

15.14 hrs.

The Lok Sabha then adjourned till thirty minutes past Fifteen of the Clock

The Lok Sabha reassembled at thirty minutes past Fifteen of the Clock.

[MR. DEPUTY SPEAKER—in the Chair]

**UTTAR PRADESH CANTONMENTS
(CONTROL OF RENT AND EVICTION)
(REPEAL) BILL**

MR DEPUTY SPEAKER : Shri Vidya Charan Shukla.....

Before the Minister speaks, I have to inform the House that the Defence Minister would make the statement at 3.45 instead of at 3.30 P.M.

THE MINISTER OF STATE (DEFENCE PRODUCTION) IN THE MINISTRY OF DEFENCE (SHRI VIDYA CHARAN SHUKLA) : Sir, I beg to move :

"That the Bill to provide for the repeal of Uttar Pradesh Cantonments (Control of Rent and Eviction) Act, 1952, as passed by Rajya Sabha, be taken into consideration."

The Bill is very simple and direct and its purpose is very limited. I do not consider that it needs any elaborate explanation. It was introduced in the Rajya Sabha on 12th August, 1971 and was discussed and passed by it on 17th November, 1971. The intention of the Bill is to bring about uniformity between the Cantonment areas of Uttar Pradesh and rest of the areas of Uttar Pradesh State in the matter of rent control law.

Before the commencement of the Constitution, the power to make laws in respect of rent control and regulation of house accommodation in Cantonment areas was exercised by the former State Legislatures. In most of the States, the State Rent Control Act was applied to Cantonment areas and those Acts continued to be in force in those areas. But in Uttar Pradesh, the Cantonment areas were excluded from the application of the State Act, vide the U. P. (Temporary) control of Rent

and Eviction Act, 1947 by an amendment made therein shortly before the commencement of the Constitution, with the result that there was no rent control law in force in the Cantonment areas in that State. As a result, the U. P. Cantonments (Control of Rent and Eviction) Act, 1952 drawn up on the lines of the said State Act of 1947 was enacted by Parliament by virtue of powers conferred under Entry 3 of the Union List I of Seventh Schedule of the Constitution.

Since the promulgation of the said Central Act of 1952, a number of amendments have been made to the State Act of 1947, without any corresponding amendments to the Central Act of 1952. Consequently, representations have been received by Government for amending the Central Act of 1952 so as to bring it in line with the provisions of the State Act of 1947.

Section 3 of the Cantonments (Eviction of Rent Control Laws) Act, 1957 empowers the Central Government to extend, by issue of a notification in the official gazette, to any cantonment any enactment relating to the control of rent and regulation of house accommodation which is in force on the date of issue of the notification in the State in which the cantonment is situated. In exercise of this power, the Central Government have extended various State Rent Control Acts to cantonment areas situated in the respective States. This extension cannot be applied to Cantonments in U.P. since a law on the subject enacted by Parliament is already in force. It is, therefore, proposed that the Uttar Pradesh Cantonments (Control of Rent and Eviction) Act, 1952 be repealed and the Uttar Pradesh (Temporary) Control of Rent and Eviction Act, 1947 (or such other Rent Control Act as may be in force in U.P.) be then simultaneously extended to the Cantonment areas in Uttar Pradesh by issue of a notification under the said Central Act of 1957. This will avoid the need of amending the said Central Act of 1952 each time the State Act is amended. It is in this way that we can maintain in Cantonments the position at par with the remaining areas of the State.

SHRI S. M. BANERJEE (Kanpur) : As stated by the hon. Minister Shri Vidya Charan Shukla, the scope of the Bill is very limited and I would like to say something on it, while welcoming it.

I feel that the time has come when in the various Cantonment areas, whether in U.P. or any other State, all the restrictions which are at present operating should be removed. In U.P., in the various cantonments, especially in the Cantonment Board of Kanpur, the elected representatives passed a resolution, of which I am sure the hon. Minister is aware, that some of the areas such as the bazar areas where this particular Act which is now being repealed was made applicable should not be under the cantonments.

Sir, what was the history of the cantonment? The Britishers when they were ruling our country wanted that their soldiers should be away from the Indian population and that was why this tendency was created among them that the soldiers and the O.R.s., especially the B.O.R.s. and even the cantonment officials should not mix with the civilian population.

After Independence in 1947, and even in 1962 and 1965, the civilian population of the cantonment areas has shown that they at the rear are prepared to help our jawans in the forward areas in defence. When they are doing everything to help the armymen, there should be no restriction and all restrictions placed on the various cantonment areas should be removed.

It is a tragedy that still in the Kanpur cantonment and other cantonments, such as Juliundur which I have seen, the roads are named after some of the British officers who had used all the force at their command to kill our people in the 1857 war of independence. We have decided that by 31st December 1971 if the cantonment board of Kanpur does not remove the signboards of these roads, we would remove them forcibly. Recently, during India's war with Pakistan which started on 4th December, young man of Kanpur, Lt. Deepak Das had laid down his life for the sake of the country; he was a young man of 21 years and he was the son of one renowned doctor, namely Dr. B. G. Das, and he had sacrificed his life. I knew the boy ever since he was five years old. Today I got the news that this boy had passed away on the 8th December, and so he is no more with us. We wanted to name a particular road in the name of this great martyr, Lt. Deepak Das. But there were certain objections from the cantonment board, but the people of

Kanpur have named the biggest road in the cantonment after this great martyr Lt. Deepak Das.

So, I would request the hon. Minister to respect our national traditions and see that the cantonments do not remain only for the army. When we call our army, the people's army then there should be no difference between the armymen in the cantonment and those in the city.

When Shri Bhakt Darshan had brought forward a non-official resolution on the subject, the then Deputy Defence Minister Shri Surjit Singh Majithia had assured the House that Government would bring forward a comprehensive legislation to amend the Cantonments Act enacted at the time of British rule. But that comprehensive Act has not come so far. So, I would like to have an assurance from the hon. Minister that the new Act will be brought forward soon to democratise the working of the entire cantonment board and to make the employees in the cantonments just like those at other places.

With these words, I request the hon. Minister to see that there is no disparity of treatment whatsoever as between the population of the city and the cantonment. After all, who are the jawans? They are the sons of our peasants, workers and middle class employees. The British days are over. Today what is the difference between the city and the cantonment? In these days of total war, while the jawan fights in the front, the other members of his family who form the civil population are at the rear giving him support in his fight for the country's safety and security.

With these words, I support the Bill and request the hon. Minister to take note of what I have said.

श्री लोटमह इस्माइल (बैरकपुर): उग्राधयक महोदय, यह जो विदेशक पेश किया गया है उस के बारे में मुझे कोई बहुत उत्तरादा नहीं बोलना है। सिफ़े यांव विलास चाहता हूँ कि यह कैन्टोनमेंट एक्ट जो है वह 1923 का है जब कि अपेक्षा लोग इस को लाये थे। उस से उनका लक्षण यही था कि किसी तरह से हमारे आदिलियों को जनता से अलग रखकर आपेक्षा वहां रहने वाले

[बी मुहम्मद इस्माइल]

आदियों का रहन सहन और तौर तरीका जनता से अलग रखा जाये। इसी मकसद को लेकर यह ऐट बना था और चौबीस साल की आजादी के बाद भी हमने उसको बदला नहीं है। हमने इस तरह बिल्कुल व्यापत नहीं दिया। लेकिन आज जब हमारी भावनायें अपने सैनिकों की तरफ हैं और देश की जनता ने उनका समर्थन किया है और उनको साहस बंधाया है और 55 करोड़ जनता की सहानुभूति उनके साथ है, इसके बावजूद कैन्टोनमेंट्स को जनता से अलग कर दिया गया है। आज पश्चिम से सैनिकों को मिलने नहीं दिया जाता, आस पास के लोगों से मिलने नहीं दिया जाता, उन पर तरह तरह की पावनियां लगाई गई हैं, उनका एडमिनिस्ट्रेशन अलग है, उनके आकिसर्स अलग हैं। आस पास की जो म्यूनिसिपलिटीज हैं वज्रवंस्ती उनका पानी ले लिया जाता है। वहाँ के लोगों की तकलीफ बढ़ती है, तब भी उन पर चिचार नहीं किया जाता। इस तरह से अफसर लोग वहाँ के ऐडमिनिस्ट्रेशन को चलाते हैं। जिनका भी मैला कचरा है वह म्यूनिसिपल एरियाज में फेंक दिया जाता है, और जब म्यूनिसिपलिटीज उन को हटाने को कहती हैं तो कैन्टोनमेंट्स के आकिसर्स कहते हैं : नविंग बूझ, कुछ नहीं किया जा सकता तुम को ही उठाना होगा। ऐसी कॉस्टटट्यूट्यून्स में इस तरह की घटना घट जूसी है।

इसलिए मैं कहना चाहता हूँ कि यह जो ऐट है वह ब्रिटिश जनाने का बना हुआ है। इस को तब्दील करके एक काम्प्रिहेन्सिव ऐट बनाया जाना चाहिए। ऐसा कानून बनाया जाना चाहिए जो हमारे देश की भावनाओं के अनुरूप हो और देश की जनता से उनका करीब का दिसता हो। आजिर हमारे ही बच्चे तो वहाँ पर जाते हैं और काम करते हैं। जब वह कैन्टोनमेंट में जाते हैं तो उन को हम से बच्य कर दिया जाता है। न की वह अखदार पह सकते हैं और न हम से भाव कर सकते हैं। मैंने तो यहाँ यह देखा है कि वह कैन्टोनमेंट जाता है तब कैन्टोनमेंट में कैम्प्रिहेन्सिव को भी नहीं जाने दिया जाता है। वह का कर

उनको अप्रोब नहीं कर सकते। जो बोट देता चाहते हैं तब पर तरह तरह की पावनियां आयद की जाती हैं।

इसलिए एक काम्प्रिहेन्सिव बिल लाया जाना चाहिए और इसको पूरी तरह से तब्दील करना चाहिए। जो ब्रिटिश जनाने की चीजें हैं वह हमारे लिए कलक हैं, खास तौर से देश और हमें पार्टी के लिए। वभी कुछ मिट पहले हमारी प्रधान मंत्री ने कुछ तजीजें पेश की हैं चायल और मारे गये जवानों के परिवार बालों के लिये। उनके बच्चों के लिये नौकरियों और दूसरी तरह की सुविधाओं की बातें कही गई हैं। लेकिन इस ऐट को ठीक से बदलने की बात नहीं की जाती है। अब गवर्नरमेंट पर जिम्मेदारी आ गई है कि जल्दी से जल्दी कैन्टोनमेंट के ऐट को तब्दील किया जाय ताकि जो वहाँ पर कोसं रहती है उनके बारे में जनता यह महसूस करे कि वह जवान भी हमारे हैं। देश की लड़ाई में हमारे जो जवान जाते हैं उनको लोग मिठाई खिलाते हैं, तिलक लाते हैं और मालयें पहनाते हैं लेकिन जब वह लोग कैन्टोनमेंट्स में रहते हैं तब वह पुरानी भावना लेकर ही रहते हैं। ऐसी बात नहीं होनी चाहिए। इसलिए जो बिल आया है उसकी जगह पर एक काम्प्रिहेन्सिव बिल लाया जाना चाहिए और जो भी बुराइयां हैं उन को दूर किया जाना चाहिए जिस में जवानों के साथ हमारे रिशेष्ट अच्छे ही सके।

बी नरसिंह नारायण यादे (गोरखपुर) : उपाध्यक्ष महोदय, मंत्री महोदय जे जो संसोधन बिलेक पेश किया है मेरे उसका समर्थन करता हूँ ऐट कॉन्ट्रोल एण्ड एविक्शन ऐट की जो धारायें हैं वह कैन्टोनमेंट एरियाज में भी लगानी चाहिये वहाँ पर गवर्नर लोग भी रहते हैं। आज हालत यह है कि वहाँ पर जो लोग रहते हैं वह मकान बनवाना चाहते हैं और जो ब्रेमिलीज भी गई है उनका काल उठाना चाहते हैं, लेकिन युवा की बात है कि सरकार ने इसने दियों के बाद भी ऐसे पर ध्याव नहीं दिया है कि वह लोगों भी जिम्मेदार भी गोहतर जनाने के लिये कोई समोरन रखे।

33 U.P. Comts. (Control of AGRAHAYANA 27, 1893 (SAKA) Review of outcome of 24
rent etc.) (Repeal) Bill

मैं आप के द्वारा मंत्री महोपय से निवेदन
करता चाहता हूँ कि वह इन खीलों की तरफ
ध्यान दें और उन की ठीक करने का प्रयत्न
करें।

SHRI VIDYA CHARAN SHUKLA : Sir, I have taken note of the valuable points that have been made by the hon. Members. I would like to personally assure Shri Banerjee that the Government have already drafted a comprehensive amending Bill for amending the old Cantonments Bill Act. As the hon. Member knows, this is a small Bill for a small purpose related only to Uttar Pradesh, and therefore, I do not think there is much controversy over this particular Bill and I am sure that it will be approved unanimously by the House.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill to provide for the repeal of the Uttar Pradesh Cantonments (Control of Rent and Eviction) Act, 1952, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER : The question is :

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

*Clause 1, the Enacting Formula
and the Title were added to
the Bill.*

SHRI VIDYA CHARAN SHUKLA : I move :

"That the Bill be passed."

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

Indo-Pak armed conflict (St.)
15:47 hrs.

STATEMENT BY DEFENCE MINISTER REVIEWING THE OUTCOME OF RECENT ARMED CONFLICT ARISING OUT OF THE PAKISTANI AGGRESSION ON INDIA

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM) : Mr. Deputy-Speaker, Sir, I am sorry I have been late by a few minutes in coming to the House. I am rushing from Kanpur.

On Friday, December 3rd, around 5:40 p.m., Pakistan had unleashed its total war on India, with pre-emptive strikes at our airfields and heavy attacks on our defensive positions all along the western frontier. We were able to commence our counter action on the western front only around midnight.

On the eastern frontier, we moved in the early hours of Saturday, December 4th, from different directions into what was then known as East Pakistan to act in concert with the Mukti Bahini and other elements of the National Liberation Forces of Bangla Desh. With the signing of the Instrument of Surrender by Lt.-Gen. Niazi, Martial Law Administrator of Zone B, at 16:31 hours on Thursday, December 16th, the people of Bangla Desh were finally freed from West Pakistani subjugation of a quarter of a century and from the brutal terror that had gripped them since March 25, 1971.

The successful completion of this campaign of liberation, within a period of 12 days, across a vast expanse of land, criss-crossed with rivers and rivulets, inhabited by nearly 75 million people and held down by 93,000 regular and para-military forces of West Pakistani origin will rank in the annals of military history as a remarkable feat.

The strategy of our forces to bypass main cities to avoid civilian casualties and to prevent damage to national assets surprised the enemy.

The speed of our flanking movements and the determination with which they were pressed rendered the long prepared positions of the enemy untenable.

The Mukti Bahini fought shoulder to shoulder with our forces. The freedom