

supply is only 4 lakh gallons a day whereas the requirement is 52 lakh gallons a day. The people of Midnapur and Kharagpur have never faced such severe water scarcity in living memory. The authorities have not been able at all to cope with the situation despite some attempts being made haltingly. I urge upon the Central Government to make proper enquiries in the matter and immediately step in, to save the people of the towns of Midnapur and Kharagpur in consultation with local authorities without any delay.

15.36 hrs.

### CANTONMENTS (AMENDMENT) BILL

—Contd.

MR. CHAIRMAN : The House will now take up further consideration of the Cantonments (Amendment) Bill. Shri Amal Datta may continue.

SHRI AMAL DATTA (Diamond Harbour) : Sir, Yesterday I had started but there was very little progress. The Cantonment Bill does not seek to democratise the administration of Cantonment although the Hon. Minister himself agreed that there has been such a demand. Now, what is the extent of the non-democratic administration of Cantonment Boards at present ? This is in the Cantonment Act as it stands which classifies the Cantonments into three categories.

Category 1 are. Those Cantonments with a civilian population of more than 10,000 and in those Cantonments—it does not matter how much, more than 10,000 it may be or even one lakh but it does not matter—and whatever may be the military population, the military personnel in the Cantonment Board shall always be one more, than the elected representatives of the civilian population. That is how, this Act remains since 1936. The Act is of 1924. In the 1924 Act, that provision for the representation was also not there. It was introduced in 1936. By whom ? Not by independent India but by British Generals. In fact, the person who moved that Bill for amendment of the constitution of the Cantonment Boards in the Central Assembly in 1936 was General Rawlinson. What did he say ? He said and I

quote from the speech of General Rawlinson which was quoted by a Private Member in a Parliament Debate in 1958. At that time, General Rawlinson himself, after giving a general background of the amendments, said that :—

“The population of Cantonments has increased and diversified and there are now many large areas of Cantonments in India containing a considerable number of civilian inhabitants whose presence in Cantonment has no specific connection with troops or with military administration. It is only natural and in accordance with the spirit of the times that in Cantonments, such as I have described, the civilian population come to desire and desire very keenly that the government of Cantonments should acquire a more progressive and popular character...”

“..Institutions which are suited to the purely military government, of purely military areas, naturally do not commend themselves to men who have seen representative institutions introduced in the general government of the country.”

This recognition of the need to have a representative character of the Cantonment Board came not from an Indian but from a Britisher. This is what the government of the day should note and they should further note that the Estimates Committee of the Parliament had asked the Government, as early as 1954, to democratise the administration of cantonments. This is the 46th Report of the Estimates Committee. It was in 1954 or so ; I may not be correct about the year. This is quoted in 1958 debates. The Estimates Committee had said :

“The Committee, therefore, recommend that the Cantonment Act should be amended immediately to provide for the democratisation of the civil administration of the cantonment areas.”

I do not have to go farther than that. The Estimates Committee did it. It is reported

in Parliamentary debates. There was a Private Member's Bill for this purpose which obviously was defeated or withdrawn as usual. But the fact remains that this demand for democratisation has been there for a very long time since the day when Gen. Rawlinson amended the earlier Act to provide for some civilian representation which prevails even today. But even today we are not able to have this. The civil administration has been running the Government of India for the last 35 years, but the civilians are not able to run the Cantonment Board! This is the faith which the military has got in the civilians !

Apart from that, I would also ask one thing. From the Estimates Committee Report which has recently come out, which has been placed on the Table of the House on 22nd April, 1983, it seems that funds are being provided to cantonments. These funds are provided to the cantonments obviously from the Defence budget. The funds have been quoted as quite substantial—Rs. 4 crores, Rs. 5 crores and ultimately Rs. 6 crores—in Chapter IV, page 23, of the Report. The figures given are : 1979-80 Rs. 3.66 crores, 1980-81 Rs. 4.36 crores and 1981-82 Rs. 5.05 crores. I do not know of and I did not see, any specific head in the Defence Demands for Grants under which these grants to the cantonments can be made. This is obviously for a military purpose. They have their miscellaneous budget from which they have perhaps made the grants. I do not know how far this is constitutional.

Apart from this, as I have mentioned in my yesterday's speech, this amendment is being brought as a hotch potch amendment which is a compilation of various suggestions made from time to time by different bodies, and no one has had a look at the totality of the Act and the object of the Act, whether the cantonments themselves should exist, whether they can exist under the present constitutional set-up.

Before our independence we have always said that a good government is no substitute for self-government. Even if, for the sake of argument, we assume that having military personnel as the head of the Cantonment

Board, as the President of the Cantonment Board, and having military personnel constituting the majority in the Cantonment Board, the cantonments will run properly and better than civilian administration, even then, it is not a substitute for self-government. In fact, the Report of the Estimates Committee shows that that is not so, that that is not so and it is far from the truth. In fact the Estimate Committee report—I do not want to go through it at length—brings out some salient features of the cantonment administration. One is that the cantonment administration is deficient in many respects compared to the adjoining municipalities in the provision of civic amenities. The cantonment boards suffer from dearth of funds. They have deficits and those are the deficits which are met by the grants in aid from the Defence budget to the extent of Rs. 5 crores as I have just read out from the Estimates Committee report. Also in spite of all this, there is marked difference between the services provided to the military section of the cantonment and the civilian section of the cantonment. The roads in the military section, to give one example, are maintained by the Military Engineering Services and are better maintained whereas in the civilian section they are maintained by the Cantonment Board which suffers from paucity of funds and, therefore, they are very badly maintained. The Estimates Committee which toured the civilian section of the Secunderabad Cantonment was shocked to see in what state of disrepair the roads of the civilian section have fallen into. Therefore the wish for a good administration, for a good military administration has not come true. It is not even a good administration and certainly it is not self administration. The Cantonment Board and the power to set up local authorities—where does the Central Government get this power ? Does the Constitution give this power to the Central Government ? I do not know whether anyone in the Defence Ministry has ever looked into this. The only power which the Central Government can claim to derive for legislative competence to enact such a law is under entry 3 of List I of the Seventh Schedule which I quote :

“Delimitation of cantonment areas, local self-government in such areas,

the constitution and powers with such areas of cantonment authorities and the regulation of house accommodation (including the control of rents) in such areas."

Therefore, what is the power given to the Central Government by this entry is the power to mark out certain areas as cantonment areas, to provide for local self-government. I underline the word 'self', in such areas. Are you providing local self-government by this Cantonment Boards Act or the amendment which you are seeking to enact now? You are not providing. You are providing a local government of some sort, but not local self-government. Therefore, whatever amendment you are trying to bring now is *ultra vires* the legislative competence of this Parliament because the power of institution of local government clearly vests with the State Government because entry 5 of List II of the Seventh Schedule clearly says that the institution of local government is the function of the State Government. Entry 5 of List II says :

"Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration."

This is the power in the Constitution. The power for local government is given to the State Government, but the power of delimiting the cantonment boards and arranging for the local self-government is given to the Central Government. But that must be a self-government, not any type of local government. Therefore, as long as you are not providing for a democratic institution, as long as you do not provide for equal representation, and not representation in a discriminatory manner, of the civilian population in the cantonment board, your Act is *ultra-vires* the Constitution.

There is another aspect. So far as money raising power of the Cantonment Boards is concerned, the Estimates Committee has

looked at it. I have quoted also from the 1958 debate. It has been definitely stated that this required democratisation. But, the Estimates Committee, 1983 did not say about the democratisation. It has said a lot of things about increasing the finances of the Cantonment Boards.

How do the Cantonment Boards raise their finances? These are given by the Cantonment Boards Act. I think that Section 60 is the appropriate section where the Cantonment Board's powers are given. One such power is the power to raise funds in the manner as the Municipalities do. I quote Section 60 Sub Section (1) of the Cantonments Act as it stands at present :

"The Board may, with the previous sanction of the Central Government, impose on cantonment any tax under any enactment for the time-being in force may be imposed in any Municipality in the State, wherein such a cantonment is situated."

Who is giving this power to the Cantonment Board? It is a Cantonment Act made by Parliament. How can it give this power? The Board derives the power to impose tax as the Municipality. What is the kind of the power of the Municipality? That is the power to levy house tax, the power to levy entertainment tax and things of that nature. This includes also the power to tax on trade, profession etc. Who gives this power? The authority which has got that power can delegate that power. The Central Government does not have that power. That power is in the State Government. You will kindly see List II of the State, Seventh Schedule, item 60—Taxes on professions, trades, callings and employments. Also see item 62—Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling. Property tax is also there. See item 52—taxes on the entry of goods into a local area for consumption, use or sale therein.

MR. CHAIRMAN : Mr. Datta, you have already drawn the attention. That is good enough. Your share of the time has also run out.

**SHRI ATAL BIHARI VAJPAYEE :** He is speaking on a very important subject. Before the discussion goes further, let the Minister clarify the position.

**SHRI AMAL DATTA :** I am on a vital issue.

**MR. CHAIRMAN :** You have drawn the attention. I am certain that he will give the reply also.

**SHRI AMAL DATTA :** The Minister of Defence and the Deputy Minister of Defence are present. They should reply as to how the Act become constitutional. These powers are with the State Government. This is a 1924 Cantonment Act. Under that Act, the power to raise taxes is in the same way as the Municipalities do. This power was given when the Constitution was not there. But, now, this power cannot be exercised. So, whatever power you have been exercising so far is unconstitutional. So, please beware of this. Your power is very limited. You can delimit the area of the Cantonment and you may set up a Cantonment Board and can give them certain functions to perform. But, you cannot tax like the Municipalities. You have already got the power to levy income-tax, excise duty. That power is available with you.

But, this power is really that of the State Government.

**SHRI H.N. BAHUGUNA :** That power they will never share.

**SHRI AMAL DATTA :** These are the issues. In addition to demand for democratisation, you have got a bad Government—not a good Government—and that Government itself is unconstitutional. What you are now seeking to do will not remedy the situation. So, kindly have a look at the entire Act. Kindly send it to the Joint Committee of both Houses for thorough examination as to whether you should continue with this phenomenon of cantonments at all. Why do we require cantonments ? I come back to the subject with which I started, namely, that in this country cantonments are anomalies. They have been imported here by the Britishers. The Britishers have gone but

they have left many bad legacies and one of them is the cantonments and you should abolish them as quickly as possible.

With these words I oppose the Bill.

**श्री हरीश रावत (अल्मोड़ा) :** बहुत लम्बे समय से विशेषकर कंटोनमेंट क्षेत्रों में रहने वाले लोगों को आशा थी कि सरकार जिन एमेंडमेंट्स के साथ कंटोनमेंट एक्ट में संशोधन करने के लिए आने वाली है, उनके जरिये उनकी जो प्रजातांत्रिक भावनाएं हैं उनकी पूर्ति होगी। लेकिन ऐसा लगता है कि इस संशोधन विधेयक के जरिये एक अच्छी कोशिश इस दिशा में जरूर की गई है लेकिन यह कोशिश नाकाफी है। माननीय सदस्य डायमंड हार्वर की इस बात से मैं सहमत नहीं हूँ कि कंटोनमेंट्स का जो बेसिक दृष्टिकोण है उसी में सब दोष है। इतना मैं जरूर कहना चाहता हूँ कि इन कंटोनमेंट्स की कार्य पद्धति को निश्चित रूप से बदलना चाहिये।

यह सत्य है कि कंटोनमेंट्स का निर्माण जो वहां पर हमारी आर्मी आदि के लोग हैं उनकी आवश्यकताओं की पूर्ति करने के लिए किया गया है। यह भी उतना ही सत्य है कि वहां जो लोग रहने लग गये हैं और एक समूह के रूप में रहने लग गये हैं, चाहे कंटोनमेंट्स की आवश्यकताओं की पूर्ति के लिए ही रहते हों, यदि हम उनकी भावनाओं को और उनके विकास की आवश्यकताओं को नहीं समझेंगे, उनकी जरूरतों को नहीं समझेंगे तो निश्चित रूप से दोनों के बीच तनाव पैदा होगा। संशोधन लाने का मकसद यही होना चाहिए था कि दोनों के बीच तालमेल हो। वह तालमेल इन संशोधनों के द्वारा पैदा नहीं होता है।

लैंड पालिसी को कंटोनमेंट्स के अन्तर्गत इन संशोधनों के द्वारा बदला नहीं गया है। इससे चाहे ओल्ड ग्रांट हो या न्यू या उनसे संबंधित मामले हों या जो एग्जिस्टिंग बिल्डिंग हैं उनमें कुछ बढ़ोतरी करने को अनुमति देने का मामला हो, ये सब

मामले सिविल एरिया कमेटी के पास होने चाहिए थे, इलेक्ट्रिक रिप्रिजेंटेटिव्स के पास होने चाहिए थे लेकिन किसी न किसी बहाने इन पावर्ज को कंटोनमेंट्स में आर्मो के पास ही रहने दिया गया है, सेंट्रल कमांड के पास रखा गया है। यह उचित नहीं है। जब आप सिविल एरिया कमेटी को यह पावर देंगे तब जाकर आप वहां के लोगों की जो आवश्यकतायें हैं, उनकी जो मनोभावनायें हैं, उनकी पूर्ति कर पायेंगे।

सरकार ने इसमें कार्यकाल जरूर बढ़ाया है जो स्वागत योग्य कदम है। इसमें वाइस प्रेजिडेंट का टैन्थर ढाई साल रखा गया है जो उचित प्रतीत नहीं होता। जितना कार्यकाल बोर्ड का हो उतना ही वाइस प्रेजिडेंट का भी होना चाहिए। इसको बढ़ाकर पांच साल करने की आवश्यकता है। आप ढाई साल का रखते हैं। लेकिन इस प्रकार की प्रथा और किसी भी डैमोक्रेटिक इंस्टीट्यूशन में नहीं है, न म्यूनिसिपैलिटीज में है और न ही विधान सभाओं में है। संसार में कहीं भी नहीं है। इसको कंटोनमेंट्स में लागू करना उचित प्रतीत नहीं होता है।

शिक्षा और स्वास्थ्य सेवाओं को राज्य सरकारों को इसमें देने की बात कही गई है। सारे नियम वहां की सिविल पापुलेशन के ऊपर केन्द्रीय सरकार के और आर्मो की आवश्यकताओं को देखते हुए आप लागू करते हैं। लोकल लोगों की जो बेसिक नीड्स हैं उनको पूरा करने का दायित्व कंटोनमेंट्स को ही लेना चाहिए। उसको भारत सरकार को ही लेना चाहिए। इसलिए शिक्षा और स्वास्थ्य सेवाओं को पहली की तरह कंटोनमेंट के पास रहना चाहिए।

16.00 hrs.

MR. CHAIRMAN : Now, the time is up. Mr. Harish Rawat, you can continue tomorrow. We have a discussion under Rule 193 to be taken up now. So, I call upon Mr. Ratansinh Rajda to initiate the discussion. I think he is not available in the

House. Then Mr. Ram Swarup Ram may take the floor.

16.01 hrs.

### DISCUSSION RE : PROBLEMS OF AGRICULTURAL LABOUR.

श्री रामस्वरूप राम (गया) : सभापति महोदय, अपनी कुछ बात कहने के पूर्व में चेयर को बधाई देना चाहता हूं कि आपने खेतिहर मजदूरों के सवाल पर इस सदन का ध्यान आकृष्ट करने का मुझे सुअवसर दिया है। भारत गांवों का देश है और यहां की 80 प्रतिशत जनता खेती पर निर्भर करती है। जब भी खेती की बारी आती है, या एग्रीकल्चर पर डिस्कशन होता है तो किसान की परिभाषा इस सदन में बार बार आती रही है। लेकिन उस समय हम भूल जाते हैं कि खेती में काम करने वाली जो मैनपावर है जिस पर सारे देश की ऐग्री इकोनामी निर्भर करती है उसको अपनी आंखों से ओझल कर देते हैं और उस समय उसको किसान की परिभाषा में हम शामिल करने की कोशिश नहीं करते हैं। आज देश की जो ऐग्री इकोनामी है उसका 43 परसेंट खेती में काम करने वाले एग्रीकल्चर लेबर हैं और वह किसको कहते हैं यह एग्रीकल्चर लेबर इंडिया की सैक्रेन्ड इनक्वायरी रिपोर्ट में दिया हुआ है। उसमें कहा गया है :

The Report of the Second Enquiry says like this :

“Housing is one of the important indicators of the standard of living. The standard of rural housing, not to speak of the housing conditions of agricultural labourers who are at the lowest rung of the social ladder, is vividly brought out in the following paragraph.”

एग्रीकल्चर लेबर की जब कंसेप्ट पर जाते हैं तो इस पैराग्राफ को पढ़ने से साफ जाहिर हो जाता है कि एग्रीकल्चर लेबर किसे कहते हैं :