

Tuesday, 6th October, 1936

THE  
COUNCIL OF STATE DEBATES

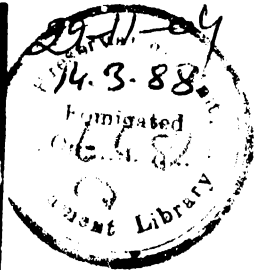
VOLUME II, 1936

*(21st September to 17th October, 1936)*

TWELFTH SESSION

OF THE

THIRD COUNCIL OF STATE, 1936



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# COUNCIL OF STATE.

*Tuesday, 6th October, 1936.*

The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, the Honourable the President in the Chair.

## MEMBERS SWORN :

The Honourable Mr. George Richard Frederick Tottenham, C.S.I., C.I.E. (Defence Secretary).

The Honourable Mr. Reginald Maitland Maxwell, C.S.I., C.I.E. (Home Secretary).

## QUESTIONS AND ANSWERS.

### MISAPPROPRIATION OF GOVERNMENT MONEY BY THE EXTRA DEPARTMENTAL BRANCH POSTMASTER, SAONTALPUR, JALPAIGURI POSTAL DIVISION.

112. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA :

(a) Was the Extra Departmental Branch Postmaster of Saontalpur in the Postal Jalpaiguri Division sent up for trial in a Court of Law on a charge of misappropriation of Government money ?

(b) Did the Court of Law where the Extra Departmental Branch Postmaster of Saontalpur was tried find him not guilty of the charges brought against him ?

(c) What is the result of the trial of the case ?

(d) If the reply to (a) and (b) is in the affirmative, will Government please state whether the Extra Departmental Branch Postmaster of Saontalpur has been retained in Government service ? If not, under whose authority has he been removed from service and why ? What is the length of his service in the Postal Department ?

THE HONOURABLE MR. A. G. CLOW : (a) to (d). Government have received no information of this case and I have ascertained that there is no record of it in the Office of the Director General of Posts and Telegraphs. If, as the Honourable Member suggests, the individual in question has been removed from service and considers that that removal is not warranted, it is open to him to appeal in the ordinary way.

THE HONOURABLE MR. HOSSAIN IMAM : Is it open to extra-departmental officers to appeal to higher authority ?

NOTE.—Questions Nos. 112—116 were put by the Honourable Mr. Mahmood Suhrawardy.

**THE HONOURABLE MR. A. G. CLOW :** Everybody has the right to send a memorial even if the right of appeal does not exist.

**THE HONOURABLE MR. HOSSAIN IMAM :** But the Honourable Member used the word "appeal".

**THE HONOURABLE MR. A. G. CLOW :** So far as I know, he always has the right of at least one appeal.

**THE HONOURABLE MR. HOSSAIN IMAM :** The question is, Sir, whether a dismissal should be inquired into by the superior officers or not. I want to know the rule on the point as to what happens when an Imperial Service officer is dismissed who has been declared "Not guilty" by the Court.

**THE HONOURABLE THE PRESIDENT :** How does it arise from the answer given by the Honourable Member ?

**THE HONOURABLE MR. HOSSAIN IMAM :** Very well, Sir. Will the Honourable Member let us know whether the person was discharged as "Not guilty" and given the benefit of the doubt ?

**THE HONOURABLE MR. A. G. CLOW :** As I stated at the beginning of my answer Government have not received any information on the case.

**THE HONOURABLE MR. HOSSAIN IMAM :** Will the Government inquire into the case ?

**THE HONOURABLE MR. A. G. CLOW :** No, Sir. As I said at the end, if the individual in question considers he has a grievance, he can represent in the ordinary way. I submit, Sir, with great respect that this Council can hardly act as a court of appeal in this matter.

**THE HONOURABLE MR. HOSSAIN IMAM :** What I wanted to know was the regulation on the point.

**THE HONOURABLE THE PRESIDENT :** The Honourable Member has answered the question.

COMMUNITY TO WHICH THE EXTRA DEPARTMENTAL BRANCH POSTMASTER, SAONTALPUR, JALPAIGURI POSTAL DIVISION, BELONGS.

113. **THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA :** Will Government please state to what community the newly appointed Extra Departmental Branch Postmaster of Saontalpur belongs ?

**THE HONOURABLE MR. A. G. CLOW :** He is an Indian Christian.

RESTRICTION OF CASUAL LEAVE IN THE JALPAIGURI HEAD POST OFFICE, ETC.

114. **THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA :** (a) Is it a fact that the postmen of Jalpaiguri head post office (Bengal) are not granted casual leave by the officers competent to grant such leave ?

(b) Is it a fact that the local service Union as also the postmen represented to the Postal Superintendent of Jalpaiguri Division their grievance in connection with the refusal of grant of casual leave ? If so, will Government please state whether the grievance of the postmen has since been removed ? If not, why not ?

(c) Is it a fact that postmen of other places in India are granted casual leave? If so, what is the reason for differential treatment being accorded to the postmen of Jalpaiguri head post office and who is the officer responsible for this?

THE HONOURABLE MR. A. G. CLOW : (a) and (b). Government have no information that casual leave has been restricted in the Jalpaiguri head post office nor are they aware of the result of the representation said to have been made by the local service Union to the Divisional Superintendent in the matter. They have no reason to suppose that the orders on the subject are not being correctly interpreted. I may, however, inform the Honourable Member that casual leave is not regular leave, but is sanctioned at the discretion of the officer empowered to grant it and is subject always to the exigencies of the service. The officials concerned are at liberty to represent any difficulties they experience to the Postmaster General through the proper channel.

(c) The answer to the first part of the question is in the affirmative. In view of the reply to parts (a) and (b) of this question, the second part does not arise.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Government inquire into the case and find out if the allegations are correct or not?

THE HONOURABLE MR. A. G. CLOW : No, Sir. I think it hardly necessary to inquire. The officials concerned can represent their case but if the Honourable Member so desires I am willing to send a copy of the question and answer to the Postmaster General.

MR. RASIK RANJAN DUTTA, POSTAL EMPLOYEE, JALPAIGURI POSTAL DIVISION.

115. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA : (a) Was the pay of Mr. Rasik Ranjan Dutta, a postal employee of the Jalpaiguri Division, reduced to the next stage below by the Superintendent of Post Offices, Jalpaiguri Division?

(b) Did Mr. Rasik Ranjan Dutta appeal to the Postmaster General of Bengal Circle against the orders of the Divisional Superintendent imposing punishment on him?

(c) Did the Postmaster General reverse the orders of the Divisional Superintendent to a partial extent and communicate his decision to the Postal Superintendent for action?

(d) Is it a fact that the orders passed by the Head of the Circle were not given effect to by the Postal Superintendent?

(e) If the reply to part (d) above is in the affirmative, what steps do the Director General of Posts and Telegraphs propose to take against the Postal Superintendent for his disregard of the orders of the Head of the Circle?

(f) Was Mr. Rasik Ranjan Dutta, an employee of the Jalpaiguri Postal Division, transferred several times at Government expense during the

regime of the present Superintendent? If so, what steps do Government propose to take in order to save Government money from being spent on frequent transfers?

THE HONOURABLE MR. A. G. CLOW: (a) to (f). Government have no information. The matter is within the competence of the Head of the Circle to whom a copy of the question is being sent for such action as he may consider suitable.

THE HONOURABLE MR. HOSSAIN IMAM: Is it not the concern of the Governor General in Council that the expenditure incurred on account of frequent transfers should be curtailed?

THE HONOURABLE MR. A. G. CLOW: Not unless the transfers are unnecessary.

THE HONOURABLE MR. HOSSAIN IMAM: Then we ought to inquire into the necessity of these transfers.

THE HONOURABLE THE PRESIDENT: Order, order. The Honourable Member is arguing now.

MR. JITENDRA CHANDRA KARANJAI, POSTAL EMPLOYEE, JALPAIGURI POSTAL DIVISION.

116. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA: (a) Will Government please state whether during the regime of the present Postal Superintendent of Jalpaiguri Division, Mr. Jitendra Chandra Karanjai, a Postal employee of the Jalpaiguri Division, was transferred from Siliguri post office to Matigora post office and thence again to Cooch Behar head post office and from Cooch Behar post office again to Nagrakata post office?

(b) Is it a fact that Government had to pay travelling allowance to Mr. Jitendra Chandra Karanjai for three transfers in a short time? If so, who is responsible for spending Government money in the shape of travelling allowance to a single official? What steps do Government propose to take in the matter?

THE HONOURABLE MR. A. G. CLOW: (a) Government are not in possession of these particulars but a copy of the question is being sent to the Postmaster General, Bengal and Assam Circle, within whose competence the matter lies, for such action as he considers suitable.

(b) If the transfers were made, travelling allowance would be payable; but that does not necessarily mean that the expenditure was not justified. The steps which Government propose to take have been indicated in reply to part (a).

THE HONOURABLE MR. HOSSAIN IMAM: Will the Honourable Member lay on the table the action taken by the Postmaster General on this question?

THE HONOURABLE MR. A. G. CLOW: The Postmaster General has not taken any action as far as I am aware.

THE HONOURABLE MR. HOSSAIN IMAM: When he has taken action?

THE HONOURABLE MR. A. G. CLOW: That will depend on the result of the inquiry.

**THE HONOURABLE MR. HOSSAIN IMAM :** That is what I want. Will the Honourable Member refer to the action taken on this representation on some future date in the Council of State ?

**THE HONOURABLE MR. A. G. CLOW :** If the Honourable Member will table another question at a later date—when I hope he will be back here—the matter will be considered.

**FIRST BOMBAY (PARSI) URBAN INFANTRY.**

**117. THE HONOURABLE MR. P. N. SAPRU :** (a) Will Government be pleased to state the name of the province for which the first urban of the Indian Territorial Force was to be constituted ?

(b) Did it ever exist ? Has it been abolished ? If so, why ?

(c) Are these Urban Infantries meant for adults, who are not students of universities but reside in big towns ?

(d) Is there a difference between them and the Provincial Battalions of the Indian Territorial Force ?

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF :** (a) Bombay.

(b) The 1st Bombay (Parsi) Urban Infantry did exist. It was abolished on account of the lack of support from the Parsi community of Bombay.

(c) Yes.

(d) There are differences as to the territorial limits of liability for military service and training. In this connection the Honourable Member's attention is invited to the Indian Territorial Force Act, sections 9 and 10 and the Indian Territorial Force Rules Nos. 15 (1) (2) and 16 (1) (2).

**SANCTIONED STRENGTH OF A BATTALION OF URBAN INFANTRY.**

**118. THE HONOURABLE MR. P. N. SAPRU :** Will Government be pleased to state :

(a) The sanctioned strength of each battalion of the Urban Infantries ?

(b) The names of the towns where the detachments of these are maintained ?

(c) The names of the towns where the 4th Urban Infantry will be constituted ?

(d) The course of training that is given to these urban battalions ?

(e) The progress that these battalions have so far made ?

(f) The progress which the Infantry Units of the Auxiliary Force have made ? and

(g) The nature of their duties and the nature of the duties of the Auxiliary Force ?

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF :** (a) 346 of all ranks.

(b) I would refer the Honourable Member to Appendix III of the Regulations for the Indian Territorial Force, 1930.



(c) The 4th (United Provinces) Urban Infantry is already in existence. The Honourable Member's attention is invited to Appendix III, Indian Territorial Force Regulations, 1930.

(d) I would refer the Honourable Member to Indian Territorial Force Rules Nos. 15 (2) and 16 (2).

(e) With the exception of the 3rd (Madras) Urban Infantry which is wasting due to lack of support, their progress has been satisfactory within the limits of their role.

(f) Their progress has been very satisfactory.

(g) I would refer the Honourable Member to paragraphs 122 and 123 of the Regulations for the Auxiliary Force (India).

**AMOUNT SPENT ON THE AUXILIARY FORCE (INDIA), URBAN INFANTRY AND UNIVERSITY TRAINING CORPS.**

119. THE HONOURABLE MR. P. N. SAPRU : Will Government be pleased to state the amount spent on Auxiliary Forces, Urban Infantry and the University Training Corps ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Auxiliary Forces Rs. 54,50,000 ; Urban Infantry Rs. 70,000 and University Training Corps Rs. 6,30,000 approximately per annum.

**EX-UNIVERSITY TRAINING CORPS MEMBERS IN URBAN INFANTRY.**

120. THE HONOURABLE MR. P. N. SAPRU : Are there any ex-University Training Corps men in the Urban Battalion ? If so, what is their actual number ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Presumably, but Government have no precise information.

**EFFICIENCY OF URBAN INFANTRY.**

121. THE HONOURABLE MR. P. N. SAPRU : Will Government be pleased to state whether the work of the Urban Infantries has been satisfactory or not ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The attention of the Honourable Member is invited to the reply to part (e) of question No. 118.

**PUBLICITY IN URBAN AREAS OF THE EXISTENCE OF URBAN INFANTRY.**

122. THE HONOURABLE MR. P. N. SAPRU : Will Government be pleased to state whether the existence of Urban Infantry units is generally known among the urban people ? If not, do Government propose to take measures for giving greater publicity to these corps ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The existence of the Urban Infantry is known to the Local Governments concerned and should be known to the public. An Advisory Committee is authorised for each area. No further action is therefore considered necessary.

DESIGNATIONS USED IN URBAN INFANTRY.

123. THE HONOURABLE MR. P. N. SAPRU : (a) Will Government be pleased to state the designations by which members of the Urban Infantry are known ?

(b) Is Government aware that there is dissatisfaction with these designations among the public ?

(c) Do Government propose to change these designations and to adopt the same designations as those by which members of the University Training Corps are known?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) The same as for the regular Indian Army.

(b) and (c). No.

APPLICATION FROM THE ALLAHABAD UNIVERSITY FOR A SPECIAL RESEARCH GRANT FOR RESEARCH WORK ON RADIO.

124. THE HONOURABLE MR. P. N. SAPRU : Will Government be pleased to state whether an application was ever received by them for a grant of Rs. 50,000 to be distributed over five years, for carrying out a programme of research work on radio propagation ? If so, what action do Government propose to take on it ?

THE HONOURABLE MR. A. G. CLOW : Government received an application from the Allahabad University for a research grant of Rs. 50,000 but informed the University that as they had established a research organisation as a part of All-India Radio, they were unable to offer the University the special grant asked for. It is hoped that the Research Branch of All-India Radio will be able to co-operate with universities which may be interested in broadcasting development.

RADIO RESEARCH BOARD.

125. THE HONOURABLE MR. P. N. SAPRU : (a) Will Government be pleased to state whether they have had any communication from eminent British scientists recommending that the Government of India should have a Radio Research Board and finance university teachers doing research work of this character ?

(b) Will Government be pleased to state whether the British Government in England has any provision for fundamental research and whether this provision is meant for professors and teachers doing research ?

(c) Are Government aware that the importance of this kind of research has been recognised by most countries of the world and that Radio Research Boards have been set up in most countries ?

THE HONOURABLE MR. A. G. CLOW : (a) No.

(b) I understand that the British Government have set up a Radio Research Board, but I do not know whether provision is made for professors and teachers doing research.

(c) No.

## LICENCE FEES OBTAINED FROM WIRELESS LICENCES FROM BURMA.

126. THE HONOURABLE CAPTAIN MAUNG AYE : (a) Will Government be pleased to state the amount of licence fees obtained from wireless licences from Burma ?

(b) Will Government be pleased to state whether any sum of money has been allotted to Burma for the purpose of constructing a broadcasting station ? If not, please state the reason why no sum of money is kept apart for Burma ?

THE HONOURABLE MR. A. G. CLOW : (a) The revenue from all types of wireless licenses in Burma during 1935-36 was Rs. 8,010.

(b) No. The Government of India do not allot money to provinces for setting up broadcasting stations. They have recently decided to erect their own stations in areas selected so as to ensure that, from the funds available for the purpose, a good service can be given to the greatest possible number of people.

## RECOMMENDATIONS OF THE APPLICATION COMMITTEE ON FINANCIAL ADJUSTMENT BETWEEN INDIA AND BURMA.

127. THE HONOURABLE CAPTAIN MAUNG AYE : (a) Will Government be pleased to state the recommendations of the Application Committee appointed by Government to consider the financial settlement between India and Burma in the event of separation ?

(b) Will Government be pleased to state the recommendations of the Committee on the Defence Force of Burma ?

THE HONOURABLE MR. J. C. NIXON : (a) The Committee has not yet reported.

(b) The recommendations of the Committee have been sent to the Secretary of State and no pronouncement can be made at this stage.

## DELAY IN SETTLEMENT OF THE QUESTION OF SHARING OF SUPPLIES OF THE TUNGABADHRA RIVER BETWEEN THE GOVERNMENTS OF MADRAS, BOMBAY, HYDERABAD AND MYSORE.

128. THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY : Will Government be pleased to state :

(a) Whether a delay of over two years has occurred in respect of the settlement of the question of the sharing of the supplies of the Tungabhadra River between the Governments of Madras, Bombay, Hyderabad and Mysore ?

(b) Whether it is a fact that the conference of the four Governments could not come to an agreement on this question ? and

(c) Whether the Government of India propose to appoint a tribunal with instructions to issue their award on this question at as early a date as possible after hearing the case of each Government ?

THE HONOURABLE MR. A. G. CLOW : (a) and (b). Yes.

(c) Government are aware of the importance of expediting a decision, and the question of appointing a tribunal is under consideration.

**ANNUAL RESERVE ACCUMULATED IN THE SUNDAY FEES FUND AT MAJOR PORTS DURING THE LAST FIVE YEARS.**

129. THE HONOURABLE MR. HOSSAIN IMAM : (a) Will Government be pleased to state the annual reserve accumulated in the Sunday Fees Fund at the various major ports of India during the last five years ?

(b) Will Government be pleased to state in what manner the amount collected in the Fund is being utilised ?

(c) Will Government be pleased to state whether the unexpended balance of these reserves is brought forward from year to year and whether any credit for interest is given to these reserves ?

THE HONOURABLE MR. J. C. NIXON : (a) There has been no surplus to carry forward.

(b) After making payments on account of Crown overtime fees, the balance is distributed to Seamen and Customs Welfare Institutions subject to a minimum such payment of Rs. 88,000.

(c) Does not arise.

**MANNER IN WHICH THE PROCEEDS OF THE SUNDAY FEES FUND ARE UTILISED.**

130. THE HONOURABLE MR. HOSSAIN IMAM : (a) Will Government be pleased to state whether the proceeds of the Sunday Fees Fund are utilised for the benefit and welfare of Indian seamen and, if so, how ?

(b) Will Government be pleased to state the amount spent for the benefit of European seamen and Indian seamen, respectively, from the proceeds of this Fund during the years 1933-34 and 1934-35.

THE HONOURABLE MR. J. C. NIXON : (a) Yes—a part of the Fund is used for the benefit of Indian seamen. A grant is made to the Indian Sailors' Home, Bombay, and to certain hospitals in Burma which cater for Indians as well as for Europeans.

(b) A sum of Rs. 8,200 is paid yearly to an exclusively Indian institution. Rs. 3,120 a year is paid to hospitals. About Rs. 38,000 a year is paid to other institutions which are mainly, but not in all cases, for European seamen. During 1933-34 and 1934-35 an additional non-recurring grant of Rs. 12,870 was made to the Mayo Marine Institute.

**MARINE CLUB, CALCUTTA.**

131. THE HONOURABLE MR. HOSSAIN IMAM : (a) Will Government be pleased to state whether the Marine Club of Calcutta is receiving any grant directly or indirectly through the Seamen's Welfare Association from Government ?

(b) Will Government be pleased to state whether Indian officers are allowed admission to the Marine Club of Calcutta ?

THE HONOURABLE MR. J. C. NIXON : (a) Yes. The Marine Club of Calcutta received grants of Rs. 8,850 for each of the years 1935-36 and 1936-37.

(b) Indian officers are allowed admission to the Club.

ANNUAL EXPENDITURE INCURRED ON PASSAGES FROM 1931 TO 1935 DUE TO THE LEE CONCESSIONS.

132. THE HONOURABLE MR. HOSSAIN IMAM: Will Government be pleased to state the annual expenditure incurred on Lee concession passages year by year from 1931 to 1935 ?

THE HONOURABLE MR. J. C. NIXON: The information is being collected.

PROBABLE COST OF THE DEFENCE FORCE OF BURMA, ETC.

133. THE HONOURABLE CAPTAIN MAUNG AYE: Will Government please state :

(a) Whether they have considered the various questions relating to (i) the defence of Burma, (ii) Burmanisation of the defence forces, and (iii) their probable cost to Burma ?

(b) When they will be able to announce their recommendations or decisions thereon ? and

(c) Whether the Legislature of Burma would be consulted or given an opportunity to discuss them before they are adopted or enforced ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a), (b) and (c). The matter is mainly one for decision by the future Government of Burma in consultation with His Majesty's Government. The views of the Government of India have already been communicated to His Majesty's Government, but they are confidential and the Government of India have no information when decisions will be announced.

DATE OF PUBLICATION OF THE REPORT OF THE APPLICATION COMMITTEE ON FINANCIAL ADJUSTMENT BETWEEN INDIA AND BURMA.

134. THE HONOURABLE CAPTAIN MAUNG AYE: Will Government please state when the Report of the Application Committee on Financial Adjustment between India and Burma will be published and whether the Legislatures of India and Burma will be given an opportunity to discuss the report ?

THE HONOURABLE MR. J. C. NIXON: The purpose of the Application Committee is almost exclusively to work out the resultant account on the lines illustrated in the Appendix to the Report of the India-Burma Financial Tribunal. A provisional and preliminary account will be submitted for the budget purposes of the year 1937-38 but the final account will certainly not be ready before the end of 1938. The Committee's duties being of this restricted nature, no useful purpose could be served by a discussion in the Legislature.

REPORT OF THE COMMITTEE FOR THE FINANCIAL SETTLEMENT BETWEEN BURMA AND THE FEDERATION OF THE SHAN STATES.

135. THE HONOURABLE CAPTAIN MAUNG AYE: Will Government please state whether the Committee for financial settlement between Burma

proper and the Federation of Shan States after the separation of Burma from India have submitted their report and whether the Legislature of Burma will be given an opportunity to discuss the report on the general question of such settlement ?

**THE HONOURABLE MR. J. C. NIXON :** The Government of Burma have been asked by wire whether the Committee has submitted its report. No reply has yet been received, but it is hoped that the information will be available before the reply to a corresponding question is given in the other House.

As regards the latter part of the question, I may remark that the Committee has been appointed to advise the Governor of Burma, and that the settlement is to be made through an Order in Council under section 68 (2) of the Government of Burma Act. The question is therefore one primarily for His Majesty's Government and I can accordingly give no undertaking that the Legislature of Burma will be given an opportunity to discuss the matter.

**TRADE AGREEMENT BETWEEN BURMA AND JAPAN.**

**136. THE HONOURABLE CAPTAIN MAUNG AYE :** Will Government please state :

1. Why Burma has been left out of the negotiations for a fresh trade agreement with Japan ? and

2. Whether Burma would be at liberty to make negotiations and enter into a trade agreement with Japan separately ?

**THE HONOURABLE MR. H. DOW :** As regards the first point the attention of the Honourable Member is invited to the Press Communiqué, dated the 12th August, 1936, a copy of which is in the Library. The Government of India are not in a position to answer the Honourable Member's second point as it relates to a matter that is for His Majesty's Government in the United Kingdom to decide.

**CUSTOMS DUTY ON OVERLAND IMPORTS OF TEAK TIMBER FROM SIAM INTO BURMA.**

**137. THE HONOURABLE CAPTAIN MAUNG AYE :** Do Government propose to exempt teak logs imported into Burma through the River Salween from the protective customs duty of 25 per cent. *ad valorem* and to make them subject to the 7 per cent. transit duty as before the 11th July, 1936, for the reasons stated by the President of the Moulmein Timber Traders' Association in his memorial to His Excellency the Governor General in Council, dated the 30th July, 1936 ? If not, will Government please state the reasons for not doing so ?

**THE HONOURABLE MR. H. DOW :** The import duty in question is not protective. It was raised to the level of the sea customs rate at the instance of the Government of Burma. The Government of India are awaiting the views of the Local Government on the memorial of the Moulmein Timber Traders' Association before reconsidering the matter.

### INCLUSION OF WOMEN VOTERS IN THE ELECTORAL ROLL OF THE COUNCIL OF STATE.

138. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) Will Government be pleased to state whether women voters have been included in the electoral roll of the Council of State after acceptance of the Resolution on the subject in the last Simla session ?

(b) If not, why ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) and (b). The Resolution was passed on the 18th September, 1935. The necessary Regulation was made on the 25th September, 1935. On the 28th September, 1935, Local Governments were requested to see that effect was given thereto in the course of the preparation of electoral rolls. The Government of India presume that all eligible women whose claims were brought to the notice of registering authorities were duly included in the relevant roll.

### CANTONMENTS (AMENDMENT) BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I move :

“That the Bill to amend the Cantonments Act, 1924, for certain purposes, as passed by the Legislative Assembly, be taken into consideration.”

Those Honourable Members who are interested in this Bill will no doubt have followed closely its course through two Select Committees and through the Lower House. It will be unnecessary for me, therefore, to go into any great detail at this stage, but the House will expect me to give a brief account of its main provisions, and I should also like to make one or two personal observations with regard to it.

From my point of view, perhaps the most important feature of the Bill is that it recognises and confirms the principle that cantonments are, first and foremost, places for troops and military officers to live in. Honourable Members, I am sure, will recognise the justice of this principle, and will understand me when I say that it is for this reason, and this reason alone, that we in the army attach so much importance to retaining control over cantonment administration by preserving an official majority on Cantonment Boards. If the armed forces are to be fully efficient, it goes without saying that the conditions in which they live *must* be the best and most healthy that we can devise. It is not that we resent the presence of large civilian populations in cantonments. We are, indeed, partially responsible for having brought them there ourselves ; and we must recognise the fact that they exist and that they have a natural desire to play some part in the civic administration of the place. The point is that, in administering cantonments, we in the army are solely concerned with efficiency. We are less concerned with purely local and personal considerations, which often play a large part—and not, perhaps, always to the best advantage—in municipal politics. On the other hand, if we can secure the active co-operation of the civil population in keeping cantonments clean and healthy places to live in, we are fully prepared to accept that co-operation, and to work with the representatives of the people in securing the object in view.

The contents of this Bill are, I submit, sufficient evidence of the truth of this statement. We are replacing the old military official executive officers by a new service of civilian executive officers, who will cost the taxpayer less and who will be recruited through the Public Service Commission. That, I think, is a reform which will be welcomed by this House.

Secondly, we are, for the first time introducing the principle of election in every cantonment in India. At present, I think, only about half of the 76 cantonments in India have what is known as elected Boards; and there are about 30 cantonments which are run by the Officer Commanding the Station alone, without a municipal board of any kind. Even the smallest cantonment in future will be able to elect one non-official to share in the administration. That, again, is a distinct step forward from the non-official point of view.

Finally, we are going even further than this. We are recognising that there are areas in cantonments in which it may be said that the interests of the civil population are as great as, if not greater than, those of the army. I refer, of course, to bazaar areas. We are introducing the experiment of making it compulsory for all the larger Cantonment Boards to appoint a Bazaar Committee, containing a majority of non-official members, to deal with the many matters that must arise from day to day in the administration of bazaar areas. I must confess myself to some slight misgiving as to the success of this experiment. It will need a spirit of co-operation and a careful balancing of the interests on both sides to make it work properly; but one thing I must make quite clear. There can be no question of setting up two parallel and rival bodies to administer different parts of the cantonment. These Bazaar Committees will be, and must be recognised as, committees of the Cantonment Board. They must derive their powers from the Cantonment Board, and the extent of their powers must be capable of variation by the Board in the interests of the cantonment as a whole. If these committees work successfully in the interests of the health and sanitation of the bazaar—in the interest of the public, and not of individuals—we shall welcome their co-operation, and shall be only too glad to relieve the official members of the Board of a great deal of detailed work which, at present, is apt to occupy their time to the prejudice of their more strictly military duties. If, on the other hand, the result of their working is a deterioration in the standards of sanitation and public health in bazaar areas, we shall have to reconsider the position.

Meanwhile, I can only repeat the assurances that have already been given on this subject. We have every intention of giving this experiment a fair trial; and we can only do so by giving these committees, to start with, duties and functions which will involve the exercise of some real responsibility.

These, Sir, are the main features of the Bill, from what may be called the non-official point of view. There are other matters of detail in which we have endeavoured to meet popular opinion, but I do not think I need mention them here. My main point is that we have gone a very considerable way—perhaps I might say very considerably out of our way—to meet the non-official view regarding cantonment administration.



[His Excellency the Commander-in-Chief.]

On the other hand, the Bill contains certain provisions to which the military authorities themselves attach considerable importance. The new provisions regarding water supplied by the Military Engineer Service will, we hope, lead to more business-like methods, and put an end to a considerable waste of water, and thereby, loss of money, which is going on at present.

Secondly, the new provisions regarding the erection or re-erection of buildings will give the Cantonment Board the power, which they do not possess at present, of rejecting applications which offend against the terms of a lease, or represent an encroachment on Government property, although they may comply with the technical requirements of the building bye-laws of the cantonment. In this connection, I may say that we have no desire to harass the owners of house property in cantonments, and I hope very much that the negotiations which have recently taken place will put an end to many of the disputes regarding rights in land, which are now apt to be a source of friction in cantonment areas. At the same time, I hope the House will recognise that we have every justification for desiring to preserve the amenities of cantonments, and especially of the residential areas in cantonments. The last thing we want is to see these areas over-crowded, and covered with commercial buildings or petty shops. They are areas primarily for officers to live in, and they must be retained as such. There is a tendency in some quarters to assume that Government are being unfair in refusing to allow the owners of bungalows in cantonments to "develop their property", as it is put, and thereby make a greater income out of it. It is sometimes argued that these individuals were induced against their will to come into cantonments, and spend money on building bungalows for officers to live in, and that therefore they deserve every consideration at the hands of Government. Nothing, Sir, could be further from the truth. I am quite sure that no Indian who has invested money in house property in cantonments has failed to secure a very handsome return on his capital. They pay nothing for their occupancy rights in the land. The bungalows were mostly built at a time when building was cheap; their upkeep and repair, even if they have been properly looked after, which I am afraid is not always the case, have cost comparatively little; and for many years the owners have been receiving regular rents which have repaid their capital over and over again. I do hope that this House will support me when I say that Government have every intention of preserving the amenities of cantonments, and are fully justified in refusing to allow residential areas to be exploited for the personal profit of a limited class of individuals.

I do not think, Sir, that I have any more to say. I can only hope that the House will recognise that this Bill represents a fair compromise between military necessities on the one hand and popular aspirations on the other. I hope that those Honourable Members who live in cantonments will exert their undoubted influence in securing that the Bill is worked in a spirit of co-operation and I trust that the House as a whole will accept the Bill as an agreed measure without opposition.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces: General):  
Sir, I rise to support the Bill. But I must state frankly that I am not fully

satisfied with it. I know the Government has tried to some extent to meet the wishes of the popular representatives in the other House, and in Select Committee they agreed to set up Bazaar Committees. But I think if they had accepted the popular wish to have an elected majority on the Cantonment Boards, I do not think that that elected majority would have interfered in any way with the smooth working of this Bill so far as cantonment administration is concerned. However, Sir, I am one of those who think that half a loaf is better than no bread, and therefore I am satisfied that something has been done and that we shall get under this Bill an elected Cantonment Board in every cantonment with the number of elected members varying from one to seven.

I admit that the interests of the troops do predominate in the administration of cantonments, but the interests of the civil population of a cantonment also must be kept in view. In every cantonment a large civil population has settled and the troops depend for their various amenities on the efforts of the civil population. So, as one Commander-in-Chief stated, as it is the business of Government to look after the welfare, health and discipline of the troops, so also it is equally necessary that the interests of the civilians living in cantonments should be looked after.

An apprehension exists in certain quarters that these Bazaar Committees are a device to divide the Cantonment Board into two parts, one part consisting of the military officials and the other part of the Bazaar Committee on which there will be an elected majority of non-officials, and it is thought that the Bazaar Committee will have to bear the odium of increasing the taxes and assessments. I hope that that apprehension will prove groundless when the Bill is put into operation, but this apprehension does exist in certain quarters.

There is a further complaint about the money spent by the military authorities on primary education. I understand that before 1924 the position was that everything rested with the Government. At present considerable revenue derived from land is being taken by the military authorities and the military authorities have a predominant voice and they will have a predominant voice according to the provisions of this Bill. Now, Sir, it is stated that in enacting this Bill the intention of the Government is to give the municipal character to the Cantonment Board. If that analogy is carried to its logical extent, then I submit, Sir, that municipal administration is generally under the supervision of the Local Government and the Local Government give a large share for the education of the school-going children under the Compulsory Free Primary Education Act. I am open to correction on this point, but I understand that a very small amount is being given by the military authorities at present—and that I understand is Rs. 87,000 for 12 cantonments for the education of school-going children. I submit, Sir, that the military authorities should give more money for the education of the children of the civilian population staying in cantonments when this Bill comes into force.

Then, Sir, I come to the principle of taxation and here, Sir, I cannot see eye to eye with His Excellency the Commander-in-Chief. The power of taxation up till now rested with the Local Government. Now, under the provisions of this Bill this power of taxation is being given to the Cantonment

[Mr. V. V. Kalikar.]

Board. I object to this principle of giving the power of taxation to the Cantonment Board on constitutional grounds, because unless there is an elected majority in the Cantonment Board, the Board should not have any power of taxation. In the case of municipalities, district boards and local boards which have come into existence under the Montagu-Chelmsford Reforms, these bodies have a decided elected majority and under the present Bill the Cantonment Boards that are to come into existence have not got an elected majority. So, Sir, I would have preferred that the power of taxation should have vested with the Local Government instead of giving this power to these Cantonment Boards; and then, Sir, lastly, amongst all things that are creating more heart-burning amongst the minds in the civilian population in cantonments is the land problem. I personally cannot agree with His Excellency that all land in the cantonment belongs to the military authorities or to the Government. If I remember aright, a Law Member of the Government of India some years ago, I believe before 1924, had made a remark that measures of the kind which deprive a private owner of property of his ownership are nothing more than measures designed to confiscate private property. The civilian population have invested large amounts of money in buildings, in constructing structures, in developing markets and in giving various facilities for the convenience of troops there. Provisions have been made in this Bill which the civilian population in the cantonments think will come in their way of developing the cantonment area at their cost and also provisions about the erection and re-erection of buildings will to a very great extent obstruct the development of cantonments. I submit, Sir, that a suggestion was thrown out I believe in the Lower House about making the provision less stringent, but then, Sir, the Government did not see their way to meet that demand in the other House. However, as I say, Sir, half a loaf is better than no bread. I should request the military authorities to make use of this provision in such a way that they would not come in any way in the way of residents of cantonments, the civilian population, who desire to invest money in construction of buildings and in developing the cantonment area.

Sir, I have nothing further to state except that I do congratulate Government to some extent in meeting the wishes of the people in having an elected Cantonment Board and I take satisfaction over it.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN (West Punjab : Muhammadan) : Sir, I cannot let this opportunity pass without placing on record my criticism of the two aspects of policy underlying the Cantonment Act. The first relates to the existing civilian executive officers who were recruited some time in 1928 in pursuance of the policy of Indianisation. I think, Sir, in accordance with the terms of this Bill they will be required to appear in a departmental examination. Now, these officers before their appointment passed through various tests. In the first instance, there was selection. Then they obtained regular training for this work. After the training period was over they were put on probation and after the probationary period was over they were confirmed in their appointments. Their number, as far as I know, is 35. I submit, Sir, that it would be a great hardship that those

officers who have now been serving for four or five years in the position of executive officers and whose work has been found satisfactory should be required to undergo another test. A circular letter was issued by the Northern Command some time in 1934 stating that when the new organisation of the cantonment administration takes place it is quite likely that the officers who are already serving may be required to undergo a departmental examination. As far as future recruitment is concerned, Sir, I have no intention of criticising the Government policy of recruiting executive officers through the Public Service Commission, although I would submit before the House that the examination is not the only test of somebody's efficiency for any work of administration, particularly an executive job, and if you will permit me, Sir, in this connection I will quote the opinion of the Chief Justice of the Punjab, Sir Douglas Young, but instead of reading a long quotation I will satisfy myself with merely giving the substance. Addressing the members of the Bar, he said :

“ If efficiency were to be judged merely by the ability to pass an examination, I would be standing where you are standing and one of you surely be occupying the chair which I am occupying today ”.

**THE HONOURABLE THE PRESIDENT :** But that referred to the legal profession, not to service in the cantonment.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** That did not refer to the legal profession at all, Sir. It referred to judicial service in the Judicial Department. He said that as far as efficiency for judicial appointment is concerned an examination is not the only test. And now, Sir, as you seem to be under the impression that his remarks related to the legal profession, I would like to read the opinion :

“ I am not one of those who think that a competitive examination is necessarily the best method of selection for the judicial service their ”.

It was in continuation of this speech, Sir, that he made those remarks. I personally believe that, if competition is not a sound test for judicial service, it is certainly not a fair test for an executive job. Therefore, Sir, I would submit that His Excellency the Commander-in-Chief will kindly consider the desirability of not merely going by the number of marks which one obtains at an examination. As far as the case of the executive officers now serving is concerned, Sir, it will be a great hardship if they are required to answer examination papers at this stage. Sir, may I remind the Honourable Members here that if even those of us who have a very great reputation in the Bar were now required to appear for a University Law examination, the majority of them would fail. Therefore, it is really a knack of answering certain questions in a particular form on the paper which makes a man shine in examinations. These officers who gave up their studies in the universities some years ago cannot be expected to obtain the same number of marks in the examination as boys fresh from the university. Sir, I would request His Excellency for an assurance that at least so far as the civilian officers now holding the posts are concerned, they will not be required to undergo another departmental examination. After all, Sir, the object of holding an examination is just to test whether a certain man will be able to discharge his duties satisfactorily or not. But a person who has already discharged his duties

[Raja Ghazanfar Ali Khan.]

satisfactorily for four or five years, to test him to find out whether he will be able to do the work appears to me to be absolutely unnecessary.

Sir, the second point I wanted to refer to was the policy of applying certain provisions of the Cantonments Act to the areas which do not belong to the cantonment. This policy seems to me to be a very questionable one. The military authorities in their excitement for showing their enthusiasm for uplift work in the villages are going, I consider, absolutely beyond their jurisdiction. I am one of those people who strongly believe that something ought to be done to bring about more sanitary conditions in the villages but this should not be done at the point of the bayonet and the military authorities would be entirely wrong if they expect that they will be right in enforcing the same discipline as they enforce on soldiers living in barracks on the poor villagers who are living outside their jurisdiction but who have the misfortune of being their neighbours. I know personally—and I am now talking about Jhelum Cantonment, where the military authorities have been insisting on applying certain provisions of the Cantonments Act to the villages of Saila and Idgah which are in the neighbourhood of the Cantonment but are outside the cantonment area. The inhabitants of these areas are feeling very miserable and I can assure you, Sir, that if the military authorities persist in this most unfair attitude of forcing those people to maintain the same standard of sanitation in their villages, I have no doubt that a time will come when these poor villagers will desert these places and go away somewhere else.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhamadan) : On a point of information, Sir. Will the Defence Secretary inform us whether the Cantonments Act applies to these villages ?

THE HONOURABLE MR. G. R. F. TOTTENHAM : There is a certain section of the Cantonments Act at present under which parts of the Act may be extended to certain areas outside a particular cantonment. But I submit it has nothing to do with the Bill under consideration today.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : Well, Sir, may I submit that while considering the Bill which is intended to amend the Cantonments Act, we are perfectly entitled to consider the policy as well as the provisions of the Act itself. And, after all, the Defence Secretary has made an allegation—

THE HONOURABLE THE PRESIDENT : You need not dilate on that point. I have not stopped you from speaking on it.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : I was just explaining to Honourable Members that when they have been informed that certain provisions in the Cantonments Act can be applied to areas which are outside the jurisdiction of the cantonment, they should seriously consider whether it would be wise to pass this Bill unless the military authorities are prepared to give an assurance that they will be very just and fair in applying such provisions.

**THE HONOURABLE MR. HOSSAIN IMAM:** Again, on a point of information, Sir. May I know if it is possible for us to bring forward an amendment to the unamended portion of the Act at this stage ?

**THE HONOURABLE THE PRESIDENT:** The Bill incorporates certain amendments which the Government desire to make in the old Act of 1924. The Bill is confined only to those amendments. That would not give power to any non-official Member to bring in any other amendment outside the scope of the Bill.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN:** Sir, that was exactly the reason why instead of moving a formal amendment I just wanted to bring these points before the House and also to invite the attention of His Excellency the Commander-in-Chief and the Defence Secretary, who is present here. As I was just submitting, Sir, some of the conditions are very rigid. If they throw their refuse at a place different from the one pointed out by the Army authorities they are liable to be *chalaned* and fined. I would ask the Cantonment authorities seriously to consider whether it is reasonable that they should go and interfere with the jurisdiction of other local bodies. As the Honourable Members are aware, in the urban areas there are the municipalities to look after the people, their sanitation and all other necessary matters. For the rural areas we have District Boards in every district, and every village which is not included in the area of a municipality or cantonment is a part of the District Board. Therefore, Sir, this is an interference with the authority of another local body. The result is that the inhabitants of such villages find themselves under the dual control of the military and the civil authorities. What happens is that they pay their local rate and other taxes to the District Board authorities. In return they get something in the way of either schools or roads or medical assistance. The Cantonment authorities want to extend their jurisdiction to areas where they will merely fine and punish people for not doing certain things, but they would not take the responsibility of providing the facilities which local bodies are providing. If the Military authorities were today to announce that they will take charge of those villages entirely and will ask the local bodies not to charge local rates from these villages but they will levy their own cantonment taxes, whatever they may be, I will be quite satisfied. But, Sir, is it fair that these people who have got no relation directly or indirectly with the Military authorities should be forced to observe certain rigid rules just because they have the misfortune of being neighbours ? And how did they become neighbours ? During the last 15 or 16 years, at least 2,000 acres of the land belonging to these Saila and Idgah villages was acquired by the Government for military requirements. They have been left now with a very, very small area and I can assure you, Sir, that if it were not for the love of the place where their ancestors are buried, they would have deserted that place and gone away.

**THE HONOURABLE THE PRESIDENT:** I do not understand your contention. If the cantonment limits are short of space for the population or for the occupation of troops or buildings for cantonment purposes, do you mean to say that Government should be debarred from extending their limits ?

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**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** They are quite welcome to extend their limits, but they do not do so. They just apply certain provisions of the Cantonments Act without extending their jurisdiction and including that village in it.

**THE HONOURABLE THE PRESIDENT :** I do not think that could be done.

**THE HONOURABLE MR. G. R. F. TOTTENHAM :** May I explain ? I think the Honourable Member does not quite understand. There is a section—section 286—in the present Cantonments Act. This section is not subject to amendment by this Bill. But this section contains a provision under which certain provisions of certain chapters of the Act may be extended to areas in the vicinity of cantonments. These provisions do not include Chapter V which is the chapter dealing with taxation. We are not able under the present law to impose taxation—nor do we ever do so—on any area outside the cantonment. Any area that we wish to include in the cantonment, such as the lands to which the Honourable Member has just referred, we usually acquire and thus extend the cantonment. But what is done under this section 286 is this. In certain cases where we may have insanitary villages on the border of cantonments, we are enabled by this section to introduce certain sanitary measures into those villages without any cost to the inhabitants.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** I hope you are now satisfied, Sir, that they do not extend the area of the cantonment ; they do not extend the jurisdiction. They just apply one or two provisions which are most troublesome for the inhabitants. I would not mind—they are perfectly entitled to include any area they like, which they require for military purposes, within their jurisdiction.

**THE HONOURABLE THE PRESIDENT :** Why should not the Cantonment authority, for the sanitary safety of the cantonment, extend these hygienic rules and regulations to other parts without charging them any money ?

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** For the simple reason that, after all, these people are not living in a regime of martial law. They are citizens of the British Empire. They have got the same rights as the inhabitants of any other part of the country ; even the civil authorities cannot force them to observe certain hygienic conditions ; they can only persuade them ; they can only go and give lectures and use friendly influence with them ; it is only by persuasion that they can ask these people to observe these conditions. Is anybody entitled to come into my house and say, “ You must observe a particular hygienic condition in your house ; if you do not, I am going to *chalan* you ” ? Is it not, Sir, an undue interference with the liberties and rights of every citizen ? If the Cantonment authorities think that it is undesirable that such unhealthy villages should continue in the vicinity of the cantonment, I would beg to them to acquire the rest of the area. Nobody would mind that. Nobody would object to that. They can certainly acquire and extend their jurisdiction.

**THE HONOURABLE THE PRESIDENT (to the Honourable Mr. Tottenham) :** If any action is necessary under those sections, it is done after due notice, is it not ?

THE HONOURABLE MR. G. R. F. TOTTENHAM : Certainly, Sir, and the action is taken by the Local Government, and not by the military authorities.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : I will now, Sir, for the information of the Honourable the Defence Secretary, mention that they referred this matter—I am referring to Saila—to the District Board of Jhelum asking them whether they had any objection to certain provisions of the Cantonments Act being applied to the villages of Saila and Idgah which were under the jurisdiction of that District Board, and the result was that the matter was placed before the District Board of Jhelum and they unanimously resolved to refuse to give permission. They will strongly resent it if the Army authorities did that, and in spite of that reply, they are doing it.

THE HONOURABLE THE PRESIDENT : The Cantonments Act gives them permission to do that.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : The Cantonments Act, unfortunately, gives them permission to apply some of the provisions of the Act to any area even if it is not within their jurisdiction.

Now, Sir, I would welcome the hygienic conditions of those villages being improved—

THE HONOURABLE THE PRESIDENT : I think the Council has quite understood your arguments now. Please do not dilate on this point and proceed further.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : I can assure you, Sir, that I will not repeat what I have said. I have just now described in full detail the hardships and difficulties which the inhabitants in those villages are experiencing. Now, I would ask the Military authorities to consider whether it would not be just that they paid for those sanitary arrangements which they required these inhabitants to make ? If, Sir, they want that a certain pit should be filled up and that certain steps should be taken to make the villages healthy and more hygienic, they should pay for that. But they should not merely threaten those people with being *chalaned* and fined when they are too poor to maintain a standard of life in accordance with the high standard set by military cantonments.

Sir, I am sure I have fully explained this difficulty and I hope that the Military authorities will pay serious attention to the matters which I have now brought before them.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, whenever any amending measure is brought before

12 Noon. this House or the other the objective is to improve upon the existing legislation. In this respect I endorse whatever my friend Raja Ghazanfar Ali Khan has said about the treatment meted out by the Military authorities under a certain provision when they wish to enforce their wishes on adjoining villages or areas of cantonments. Sir, as I have said many times on the floor of this House, the Defence Department for some time past has been making the Civil or Railway Department bear its legitimate expenses. There are certain roads which are purely or mainly strategic, yet their upkeep and repair is borne by the Civil department. Similarly, the



[Rai Bahadur Lala Ram Saran Das.]

deficit on the strategic railways, the maintenance and the cost of military yards, wagons, etc., are also borne by the Railway Department and not by the military. And again, here, instead of the Defence Department bearing the expense of any sanitary or other improvements they want to make in adjoining villages or areas, they want the cost to be borne by the District Board or some other authority. Sir, the present economic condition of the District Boards is so bad that it is impossible to expect a great deal from them. I have been connected with the Lahore District Board for over 20 years, and I can say that although we want to make many improvements, our funds do not permit it and it is impossible to impose any fresh taxation. The Honourable Raja Saheb has made a very reasonable proposal that if there is any improvement which the Defence Department desire to effect in villages adjoining a cantonment, they should do it at their own expense. That is quite reasonable and just, and I strongly support what the Raja Saheb has said about the extension of the powers of the Cantonment Authority beyond their cantonment limits in such cases.

Sir, His Excellency the Commander-in-Chief observed that landlords in cantonments make a very good return on their investment in houses. With due deference to His Excellency I might say that that might be all right in the case of those landlords who own a great number of houses in each cantonment, but those landlords whose holdings are not very big generally lose. I happen to be an owner of some houses in several cantonments, and my experience is that generally I make nothing out of those bungalows, and indeed every year I am a loser. There are a number of cases in which army officers leave India suddenly on transfer to foreign countries with arrears of rent which sometimes amount to thousands of rupees which become irrecoverable. I will give you a personal case of my own. A certain high army officer owed me a few thousand rupees arrears of rent when he was suddenly transferred to Cairo or some other foreign place, and although I put the case into court the reply was that that officer was no more under the jurisdiction of the Government of India and nothing could be done in execution of the decree given.

THE HONOURABLE THE PRESIDENT: It was your fault! Why did you allow the arrears to accumulate to such an extent?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I am glad you have put me that question. I did everything that was possible. I drew the attention of the Officer Commanding the Station and of the Divisional Commander to the position, but red-tapeism, Sir, as you know takes a long time, and before action is taken sometimes that action is too late and so of no use. And that is what happened in my case. I took every sort of action but it was all a waste of time and of money. I think that equity and justice requires that the Cantonment authorities should safeguard the landlords in such cases. They protect the tenants in every possible respect, but the landlord is not treated in the manner he ought to be.

Then, another point I would mention for His Excellency's attention is in regard to the repair, alteration or remodelling of a bungalow as required by the Military authorities. The Cantonment Authority issues an order that such and such a thing should be done and a certain percentage return upon the

additional outlay is allowed by way of an increase in rent. That looks very reasonable in theory but in practice it does not work well. For instance, the new work may cost the landlord, say, Rs. 2,000, and a certain rate of interest is allowed on this in the shape of so much additional rent per month. But a few months after this additional rent is enforced the resident officer is transferred and the house thereafter remains vacant for six or more months, and the additional rent on the extra outlay becomes non-existent.

THE HONOURABLE THE PRESIDENT: Why do you build houses in cantonments ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, an observation was made by His Excellency. I have been told that, long before I was born, it was at the entreaty of the Government that bungalows were built in cantonments by the public. Otherwise, they would not have built any. In those early days they received fair treatment. After all, Sir, as these rules are becoming stringent, people are selling their cantonment property at nominal prices and are trying to invest money elsewhere. I think, Sir, a time will come soon when Government will have to find their own money to build bungalows in cantonments. I know that in certain cantonments owing to the policy adopted by Government bungalows have been acquired and prices paid under the Land Acquisition Act at low prices. However, that is a matter that will play in future when the people want to put in money in cantonment property. Sir, I want the Government to treat the people in the cantonments in an equitable and just manner.

THE HONOURABLE MR. G. R. F. TOTTENHAM (Defence Secretary): Sir, when I had the honour to be nominated a Member of this Honourable House, it was in the expectation that there might be some awkward questions connected with this Cantonments Bill on which Honourable Members might wish to have detailed information, and as I have been connected with the framing of this Bill from the very start, I felt that I would be able to give the House any information they might require in connection with the Bill. Fortunately, Sir, my task is easy this morning because of the speeches that have been made only one was strictly relevant to the clauses of the Bill itself. I shall deal, if I may, with the points made by the Honourable Mr. Kalikar later. I should like first of all to say just a few words with regard to the points made by the Honourable Raja Ghazanfar Ali Khan and the Honourable Leader of the Opposition. None of the matters to which they referred had any direct connection with the clauses of this Bill. The Honourable Raja Ghazanfar Ali Khan started by asking certain questions regarding civilian executive officers and whether they would be made to pass a departmental examination. Well, Sir, there is nothing in the Bill about civilian executive officers or rather, about the terms and conditions of their service. It is a matter which will be settled by rules after this Bill becomes law. I may explain to the Honourable Member that, of course, there is no intention of making it necessary for those persons who have already been employed as civilian executive officers and who are found suitable for permanent appointments to pass any examination set by the Public Service Commission, which is going to be the channel of entry for future entrants to the service. At the same time the question whether

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

those civilian executive officers who have already been appointed should or should not be required to pass any departmental examination is a matter that is now under consideration. We will take the Honourable Member's comments into consideration in deciding the matter ; but I do submit that if, as he has assumed, these officers by their actual experience in cantonments are already efficient, then in that case they would have no difficulty whatever in passing this departmental examination. The departmental examination is only a test of whether they know their rules and regulations and the books they ought to know. If they do know them, they will have no difficulty in passing the examination.

Then, Sir, as regards the other point which was mentioned by the Honourable Raja Ghazanfar Ali Khan and the Honourable Leader of the Opposition, I have already explained that this section 286 of the Cantonments Act is not a section which is subject to amendment by this Bill and therefore it is quite impossible of course to amend it at this moment. I am not fully aware of all the details regarding the particular cantonment to which the Honourable Member referred and the action that has been taken there, I think he has asked certain questions on the subject which will be answered in due course.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: The answer was that information is being collected.

THE HONOURABLE MR. G. R. F. TOTTENHAM: Well, Sir, when the information is collected, he will know more about it. I can, however, assure him that we have no intention of applying these various sections of the Cantonments Act to areas outside cantonments unnecessarily. We have no intention of imposing hardships on villagers. I am quite sure it is done for their good ; it is done in close co-operation with the Local Government who ought to be in a position to protect the interests of the villagers. However, Sir, I will not say more on that matter ; nor, I am afraid, can I say much on the unfortunate personal experiences of the Honourable Leader of the Opposition as the owner of houses in cantonments. The relation between landlord and tenant is not regulated by this Act in any way and it would be impossible by any amendment to put an end to perhaps, I may say, the grievances that the Honourable Member has in this respect. I can, however, assure him that we will look into the matters that he has mentioned and if we can give him any assistance in recovering his just dues we shall always be ready and anxious to do so.

I now turn to the Honourable Mr. Kalikar's speech, which did refer to certain important matters connected with the Bill itself. In the first place, referring to these Bazaar Committees, he mentioned the fact that there was a fear in certain quarters that the odium might be laid on them of imposing increased taxation in bazaars. Well, Sir, I can assure him that that apprehension is not well founded, because it is perfectly obvious that one of the functions that must fall to the Board as a whole is the imposition of taxation ; the taxation of the cantonment as a whole must be the business of the Board as a whole. Therefore, there can be no question of the Bazaar Committee having to accept responsibility in the matter of taxation. The Honourable Member then

referred to the amount of money spent on primary education. I have not got the exact figures here, but I would refer him to clause 37 of this Bill. Clause 37 makes an alteration in section 116 whereby it will be obligatory on Cantonment Boards to assist primary education, even if they do not maintain primary schools of their own. That, Sir, I hope will go some way to improve the position in this respect, if it requires improvement. I can say that, if more funds are required, Government are responsible for the solvency of cantonments and, if a case is made out, they are always prepared to make available a certain amount of money by way of grants-in-aid for a laudable object of this kind. Then, Sir, the Honourable Member referred to the power of imposing taxation. He objected to Cantonment Boards being empowered to impose taxation. That, Sir, is a matter that is regulated by clause 22 of this Bill and section 60 and the following sections of the Cantonments Act. At present under section 60 of the Act the Local Government has the power to impose taxation in cantonments. Under clause 22, to which I have referred, the only change that is going to be made is that the initiative in this matter is going to rest with the Board ; but the Boards are not going to have any power to impose taxation without the consent of the Local Government. It is therefore merely a change of form rather than a change of substance. It was pressed upon us by the Select Committee in the Lower House who pointed out that in all Municipal Acts, the initiative with regard to taxation lay with the local body, although the sanction for the taxation might be with some higher authority. We are merely following that practice in this Bill and putting cantonments on exactly the same footing as municipalities.

THE HONOURABLE MR. V. V. KALIKAR : In municipalities they have got an elected majority.

THE HONOURABLE MR. G. R. F. TOTTENHAM : I submit, Sir, that that makes no difference to the point the Honourable Member has in mind. What he objected to was the Board having the power to impose taxation. I was trying to point out that the Board under this Bill would have no power to impose taxation. They would only have the power to suggest to the Local Government that certain taxes should be imposed. That is the position.

Lastly, the Honourable Member referred, I think, to the land problem and rightly stressed the importance of it. I can assure him that there is no question of any intention on our part of going in for confiscation, and that we would not have taken the action that we are taking, or have taken during the past ten years, unless we were quite clear that our legal position was a sound one and that we were also acting in an equitable manner. I would point out that, at the long discussion that I had the other day with the members of the All-India Cantonment Association, they themselves came forward and declared that quite a large number of house-owners in cantonments were now prepared to recognise that the land itself did belong to Government—that they would no longer claim that the land was their private property. All that they wished to be assured of was that they might be allowed to continue in occupation of the land without harassment by the local officials ; and it is in order to secure that object that we are now trying to concoct a new form of model lease which will give to the owners of these houses a very clear title and define exactly what their rights are.

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

Further, Sir, the Honourable Member expressed the wish that these new provisions regarding the erection and re-erection of buildings should not be used except with moderation and so on, and expressed some doubt whether they did not go too far. Well, there again, the provisions of the Bill were reached after very lengthy discussions in the Select Committee and the final decision was to make the provisions in our Bill exactly the same as the provisions in the Punjab Municipal Act. We on our side accepted that compromise, and I can assure the House and the Honourable Member that the provisions of our Bill are not in any way stricter than those of a model Municipal Act such as the Municipal Act of the Punjab Government.

These, Sir, are all the specific points that were raised by the Honourable Members in the course of the debate. I do not think it is necessary for me to say any more.

THE HONOURABLE MR. HOSSAIN IMAM : On a point of information, Sir. Will the Honourable Member consider the desirability of acquiring lands rather than imposing section 286, where the local authorities object ?

THE HONOURABLE MR. G. R. F. TOTTENHAM : Well, Sir, I do not think I can give an answer off-hand to that. It is a new point that has been raised today. All I can say is that the Government will look into the matter.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : Will the Defence Secretary give us an assurance that the answer to these questions will be laid on the table before this Council adjourns ?

THE HONOURABLE MR. G. R. F. TOTTENHAM : I will see that they are laid on the table as soon as we can possibly do so. I believe that we have received the information quite recently, and I think that the answers will be laid in a few days.

THE HONOURABLE THE PRESIDENT : Does His Excellency wish to make any further remarks ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : No, Sir.

THE HONOURABLE THE PRESIDENT : Motion made :

“That the Bill further to amend the Cantonments Act, 1924, for certain purposes, as passed by the Legislative Assembly, be taken into consideration.”

The Motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 to 20 were added to the Bill.

Clauses 21 to 45 were added to the Bill.

Clauses 46 to 51 were added to the Bill.

THE HONOURABLE THE PRESIDENT : Clause 52.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : In clause 52, Sir, the Government takes power to ensure that a building that has been sanctioned and partly built can be suspended by superior authority.

THE HONOURABLE MR. G. R. F. TOTTENHAM : Sir, I think that clause 52 of the Bill refers to building bye-laws. It has nothing to do with stopping erection.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Well, Sir, the ordinary Cantonment Authority gives sanction for a building and it is started, and when that building is three-quarters built or fully built, the higher authority refuses sanction. What will be the plight of the owner of such a building ?

THE HONOURABLE THE PRESIDENT : That is a legal question. You must ask your lawyer !

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I would say, Sir, that the sanction should be final.

Clause 52 was added to the Bill.

Clauses 53 to 69 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I would like to take the opportunity of thanking the House for passing this Bill and I now formally move :

“That the Bill, as passed by the Legislative Assembly, be passed.”

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, I put an objection on clause 52 as detailed on the note. I expected that the Honourable Defence Secretary would give some sort of answer. On the third reading, Sir, before I make a speech I shall request the Honourable Mr. Tottenham to answer the question put by me.

THE HONOURABLE THE PRESIDENT : It was not Mr. Tottenham's fault. I did not think the question important enough to call on him to deal with the point.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Do you think, Sir, that this point is of no importance ?

THE HONOURABLE THE PRESIDENT : You can now say what you think necessary and then the Honourable Member will reply. There is nothing to prevent you from saying what you wish.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, what I want to represent at this stage is that in the case of buildings which have been completed or partially completed after the sanction of the sanctioning authority, there should be no power given to any higher authority to suspend the original sanction or to cancel it.

**THE HONOURABLE MR. HOSSAIN IMAM :** Mr. President, this seems to me a great constitutional question of the utility of the Legislature in the province. If we are here just to say "ditto" to whatever the Government decides, then it seems that the Legislature is a mockery. We are here to guard the interests of the people who are governed and in order to do that we are content, Sir, to bring forward questions before the Government benches which have not been observed or which might be passed over. We have pointed out our difficulties. My Honourable colleague from West Punjab brought forward certain troubles of the villagers. My Honourable friend the Leader of the Opposition brought forward certain other points.

**THE HONOURABLE THE PRESIDENT :** But the Honourable Mr. Tottenham did answer all those questions.

**THE HONOURABLE MR. HOSSAIN IMAM :** Well, Sir, he did answer a part of the question.

**THE HONOURABLE THE PRESIDENT :** It may not have been to your satisfaction, but he did answer them.

**THE HONOURABLE MR. HOSSAIN IMAM :** We are, according to your ruling, Sir, debarred from bringing in any amendment to that portion of the original Act which is not sought to be amended by the Government. So, the only step that we can take constitutionally is to bring the matter to the notice of the Treasury benches and ask them to take suitable action. In a similar manner, Sir, the Honourable the Leader of the Opposition wished to bring to the notice of the Army authorities the point that sanction for the construction of buildings should be given finally, once for all, and that there should be no tinkering with the sanction when once it has been given, and that it should not be refused afterwards so that people might be saved from harassment and loss which is liable to occur if sanction is refused after buildings have been half proceeded with.

**THE HONOURABLE THE PRESIDENT :** What is there to prevent you from bringing in an amending Bill ?

**THE HONOURABLE MR. HOSSAIN IMAM :** Sir, in the Council of State it is rather difficult even to think of bringing in an amending Bill. They might do it in the Assembly. There is also another obstacle, and that is, the refusal of the sanction of the Governor General. As at present constitutionally situated, we are not able to do anything without the co-operation of the Government. I do say that we have done something, but we have always done things with the co-operation and goodwill of the Government, and it is in order not to alienate the goodwill of the Government but rather to secure their sympathy that we bring forward our grievances for them to redress.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** Sir, I wholeheartedly support the objection which has been raised by my Honourable friend, the Leader of the Opposition. It will be a very serious hardship if a person, after obtaining regular sanction, starts building a house and then

subsequently, when he has completed half of it, an order comes from higher authority that the building should be stopped. This objection is a very serious one and the Defence Secretary should give a guarantee that no higher authority will interfere with the decision of the Local Board. It is extraordinary, Sir, that the Cantonment authorities must have everything different from other local bodies. In the municipalities there is a rule that no building can be erected or re-erected without the permission of the municipality. But the municipality is the last authority on the subject, and if sanction has been obtained, no other higher authority has any right to interfere. If there is an apprehension that after sanction has been obtained, a still higher authority may intervene and stop the building from being completed, it will be much better if in doubtful cases the Board, before granting sanction, obtains the sanction of the higher authority and then gives the permission. I know, Sir, that it is very keenly felt by a person who wants to build a house if his application is kept pending for a long time.

**THE HONOURABLE THE PRESIDENT :** Is it not your experience that even in the case of municipalities, sanction has first been given and subsequently they have temporarily stopped the construction of that building ?

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** No, Sir.

**THE HONOURABLE MR. G. R. F. TOTTENHAM :** Which section of the Act is the Honourable Member referring to ? Clause 52, on which the Honourable the Leader of the Opposition spoke, merely deals with the scope of bye-laws.

**THE HONOURABLE THE PRESIDENT :** All this discussion has taken place outside the scope of this Bill.

**THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House) :** The Defence Secretary wants to know which particular clause of the Bill or section of the Act which is now before the House is the Honourable Member referring to ?

**THE HONOURABLE MR. HOSSAIN IMAM :** Clauses 53 to 61, page 3 of the Notes on Clauses.

**THE HONOURABLE MR. G. R. F. TOTTENHAM :** I think the Honourable Member must refer to the numbers of the clauses of the Bill as it is before the House. To which clause of the Bill does he refer ?

**THE HONOURABLE MR. HOSSAIN IMAM :** The notes do not mention the changes that have been made. It is the duty of the Government to mention these.

**THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** I am thankful to the six gentlemen for discussing amongst themselves while I was trying to make my point. I happened to be the President of a Municipal Committee in the Punjab myself, and I can assure you that I know the rules regarding the construction of buildings so far as they are applicable to municipalities, and the municipality is the final authority for giving sanction. No higher authority can interfere or stop a building.



THE HONOURABLE MR. G. R. F. TOTTENHAM: To which clause is the Honourable Member referring?

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: You have already given your ruling, Sir—

THE HONOURABLE THE PRESIDENT: These discussions are outside the scope of the Bill as now before us.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: I think, Sir, you have already given a ruling that we are perfectly within our rights in discussing the provisions of the Cantonments Act itself when you are bringing in a Bill to amend this Act.

THE HONOURABLE MR. G. R. F. TOTTENHAM: May I ask which provision of the Cantonments Act the Honourable Member is referring to?

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: If the Defence Secretary can say that no such provision exists in the Cantonments Act, we will then most respectfully withdraw all our objections and we will apologise to the House for having taken up its time. But if the Defence Secretary cannot deny that the provision is there, is it not necessary for him to give the guarantee that we want?

THE HONOURABLE THE PRESIDENT: Order, order. I have ruled that in the final stage, namely, the third reading of the Bill, you are entitled to travel from China to Peru.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: It is only after that ruling that we want to take the opportunity of discussing certain matters for which no direct provision exists in this amending Bill.

Now, Sir, turning to the other question which I raised in my earlier speech, I must express my disappointment at the reply which was given by the Defence Secretary. It is our misfortune that we, the elected representatives of the people, have been put in a position in this House where the Government are intoxicated with the idea that they will get the Bill passed even if we try to obstruct or oppose it. That however should not be any reason for them not to pay heed and sympathetic attention to the points which we raise, whether we are in a minority or majority. I raised two questions. What was the answer to the first? He may put it in any words he likes, but it really comes to this that the civilian officers now serving under the Government would be required to appear in the departmental examination. That was exactly the point I objected to. In whatever phrase you may couch your words, whatever language you may use—

THE HONOURABLE THE PRESIDENT: The Honourable Mr. Tottenham has informed you on that point that he will see what can be done and probably the rule will not be strictly enforced.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: I wish the Honourable the Defence Secretary had put it in such sweet language as you have put it. Then there would have been no need for our criticism.

As far as my second point is concerned, after I had finished my previous speech, I came to know of a very notable instance which happened in one

of the villages, and that village belongs to my Honourable friend, Colonel Nawab Sir Mahomed Akbar Khan. One of the villages is unfortunately situate just near to, but outside the cantonment limits, and the people there are forced to sow certain crops and not to sow certain other crops. Can you conceive of a worse instance of interference with individual liberty than that the military authorities should issue commands on what a man should sow in his own fields and what he should not sow and that also in an area which does not lie within their jurisdiction? I should have thought personally that if such a question were raised, supported by such glaring instances of injustice, in the other place, the Defence Secretary would probably have given a different reply and he would have at least said, "If I am convinced that such things do happen, I here declare that we will put an end to it". That would have been the reply there. I have no doubt that this Bill will be passed. But I must submit that we feel keenly disappointed that the most reasonable points which we have raised have remained unanswered or at least no satisfactory answer has been given to the objections that we raised.

**THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA** (United Provinces Central: Non-Muhammadan): I rise to congratulate His Excellency the Commander-in-Chief and the Defence Secretary on bringing this amending Bill. The Bill does not go far enough but it certainly is an improvement on the Cantonment Act of 1924 and if it is worked in a spirit of co-operation and goodwill I am sure it will give much more benefit to the inhabitants in the cantonment areas. Sir, one or two objections have been brought to the notice of the Government and I regret a satisfactory answer has not been given. The objection in regard to the position in respect of the erection of a building, pointed out by the Leader of the Opposition, still remains under this Bill. I would refer my friend the Defence Secretary to section 51 of this Bill, that is the amendment of section 185 of Act II of 1924. It is certainly not proper for the military authorities to stop any building when it is in the course of erection and thus cause loss to the builders.

Sir, there are many other points in the Act in regard to which no amendments have been introduced in the Bill, and in accordance with your ruling I will not point them out. But I would request the Military authorities to take a suitable opportunity to bring amendments to those sections, so that the Act as a whole may become advantageous to the residents in cantonment areas.

With these words, Sir, I support the Bill as it has been presented to this House.

**THE [HONOURABLE SIR PHIROZE SETHNA** (Bombay: Non-Muhammadan): Sir, I understood the Honourable the Defence Secretary to say that this matter was not before the House. My attention has been drawn to section 185 of the existing Act, which reads:

"A Cantonment Authority may, at any time, by notice in writing, direct the owner, lessee or occupier of any land in the cantonment to stop the erection or re-erection of a building in any case in which the Cantonment Authority considers that such erection or re-erection is an offence under section 184, and may in such case in like manner direct the alteration or demolition, as it thinks necessary, of the building, or any part thereof, so erected or re-erected:

[Sir Phiroze Sethna.]

“Provided that the Cantonment Authority may, instead of requiring the alteration or demolition of any such building or part thereof, accept by way of compensation such sum as it thinks reasonable”.

This is now referred to in the amending Bill and the alteration commencing at the bottom of page 13 reads as follows :

“(?) A Board shall by notice in writing direct the owner, lessee or occupier of any land in the cantonment to stop the erection or re-erection of a building in any case in which the order under section 181 sanctioning the erection or re-erection has been suspended by the Officer Commanding-in-Chief the Command, under clause (b) of sub-section (1) of section 51 and shall in any such case in like manner direct the demolition or alteration, as the case may be, of the building or any part thereof so erected or re-erected where the Officer Commanding-in-Chief the Command thereafter directs that the order of the Board sanctioning the erection or re-erection of the building shall not be carried into effect or shall be carried into effect with modifications specified by him :

“Provided that the Board shall pay to the owner of the building compensation for any loss actually incurred by him in consequence of the demolition or alteration of any building which has been erected or re-erected prior to the date on which the order of the Officer Commanding-in-Chief the Command has been communicated to him”.

This provision, Sir, is certainly satisfactory, inasmuch as, if the further progress of the building is stopped, the owner will get compensation. But the owners of houses in cantonments urge that such compensation at the best can but be very meagre. And, more than that, my friends here who have raised this point seem to think that they will have to depend very much on the whims and caprices of the officer in charge at the moment.

**THE HONOURABLE THE PRESIDENT :** Why did you not bring in an amendment ?

**THE HONOURABLE SIR PHIROZE SETHNA :** I admit that should have been done, but as that has not been done I think the intention of my friends here is to draw the attention of the authorities to the matter so that something might be done hereafter to amend this particular section. All they want is that instead of the officer who succeeds the previous one deciding whether the building should be demolished or not, the case should be referred to a higher authority. If that is done I think they will have no reason to complain.

**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** What I said was that the sanction should be final, and in case there is any chance or possibility of suspension or any change, the authority sanctioning should first consult the higher authorities before the sanction is given.

**THE HONOURABLE MR. G. R. F. TOTTENHAM :** Sir, I regret very much that Honourable Members should have been dissatisfied with my reply to the points they raised during the discussion at the consideration stage. But I do submit, Sir, that it is a little hard on Government to charge us with not having given full answers to matters of this kind—matters which were entirely outside the scope of the Bill itself and of which we had no notice whatever before this meeting today. If they had been connected with a particular clause of the Bill or if any formal amendment had been put down to clauses in the Bill, we should have been fully prepared to consider them and to see how far we could accept them. But as it is, with the best will in the world,

it is impossible for us to do anything at the present moment. No amendment to the Bill was proposed and some of the sections spoken of were outside the scope of the Bill altogether. Therefore I submit I can only give an assurance that these matters will be gone into and considered later. That is all I wanted to say on that point.

I am grateful to the Honourable Sir Phiroze Sethna for making it clear what section certain Honourable Members were referring to. The Leader of the Opposition spoke on clause 52 of the Bill. It now appears that the clause he meant was clause 51 and not clause 52. Probably the re-numbering has put him out. But there again I can only say that clause 51 is not opposed to ordinary municipal practice. The amendments to the existing provisions of the law made by this clause are really only intended to provide that the Board shall not be liable to pay compensation for building which is carried on in between the time of the order suspending sanction and the time when that order is made absolute. Under the law as it stands at present there is a gap there. This matter was discussed in Select Committee and they accepted the necessity for filling the gap, but did not see any reason at that time for altering the substantive provision; and I regret it is quite impossible to do so at the present moment.

**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** Sir, it is said that I referred to clause 52 instead of clause 51. The mistake, Sir, was due to the reference on page 3 of the Notes on Clauses. Sub-paragraph (5) under clauses 53 to 61 says :

“ To ensure that building can be stopped when sanction to erection or re-erection has been suspended by superior authority under section 52 (1) (b)—new section 185 (2) ”.

So, Sir, I was misled and the mistake, which I correct now, is due to that.

**THE HONOURABLE THE PRESIDENT :** The Question is :

“ That the Bill further to amend the Cantonments Act, 1924, for certain purposes, as passed by the Legislative Assembly, be passed.”

The Motion was adopted.

**THE HONOURABLE THE PRESIDENT :** This closes today's business. Tomorrow we have a long list of business to go through and as Honourable Members are aware, there is an important meeting at 5-15 P.M. of the Empire Parliamentary Association to select a delegate to be sent to Australia for their centenary celebrations. I have therefore decided, with the concurrence of the Leader of the House, to convene the meeting tomorrow at 10 A.M. instead of 11 A.M.

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The Council then adjourned till Ten of the Clock on Wednesday, the 7th October, 1936.