the Bombay Municipal Act—I have not got it with me here—the qualification for an elector in a Bombay municipality was that of a graduate at the present moment. Is my Honourable friend sure about that?

Mr. N. V. Gadgil : That was before the year 1925. In the Act of 1925 that qualification is not provided.

Mr. G. R. F. Tottenham : The present position in municipalities in Bombay is that there is no educational qualification prescribed?

Mr. N. V. Gadgil : No, not even for the Corporation of Bombay.

Mr. G. R. F. Tottenham : In that case I agree that we shall have to reconsider the wording of this amendment.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Mr. N. V. Gadgil : The same qualification as is prescribed for the Provincial Assembly would be better.

Mr. G. R. F. Tottenham : That, again, as I indicated, would not get over the difficulty of certain cantonments in areas where there would not be a Provincial Assembly.

Mr. N. V. Gadgil : They would be few and far between.

Mr. G. R. F. Tottenham : As we are agreed as to the principle of the amendment, I suggest, that the best thing would be that I should consult the draftsman and put up an agreed amendment to be moved

formally when the other amendments have been passed. It is merely a matter of arranging the wording.

Mr. N. V. Gadgil : I accept that.

Mr. President (The Honourable Sir Abdur Rahim) : Then, clause 10 has to stand over.

Mr. Mohan Lal Saksena : I have also got an amendment. I move :

“ That in sub-clause (a) (i) of clause 10 of the Bill, for the word ‘ Matriculation ’ the words ‘ Upper Primary ’ be substituted.”

Mr. President (The Honourable Sir Abdur Rahim) : In view of the decision on the last amendment, this also will have to stand over.

Mr. N. V. Gadgil : Sir, I move :

“ That after sub-clause (a) (ii) of clause 10 of the Bill, the following new sub-clause be inserted :

‘ (iii) after clause (c) the following shall be inserted :

‘ (d) Every person whose name is entered on the current electoral roll of the constituency of which the particular Cantonment forms a part for the purpose of the Provincial Legislative Assembly ’.”

This deals with a different subject, Sir. The object of this amendment is to widen the franchise and a similar provision is contained in the Bombay Major Municipalities Act in which section 11 lays down that every person whose name is on the current electoral roll or is entered in the electoral roll or part thereof prepared for a municipal borough which constitutes or forms part of a general constituency and published under Regulation 63 of the Bombay Electoral Regulations, 1923, shall be qualified to vote at a municipal election in such municipal boroughs. In view of the Government of India Act of 1935, I have made the necessary changes and have stated in my amendment ‘ for the purpose of the Provincial Legislative Assembly ’. A similar provision is to be found in the District Local Boards Act. In fact, I am told that a similar provision is found in all the municipal Acts. All those persons who are entered on the electoral roll of the Provincial Legislative Assembly should be automatically entitled to be on the electoral roll of the Cantonment Board. That is the object of the amendment. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That after sub-clause (a) (ii) of clause 10 of the Bill, the following new sub-clause be inserted :

‘ (iii) after clause (c) the following shall be inserted :

‘ (d) Every person whose name is entered on the current electoral roll of the constituency of which the particular Cantonment forms a part for the purpose of the Provincial Legislative Assembly ’.”

Mr. G. E. F. Tottenham : I think, if I may say so, that this is a somewhat unreasonable proposal as applied to cantonments. As far as I can see, the actual effect of it would be to give everybody in a particular constituency for the purposes of election to a legislative Assembly the power to vote in a cantonment board election. As it stands, the amendment reads :

“ Every person whose name is entered on the current electoral roll of the constituency of which the particular Cantonment forms a part for the purpose of the Provincial Legislative Assembly.”

[Mr. G. R. F. Tottenham.]

To take a practical example. There is a tiny little cantonment called Jutogh a few miles away from Simla. Under the Honourable Member's proposal everybody who had a right to vote for the provincial legislative Assembly in Simla would also have a right to vote for the cantonment board election in Jutogh, although probably nine-tenths of this number never go there and take no interest whatever in the affairs of the cantonment of Jutogh. Take the similar case of Lahore. Lahore is an enormous city. It has an enormous number of voters for the provincial legislative Assembly and next to it is the comparatively small military cantonment. Under the Honourable Member's suggestion all the people in Lahore City who are entitled to vote for the provincial legislative Assembly would also be entitled to vote for the cantonment board election in the Lahore Cantonment. Again the difficulty would arise about Delhi itself where you have a fairly small military cantonment close to the city. Take also the opposite case of Rawalpindi which is a big cantonment. It would appear that persons in villages and so on in the district would be entitled to vote at the election for the Pindi Cantonment Board although they had no connection or interest whatever in the cantonment. I therefore regret that I am unable to accept this amendment.

Mr. N. V. Gadgil : This is subject to what is contained in (b) of section 27 :

"Every person who has for a period of not less than twelve months immediately preceding the aforesaid date resided in the cantonment and on the aforesaid date, etc."

My amendment is to be read subject to this.

Mr. G. R. F. Tottenham : The wording of sub-section (b) applies only to the persons mentioned in parts (i), (ii), (iii) and (iv) of that sub-section, namely,—“is the owner or mortgagee, etc.” or “is carrying on any business in the cantonment”, or “is a graduate of any University” or “is a retired or pensioned officer”, while sub-clause (c) refers to “every person who has during a period of not less than twelve months immediately preceding the aforesaid date resided in the cantonment” and so on. The Honourable Member wishes to insert a new sub-clause which is not subject to any of the previous stipulations. It is simply a bare statement that every person whose name is entered on the roll of the provincial Assembly should be entitled to vote in the cantonment. If he could make it clear that he wishes to include only persons in the cantonment, then I would be prepared to accept his amendment. As drafted, I submit, it does not produce that effect.

Mr. G. H. Spence : I would suggest to you, Sir, that we leave clause 10 for the present and proceed with the other clauses. By the time we finish them, we may clear up these complexities.

Mr. President (The Honourable Sir Abdur Rahim) : Clause 10 will stand over for the present. The question is—“That clause 11 stand part of the Bill.”

Mr. Mohan Lal Saksena : I have an amendment to clause 11, now.

Mr. G. R. F. Tottenham : On a point of order. This amendment only reached me at 11 o'clock this morning. As far as I know, many Honourable Members of this House have not yet received it. I have had absolutely no time to look into it. I do not even know what it is about.

I submit it is rather unfair to send these amendments in so late. Members of the House have had six months to send their amendments in.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair cannot allow this amendment to be moved.

Clauses 11, 12, 13, 14 and 15 were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 16 stand part of the Bill.”

Mr. Mohan Lal Saksena : Sir, I move :

“ That in clause 16 of the Bill, in the proposed section 43A (1), the words ‘ purposes connected with ’ be omitted.”

Honourable Members are aware that these words have been introduced by the Select Committee to make it clear that there will be certain other functions which will not be within the purview of the Bazaar Committee. On the one hand it has been urged on behalf of the Government that the constitution of Bazaar Committees is a large concession which should be welcomed by the non-official members of the civil population of cantonments. On the other hand it is said that the Bazaar Committee will be only for certain purposes connected with the administration. I want these words “ purposes connected with ” to be deleted to make the meaning clear.

The amended section will then read :

“ The Health Officer and the Executive Engineer for the administration of such areas in the cantonment as the Governor General in Council may, by notification in the Gazette of India, declare to be bazaar areas, and may delegate its powers and duties to such committee in the manner provided in clause (e) of sub-section (1) of section 44.”

I think the other sections of this Bill make it quite clear that this Bazaar Committee will derive its authority from the Cantonment Board. Therefore, there is no room for any misunderstanding that the Cantonment Board will have nothing to do with the Bazaar Committee and that the administration of the Bazaar area will be entirely in the hands of the Bazaar Committee. Therefore, I think that these words which have been introduced by the Select Committee should be deleted.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That in clause 16 of the Bill, in the proposed section 43A (1), the words ‘ purposes connected with ’ be omitted.”

Mr. G. R. F. Tottenham : Sir, it is quite true that the second Select Committee did purposely insert these words for the purpose described by the Honourable Member opposite, but he quite rightly recognizes that the powers of the Bazaar Committee must constitutionally be derived from the Board itself and that the extent of those powers must constitutionally be liable to variation from time to time, if necessary, by the Board as a whole. I am advised that these particular words that were inserted by the Select Committee are not strictly necessary and therefore I am prepared to accept the amendment.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That in clause 16 of the Bill, in the proposed section 45A (1), the words ‘ purposes connected with ’ be omitted.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : Pandit Malaviya. (The Honourable Member was not in his seat.) Honourable Members who have any amendments down on the List should rise in their places, when their turn comes.

The question is :

“ That clause 16, as amended, stand part of the Bill.”

The motion was adopted.

Clause 16, as amended, was added to the Bill.

Clauses 17 to 21 were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 22 stand part of the Bill.”

Mr. Saksena.

Mr. Mohan Lal Saksena : Sir, I move :

“ That in clause 22 of the Bill, in the proposed section 60 (1), after the words ‘ any municipality ’ the words ‘ of the same class ’ be inserted.”

Sir, the clause will thus read like this :

“ 22. For section 60 of the said Act the following section shall be substituted, namely :

‘ 60. (1) The Board may, with the previous sanction of the Local Government, impose in any cantonment any tax which, under any enactment for the time being in force, may be imposed in any municipality of the same class in the province wherein such cantonment is situated : ’ ”

Up till now, Honourable Members are aware, the power of taxation vests with the Local Government. The Local Government alone can impose taxes, but now this power is being delegated to the Cantonment Board, and the latter is allowed to impose any taxation which can be imposed by any enactment in force in any municipality of the province. Now there are municipalities and municipalities, of different classes, in each province and there are certain taxes which are not enforceable in second and third class municipalities but are enforceable only in first class municipalities. Therefore, I have added these words : “ of the same class ”. That will clear the position : and only such taxes will be imposed in cantonments as can be imposed in any municipality of the province of the same class. I hope my Honourable friend, Mr. Tottenham, will have no objection to the acceptance of this amendment.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That in clause 22 of the Bill, in the proposed section 60 (1), after the words ‘ any municipality ’ the words ‘ of the same class ’ be inserted.”

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, I rise to support this amendment, and, in doing so, I wish

to say that it is most essential to protect the general public and voters from the over-anxiety of the Cantonment Boards to tax the public and try to cater to their public needs. It is only too well-known that various municipalities in different parts of India have vainly tried to please the public only by imposing additional taxation upon them and not by really utilising the funds placed at their disposal in the best possible manner. They know that, except at the time of the elections, they need not be afraid of the public, and the few people who are behind them as henchmen only care for the opportunities that they get for making as much money as possible out of these Boards, and they can do that better if additional taxation is imposed. It is to prevent these extraordinary proclivities of these municipal boards and municipal councils that the Local Governments of the various provinces have seen fit to restrict their powers in this direction. Even in the Madras Presidency, we have village panchayats—the smallest in the category of local self-government institutions—which have exhibited, in an extraordinary manner, great enthusiasm for imposing additional taxation improperly and at an inopportune moment, with the result that the Madras Government found it necessary to restrict their powers and their rights of imposing such additional taxation. Therefore, Sir, there is all the more reason why these Cantonment Boards, on which there is no elected majority of members, but which are mostly under the control of the military authorities, should be prevented from imposing additional taxation whenever, and to whatever extent, they liked. It is for this reason that my Honourable friend's suggestion, that their powers should be curtailed in the same manner and to the same extent in which the rights of municipalities of the same category are curtailed and restricted in the various provinces in which these cantonments are to be found, is put forward. I, therefore, hope that the House will see it fit to support the amendment of my friend, and the Honourable Member in charge of the Bill will also be willing to accept this amendment, which is really a harmless one, and, at the same time, serves a very useful purpose. In these days of over-taxation, he should, of all people, be willing to agree at least to this and help the local public and prevent them from being over-taxed.

Mr. G. R. F. Tottenham : Sir, I would like to point out with reference to what Prof. Ranga said that this amendment has nothing whatever to do with the amount of tax that is imposed by any Cantonment Board. The section deals with the question of the kind of taxes that they may impose and it makes no difference from the present law on the subject except to the extent that at present the Local Government takes the initiative in imposing taxes in cantonments, whereas in future the initiative will lie with the Cantonment Board, but they will have to get the sanction of the Local Government. If I were satisfied that the words proposed in the amendment would mean anything and that they would apply universally to all provinces and all parts of India, I would be perfectly prepared to accept the amendment. But as far as I know, it is not a fact that in all provinces in India municipalities are divided into different classes, at any rate, not into different classes corresponding to the classes into which our cantonments are divided. Therefore, if we were to put in these words they would be senseless and meaningless in most parts of India. I am prepared to accept the principle at which Honourable Members are aiming but I do not think it can be given effect to by this alteration in the wording of this clause. After all,

[Mr. G. R. F. Tottenham.]

all that we are really trying to do, and all that we have done ever since this Act was passed in 1924, is to ensure, for instance, that a Cantonment Board in Madras should not impose some kind of taxation which is quite foreign to the municipalities in Madras, but which may happen to be well known in Northern India. At present, in a certain Madras Municipal Act, for instance, there is a power to put a tax on advertisements. That is not a kind of tax that is permissible and leviable in the Punjab. This section merely secures that no Cantonment Board can impose any kind of novel or foreign tax which is not known in the province in which the cantonment is situated and I think that is a very sensible provision. As far as I can see, I cannot give effect to the intention which the Honourable Members have in mind by simply inserting the words 'of the same class'. There are many parts of India where municipalities are not of the same class as cantonments and therefore these words would mean nothing. I, therefore, regret that as far as I can see such an amendment would be meaningless and I am afraid I am unable to accept it.

Prof. N. G. Ranga : In view of the fact that the Honourable Member is in agreement with the principle underlying this amendment and his only objection is to the drafting of it, will he be agreeable to postpone the consideration of this particular clause for the time being? He may give us an opportunity of redrafting it with his co-operation so that we may be able to incorporate the principle with which he is also in agreement.

Mr. G. R. F. Tottenham : I would be prepared to do that if the House wishes me to do so, but I venture to submit that it will be a very difficult task and the object in view would be much better achieved by my issuing instructions on the subject if the House thinks that would be sufficient. If that does not meet the Honourable Member's point of view, I would certainly consider whether any drafting amendment here would have the effect that he has in mind. I understand what he has in his mind is that if in a certain province municipalities are divided into certain classes and that if the municipal law of that province provides that only certain classes of taxes are to be imposed in certain classes of municipalities and if these classes of municipalities can be made to correspond to our classes of cantonments, then we should try and bring them together. How that can be drafted in the form of an amendment to this particular clause, I cannot say at present. I think it would be an impossible task.

Pandit Govind Ballabh Pant : Sir, I move that this clause do stand over till we have considered other clauses.

Mr. G. R. F. Tottenham : I am prepared to agree to that.

Mr. President (The Honourable Sir Abdur Rahim) : Clause 22 will stand over for the present.

Clauses 23 to 32 were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 33 stand part of the Bill.”

Mr. Mohan Lal Saksena : Sir, I move :

“ That in clause 33 of the Bill, the proposed proviso be omitted.”

The proviso runs thus :

“ Provided that, where the sum written off in favour of any one person exceeds fifty rupees, the sanction of the Officer Commanding-in-Chief, the Command, shall be first obtained.”

The object of moving this amendment is to remove the restriction that this proviso imposes on the powers of the Cantonment Board. The section authorises the Cantonment Board to write off sums up to Rs. 50 but in case it wants to write off any sum exceeding Rs. 50, it must obtain the sanction of the Officer Commanding-in-Chief. We know that in sections 51 and 52 of the existing Act and in other sections of the Act the Officer Commanding-in-Chief and the Officer Commanding and the Local Government have got powers to stop any action being taken by any resolution of the Cantonment Board. After all, you must place confidence in the Cantonment Board to the extent that they will be performing their duties in the best interests of the Board. By this proviso, you restrict the power of the Board, which betrays a certain amount of distrust in the ability of the Cantonment Board to perform its duties. I submit that even without the proviso there are sufficient provisions in the Act by which any resolution by which the Board unjustifiably writes off any sum can be stopped and cancelled. Therefore, this proviso is unnecessary and I move with these words that it may be omitted.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That in clause 33 of the Bill, the proposed proviso be omitted.”

Mr. G. R. F. Tottenham : Sir, we are by this clause giving Cantonment Boards increased powers in the matter of writing off, as compared with the present powers ; we are giving them power not only to write off taxes, but also rates, and the Select Committee came to the conclusion when they were going through this Bill that there ought to be some limit to the power of the Board to write off sums in favour of one particular individual. The Select Committee agreed to this amendment which in itself I submit is a perfectly reasonable and fair provision of law. The Honourable Member seems to think that if Cantonment Boards want to write off debts and began writing off large sums of money in favour of one individual, the correct course would be for the Officer Commanding to use his special powers under section 52 and send the Resolution up to the Officer Commanding-in-Chief for veto and so forth. I do not think that is the correct way of carrying on the administration of Cantonments. I think those powers ought to be used only in exceptional circumstances. I submit there ought to be a general rule laid down that the Board has certain financial powers and not others. In this matter of writing off sums in favour of individuals, I suggest it is a salutary proviso that there should be some monetary limit. I cannot pretend that the matter is one of vast importance, but I do think that the Select Committee agreed to it because there were good reasons in favour of it and it is therefore advisable to let the clause remain as drafted. I therefore regret that I am unable to accept the amendment.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That in clause 33 of the Bill, the proposed proviso be omitted.”

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 33 stand part of the Bill.”

The motion was adopted.

Clause 33 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 34 stand part of the Bill.”

Mr. Mohan Lal Saksena : Sir, I beg to move :

“ That clause 34 of the Bill be omitted.”

Sir, clause 34 reads as follows :

“ In.....sub-section (3) of section 107 of the said Act, for the words ‘ Local Government ’, where they occur for the first time, the words ‘ Officer Commanding-in-Chief, the Command ’ shall be substituted.”

Sir, section 107, sub-section (3) reads like this :

“ A Cantonment authority may from time to time with the previous sanction of the Local Government invest any portion of its Cantonment funds in securities of the Government of India.”

Up till now, under the provisions of the existing Act this power is vested in the Local Government to sanction as to how the Cantonment funds were to be invested. That power is now sought by this clause to be transferred from the Local Government to the Officer Commanding-in-Chief, the Command. Sir, I think this provision betrays unmerited distrust of the Local Government. I do not know why my Honourable friend opposite is anxious to substitute the words ‘ Officer Commanding-in-Chief, the Command ’ for the words ‘ Local Government ’. It may be that the Local Governments in the future are going to be quite different from what they are today. So, if the Local Government had the power of sanction as to how the funds of Cantonment Boards should be invested, I think that power should be left intact and it is not proper to take that power away from the Local Government and vest it in one single individual however great he may be. Sir, I move the amendment.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That clause 34 of the Bill be omitted.”

Prof. N. G. Ranga : Sir, it is not at all in favour of the Indian public that this alteration sought to be made by Government on the advice of the Select Committee should be made in the Act. Sir, it is a well-known fact that ever since these municipalities and local boards have come into the hands of elected councillors and elected presidents, the funds of these bodies and boards have come to be invested more and more in Indian banks and co-operative societies instead of being deposited in the Imperial Bank of India as was the case earlier. The only object with

which this amendment is sought to be made in the original Act by Government might be to prevent the Local Governments which are to come into existence hereafter from directing or authorizing these Cantonments to deposit their funds in Indian banks or in co-operative societies and thus prevent them from helping Indian banking industry in future. It is quite possible that the Government of India are afraid of the Local Governments to come in the near future and they fear that they are going to be so much Indianised and so much Indian in their mentality that they are likely to place the funds at the disposal of the Indian investing public and Indian banking interests rather than at the disposal of British banking interests. I see my Honourable friend, Mr. Tottenham, shaking his head in dissent, perhaps it may be that his further objection is that since the Local Governments are going to be more Indianised than they are today, it would be more and more difficult for these Cantonments to get their particular sanction than it would be if they are to seek the permission of the Officer Commanding-in-Chief, the Command. I would like the Government to put a little more faith in the Local Governments that they are themselves instrumental in creating, in the kind of Ministers that they are themselves so very anxious to usher in in different provinces than they seem inclined to do at present. I do not see any other reason, legitimate or illegitimate, for which the Government of India can ask this House its permission for allowing them to make this amendment in this particular Act. Sir, I support the amendment.

Mr. G. R. F. Tottenham : Sir, there is absolutely no reason for any of the Honourable Members' fears. There is no question of distrust of Local Governments or distrust of the future Ministers or anything else. If the Honourable Member had taken the trouble to read the whole section, I think it would have been perfectly clear that all that we are proposing to do is to alter the words "Local Government" where they occur for the first time in this section into the "Officer Commanding-in-Chief, the Command". It is the Officer Commanding-in-Chief, the Command, who has to decide whether the Board has any surplus funds to invest. The Officer Commanding-in-Chief, the Command, is the controlling authority of Cantonment Funds according to the Cantonment Account Code which is a series of rules prescribed under section 280 of the Act. That is to say, he is the statutory authority for the control of Cantonment expenditure, for sanctioning the Cantonment Budget and so on and so forth. Local Governments have no direct knowledge of the financial condition of Cantonments and therefore they cannot be expected to know, if a Cantonment Board wishes to invest any money, whether they have that money to invest, whether they have a sufficient balance or what the exact position of their funds is, whereas the Officer Commanding-in-Chief, the Command, has got all that knowledge. However, having decided that there is some surplus to invest, it does not rest now, and it will not rest in the future, with the Officer Commanding-in-Chief, the Command, to decide in what securities it should be invested. The section will read :

"A Cantonment Authority may, from time to time, with the previous sanction of the Officer Commanding-in-Chief, the Command, invest any portion of its cantonment fund in securities of the Government of India or in such other securities, including fixed deposits in banks, as the Local Government may approve in this behalf

Therefore, even when the Officer Commanding-in-Chief, the Command, has decided that there are funds to invest it will not be he who will invest

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them. He will write to the Local Government and say, "what shall I invest the funds in". It will be open to the Local Government to approve the kind of security or bank in which the funds should be invested. Therefore, Sir, I see no reason to accept this amendment or to think that there is any ulterior motive behind.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

"That clause 34 of the Bill be omitted."

The motion was negatived.

Clauses 34 to 37 were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

"That clause 38 stand part of the Bill"

Mr. G. H. Spence : Sir I beg to move :

"That for clause 38 of the Bill, the following be substituted :

' 38. For clause (d) of sub-section (1) of section 138 of the said Act, the following clause shall be substituted, namely :

' (d) Where the cantonment is a Class I or Class II cantonment, two non-official members of the board, or where the cantonment is a Class III cantonment, one non-official member of the board.' "

Sir, sub-section (1) of section 138 of the principal Act specifies the composition of certain Committees appointed to inspect insanitary premises. The Committees consist of the Health Officer, the Civil Surgeon, the Executive Engineer, and "(d) where there is a Board, two non-official members thereof".

The existing clause of the Bill to which this amendment is moved contains a misprint. The words to be omitted are not "Where there is no Board" but "Where there is a Board". That would have left clause (d) of sub-section (1) of section 138 reading, "Two non-official members thereof" which would be quite meaningless. Moreover if we made it mean something by saying "Two non-official members of the Board", that would not meet the point that under the position created by this Bill there are certain boards on which there is only one non-official member. So the effect of the amendment just now proposed is that it maintains the existing position in the case of boards consisting of two or more members where you will have two non-official members on the sanitary committees; where there is only one non-official member of the board, then that one non-official member will be on the sanitary committee.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

"That for clause 38 of the Bill, the following be substituted :

' 38. For clause (d) of sub-section (1) of section 138 of the said Act, the following clause shall be substituted, namely :

' (d) Where the cantonment is a Class I or Class II cantonment, two non-official members of the board, or where the cantonment is a Class III cantonment, one non-official member of the board.' "

Mr. G. B. F. Tottenham : Sir, I have nothing further to say on this.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

"That for clause 38 of the Bill, the following be substituted :

' 38. For clause (d) of sub-section (1) of section 138 of the said Act, the following clause shall be substituted, namely :

' (d) Where the cantonment is a Class I or Class II cantonment, two non-official members of the board, or where the cantonment is a Class III cantonment, one non-official member of the board.' "

The motion was adopted.

Clause 38, as amended, was added to the Bill.

Clauses 39 to 43 were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

"That clause 44 stand part of the Bill."

Mr. Mohan Lal Saksena : Sir, I move :

"That in clause 44 of the Bill, in the proposed section 178A, the words 'No land shall be used as a site for the erection of a building in any cantonment and ' be omitted."

Clause 44 reads thus :

"44. In Chapter XI of the said Act, before section 179, the following section shall be inserted, namely :

' 178A. No land shall be used as a site for the erection of a building in any cantonment and no person shall erect or re-erect a building on any land in a cantonment, except with the previous sanction of the Board, nor otherwise than in accordance with the provisions of this Chapter and of the rules and bye-laws made under this Act relating to the erection and re-erection of buildings '."

Now, there are two points to be noted here. Firstly it is said that no land shall be used as a site for the erection of a building in any cantonment ; and secondly that no person shall erect or re-erect a building on any land in a cantonment without sanction and so on. What I want is that the opening words should be deleted, because so far as the other provision is concerned, it is there and any person who wants to erect any building in the cantonment can do so only with the proper permission of the Cantonment Board. At the most this first clause shall be used as a means of placing an obstruction in the way of those who own land in the cantonment. After all, it is obvious that the person may have land for building in a cantonment. He cannot erect any building so long as he does not obtain permission as provided in the Act ; and if he erects any building without permission, of course he will be subject to all the penalties that are provided in the Act. Therefore, this sentence should not be there unless the object is simply to place more than one obstruction in the way of owners of land in cantonment areas. Sir, I move :

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

"That in clause 44 of the Bill, in the proposed section 178A, the words 'No land shall be used as a site for the erection of a building in any cantonment and ' be omitted."

Mr. G. R. F. Tottenham : Sir, this section is merely a declaratory section laying down generally that every building to be erected in a cantonment must have previous municipal sanction. The wording of the section

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was taken from section 313 of the Bengal Municipal Act. I agree, however, with the Honourable Member that these opening words are not strictly necessary and therefore I am quite prepared to accept the amendment.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That in clause 44 of the Bill, in the proposed section 178A, the words ‘ No land shall be used as a site for the erection of a building in any cantonment and ’ be omitted.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 44, as amended, stand part of the Bill.”

The motion was adopted.

Clause 44, as amended, was added to the Bill.

Clause 45 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 46 stand part of the Bill.”

Mr. G. H. Spence : Sir, I move :

“ That in clause 46 of the Bill, for the proposed sub-section (4) the following be substituted :

‘ (4) The Board may refuse to sanction the erection or re-erection of any building—

- (a) when the land on which it is proposed to erect or re-erect the building is held on a lease from Government, if the erection or re-erection constitutes a breach of the terms of the lease, or
- (b) when the land on which it is proposed to erect or re-erect the building is not held on a lease from Government, if the right to build on such land is in dispute between the person applying for sanction and the Government.’

The form given to this sub-section by the Select Committee followed the wording of a corresponding provision in the Punjab Municipal Act. Since the Select Committee reported, the All-India Cantonments Association have represented to Government that they prefer the alternative wording which this amendment proposes to substitute. The difference in substance is very small and Government are perfectly prepared to accept the wording desired by the All-India Cantonments Association. In fact they are definitely anxious to meet the Association in this matter and hence I move this amendment. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That in clause 46 of the Bill, for the proposed sub-section (4) the following be substituted :

‘ (4) The Board may refuse to sanction the erection or re-erection of any building—

- (a) when the land on which it is proposed to erect or re-erect the building is held on a lease from Government, if the erection or re-erection constitutes a breach of the terms of the lease, or

- (b) when the land on which it is proposed to erect or re-erect the building is not held on a lease from Government, if the right to build on such land is in dispute between the person applying for sanction and the Government."

Mr. M. S. Anay : Sir, may I point out that there is another amendment standing in the name of Mr. Mohan Lal Saksena : if this amendment is carried, that would be out of order : is it not, therefore, necessary that he should be allowed to move his amendment also ?

Mr. G. B. F. Tottenham : If Mr. Saksena wishes to move his amendment, it is an amendment to the existing clause—it cannot be an amendment to the amendment moved by my honourable friend, Mr. Spence.

Mr. Mohan Lal Saksena : Sir, I move :

" That in clause 46 of the Bill, in the proposed sub-section (4), the words ' or if the title to the land is in dispute between the person applying for sanction and the Government ' be omitted."

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

" That in clause 46 of the Bill, in the proposed sub-section (4), the words ' or if the title to the land is in dispute between the person applying for sanction and the Government ' be omitted."

The discussion can now proceed on both the amendments.

Does the Honourable Member, Mr. Mohan Lal Saksena, wish to speak ?

Mr. Mohan Lal Saksena : Yes, Sir. Clause 46 runs thus :

" 46. For sub-sections (2), (3) and (4) of section 181 of the said Act the following sub-sections shall be substituted, namely :

- (2) The Board may refuse to sanction the erection or re-erection of any building, either on grounds sufficient in the opinion of the Board affecting the particular building, or in pursuance of a general scheme sanctioned by the Officer Commanding-in-Chief, the Command, restricting the erection or re-erection of buildings within specified limits for the prevention of overcrowding or in the interests of persons residing within such limits or for any other public purpose.
- (3) The Board, before sanctioning the erection or re-erection of a building on land which is under the management of the Military Estates Officer, shall refer the application to the Military Estates Officer for ascertaining whether there is any objection on the part of Government to such erection or re-erection ; and the Military Estates Officer shall return the application together with his report thereon to the Board within thirty days after it has been received by him.
- (4) The Board may refuse to sanction the erection or re-erection of any building if the land on which it is proposed to erect or re-erect the building is Government property and the consent of Government has not been obtained, or if the title to the land is in dispute between the person applying for sanction and the Government."

The object of my amendment is that the last portion of proposed sub-clause (4) should be deleted. We know that if it is Government land and permission has not been obtained by the person applying for erecting a building, the permission will be refused. But to refuse permission on the ground that there is a dispute about title between the Government and the person applying, is, I think, simply using the municipal powers for driving the person to Court to establish his title. After all, if there is a dispute of title between the Government and the

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person applying for erection of a building, there is no reason why the Government should not have the same position as the ordinary person applying for permission ; and therefore I want that the cantonment board should not be used as a machinery for compelling persons to go to Court : we know how much money they have to spend in litigation against the Government and therefore I want that this portion should be deleted. I hope the House will accept this amendment which is necessary and which will protect the interests of persons who own land and whose title is in dispute with the Government. Government has got greater facilities of getting its rights established in a Court of law.

Mr. G. R. F. Tottenham : May I speak on both the amendments. Sir The Bill as originally introduced into this House made it compulsory for cantonment boards not only to refer building applications to the Military Estates Officer but also made it compulsory for the board to reject a building application if the Military Estates Officer raised an objection. After a very long discussion in select committee, it was agreed to modify that proposal and to adopt the wording of a model Municipal Act, that is the Municipal Act of the Punjab ; and the wording of this clause now follows almost exactly the wording of section 193 (2) of the Punjab Municipal Act. The effect is that the board may, but is not compelled to, refuse an application if it is satisfied on the report of the Military Estates Officer that the man really has no right to build. At our recent discussion with the All-India Cantonments Association, they raised the point whether it would still be necessary for the cantonment authority to refer building applications to the Military Estates Officer or whether it would not be possible to cut short all this procedure if the dispute between the Government and the houseowner had been settled in the way we hope it will be settled, that is, by taking out leases. Well, we had to point out in that discussion that, although the dispute between the Government and the houseowner would be settled by taking out a lease, it would still be possible or might be possible for a person who held a lease from Government to put up an application to build on the land which he was occupying which would be in contravention of the terms of the lease ; that is to say, a man may have a lease of a bit of land to put up a bungalow to live in, and there may be a definite condition in the lease that he is not allowed to convert that land to profit or commerce or trading. He may then put up an application to the cantonment authority to build a shop or a motor garage or something of that kind on that bit of land, and that would be definitely in contravention of the terms of the lease. Also, of course, it may still be that a certain number of house-owners will not agree to settle the dispute between Government and themselves ; and, therefore, from our point of view, in accordance with the agreement reached in the Select Committee it is still necessary to have these applications referred to the Military Estates Officer for enquiry on these two points. It will, however, be quite clear that if the house-owners take the option of executing these leases which are to be on favourable terms, there will automatically be no dispute between them and the Government, because their title will be defined by the lease itself. Therefore, in practice, what we hope is that the last words in this clause will become inoperative, so far as anybody in a cantonment is concerned who owns a house and agrees to take out a lease for the land

on which that house is situated. Then the only question which can be referred to the Military Estates Officer will be whether a building application is in contravention of the terms of the lease. For these reasons, and also as my friend explained just now, because the whole matter was thoroughly gone into and the wording of the amendment was accepted by the All-India Cantonments Association, I hope the House will agree to accept our amendment and will understand me when I say that I regret I cannot accept the amendment of Mr. Mohan Lal Saksena.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That in clause 46 of the Bill, for the proposed sub-section (4) the following be substituted :

“(4) The Board may refuse to sanction the erection or re-erection of any building—

- (a) when the land on which it is proposed to erect or re-erect the building is held on a lease from Government, if the erection or re-erection constitutes a breach of the terms of the lease, or
- (b) when the land on which it is proposed to erect or re-erect the building is not held on a lease from Government, if the right to build on such land is in dispute between the person applying for sanction and the Government.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : The other amendments, therefore, fall to the ground.

The question is :

“ That clause 46, as amended, stand part of the Bill.”

The motion was adopted.

Clause 46, as amended, was added to the Bill.

Clause 47 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 48 stand part of the Bill.”

Mr. Mohan Lal Saksena : Sir, I move :

“ That in clause 48 of the Bill, the proviso to the proposed section 183A be omitted.”

The proviso runs thus :

“ 183A. A Board, when sanctioning the erection or re-erection of a building as hereinbefore provided, shall specify a reasonable period after the work has commenced within which the erection or re-erection is to be completed, and, if the erection or re-erection is not completed within the period so fixed, it shall not be continued thereafter without fresh sanction obtained in the manner hereinbefore provided, unless the Board on application made therefor has allowed an extension of that period :

Provided that not more than two such extensions shall be allowed by the Board in any case.”

The Board, when sanctioning as hereinbefore provided, shall satisfy itself after the work has commenced that the work has been completed within a specified time, and if it is not completed, it shall not be continued thereafter without fresh sanction obtained in the manner

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heretofore provided, unless the Board has allowed an extension of the period.

Therefore, by the proviso the power of the Board is limited to grant only two such extensions. It is within the power of the Cantonment Board whether to grant or not to grant such extensions. There may be cases in which even more than two extensions may be necessary. So why limit the power of the Cantonment Board? Let us hope that this power granted to the Board by this clause will not be opposed.

Prof. N. G. Banga : Sir, I support this amendment. If we go through this section 48, put in here as an amendment to section 182 of the Act, we find that it really proposes to use a very arbitrary power against the house owners and land owners and those who want to build houses in cantonments. It is rather an extraordinary thing that a Board should be expected to specify a reasonable period within which a particular building is to be erected and completed in all its sections. Now, Sir, supposing a person, who had started to build a house, suddenly dies leaving some children and his wife behind, and these children do not find sufficient funds in time to complete this building. They are obliged, first of all, to provide for the funeral and other attendant ceremonies, and then to find sufficient funds to shift for themselves, and then only they can think of continuing the building operations. What is to happen to these people? They are expected, according to this section, to go to the Board and ask for an extension. We know very well that there are always parties in these Boards, and it is quite possible that these orphans do not belong to the party which is in power, and the whole Board may refuse to grant an extension. Then, my friend, Mr. Tottenham, will say, here is a proviso that two extensions can be given, but I would like to know why, if any extension is to be granted at all, it should be limited to two extensions. I should like to know why the Cantonment Board should be in such a hurry as to get these buildings completed and finished and placed at the disposal of the lease holders or even the owners themselves.

Sir, we have had bitter experience of the economic depression in the country. If we go to the country, we find that many buildings which were just started have been left unfinished for want of funds. Some of the buildings, which have been completed with a single storey, have been left unfinished, because they could not complete the second storey for want of funds; only certain structures were put up, and the building could not be completed, mainly due to the paucity of funds. Such things are happening today on a large scale, and it is quite possible that residents of cantonments also must have been affected similarly by this economic depression. Are we to be told that for a fault, not of their own, they are to be penalised, and they should be made to walk up and down to the Cantonment Board seeking their permission for further and further extension of time? Even if we were to agree to allow these Cantonment Boards to exercise these arbitrary powers proposed to be conferred on them, to insist upon asking the house owners to ask for an extension of the period, I should like to know why more than two extensions should not be allowed by the Board in any case. Is it because, Sir, that the Government are so very anxious to beautify these cantonments with a number of grand, palatial buildings

similar to those we find at the Connaught Place in New Delhi, or is it because the Government want to keep this right to themselves in order to force the house owners to finish their building operations on pain of being prevented from continuing their building operations thereafter, and thus forced to sell their buildings or place them on the market to be sold for whatever price they can fetch and then get out of the cantonment altogether? Sir, if Government seek our co-operation and our approval for this kind of proposal in order to satisfy themselves with the beautification of their cantonments, they are sadly mistaken, and they cannot expect our co-operation in accepting this particular provision. If, on the other hand, they want to see that in certain parts of a cantonment certain buildings ought not to be erected in order to prevent any sort of mischief or any nuisance, and, in building these houses, the house holders should try to finish their building operations within a reasonable period of time, they will be giving so much discretionary power to the Cantonment Boards which we cannot really approve of. It is quite possible that ordinary house holders may find it almost impossible to go and please the demi-gods in charge of these Cantonment Boards in order to get these extensions, and it is an ordinary every day experience of our people when they go to get the approval of these Cantonment Boards—that they have to adopt so many means in order to propitiate these demi-gods. Therefore, it is not right that Government should come forward with this particular provision that the Cantonment Board should be provided with this right of refusing permission to house holders to continue their building operations even after they have sunk large amounts of their capital, may be the most important portion of their total capital, in purchasing land, in erecting a portion of the house or in carrying on building operations to some extent and then finding themselves unable to continue unless they are given sufficient time to complete their building operations. Therefore, I support the amendment moved by my Honourable friend, Mr. Saksena, and I hope that Government also will see their way to agree to the deletion of this very exceptionable and objectionable provision which provides that not more than two such extensions shall be allowed by the Board in any case.

Mr. M. S. Aney : I am unable to understand the rationale of this proviso. In fact, the object of this law seems to be to discourage the erection of buildings by persons who are residing in the cantonments. First of all, a number of difficulties are put in for getting permission for erecting the building. Then under section 183 even when permission is given, one year's period has been fixed within which the person to whom the permission is given must begin his work. If he does not commence his work within this period, then the sanction lapses. After he has commenced work within the period then comes in this clause 183-A. This is a new invention made by the Select Committee which has by agreement produced this admirable provision. (Laughter.) Instead of widening the powers of people to have their buildings erected within the area, new restrictions are imposed here in this Bill. As a matter of fact, if the permission has been granted and the building has been commenced within the time prescribed, there should be no difficulty whatsoever to allow that man to complete the building within such time as may be necessary for him to do that. This clause 183-A introduces one more restriction, viz., that not more than two extensions can be given. If the two periods given by

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way of extension for the purpose of finishing the work are over, and the building is not completed, then he has to leave that uncompleted permanently, his capital will yield no return and nothing will be done. He will be the sufferer and this law will not enable the Board to use its discretion in giving him any extension to finish the work. Suppose a man has commenced work, he has done considerable work, two periods of extension have been given and within those two periods he has completed three-fourths of the work and only one-fourth remains unfinished. This proviso does not leave any discretion to the cantonment board to give any more extended period to that man to complete the work. The capital invested will have no return and the work will remain uncompleted, and the man will be put to a great loss. I am sure that the Select Committee did not foresee the consequences of introducing a proviso like that. My Honourable friend, the Army Secretary, will see that there is more mischief in this proviso than he probably contemplated when it was for the first time put in there in the Select Committee. For this reason I hope he will be agreeable to accept the amendment which has been proposed by my Honourable friend, Mr. Saksena.

Mr. G. R. F. Tottenham : Sir, this was not an invention of the Select Committee ; in fact, if my memory serves me aright, it was a proposal that was originally made some eighteen months or two years ago by the All-India Cantonments' Association themselves.....

Prof. N. G. Ranga : God save us from our friends !

Mr. G. R. F. Tottenham : .. the object being, quite rightly, to prevent buildings from being started in a cantonment and then left in an unfinished and unsightly condition for a large number of years. I know from my own experience in one cantonment of a building which was started in 1921. The walls rose to about that height (about four feet) and it was left in that condition till 1932 and it was a very unsightly object during that time. This clause was introduced merely to give the cantonment authorities some power to set a time limit to that kind of thing. And it is not an arbitrary invention of our own ; it is actually based on the provisions of the Madras District Municipalities Act. That is the presidency from which my Honourable friend, Prof. Ranga, himself comes, and the only difference in the provision in the Madras Districts Municipalities Act is that it gives no opportunity for an extension of any kind. Under the Madras Act they are given a definite time within which to finish building, and if they do not finish, there is no question of any extension of time, but they have to apply for fresh sanction. Here we are slightly more generous than that ; we set a time limit, after the building has been started and not before, for completion, and then if it has not been completed within that time the board may give an extension and may give another extension. Well, I think that is a perfectly reasonable proposition. All it means is, that after that the man has got to get a fresh sanction by making a new application under the substantive clause. I am, therefore, unable to accept the amendment.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That in clause 48 of the Bill, the proviso to the proposed section 188A be omitted.”

The motion was negatived.

Clause 48 was added to the Bill.

Clauses 49 to 66 (both inclusive) were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 67 stand part of the Bill.”

Mr. Mohan Lal Saksena : Sir, I rise to oppose this clause. This clause reads as follows :

“ After section 285 of the said Act, the following section shall be inserted, namely :

‘ 285A. The Local Government shall be under the superintendence, direction and control of the Governor General in Council in all matters referred to in this Act ’.”

This is almost the last but two clauses of the Bill. As it is said, the sting lies in the tail. I think this is the most objectionable section from our point of view. By this clause the control and direction of the cantonment boards is sought to be placed directly under the Defence Department. Even now under the existing Act, the Local Governments exercise certain powers of superintendence and control over cantonment boards. I do not see any reason why there should be any specific addition of a new section in the amended Bill by which it should be made clear that henceforward these powers shall be exercised by the Local Government under the superintendence, direction and control of the Governor General in Council in all matters referred to in this Act. Why does the Government of India grow suspicious of the Local Governments ? Why should they think that the Local Governments in future will not exercise their powers properly and why should they make specific mention of this in the Act that they will exercise these powers under the superintendence, direction and control of the Governor General in Council, which means the Defence Department of the Government of India ? I hope, Sir, Honourable Members of this House will oppose this clause and will not allow it to become a part of the law.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : On a point of order. I invite your attention to the sections of the Government of India Act, 1935. So far as the existing Act is concerned, it will expire on the 1st April, 1937. You will notice that these sections propose to confer on the Governor General in Council the power of superintendence, direction and control. They are taken almost *verbatim* from the wording of section 45 of the Act of 1919. The section of the Government of India Act of 1935 to which I invite your attention is section 8. I want to draw your attention to the first proviso :

“ The said authority does not, save as expressly provided in this Act, extend in any province to matters with respect to which the Provincial Legislature has power to make laws.”