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**THE
PARLIAMENTARY DEBATES
(Part II—Proceedings other than Questions and Answers)
OFFICIAL REPORT**

1829

HOUSE OF THE PEOPLE

Thursday, 10th December, 1953

The House met at Half Past One of the Clock.

[MR. SPEAKER in the Chair.]

QUESTIONS AND ANSWERS

(See Part I)

2-30 P.M.

PAPERS LAID ON THE TABLE

**REPORTS *re* TITANIUM DIOXIDE
INDUSTRY**

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to lay on the Table a copy of each of the following papers, under sub-section (2) of section 16 of the Tariff Commission Act, 1951:—

- (i) Report of the Tariff Commission on the Titanium Dioxide Industry, 1953 (together with Corrigendum and Revised Appendix IV).
- (ii) Final Report as contained in letter No. TC/ID/E/89, dated the 12th November 1953 of the Tariff Commission incorporating certain amendments to the Report of the Tariff Commission on the Titanium Dioxide Industry, 1953.
- (iii) Ministry of Commerce and Industry Resolution No. 8(10)—T.B./52 dated the 9th December, 1953.

[Placed in Library. See No. S—201/53]

1830

INDIAN TARIFF (THIRD AMENDMENT) BILL

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934.

Mr. Speaker: The question is:

“That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934.”

The motion was adopted.

Shri T. T. Krishnamachari: I introduce* the Bill.

**CANTONMENTS (AMENDMENT)
BILL—concl'd.**

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved yesterday by Sardar Surjit Singh Majithia—

“That the Bill further to amend the Cantonments Act, 1924, as passed by the Council of States, be taken into consideration.”

सेठ गोविन्द दास (मंडला-जबलपुर—दक्षिण) : अध्यक्ष महोदय, मैं समझता हूँ कि यह बात सभी लोग जानते हैं कि मैं वर्तमान सरकार का बहुत बड़ा समर्थक हूँ। इसलिये जब मैं इस प्रकार का विधेयक देखता हूँ कि

*Introduced with the recommendations of the President.

[सैठ गोविन्द दास]

जिस प्रकार का यह विधेयक यहां पर उपस्थित किया गया है, तब मुझे और अधिक दुःख होता है। लगभग ३० वर्षों से मैं केन्द्रीय धारा सभाओं का सदस्य रहा हूँ और यह विधेयक देखकर मुझे, जिस समय हम लोग परतन्त्र थे उस समय का स्मरण हो आता है उस समय इस बात का निरन्तर प्रयत्न किया जाता था कि छावनियों को अन्य स्थानों से सर्वथा अलग रखा जाय और उस सरकार का इसमें बहुत बड़ा स्वार्थ था। वह सरकार अपना राज्य इस देश में इस देश के निवासियों के इच्छा के विरुद्ध कायम रखना चाहती थी।

[Mr. DEPUTY-SPEAKER in the Chair.]

वह राज्य केवल जबरदस्ती से कायम रह सकता था और फौज और पुलिस दो ऐसी शक्तियाँ थीं कि जो उस राज्य को इस देश के निवासियों की इच्छा के विरुद्ध कायम रखने में उस समय की सरकार को हर प्रकार की पूरी पूरी सहायतायें देती थी। लेकिन अब समय बदल गया है और समय बदले भी थोड़ा समय नहीं बीता है। छट्ठा बरस हमारे स्वराज्य को है और ६ बरस के बाद छावनियों के सम्बन्ध में इस प्रकार का विधेयक हमारी प्रजातन्त्रात्मक राष्ट्रीय सरकार इस भवन में उपस्थित करेगी इसकी मैं कल्पना भी नहीं कर सकता था।

इस विधेयक को जब मैं ने पढ़ा तब मुझे इस देश की एक कहावत का स्मरण हो आया कि गधे को आप कितना ही धोइये वह घोड़ा नहीं बन सकता। जहां तक यह विधेयक है वहां तक यही स्थिति है। इसमें कोई सुधार नहीं किया जा सकता इतने पर भी श्री गाडगिल साहब ने, कि जो कैंटोन-मेन्ट बोर्ड के बहुत वर्षों तक सभापति रहे, इसे धोने का प्रयत्न किया। चूंकि मैं भी

एक ऐसे स्थान से आता हूँ कि जो बहुत बड़ी छावनी है, जबलपुर, इसलिये मैंने भी इस सम्बन्ध में उनका साथ दिया और इस विधेयक पर कुछ सुधार भेजे। परन्तु मुझे बहुत दुःख है कि हमारे माननीय मंत्री महोदय उन सुधारों को मंजूर नहीं कर सके। जब मैं ने देखा कि हमारी सरकार ही उन सुधारों को स्वीकार नहीं करती तो फिर मैं ने यह उचित नहीं समझा कि उन सुधारों को मैं यहां पर भेजूं।

इस विधेयक की तैयारी के पहले जो स्थिति थी उस और हमें थोड़ा ध्यान देना चाहिये। जब यह विधेयक यहां पर लाया गया उस समय हमारी इन छावनियों को प्रजातांत्रिक छावनियां बनाया जाय इस पर बहुत आन्दोलन चल रहा था। यह आन्दोलन स्वराज्य स्थापित होने के बाद चला यह नहीं, स्वराज्य स्थापित होने के पहले ही चल रहा था और वह आन्दोलन स्वराज्य स्थापित होने के बाद भी चलता रहा। तब छावनियों के कानूनों में कुछ परिवर्तन करने के लिये सरकार का विचार हुआ। एक कमेटी बनाई गई उस कमेटी को बने तीन वर्ष से अधिक का समय बीत गया। अब मैं यह जानना चाहता हूँ कि इन तीन वर्षों में उस कमेटी के सदस्य किस किस छावनी में गये, किस किस से उन्होंने इस विधेयक के सम्बन्ध में सलाह ली? जो सरकार प्रजातांत्रिक सरकार है उस सरकार का काम तब तक चल नहीं सकता जब तक कि इस देश की प्रजा की राय से सब काम न किया जाय। मैं आपसे, उपाध्यक्ष महोदय, कहना चाहता हूँ कि जहां तक इस विधेयक का सम्बन्ध है वहां तक यह कमेटी किसी छावनी में नहीं गयी। किसी की राय इस पर नहीं ली गयी और दिल्ली में तीन वर्ष के बाद

यह विधेयक उपस्थित किया गया जो इस दूसरी कड़ावत को चरितार्थ करता है कि पहाड़ खोदने के बाद एक छोटी सी चुहिया उसमें से निकली। यहां पर भी इस विधेयक के सम्बन्ध में यथार्थ में कुछ नहीं हुआ। तीन वर्षों में शायद इस पर दो चार घंटे से अधिक विचार नहीं किया गया होगा। थोड़ा बहुत विचार करके एक इस तरह की चीज हमारे सामने आ गयी कि जिसके सम्बन्ध में मैंने अभी आपसे कहा कि गधे को चाहे कितना ही धोया जाय वह घोड़ा नहीं बन सकता। जो कॅन्टोनमेंट बोर्ड इतने वर्षों से इस देश में काम करता था और अभी भी काम कर रहा है उस कॅन्टोनमेंट बोर्ड ने इस सम्बन्ध में लम्बी लम्बी सिफारिशें भेजीं और मेरे पास उनमें से कुछ मौजूद हैं। लेकिन उन पर भी कोई विचार नहीं हुआ। मालूम होता है वे सब भी यहां पर रट्टी की टोकरी में फेंक दी गयीं।

हम प्रजातंत्र में विश्वास करते हैं। इस देश के सारे शासन को हम प्रजातंत्र के आधार पर चलाना चाहते हैं। मैं अभी तमाम दुनिया को देख कर आया हूँ। तमाम दुनिया इस बात को देख रही है कि हमारे देश में प्रजातंत्र किस प्रकार से चलता है क्योंकि प्रजातंत्र का इतना बड़ा प्रयोग कि जितना बड़ा हमारे देश में हो रहा है आज तक दुनिया के मानव इतिहास में कहीं भी नहीं हुआ है। उस प्रजातंत्र में विश्वास करने वाले छावनियों में किसी प्रकार का प्रजातंत्र न रहे इसके समर्थक कैसे हो सकते हैं। मैं इस बात को समझता हूँ कि जहां तक फौज का मामला है वहां तक पूरा प्रजातंत्र फौजी कामों में लागू नहीं किया जा सकता। फौजी बस्तियों में आप पूरा प्रजातंत्र लागू न कीजिये परन्तु फौजी बस्तियों के सिवा छावनियों में दूसरी बस्तियां भी हैं। उन बस्तियों का जहां तक सम्बन्ध है वहां आप प्रजातंत्र को लागू न करें इस के लिए आपको क्या

बहाना हो सकता है, यह मेरी समझ में नहीं आता? यदि आप प्रजातंत्र में विश्वास करते हैं तो मैं आप से कहना चाहता हूँ कि जहां तक फौजी बस्तियों को छोड़ कर बाकी बस्तियों का सवाल है वहां तक आप को प्रजातंत्र को पूरा लागू करना चाहिए। जो बाजार कमेटियां बनाने के बारे में प्रस्ताव आ चुके हैं उन पर आपको विचार करना चाहिए और उन बाजार कमेटियों को आपको पूरे पूरे अधिकार देने चाहिए।

फिर हम जमीन के सवाल को लें। छावनियों में बहुत सी जमीन ऐसी है कि जो फौज के काम में नहीं आती। ऐसी जो जमीन वहां पर है वह या तो वहां के जो दूसरे निवासी हैं उन के बंगलों और मकानों के काम आती है या खेती के काम आती है। अब जहां तक इन बंगलों का सम्बन्ध है मैं आप को जबलपुर का दृष्टान्त देता हूँ। जबलपुर एक बड़ी छावनी है। वहां पर इन बंगले वालों के पास बहुत बड़े बड़े जमीन के टुकड़े हैं। वहां के निवासी, आजकल चिक मकानों की बहुत कमी है, वहां उस जमीन पर मकान बनाना चाहते हैं, लेकिन उन को मकान बनाने की इजाजत नहीं मिलती। यह कहा जाता है कि बस्ती घनी हो जायगी और अगर वहां मकान बनेंगे तो जो जमीन है उसके बहुत टुकड़े हो जायेंगे। जबकि हमारे देश में जमीन की इतनी कमी है और मकान इतने थोड़े हैं तो इस प्रकार के प्रतिबन्ध हट जाने चाहियें। जिन छावनियों में ऐसी जमीन मौजूद है कि जहां पर बंगले बनाये जा सकते हैं, वहां पर दूसरे बंगले बनाने की इजाजत होनी चाहिये।

उसी के साथ खेती की जमीन के सम्बन्ध में मेरा यह निवेदन है कि वह जमीन वहां पर किसानों को केवल पट्टे पर, लीज पर, दी जाती है। वहां के किसानों के लिये जो ठेके का समय होता है वह इतना कम समय रहता है कि वे लोग अपनी खेती वहां पर भली भांति नहीं

[सेठ गोविन्द दास]

कर सकते। जबलपुर में तो चार वर्ष के समय के लिये जमीन दी जाती है। जिन लोगों को थोड़ा सा भी खेती का परिचय है वे मुझ से सहमत होंगे कि चार वर्ष का इतना थोड़ा समय है कि कोई भी किसान अपनी खेती की उन्नति नहीं कर सकता। इसीलिये हम देखते हैं कि जहां पर छावनियों में खेती होती है वहां की फसल बहुत कमजोर होती है। एक तरफ तो हम उत्पादन बढ़ाने की बड़ी बड़ी योजनाएं बनाते हैं दूसरी ओर इस प्रकार की चीजों में हम कोई सुधार नहीं करते। मैं निवेदन करना चाहता हूँ कि छावनियों में जो जमीन खेती के लायक है और जो वहां पर ठेके पर दी जाती है वह कम से कम १५ वर्ष के लिये ठेके पर दी जानी चाहिये। इससे कम समय के लिये कोई जमीन किसान को ठेके पर दी जाती है तो वह उस में अधिक उत्पादन नहीं कर सकता।

फिर हम सब जगह से मालगुजारी हटा रहे हैं, जमींदारी हटा रहे हैं। जो लोग खेती करते हैं हम उन्हीं के कब्जे में वह जमीन रखना चाहते हैं। लेकिन जहां तक छावनियों की खेती की जमीन का सम्बन्ध है, सरकार वहां की सबसे बड़ी मालगुजारी, ताल्लुकदार बनी हुई है और न जाने क्या बनी हुई है। तो जबकि हम मालगुजारी, ताल्लुकदारी और जमींदारी, इन सब का अन्त करना चाहते हैं तो छावनियों की जमीनों पर सरकार एक मालगुजारी के रूप में बैठी रहे और वहां के किसानों को जमीन पर कोई अधिकार न मिले, यह एक अनुचित बात है।

इस विधेयक से जो लोग छावनियों में रहते हैं, उनका किसी प्रकार का भी सन्तोष होने वाला नहीं है। इन छावनियों के सम्बन्ध में स्वराज्य होने से पहले से जो मांग सरकार से की गयी और अब भी की जा रही है, वह बैसी की बैसी ही पड़ी हुई है। फिर इस विधेयक

में कोई सुधार भी नहीं किया जा सकता। इसलिये मैं माननीय मंत्री महोदय से इस बात की दरखास्त करूंगा और बहुत जोर देकर इस बात को कहूंगा कि वे छावनियों के सम्बन्ध में एक विस्तृत विधेयक यहां पर उपस्थित करें। उस विस्तृत विधेयक को पेश करने के पहले छावनियों में जाकर वहां के लोगों की राय, कंटोनमेंट बोर्ड के लोगों की राय, लें। उन सब के ऊपर पूरा विचार कर वह नया विधेयक लावें। जहां तक छावनियों के निवासियों के अधिकारों का सम्बन्ध है उसके विषय में कोई भी प्रजातान्त्रिक रूप में चलने वाली सरकार के द्वारा इस प्रकार के विधेयक के लाने से उन में असन्तोष ही बढ़ेगा।

मैं आशा करता हूँ कि बहुत जल्दी सरकार छावनियों के सम्बन्ध में एक विस्तृत विधेयक यहां पर लावेगी और उसके लाने से पहले कंटोनमेंट बोर्ड और छावनी के लोगों से विचार कर के लावेगी। इन सब बातों को देखते हुए तीन वर्ष के बाद यहां पर जिस प्रकार का विधेयक उपस्थित किया गया है इस विधेयक का समर्थन किसी प्रकार भी हम नहीं कर सकते। लेकिन चूंकि अब यह हमारी सरकार के द्वारा लाया गया है, इसलिये मैं इसका विरोध भी नहीं कर सकता। इतना मैं जरूर कहना चाहता हूँ कि कोई भी आदमी जो प्रजातन्त्र में विश्वास करता है, वह इस तरह के विधेयक का जिसमें छावनियों के अफसरों के अधिकार और अधिक कर दिये गये हैं, कदापि स्वागत नहीं कर सकता और न समर्थन कर सकता है।

Shrimati Renu Chakravarty (Basrhat): This Bill was brought forward here as a result of the report of the Central Committee on Cantonments. It took three years to come into being and at the end of it we find that the same anti-people conception underlies the entire Bill which originally had to be eradicated. Originally,

cantonments were placed where the imperial army was stationed. It was necessary from the point of view of the British Government to segregate them so that they would not have contact with the people upon whom they were supposed to be ruling. But it is an amazing fact that after three years the committee has produced a report on the basis of which a new Bill has been introduced in this House which is pledged to the building up of a welfare state, which is pledged constitutionally to build up a welfare state on the basis of a republican constitution, and we find that even greater powers are being put into the hands of those who have traditionally been farthest away from the people,—the military officers who were empowered by the British with powers which took them further away from the people,—measures, which today, in a democracy, we cannot allow.

Specially I would like to mention that it is amazing that this committee was largely made up of officials. Yesterday, my friend Mr. Khuda Baksh and some other Members on the other side of the House took great pains to show how, under the new set up, officials were patriotic and that we should not be condemning them. But I would just like to mention over here in this House that from the very beginning, the officers of the military lands and cantonments services had vehemently opposed any attempt to amend or change this Cantonments Act. It was really very unnecessary for them from the very first to oppose the setting up of the committee. Secondly, they dominated the entire committee through the various official members who were part and parcel of that committee. Thirdly, they narrowed down the scope of examination by side-tracking issues, by presenting memoranda through small primary committees dominated by them and I will tell you the example of one particular pamphlet issued under an organization called the Military Lands and Cantonments Services Association, whose director was actually acting as the Secretary

of this Committee on Cantonments. In this pamphlet, he puts forth certain suggestions. I will just mention the suggestions. Firstly, he urges the reduction of the present strength of the elected members from 47 per cent. to 25 per cent.—a very grand scheme indeed! A reduction of the official members from 47 to 25 per cent, which will mean an increase in the official bloc from 53 to 75 per cent. Secondly, he demands that there should be the abolition of the Bazaar Committee of elected members and its replacement by an official standing committee. Thirdly, he asks for the ensuring of a seat on the Cantonment Board to the executive officer in addition to his being the Secretary. Now, all these are examples of the entire bureaucratic nature of those who were really in charge of formulating the recommendations of the central committee on cantonments and that entire outlook is to be seen in this report of the committee. That outlook is to be seen in the entire report of the Committee.

Now, when we come to the actual amendments proposed in the Bill we find that much larger powers are going to be given to military officers in the name of ensuring better discipline and better management of the cantonment boards. We are talking so much about democracy. My hon. friends on the other side are always shouting of democracy—whether it is the Five Year Plan or whether it is the Cantonment Boards. But what is the type of democracy we find here? Instead of overhauling the structure which has been handed down to us by the British and replacing it by an elected body, you are now demanding that the same old imperialist system should remain. On top of that, certain additional powers are now sought to be given to these military officers who so long have been the main props of the British days. Instead of having an elected President and an elected Board you are again going the same way as did the old rulers of our country. The powers of suspension and veto the Government

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still possess. If you are really frightened that by coming in close touch with the people, the discipline of your army will be impaired, then you have the right of veto. Will that not be sufficient for you to maintain the discipline of the army? Will that not be enough to safeguard the national interest, as you call it.

There is one other point which I think ought to be underlined. The civic amenities of the military personnel in the cantonments are already taken care of by the public exchequer under the control of Commanders. Libraries, schools, water-supply, electric supply, street lighting, all these things are under the control of the commanders and the entire amount is met from the Defence Budget. But what happens to the civic amenities of the large civil population which is daily growing side by side in the cantonment areas? In their case we find that there is hardly any water; there is no good housing; there are hardly any schools; education is nil almost. It is a surprising fact, as has been shown in the memorandum submitted by the All-India Cantonments Association that since 1924 not one single cantonment board has introduced free compulsory primary education in anyone of the cantonments existing in India. The expense of not one single board on education has exceeded ten per cent. and no board has undertaken any big housing scheme. It is rather alarming to note that except in one or two cantonment areas there is not even a fire fighting service. This is the type of amenities, or lack of amenities, total elimination of amenities, that is provided for civilians living in the cantonment areas. Side by side with that, when we see the areas in which big military officers live, in the cantonments, you will find the best of everything being supplied to them. We feel that the service of the people can only be got when we do something for the people. It is high time we gave them elected representatives and also allowed these elected representatives

to have full power so that not only will they be able to look after the welfare of the people, but also provide amenities for all the inhabitants, including the military of that area. We cannot understand why it is that our Government are still fighting shy of giving these elected representatives full power, and why they are afraid that the health of the army, the welfare and the discipline of the army will be jeopardised by their coming in contact with the people, by remaining under the control of the representatives of the people who have the widest authority and the widest elected power behind them.

Another point which I would like to mention, Sir, is the powers of the Military Estate Officers which need to be curbed. The Military Estate Officers and the Directors are possessed of wide powers. For instance, now they are the only authorities that can pass or sanction building applications. This must be completely stopped by the elimination of section 181(3). Again certain powers are proposed to be transferred from the Board to the Executive Officers. Now, these Executive Officers should be selected through some body like the Public Service Commission, because they are officers who are expected to have ability, tact, experience and well versed in matters of public administration. Instead of just handing over wide executive powers to people with very little experience, we should have experienced officers chosen through an impartial body like the Public Service Commission. The retrograde proposals of clause 5 must be completely thrown overboard.

Now the duties of the Boards should be enforceable; also the discretionary powers of the Board should be enlarged. The construction of large water works, drainage schemes and electric installations should be taken away from the Executive Officers and vested in the Boards. The previous speaker has very ably dealt with the question of land in cantonment areas.

The whole question of land must be reviewed and land must be given to the peasants. It is a fantastic position that when we are talking about giving land to the tiller, the lands in Cantonment Boards should remain outside the purview of any changes that are being undertaken in the way of land reform, however small and however inadequate it may be.

There is one other very important point to be noted and that is the necessity of town improvement and town development. Now, whenever one visits these cantonment areas, especially the hill cantonment areas, one is struck by the fact that the bazaar areas, where the majority of the civil population live, are in the worst dilapidated condition. It is really a British system which has continued since 1924, and any effort to improve the living conditions of the civilian population has been constantly curbed. Under the plea of preventing over-crowding, construction of new homes and new houses has been discouraged. Even reconstruction of old house and their modernisation has been stopped. The entire idea behind it is that the civil population does not matter at all. All that matters is the military, all that matters is the imperial army of the old times. They are to have the best of everything to the exclusion of the people of the soil. This is an idea which has to be fought against. But unfortunately this idea has found expression in this Bill. Therefore, hon. members on both sides of the House have vehemently to protest against it.

3 P.M.

Furthermore the police powers which have so long been enjoyed by these military estate officers have to be curbed. Yet, we find that no such thing is being done in this case. For instance it is necessary that there should be power to regulate the hours and places for the sale of liquors to civilians. Also such fantastic powers as throwing out a person, of not allowing a person to enter, or to exile a person from the cantonment area, which are given to the Officer Commanding, must be taken away. I

will just give you an example of it. Because Barrackpore in West Bengal is a cantonment area, anybody residing in the bazaar area may be exiled from entering it. But any person residing in Fort William area cannot be exiled from Calcutta. This is the fantastic position. Yet the arguments that have been given by those who are supporting the Bill are that it is necessary because it is necessary for us to have discipline and all that sort of thing.

These are some of the things which we cannot accept, and the police powers have to be curtailed. The military must be under the civil authority and law and order must remain under the department of law and order. The military cannot take upon themselves these rights.

And lastly I should like to point out that the top-heavy expenditure has to be reduced. There has been nothing very much said as to how we are to check finance. If these rights of giving better living amenities, better educational facilities, better sanitary conditions have to be ensured through the boards, if they have really to work for the people, then the financial aspect must be borne in mind and something must be done immediately to cut down, by 50 per cent. at least, the top-heavy expenditure which is being maintained even now. The old British authorities were afraid even of the few elected people who were in the boards. They therefore had a certain machinery to see that nothing went against them or, what they regarded as, jeopardising their interests. They had certain supervisory committees, and a certain top-heavy administration had been built up. Now things have changed. At least that is what is being maintained by hon. Members opposite. If today really we are living in a welfare State, if we really maintain that we are a democracy, it is only right that we should give up all this idea of maintaining a segregation between the army and the people, give the fullest powers of local self-government to the elected people and give them the right and authority to

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do everything in their power to give a better life not only to the civil population but also to the military.

Democracy never harms the military or the army. The army must be for the people, and the people must be for the army. And it is with that conception that we have to bring forward Bills in the new set-up of things. Otherwise I am afraid that we shall still cling to the same old idea, and the same old bureaucracy shall be maintained to the destruction of democracy which we are so loud in proclaiming.

Shrimati Sucheta Kripalani (New Delhi): Mr. Deputy-Speaker, this Bill, as has been stated by other Members before me, has come as a result of long-standing demand for reform in the administration of cantonment areas. The civilian population living in the cantonment areas have been suffering under so many handicaps, and a great deal of agitation was going on for reform in the administration of cantonments, so much so that during the British days the Congress Members protested in this very House against the conditions prevailing in the cantonments and demanded reforms. As a consequence, about five years back, a conference of **Ministers of Local Self-Government** took place, and on their recommendation a Central Committee of Cantonments was appointed to go into the whole question.

I do not wish to say much about the composition or the functioning of the Central Committee, because other Members who have preceded me have spoken considerably on it. It is admitted that the composition of the Central Cantonment Committee was conservative and its terms of reference very limited. As a consequence, the recommendations that have come from it are conservative and within the existing framework. They have suggested certain superficial amendments and superficial improvements. These improvements do not touch any of the fundamental, basic issues

which were the real points in respect of which people wanted a change.

The present Bill is based on those recommendations. In the statement of objects and reasons it is said that the Bill seeks to increase the efficiency of the cantonment administration; also that it seeks to bring the system of election in line with the general principles adopted for municipal and parliamentary elections—I suppose by that they mean the abolition of communal reservation—also that it proposes a few other consequential amendments. Some of these provisions are slightly good, and to that extent I support the Bill.

But the general criticism levelled by Members belonging to various parties is that the amendments are secondary, superficial, they do not touch the fundamental, basic issues involved and, therefore, the picture of the cantonment administration remains as it is and, as pointed out by Shrimati Renu Chakravartty, some of the measures are even retrograde.

It is surprising that so far as the Central Cantonment Committee is concerned, on whose recommendation this Bill is supposed to have been framed, some of the recommendations which were for the benefit of the civilian population have not been accepted. At least they do not feature in the Bill that is before us.

What should have been the object of such a contemplated reform? Such a reform should have tried to remove the inequities that prevail today. It is but natural that citizens belonging to different parts of the country should have the same rights, facilities and amenities. It is quite natural that people living in cantonment areas should demand that they should have the same civil amenities and facilities as are enjoyed by people living under any other municipal administration. But the Bill does not bring about this reform at all.

This brings me again to the question of the history of the cantonments. The cantonments originated as temporary places for the troops, and the civilian population consisted of camp followers, servants and traders who had something to do with the military personnel. But what is the picture today? Today the cantonments are small townships with a very fairly large civilian population, with the needs of normal civic life. But what is the administration? What do we see? We see that the administration is organised in an autocratic fashion. The administration does not seek to look after the interests of the civilian population. When the British framed this kind of administration, what was their object? Their object was somehow or other to keep the army apart from the civilian population. That was their main object. And what was the function of the cantonment administration? The function of the cantonment administration was, not to give sanitary and municipal facilities to the army personnel because that was looked after by the Defence Department. They merely looked after the interests of the civilian population. But how did they proceed in the matter? How were they motivated? Their motive was not to look after the civilian population properly but to create a quarantine wall between the army personnel and the people. Their object was to keep the place clean not only physically but politically. They did not want that the military personnel should in any way come in touch with the ordinary people with their normal problem, etc. Therefore, they wanted an area where life was regulated in such a way that an artificial atmosphere was created, so that the troops could be kept apart. That was the object of the cantonment boards, as envisaged and framed by the British. Such conditions do not obtain now, and it is therefore natural that we should want a reform in the cantonment administration.

Now, I do not wish in any way to disturb the discipline of the army:

neither do I wish to introduce politics into it. I understand the responsibility and the seriousness of such a proposition. At the same time, Sir, I would like you to look to the civilian population, to their democratic and civic needs, which are denied. That makes a good case for having an elected Board with an elected Chairman responsible to the tax-payers. The Central Committee had recommended a *via media*. They had recommended that cantonments should be categorised into three categories: (i) cantonments which have very large areas redundant to their requirements; in these areas, independent local bodies should be appointed; (ii) other cantonments which do not have such large areas, could be joined to the neighbouring municipal organisation; (iii) the smallest to be left as they are. This most important recommendation of the Central Committee does not find any place in this Bill. That was some sort of a compromise. Even that has not been accepted.

What is the difficulty in the present administration? Much has been said about the Military Chairman of the Cantonment Board. I personally do not wish to say anything about the Military Chairman in the way as was said yesterday. Some one described him as Colonel Blimp; somebody else said that he was a stooge. I have the greatest regard for him and I do not wish to use that language. But I shall put before the House the difficulties that are inherent in the situation. The Military Chairman is pre-occupied with his own affairs. He has so many other things to attend to. His training is quite different, and unsuited for this role. Therefore, he ignores the needs of the civilian population. Here, I shall give a small illustration from my personal experience. A few days ago, I went to the New Delhi cantonment. I found that there was a small strip of a road from the area where the military personnel actually stay, to the neighbouring village. These villages are within the cantonment

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area. This little strip could be made a *pucca* road; it could be repaired. What has been done? When the military personnel wanted to use that road, they put up two strips of cement concrete, one apart from the other, which was suitable for running military wagons. Now that road is neither a *pucca* road, nor a *kuchha* road. If it is a *kuchha* road, you can use it if it is a *pucca* road, you can use it. This mixture can only be used by military vehicles. No other vehicle can go on that road. When I went there, I did not know how to drive my car. I could not drive in between the two strips or on one or the other side. This condition has been prevailing for all these years. The people have protested. But because it is a requirement of the civilian population nobody bothers into it. It is not a solitary complaint made by me about Delhi. That is the general situation prevailing in the country and it is more than borne out by a passage that I shall read from the memorandum of the All India Cantonments Association. They say:

"The powers of suspension, reference and veto possessed by the Government over decisions of Board in sections 51 and 52 are more than enough to watch military and national interests. Civic amenities to military personnel in cantonments, like schools, libraries, water supply, electric supply, roads, lighting, fire fighting, playgrounds, hospitals, maternity welfare centres, housing, even cinemas in barrack areas are provided directly by the defence services at national cost. Even the sale of commodities within barrack areas is under the control of the commanders. Hence the Cantonment Boards are concerned with the provision of civil amenities only to civilians from whom they realise their

taxes."—I would like you to underline the words, from whom they realise their taxes. "In this duty the Boards have considerably failed during the last quarter of a century of their existence. Since 1924 not one Cantonment Board has introduced free compulsory primary education, nor undertaken education of adults. The expenses of no Board on education reach even ten per cent. of the total income. No Board has undertaken housing of the poor. In fact, the available residential accommodation for civilians in cantonments is neither adequate nor according to modern needs and designs. There are no labour welfare centres in cantonment areas. Increase in provision of hospital beds, or improvement in the treatment of civilians in specialised diseases has never been thought of. Barring one or two Cantonment Boards, the others do not possess even fire fighting units. And this is happening at a time when the needs of civilians are growing."

That is from the All India Association. They speak for all the cantonments that there are in India. There is another passage here to which reference was made by Shrimati Renu Chakravarty. I shall read the whole passage.

"One very important need in cantonments is that of town improvement and town development. Even a casual visitor to any cantonment in the country cannot fail to be attracted by the slum-like appearance of houses in civil bazar areas, and the dilapidated sullen old type of bungalows in the residential areas. This state of affairs is the direct result of the policy pursued by the Military Lands department since 1924. In the name of

prevention of over-crowding, and the stoppage of increase in value of private buildings, they have discouraged the construction of more and new houses, and the reconstruction of old ones."

This goes to show that civilian requirements are completely neglected.

I shall say a few words about the Delhi Cantonment which is within my constituency. Delhi is the capital city and mind you, I shall expect the affairs of the Delhi cantonment to be carried on in a model fashion. The Delhi cantonment has a civilian population of over 30,000. This cantonment is adjoining the New Delhi Municipal Committee area and the demand has been that this should be attached to the New Delhi Municipal Committee. They have a long list of grievances. One of the most astounding features is this. For the last 8 years, no elections have taken place. Even the limited democracy that is allowed to this Board has been denied to them because during the last 8 years, they did not think it necessary to have an election. They demand new electoral rolls on the basis of adult suffrage. Coming to the matter of taxation, you will please note that the entire income of the Cantonment Board comes from the civilian population who pay the taxes. The Delhi cantonment people have the honour of paying triple taxes, which do not obtain anywhere else: water tax, house tax and conservancy tax. Even these are levied in a whimsical manner. For instance, even houses which have no water tap, have to pay the water tax. The minimum conservancy tax, particularly for houses paying a rent of up to Rs. 15 is Rs. 1-8-0. Suppose a small house is divided into two portions and two families live there, we would expect that that tax also would be split. Instead of that, the tax is doubled. If two families share one house and pay a rent of Rs. 15, each family has to pay Rs. 1-8-0. Take the question of patronage. Shri U. M. Trivedi drew our attention to that question

yesterday. The Cantonment Boards have a big patronage under their control. They give licences, they give permits, they control the entire business of that area. These licences are given to their favourites, to their supporters. Even corruption prevails.

Then, take the question of lands. These lands have been reserved by the Cantonments very much beyond their requirements. These lands are given out to lessees for very short terms. They want security; they want long term leases. Apart from that, I will draw your attention to one peculiar feature that prevails in Delhi. When I went down there, the villagers who live round the cantonment areas spoke to me about this inequity. They said that the lands were taken from their villages for military requirements. When these lands are not used for military purposes, these lands should naturally be leased out to the original land owners. Because their lands have been diminished in extent, they are not able to carry on. But, the administrators—I do not know what they think or whether they make money or not—want to give the lands to their favourites. The lands are leased out not to the original owners, but to people who have nothing to do with Delhi. For instance, lands in Delhi cantonment have been leased out to people coming from Rohtak and Hissar. One villager put me a very straight and a very naive question; there was so much of justice behind the question. He said "When the military require more lands, will they go to Hissar and Rohtak and take lands there; when they want more lands, they will cut out from my lands; but, when the land is lying unused, when I want those lands, I am not given the lease." All these things happen because there is no representation of the people. The just demands of the people and the just grievances of the people are not put before the Board.

The next funny thing that happens in the Delhi cantonment is with respect to houses.

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These houses are let out to people who themselves own houses in the Cantonment area. These house-owners let out their own houses at very high rates. You know what rates of rent prevail in Delhi. They take "pagdi" and then they take the houses let out by the Cantonment authorities. I can give you innumerable instances of other corruption that prevails in the area.

The Cantonment Boards have powers much more than a normal Municipality. They have powers encroaching into the field of administration and justice. A Member of the Cantonment Board is a Magistrate. You can yourself understand what a fantastic situation prevails when the man who accuses also tries the accused. The Magistrate most often works out his personal vendetta. For instance, I was told in the Delhi Cantonment there are 750 licences issued to milkmen. One of the Members of the Board is interested in one milk concern—a dairy he has started—and he has started harassing these milkmen. One particular person somehow or other has irritated him, and you will be surprised to hear that in the last year 25 challans were made against milk licencees, and of these 25 challans, 11 were made against one single milkman—this man whom this Magistrate wanted to harass. This is how power is misused. They have administrative as well as judicial authority, and they misuse their power.

Then, in the matter of issuing distress warrants, considerable harassment goes on. In this regard, I would like to quote the opinion of the Secretary of the Congress Committee, Deolali Camp. This is his opinion with regard to Clause 23 which pertains to the issuing of distress warrants. He says:

"The proposed amendment is highly objectionable and is against the law.

The Board and the Executive Officer are empowered to recover

taxes by issue of distress warrants for the attachment of properties situated in the Cantonment areas. The powers are only required to be exercised when the defaulter does not reside within the limits of the Cantonment. As regards the recovery of rents for buildings and the lands leased out to lessees who may have some dispute with the Board regarding payments or notices given for vacating the premises it is only the Civil courts which are competent to decide such disputes and award decrees for the due amount. The Board cannot be the lessor and the judge at the same time."

So, I am not the only person who holds this opinion that extraordinary powers have been given to the Board, and those extraordinary powers are being misused, and there is a great danger of their being further misused.

Then, yesterday Mr. Bansal pointed out the fact that people living within the Cantonment area, because they can be thrown out at the will of the Chairman of the Cantonment Board, are virtually denied the right to participate in political activity. Now, it is most fantastic that citizens living in New Delhi have full rights to participate in political activity while people living just a few miles away cannot do so. How do you expect us to accept this Bill which perpetuates inequities, which does not bring justice, which discriminates between one citizen and another? Therefore, it is not surprising that leading Members of the Congress Party have opposed this Bill. People who have experience in this work have opposed it. Mr. Gadgil who has considerable experience in Cantonment work has opposed it.

We do not want to harm the Military. We want they should have all facilities, but at the same time, when the nature of the Cantonment area

has changed, when its nature is no longer that of a temporary Military encampment but a small township, then, it is but right and fair that that township should have all the Municipal facilities and should be free to exercise their power in a democratic fashion. Therefore, I would urge upon the Deputy Minister who is piloting the Bill to withdraw it, consider over it seriously and bring it back in a new shape and form.

In this matter I would only draw your attention to the memorandum submitted by the All-India Cantonments Association and also to the memorandum of a Member of your own Party, the Secretary of the Congress Committee, Deolali Camp. Both these memoranda are worth reading, worth some serious thought. After studying them carefully I would request the Minister to take back the Bill and bring in a new one.

Shri G. H. Deshpande (Nasik—Central): I rise to voice the views of those who are going to be affected by this measure from my constituency. I come from Nasik, and my constituency includes the Deolali Cantonment Board. Some reference to the suggestions and representations submitted by a leading Congressman from the locality were made by the previous speaker. I would like to impress upon the Deputy Minister through you, Sir, that it will be better if he will take into consideration the feelings expressed by people who are going to be affected by this measure. They do not approve of the present provisions. They do think that it is not wholesome. I do not want to indulge in any extremes, but I would like to request that it is high time for the Defence Department to take into consideration the public opinion expressed by those who are going to be affected by this measure as I have said.

The wearer alone knows where the shoe pinches, and practically from every Cantonment people have expressed and expressed very strong feelings against the measure, and hence I once more

request the Deputy Minister who is piloting the Bill to reconsider the whole position. I do place before this House the feelings of the people from my constituency from the Cantonment Board, Deolali, and to state that they do not approve of the present measure.

Sir, I have done.

Shri Pataskar (Jalgaon): Fortunately for me, I do not come from a cantonment area...

Shri R. K. Chaudhuri (Gauhati): Thank all your stars.

Shri Pataskar: ...and therefore, I think I will be in a better position to see things dispassionately so far as the present Bill is concerned. I would look only into its provisions and what the Bill is trying to achieve.

I have carefully been listening since yesterday, ever since the Bill was introduced, to a very sad tale of things which need improvement so far as the Cantonment areas are concerned. Much of the criticism was based more or less upon that Committee which was presided over by a Member of this House and which submitted its report. I will not go into that question because, after all, the whole report is not going to be implemented by this Bill, and if I have correctly heard the mover of this Bill, this Bill is a very modest one. It seeks to amend in certain minor particulars the old Cantonments Act, I find that probably people from those areas are carried away by some associations of the past. For instance, this Cantonment business is not a growth for which we are responsible. It had its growth for the last 150 years. It had probably its associations also which are not very happy, for the simple reason that they came into existence for the convenience and use of a foreign Army, and there is no doubt that it was an Army of occupation. Naturally, the scant regard that was shown either to the interests of the civil population living about or to

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other matters could be understood. But, in the present circumstances the Army for which these Cantonments are meant is not an Army of occupation, but is our own Indian national Army whose record, whatever else may be said, during the last five years is a record of proud achievements. I do not think anybody in the House will be able to say, apart from all Party distinctions, that so far as the Army is concerned, whoever might have engaged them previously, at the present moment they are not fully nationalist in their outlook, work and in their devotion to the interests of the country. It is for that army now, that the present system of cantonment administration is being continued. My hon. friend from the Poona Cantonment—Shri Gadgil is not here—gave us some instances yesterday, about which one could always feel with a sense of disgrace. He said that there was a cantonment magistrate, who, when a horse committed some nuisance on the road in front of the cantonment board office, not only fined the owner of the horse, but shot down the horse as well. But of what use are such instances now, in the present context of things, when the army is under the management and control of this Government, which has been elected by the population of this country on the basis of adult franchise? What happened in the past may have caused some prejudice. But that cannot be an argument now for criticising this Bill, at any rate. I do not think in these present times, you can expect a cantonment magistrate working with the Indian army, in a cantonment area, to repeat that thing. I find that the prejudice—justifiable it may be now also—which people had for the approach and associations of the army of occupation which continued to keep these cantonment areas, and the way in which they managed them, still persists, and we also know that that prejudice die hard. But that should not be used now as an argument against the present Bill. At any rate, it should not be carried too far.

My submission to the House will be not to look at this Bill as if it is trying to achieve an over-all improvement in the entire system of administration of cantonment areas. That is not the object of this Bill. So far as I have been able to find, and as has been explained more than once, this Bill has been brought forward only for effecting some minor improvements. Therefore, all this criticism that democracy is being murdered, etc. by this Bill, is not correct—probably there was no democratic administration in these areas at that time. It would be open to any one to argue that this Bill is not enough, that you should have brought forward a more comprehensive Bill which would introduce certain other reforms. But I do not understand how it can be said that this Bill which has been brought forward before us is trying to murder democracy in this country.

Criticism has also been made in regard to the provisions of this Bill. I tried to listen to the speech of my hon. friend Shri S. S. More very carefully. He said, there is clause 4. But what is there in clause 4? Clause 4 reads:

"In sub-section (1) of section 4 of the principal Act,

(a) after the words "The Central Government may" the words "after consulting the State Government and the Board concerned" shall be inserted; and..."

Does that amount to murdering of democracy? What was formerly being done by Government of their own accord, is now sought to be done after consulting the State Government and the Board concerned. Is that murdering of democracy? I do not understand what is meant by that. What is wrong with the present Bill. I fail to understand. One could say that this Bill does not go far enough, and that this provision does not go far enough, and that there should have been a provision that the Central Government should consult the people

of the area concerned. That is something which we can understand. To my mind, therefore, the main contention seems to be that this Bill does not go far enough.

Many arguments have been advanced also in regard to the question of segregation. It was said that in the earlier days, when the army was an occupation army, segregation was justified by the imperial power, but why should there be segregation now, when the army is the army of a free nation. Well, I can understand that argument. Certainly, that army cannot be as much away now from the people, as the former army could be. However, we have to be careful and beware of certain other factors. I am not talking now of the civic amenities being provided to the people. If no schools have been opened in a particular area, there should certainly be a provision that schools should be opened in that area. But to argue that segregation is not justified to any extent is not correct. My hon. friend Shrimati Renu Chakravartty was arguing, what is the necessity for segregation now, and she gave the instance of Barrackpore in Calcutta. In these days, even in a democratic country, you must keep the army free from opportunities for indoctrination by different parties, if you want the army to look after your security. Today, it may be the Congress Party in Power, tomorrow it may be Dr. Khare's party, and later it may be the party to which my hon. friend Shri Sarangadhar Das belongs. Whatever it may be, you cannot allow in the present world as it is, an army not to be segregated, but allowed to be influenced and indoctrinated by forces which admittedly exist in the world, and exist with greater liberty in a democratic country like ours. Are we going to allow the army to be indoctrinated in this manner, so that the security of the country may be endangered?

Shri S. S. More (Sholapur): Are they not voters?

Shri Pataskar: All these arguments of a theoretical nature are absolutely of no avail. I can understand the argument that the civic amenities provided are not sufficient and so on, and one could plead for them. But we cannot allow the army to be indoctrinated by the different parties that exist in the country today. We have got one example which is witnessed by the world today, and which is known as the 'prisoners of war camps' in Korea. What is happening there? Two forces in the world are trying to indoctrinate them, and soldiers are the easiest to be indoctrinated. Therefore, in a free country in the world, if the country is to remain free, you cannot allow all your so-called democratic approaches in respect of the army. They may be open to the ordinary citizen, but we should not give opportunities to people to indoctrinate the army. Today it may be one party, tomorrow it may be quite another, but the army must be kept free from all party influences. The duties of the army must be to look to the interests of the nation, to look to the security of the nation, and to serve the country as a whole, irrespective of any party considerations. So, if the army is allowed to mix freely with people, I do not know what will happen to the security of the country. All these arguments on segregation, to my mind, seem inappropriate, so far as this Bill is concerned.

As the hon. Mover of the Bill has himself stated, this Bill seeks only some minor improvements in the Cantonments Act, as it exists at present. Still, I would also voice the feelings of some of those who have spoken so strongly, and appeal to the hon. Minister that he should, at no distant date, try to bring forward a Bill, by which better provision could be made for the amenities of the civil population which lives in the cantonment areas. There can be no two opinions on that point. But to attack a small measure like this in the name of democracy, is to my mind

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hardly justified. Of course, it gives an opportunity to hon. Members to say what ought to be done. They can surely express their views that this is lacking, that is lacking, this should be done and that should be done, and so on. But I fail to understand the argument that this innocuous Bill, which may not meet all that the different Members require, is trying to murder democracy, is trying to cast a slur on democracy and so on. All these arguments that have been advanced are not justified in my opinion.

I have very carefully tried to listen to hon. Members who have tried to analyse the different provisions of this Bill. Naturally, if there are any provisions which deserve to be amended, the Opposition Members could move amendments to that effect.

My hon. friend Shri Gadgil was saying that in the bazar areas, there is some improvement. But hon. Members have been arguing, what is wrong if a member of a local neighbouring local body is also a member of the Cantonment Board. Their argument was on the following lines. After all, the members of the Cantonment Board are going to be local people, who will look after the local interests of that particular area. But it must be remembered, that if you allow them also to be members of the neighbouring local bodies, that is not likely to lead to any efficient working of either these local bodies or the Cantonment Boards.

So far as the composition of these Boards is concerned, there was a good deal of criticism, that there is a nominated majority, of about two or three per cent. It is worthwhile considering the question, so far as the powers are concerned, to make it an absolute majority of the elected members. But so far as this Bill is concerned, I do not think they are going to make any change in the composition of the Boards. I have got it from the hon. Minister in charge of this Bill, that this Bill does

not propose to increase the percentage of nominated members, or anything of that kind.

Therefore, my appeal to hon. Members on both sides of the House is not to look at this question of Cantonment Boards and their management from the point of view of carrying out all our experiments of democracy in those areas, but to look at the question from the other point of view.

Look at the Bill, as it is. I think certainly it does not go far enough and I do not think the hon. Minister in charge claims that it is the last word on the subject. Therefore, why all this criticism about this minor Bill for all the failures which it does not try to meet? As regards some of the other demands which have been persistently made, I think so far as the voicing of those grievances are concerned, it is all right. But to carry it too far, to exaggerate them and call this Bill itself as a thing which is likely to murder democracy is something which it is very difficult for me to understand.

I know those Members of this House or of the other House who have been connected with cantonment areas and people probably are more obsessed by the local grievances which are put forth by certain particular individuals who live there rather than by an approach to the question from the all-India importance. I can understand that it is very natural on their part. Therefore, I said in the beginning that I did not come from any cantonment, and so far as I can find by looking into this Bill, this Bill itself is very innocent and innocuous and all this criticism is unjust...

Shri S. S. More: Very innocent!

Seth Govind Das: Good for nothing.

Shri N. C. Chatterjee (Hooghly): Worse than that.

Shri Pataskar: May be. I was listening to my friend from Jabalpur, but I did not hear him point out that there is anything retrograde in this.

Seth Govind Das: Nothing to point out.

Shri Pataskar: That is why I say it is innocuous. Therefore, my submission is that all this is more airy than otherwise. But I think within a short time the hon. Minister also will reconsider the whole question. There has been so much of criticism which may be justified. Naturally we in India do want that there should be amenities for the people living there and we hope that he will try and find his way to see what changes could be made. But I think all this criticism is not justified. With these few words, I resume my seat.

सेठ अबल सिंह (जिला आगरा-पश्चिम) : उपाध्यक्ष महोदय, भारत को आजादी हासिल होने के बाद ऐसा स्थाल किया जाता था कैंटोनमेंट बोर्डों में, जहाँ पर कि प्रोजेक्टों ने अपने मन के आफ्रिक ऐक्ट बनाये थे और काम शुरू किया था, कुछ सुधार होगा। लेकिन अफसोस के साथ कहना पड़ता है कि आजादी मिले ६ वर्ष हो गये पर कोई ऐसा बिल नहीं लाया गया। जो ऐमेंडमेंट हमारे मंत्री महोदय ला रहे हैं वह बहुत माइनर ऐमेंडमेंट हैं और उस में ५० के बजाय १०० रु० या १०० रु० की बजाय २०० रु० जुर्माना करना और कैंटोनमेंट बोर्ड के अफसरों की ही ताकत को बढ़ाना है, इन ऐमेंडमेंट्स में कोई सार नहीं है। जब तक कोई कम्प्रोमिस्सिव ऐक्ट नहीं बनेगा तब तक जो कैंटोनमेंट की २० लाख के करीब जनता है और जो तिलमिला रही है, उस का भला नहीं हो सकता उस को अग्रगणित मुसीबतों का सामना करना पड़ता है। रोज नये नये टैक्स लगते हैं, जुर्माना किया जाता है अग्र किसी ने लाइसेन्स नहीं लिया तो जुर्माना। ऐसे ऐसे टैक्स लगाये जाते हैं जो कि बराबर की म्युनिसिपैलिटी में नहीं होते। मैं आगरा कैंटोनमेंट बोर्ड के बारे में कहूंगा कि यह फर्स्ट क्लास बोर्ड है उस में
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१५ मेम्बर हैं जिन में से ८ गवर्नमेंट के नोमिनेटेड हैं और ७ एलेक्टड हैं। यह नामिनेटेड मेम्बर इस तरह से काम करते हैं कि जो एलेक्टड मेम्बर होते हैं उन की कोई व्यवस्था कारगर नहीं होती है और न यहां प्राइमरी शिक्षा, सफाई, पानी, रोशनी, पक्की नालियों, सड़कों का समुचित प्रबन्ध है इस से लोगों को काफी परेशानियां होती हैं। इस सम्बन्ध में बहुत से रिप्रेजेंटेशन किये गये लेकिन कोई सुनवाई नहीं होती है। इस के साथ ही साथ जो वहां का मिलिटरी एस्टेट्स आफिस है वहां उसने अलग परेशानियां पैदा कर रक्खी हैं। जो एजुकेशनल या पब्लिक इन्स्टिट्यूशन्स को लीज पर जमीनें दी गई हैं उन से हजारों रुपया नजराना लिया जाता है हजारों रुपये सालाना किराया लिया जाता है जब कि वह नोमिनल नजराने और रेंट पर होनी चाहिये और सारी बातों से जनता बहुत बेचैन व परेशान है।

मैं मंत्री महोदय से निवेदन करूंगा कि वह जल्दी से एक काम्प्रोहेन्सिव बिल लावें जिस में जो कैंटोनमेंटों की २० लाख जनता है, जो कि करीब २ करोड़ रु० के टैक्स के रूप में देती है, उस को कुछ सहारा मिल सके और लोग महसूस कर सकें कि वह प्रजातन्त्र राज्य में रह रहे हैं और कोई ब्यूरोक्रेटिक गवर्नमेंट नहीं है। अन्त में मंत्री महोदय से मेरा निवेदन है कि वह जल्दी ही एक काम्प्रोहेन्सिव बिल लावें जिस से जनता को राहत मिल सके।

Dr. N. B. Khare (Gwalior): I was provoked to speak on this Bill.....

Dr. Lanka Sundaram (Visakhapatnam): Who provoked you?

Dr. N. B. Khare:by the speaker who took part in the debate before the last speaker, my friend from Khandesh, Mr. Pataskar. Sir, I am glad that there is evidence in this House today of Congressmen having acute differences and expressing them

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boldly on the floor of this House. This is a good sign of the times, I should say.

Sir, the Member from Maharashtra who spoke yesterday criticised the Bill very bitterly. Then another Member from Punjab also spoke yesterday in a similar strain. He called the Bill 'atrocious', if I remember right.

Shri N. C. Chatterjee: Monstrous also.

Dr. N. B. Khare: Monstrous also. Then today I heard Mr. Pataskar trying to defend the Bill. I was very much amused by the special pleading which he showed on the floor of this House in defending this Government.

Dr. Lanka Sundaram: When Maharthians follow Maharashtrians what happens?

Dr. Krishnaswami (Kancheepuram): Nothing.

Dr. N. B. Khare: It was a case of a Mahratta meeting a Mahratta. And here is a third Mahratta intervening.

Dr. Lanka Sundaram: Fourth.

Dr. N. B. Khare: Then, Sir, I do not know whether.....

Mr. Deputy-Speaker: Is it to be called a Mahratta Bill !

Dr. N. B. Khare: Of course 'Mahratta' means 'military'.

Dr. Lanka Sundaram: It is a monstrous Bill.

Dr. N. B. Khare: I do not know whether this Bill is innocuous or harmless. I do not know whether it is water-melon-like or it is milk and water. If it is so, why should it be brought before this House at all? It is not necessary if it was innocuous. It was also called an 'innocent' Bill. And, Sir, in defence of the Bill, my friend, Mr. Pataskar, assumed the appearance of injured innocence. I do not know how far he was successful. I think he has failed.

Shri S. S. More: He became ridiculous.

Shri Pataskar: I think Mr. More was more ridiculous.

Dr. N. B. Khare: He laid great emphasis upon the old association, the old ideas and the evil of the old regime of army occupation. Sir, it is not a question of association at all. It is a question of facts. Are there facts enough at present in this country in these cantonment areas about this administration which are affecting the democratic rights of the people who live there? That is the question, and to that question there is only one answer—emphatic answer—'Yes, there are such facts and they must be done away with'. It is no use saying that this is a past legacy. The question is whether this Government has kept up the past legacy in the last six years since it took office. That is the question. If it had done so, surely Government stands to be condemned for not removing this legacy.

Then, Sir, my friend from Poona when he opened his attack yesterday, said that the Mover of the Bill reminded him of old Tottenham, the Military Secretary in the Assembly of the Government of those days 1935-36, when I remember Gadgil as a colleague. And you also, Sir, remember we were all colleagues. So Gadgil was reminded of Tottenham.

Mr. Deputy-Speaker: Sometimes it is said: 'Save me from my friends'.

Dr. N. B. Khare: Yes, Sir, I am not at all surprised. Gadgil may be surprised, because he still has got something of past left in him. Or perhaps I do not know whether he is thinking for the future. But so far as I am concerned, Sir, I have got no problems of any kind at all. Sir, to me this Congress Government has inherited all the past legacies of the British. There is no doubt about it.

Shri S. S. More: Without their virtues.

Dr. N. B. Khare: Without their virtues. No doubt about it. Sir, I say so because in Hindi the Congress is

called. "काँग्रेस" They do not say काँग्रेस
but काँग्रेस

Dr. Lanka Sundaram: What does it mean?

Dr. N. B. Khare: If the Hindi word is subjected to a rule of Sanskrit derivation "काँग्रेस" का मतलब होगा "काला अधिक अँग्रेज" । याने काला अँग्रेज, बीच का 'ला' लुप्त हो गया तो बन गया काँग्रेस ।

So, Sir, there is nothing surprising. काँग्रेस is British. The only difference is that that was white and this is black, and the black is compensated by the white cap that is on. There is nothing surprising at all. Sir, in those days the British kept these cantonments as their military citadels to keep their armies of occupation safe from public influence, on account of diversity of interest.

Shri N. C. Chatterjee: Segregated.

Dr. N. B. Khare: Segregated.

Can that thing be defensible today? And Mr. Pataskar sought to defend it.

Shri Pataskar: I did not defend it. I said they should not be indoctrinated.

Shri S. S. More: He is now repenting.

Shri Pataskar: I am not repenting. I said indoctrination should not be allowed and I still say that.

Dr. N. B. Khare: I tell you, Sir the Army should be free from indoctrination and loyal to the Government of the day; we do not at all want to indoctrinate. But, under the present conditions, is the Army free from indoctrination by the Congress, I ask. It is not free from that. So, if the Congress has the right to do that, we have also an equal right. They must understand these things. It does not mean that one should tamper with the laws of the country. One can understand that. But, I cannot understand what Mr. Pataskar says. So this Bill must be absolutely thrown out by the House. It is not worth being looked into; it has to be condemned to the waste paper basket. I think that

when the time comes for voting, those who have spoken against the Bill so vehemently will flitter away. I think their progress is only this much; it has come up to words and not to deeds. But, I think, in course of time, it will come to deeds and then alone there will be real democracy in this country.

Shri Tek Chand (Ambala—Simla): Mr. Deputy Speaker, while eschewing the language of acerbity, bitterness and rancour in which some of the hon. Members thought it proper to couch their thoughts yesterday and today, I do feel that it is high time that the cantonment laws in this country deserve to be re-modelled. I do not vie with the last speaker in making puerile puns but I do think it is high time to repeal the cantonment laws which are an anachronism.

Dr. N. B. Khare: You enjoyed the fun, didn't you?

Shri Tek Chand: It is regrettable that the dead hand of the Governor-General in 1836 is ruling us today and slighting the prestige of this country and that language which is derogatory to the national dignity is still the language of the law. I am referring to the Governor-General's order 179 of 1836. That is the law which still prevails in this country; and there sharp distinctions are made between the natives and the blue blooded. It might as well be said that these expressions need not now matter because all are natives; but, none-the-less the objectionable words are there. They distinctly hurt, not only hurt but bite the soul, and it would have been better if they had been expunged or deleted from the statute book.

For instance, here is this general order of the Governor-General-in-Council, 179 of 1836. It is still the *magna carta* so far as the rights of the cantonment regarding resumptions of property etc. are concerned. It makes a sharp distinction, when there is a question of transfer to a native and a transfer to another. Then again, there are special considerations when transfers can be had of property from

[Shri Tek Chand]

one officer to another, but not so when he does not happen to be an officer but a civilian. In the matter of resumptions of lands, the law is very unfortunate. Resumption of land depends almost upon the whim and caprice of the authorities that be. I know of a case, a recent case, in which a department of the Government happened to be the tenant of a house owned by a civilian. The Government happened to pay him Rs. 1,880 and odd by way of rent. A short while ago, the Government decided to resume the land and offered to the owner a sum of Rs. 6000 as resumption value of his building for which the Government itself was paying no less than Rs. 1,880 per annum, as rent. It is because this general order of 1836 says so.

The other objectionable feature of the cantonment laws is that which is incorporated in sections 236, 237, 238 and 239, the most objectionable being section 239. People who are suspected of seditious leanings can be deported. They can be turned out of the cantonment and if they are temerarious enough to return, they can be subjected to a daily fine. These are the provisions of section 239 which relate to removal and exclusion from cantonments of seditious persons.

Dr. Lanka Sundaram: Is it banishment?

Shri Tek Chand: A person has to be dubbed as one having seditious proclivities and that is enough to turn him out of the precincts of the cantonment regardless of the fact that he may be the owner of the land and he may have no home elsewhere. It is understandable that if he has certain proclivities, let them be alleged and proved in a proper court of law and then appropriate punishment may be awarded to him. But, if according to the preconceived notions of the cantonment authorities, the man is suspected of having seditious leanings, that should not be enough to uproot him from the cantonment area regardless of the fact whether he has got a home elsewhere or not. This is certainly a feature of the cantonment laws which deserves

to be examined and, if desirable, to be eradicated or altered.

Similarly, under section 238, a man has to be styled as a disorderly person and similar treatment can be meted out to him. These are the features that deserve to be examined and it is high time that these features should not besmirch the statute book of this country, whether it relates to the cantonments or the civil areas.

I yield to no one in my zeal for the comfort and the health of the armed forces which should be of paramount consideration, when cantonment laws are being put on the anvil. But, when once that consideration is safeguarded and preserved, there are other features which are galling, which are unfortunate, which are harsh; they deserve to be examined so that in the cantonment also the same rule of law should prevail.

4 P.M.

I thought that this Bill should have removed some of the improper features but it happens to have enhanced and tightened the objectionable feature. There is a certain facility given to the Government by section 259 of the Cantonment Act whereby arrears of taxes can be realised by way of distress warrants. But that facility has now been extended even to realisation of rents. Therefore, if a tenant of cantonment property happens to be in arrears, any movable property belonging to him can be distrained, can be sold and can be taken away, without any question of defence, without any reason why he had been in arrears. They are thus the Courts that decide and the Courts that execute and at the same time the party concerned. I should have thought that in such cases there should be some trial—even summary trial—of these cases. Now the new feature is that even if a person is in arrears in payment of rent to the cantonment authorities, such a person may have to part with any movable property owned by him, and in addition to movable property, his trees, his crops, etc. are in jeopardy.

Again, I wish to plead for the cantonments situated in hill stations. Apart from being cantonments, they are sanatoria. They are also health resorts and holiday resorts. People not associated with cantonments and with military personnel also visit those places, but you will find that there is a progressive deterioration so far as the civic amenities of the tourists are concerned, and some of them are directly attributable to the careless attitude adopted by the Executive Officers. I do feel that the few tourist resorts that we have deserved to be preserved, their civic amenities should be enhanced and, therefore, people should be encouraged to build property, but people cannot build property when the risk that they run is of resumption. A man may have a property worth Rs. 50,000 and it may be resumed at one month's notice and the valuation may be two or three years' rent—one does not know—depending upon the whim and caprice of the cantonment authorities. These are matters worthy of examination and scrutiny as the cantonment laws embody some of the most objectionable features which deserve to be eradicated and the sooner the better.

श्री भक्त बर्षान (जिला गढ़वाल—पूर्व व जिला मुरादाबाद—उत्तर पूर्व) : माननीय उपाध्यक्ष महोदय, इस सदन में इस विधेयक पर जितने कल से आज तक पक्ष में और विपक्ष में भाषण हुए हैं, उन को सुनने के बाद भी मैं अपने इस निर्णय पर दृढ़ हूँ कि इस विधेयक का समर्थन अवश्य किया जाना चाहिये, लेकिन कुछ शर्तों के साथ। इस के विरोध में कहने वाले मेरे माननीय कुछ सदस्य यहाँ तक कहते चले गये कि सेना को अलग रखने व जन-आन्दोलनों को कुचलने के लिये ही छावनी बोर्डों का प्रजातन्त्रीकरण या डिमाक्रेटाइजेशन नहीं किया जा रहा है। मैं समझता हूँ कि उन का यह आक्षेप बहुत ही अनुचित और असंगत है, क्योंकि हमारे संविधान के अन्दर ही प्रत्येक नागरिक को,

यानी फौज में काम करने वाले लोगों को भी, मताधिकार दिया गया है और पिछले आम चुनावों के अवसर पर उन्होंने उस का प्रयोग करके इस तथ्य को सिद्ध भी कर दिया है। इसलिये मैं समझता हूँ कि इस तरह का कोई भी लांछन गवर्नमेन्ट की भावना पर लगाना बिल्कुल ही अनुचित और असंगत है।

दूसरी ओर मेरे कुछ साथी इस विधेयक का समर्थन करने के जोश में यहाँ तक बह गये और कहने लगे कि कॅन्टोनमेन्ट बोर्डों का किसी प्रकार से प्रजातन्त्रीकरण किया ही नहीं जाना चाहिये। इस को मुन कर मुझे यह कहावत याद आ गई कि "मुद्ई मुस्त और गवाह चुस्त"। हमारे मिनिस्टर महोदय ने तो यह तर्क हमारे सामने दिया कि जैसी कि छावनीयों की अभी परिस्थितियाँ हैं उन के अनुकूल अभी यह सुधार नहीं लागू किये जा सकते और भविष्य में उन को लागू करने का विचार कर रहे हैं। लेकिन इस विधेयक का समर्थन करने वाले कुछ सज्जनों ने तो यहाँ तक कह दिया कि हमें कोई प्रजातन्त्रीकरण ही नहीं करना चाहिये। मैं समझता हूँ कि ऐसे ही लोगों के बारे में यह कहावत कही गयी है कि "भगवान् ऐसे मित्रों से हमें बचाये" या यह कि "खुदा ऐसे दोस्तों से हम बच्चा"।

मेरे एक माननीय मित्र श्री बंसल जो ने बचपन की कुछ कहानियाँ सुनाईं जब कि वह रानीखेत में रहते थे कि किस प्रकार वहाँ गांधी टोपी पहनने पर ही सजा दी जाती थी। मैं समझता हूँ कि यह उनकी बचपन की बातें अब केवल इतिहास की वस्तुएं हैं। मैं स्वयं भी एक छावनी का निवासी हूँ, लैंस-डाउन छावनी का, और मुझे बल्बूबी अच्छी तरह से बंधु दिन याद है जब कि वहाँ एक काला कानून लगा हुआ था, "सलामिंग आर्डर", उसके अनुसार हर एक गोरे अफसर को सलाम करना पड़ता

[श्री भक्त दर्शन]

था। इस प्रकार की वहां पर आज्ञा थी। गांधी टोपी पर यहां तक प्रतिबन्ध था कि जब मैं स्वयं विष्वविद्यालय से गरमी की छट्टियों में घर आता था तो दूर ही से गांधी टोपी को मुझे बक्स में बन्द कर देना पड़ता था। इस के अलावा मुझे याद है कि किस प्रकार एक कांग्रेस-कार्यकर्ता को पेशावर-कांड के वीर श्री चन्द्र सिंह गढ़वाली की जय बोलने पर छावनी से बाहर कर दिया गया था, याने बारह पत्थर बाहर कर दिया गया था यह जो उदाहरण मैंने आपके सामने दिया यह उस जमाने की बातें थीं जब कि हमारे देश में ब्रिटिश हुकूमत थी। लेकिन आज यह बातें केवल इतिहास की वस्तुएं हो गयी हैं। इसलिये श्री बंसल जी ने और दूसरे साथियों ने जो इस प्रकार की बातें कहीं हैं, उन में आज की परिस्थिति में कोई तथ्य नहीं रह गया है।

उपाध्यक्ष महोदय, मेरे साथियों ने जिस प्रकार से इन छावनी बोर्डों के विषय में कहा है कि वहां किस प्रकार से बोर्डों का प्रजा-तन्त्रीकरण, भूमि सम्बन्धी मामलों में और इस प्रकार के दूसरे मामलों में सरकार ने कोई विधेयक लागू नहीं किया, मैं इस सम्बन्ध में एक एक बात पर प्रकाश नहीं डालना चाहता मेरा जो अपना परिस्थिति का अध्ययन है वह यह है कि जैसे भी इस समय हमारे छावनी बोर्ड बने हुए हैं, यद्यपि उन में सरकारी अधिकारियों का बहुमत है, फिर भी वास्तविक सत्ता एग्जीक्यूटिव आफिसर के हाथ में है। वर्तमान विधान के अनुसार छावनी बोर्डों के प्रधान पदेन आफिसर कमांडिंग हुआ करते हैं, किन्तु उन को फौजी मामलों से बहुत कम अवकाश मिल पाता है। इस के अतिरिक्त उन में सरकारी आबमियों का बहुमत होता है, अतः एग्जीक्यूटिव आफिसर के अनुसार ही उनको चलना पड़ता है

और उसी तरह आफिसर कमांडिंग के आर्डर भी हो जाते हैं। इसलिये हमारे एग्जीक्यूटिव आफिसर में स्वेच्छाचारिता और निरंकुशता आ गयी है। इस के पीछे यह भी बात है कि यदि कोई अपील की जाय, या कोई मैमोरेंडम या आवेदन पत्र भेजा जाय तो उस की सुनवाई नहीं होती। इस का एक मुख्य कारण यह है कि लैण्ड एण्ड कैंटूनमेन्ट सर्विस के अधिकाारियों के हाथ में ही अन्तिम अधिकार रहते हैं और वे इन मामलों को बुरी तरह से तोड़ देते हैं।

मैं आपके सामने एक छोटा सा उदाहरण रखूंगा। आज से दो वर्ष पहले हमारी छावनी में एक सज्जन एग्जीक्यूटिव आफिसर बन कर आये और जिस दिन उन्होंने अपनी श्रीधोरिटी संभाली, उसी दिन वह बाजार में घूमने के लिय निकले और उन्होंने बड़े गर्व के साथ लोगों से यह कहना शुरू किया कि अब देखूंगा कि यहां पर किस तरह से नियमों का पालन कराता हूं और यहां पर किस तरह से मैं शासन करता हूं। चुनांचे, जैसी कि इस के पीछे उन की भावना थी, धीरे-धीरे जनता में असंतोष पैदा हुआ और एक आन्दोलन प्रारम्भ हो गया। उसके बाद जितने गैर-सरकारी निर्वाचित सदस्य थे उन्होंने उन के विरुद्ध प्रस्ताव रखा; यहां तक कि जितने सरकारी अधिकारी थे उन्होंने भी उस का समर्थन किया। इतना ही नहीं, जो आफिसर कमांडिंग थे, उन्होंने भी एग्जीक्यूटिव आफिसर साहब के विरोध में डी० ओ० लिखे। यहां तक ही नहीं, बल्कि सब-डिवीजनल मैजिस्ट्रेट और डिस्ट्रिक्ट मैजिस्ट्रेट ने भी उनके ट्रांसफर के सम्बन्ध में अधिकारियों को पत्र लिखे। लेकिन आप को जान कर आश्चर्य होगा कि यद्यपि मुझे भी उस के बीच में पड़ना पड़ा और स्वर्गीय श्री गोपालस्वामी आयांगर

साहब के द्वारा उन का स्थानान्तरण हुआ लेकिन पूरे एक वर्ष तक हम लोगों को यह भ्रान्दोलन करना पड़ा। और अन्त में जब उन का स्थानान्तरण हुआ तो वह मूछों पर ताव देते हुए कहने लगे कि "मेरा क्या बिगड़ा? मैं तो तरक्की पर जा रहा हूँ।"

तो मैं आप से यह निवेदन करना चाहता था कि वर्तमान ढांचे के अन्तर्गत यदि एग्जक्यूटिव आफिसर्स के ऊपर कोई नियन्त्रण रखा जाय, उन को समथ-समथ पर वहाँ की जनता की इच्छा जान कर बदला जाय, और उन के ऊपर कोई प्रतिबन्ध लगाया जाय, तो मेरा निजी विश्वास है कि धीरे धीरे कन्टूनमेंट बोर्ड के मामलों में सुधार किया जा सकता है। मैं ने एक संशोधन का भी इस लिये नोटिस दिया है और मैं यह आशा करता हूँ कि जब माननीय मंत्री महोदय उस के बारे में मेरे तक़ों को मुनेंगे तो उन्हें उस के स्वीकार करने में कोई विशेष अड़चन नहीं होगी।

उपाध्यक्ष महोदय, मैं ने शुरू में ही कहा कि इस विधेयक का समर्थन मैं जरूर करता हूँ, लेकिन शर्तों के साथ। वे शर्तें तीन हैं। पहली तो यह कि इस विधेयक को वर्तमान रूप में लाने के सिवाय मेरा अपना ख्याल है कि, मंत्रालय के सामने कोई चारा नहीं था। कुछ वर्ष पहले वह प्रख्यात पाटिल-कमेटी नियुक्त की गई थी। उस ने तीन वर्ष के प्रयत्न के बाद एक रिपोर्ट तैयार की और यह जो विधेयक यहां प्रस्तुत किया गया है, यह मुख्यतः उन सिफारिशों के ही ऊपर आधारित है, उन सिफारिशों में से, जहां तक मैं समझता हूँ शायद ही कोई सिफारिश छोड़ी गयी हो।

दूसरी बात इसमें यह है कि राज्य-परिषद् ने अर्थात् हमारे दूसरे सदन ने, इसे स्वीकार कर लिया है और अब गवर्नमेंट के

लिए सम्भव भी नहीं होगा कि उसको इस हालत में वापिस ले लिया जाय।

तीसरी बात यह है कि जैसा कि उपरक्षा मंत्री महोदय आश्वासन दे चुके हैं कि वे शीघ्र ही एक सर्वांग पूर्ण (कैम्प्रीहेंसिव) बिल लाने वाले हैं, वह तो स्वागत योग्य है, लेकिन मैं अपने आदरणीय साथी श्री गाडगिल के भाषण का समर्थन करते हुए यह कहना चाहता हूँ कि जिस संकोच और हिचकिचाहट के साथ उन्होंने यह आश्वासन दिया, उससे कुछ शंका का पैदा होना स्थभाविक है। मैं आशा करता हूँ कि हमारे उप-मंत्री महोदय आज खड़े होकर खुले दिल और उदारता के साथ इस सदन में घोषणा करेंगे कि वह निकट भविष्य में, बल्कि जो दूसरा सत्र हमारा प्रारम्भ होगा, उसमें ही एक ऐसा विधेयक प्रस्तुत करेंगे जिसमें छावनी बोर्डों की सारी मशीनरी का पूरा प्रजातन्त्रीकरण हो जायेगा।

इसके आलावा मुझे दो बातों की ओर थोड़ा सा ध्यान दिलाना है। उन्होंने जैसा कि कल बताया कि जगह, जगह कन्टूनमेंट बोर्ड्स का 'एक्सीशन' होने वाला है, उसको भी मैं समझता हूँ कि कई वर्ष बीत चुके, लेकिन मेरा अपना ख्याल है कि अल्मोड़ा कन्टूनमेंट को उस एक्सीशन में शामिल नहीं किया गया है। वहां के म्युनिसिपल बोर्ड के कुछ मेम्बरों ने मुझे बतलाया कि अल्मोड़ा कन्टूनमेंट किस हालत में है, वहां जाने के लिये अल्मोड़ा म्युनिसिपल बोर्ड को पार करके जाना पड़ता है और इसलिये चुंगी के कई मामले बीच में चलते रहते हैं। इसके सिवा उसकी आबादी इतनी कम हो गई है कि जैसे नैनीताल और लंघौर का एक्सीशन किया जा रहा है, उसी प्रकार मेरा सुझाव है कि अल्मोड़ा को भी एक्सीशन की सूची में शामिल कर लिया जाय। अल्मोड़ा सरीखा सुन्दर पर्वतीय स्थान शायद कम जगहों में

[श्री भक्त दर्शन]

होगा, वही एक स्थान म्युनिसिपल बोर्ड के पास होगा जहां पर वह अपना विकास अच्छी तरह कर सके। इस आशा के साथ मैं माननीय मंत्री महोदय से अनुरोध करूंगा कि एकसीशन के सम्बन्ध में जो जरूरी कार्य-वाही करनी है, वह शीघ्र से शीघ्र की जानी चाहिये।

अन्तिम बात जो मैं आपकी सेवा में उपस्थित करना चाहता हूं वह यह है कि आजकल छावनियों के अन्दर कोई आम आदमी जो बंगले का मालिक है, उसने अगर एक फूल-पत्ती भी तोड़ने की कोशिश की तो उसे पत्ती तोड़ने पर जुर्माना अदा करना पड़ता है। मेरे पास इस बात के कई उदाहरण मौजूद हैं जहां ऐसा अन्याय किया गया है। समझ में नहीं आता कि उसको उस बंगले का अधिकारी माना जाता है, वह उसका टैक्स देता है, यह सब बातें होते हुए भी इस तरह के प्रतिबन्ध उस पर लगाये जाते हैं। मैं आशा करता हूं कि मंत्री महोदय इन तमाम बातों पर बहुत ही सहानुभूति के साथ और उदारता के साथ विचार करेंगे और शीघ्र ही उस विधेयक को प्रस्तुत करेंगे जिसका कि वे आश्वासन दे चुके हैं। इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूं।

The Deputy Minister of Defence (Sardar Majithia): To begin with, I would like to say that in my very first speech, when I asked for the consideration of this Bill, I did say admittedly that the Bill does not solve the cantonment problem. It carries out certain amendments of a minor character with a view to improving the mechanism of the Act. This Bill, as I said then and I say it again—just carries out very minor amendments, but in the course of the debate I find quite a lot has been said and, if I may venture to say, some of it,—as a matter

of fact, quite a lot of it—has been quite irrelevant to this amending Bill. I will therefore not concern myself with those aspects which are not relevant to this Bill, and will deal only with the other aspects which come under its purview.

To begin with, I should like to say that Shri Gadgil, a very dear and old Member of this honourable House, mentioned about the memorandum submitted by the military land and cantonments officers' association in 1950 to the Patil Committee. Now, at the very outset, I should like to say that this Government today is not guided by that association. This Government is elected by the people and responsible to the people through, of course, this House. Any association has a right to express itself which is guaranteed today by the Constitution. But what the Government does is entirely a different matter, and as I have said before this Government in particular is not guided by those references which Shri Gadgil has mentioned.

Shri Gadgil (Poona Central): You have borrowed all their recommendations. They are the instrument of your policy.

Sardar Majithia: Then, after this, Shri Gadgil again mentioned about the Patil Committee. I would not like to say anything much, but only this, that that Committee had issued a questionnaire to which replies were received, and those replies, if put together, would certainly be of such a volume and from which it would be clear that the opinions were got hold of and gone through as a result of which they made certain recommendations. Out of those recommendations certainly some of them were unanimous and there were certain recommendations which were not unanimous. In this Bill in particular, I have only brought forward those recommendations which were unanimously agreed to. I have no hesitation in saying that I would certainly look into this question again after excising the maximum possible area of the land in the cantonments which we do not require. I will cer-

tainly go into the question again and in the light of the experience that I will have, I hope to bring a comprehensive Bill later.

Apart from this, quite a lot of mention has been made about certain amenities. Now, I should like to say about them: that is quite a big problem which does require a lot of money. With the very limited resources we have, we are trying to do whatever we possibly can. But in no way let this be taken that we are not prepared to do any good. To give you an example. Delhi, in 1950-51, was given a grant-in-aid of Rs. 36,000 which was increased in the next year, and this year we made provision to give them Rs. 77,000. That is quite a big rise and, as you will see, Sir, we are making all possible attempts to give them more facilities.

My hon. friend Shri Bansal said quite a lot of things, but the one mistake he committed was that he gave an example and made a generalisation from that. Now that is a dangerous thing. You may have one example; but to generalise from that would give you entirely a wrong picture. For instance, apart from other things, he said about his childhood, to which my hon. friend Shri Pataskar has already replied—things are hard to forget, particularly our childhood inhibitions. But I should like to mention a couple of things which were exaggerated beyond all probability. For instance, he said that people can be thrown out after giving them twelve hours' notice. Well, I cannot see any point in that. People are not thrown out with that short notice. People are repeatedly asked, if they are in unauthorised possession, to vacate that. If they refuse, they are asked again and again and it is only as a last resort, when we find that persuasion has no effect, that we resort to measures which are drastic. But it is far away removed from facts: it is not twelve hours' notice.

Shri Bansal (Jhajjar—Rewari): I never said twelve hours: if you read the speech you will find.

Sardar Majithia: Thanks for the correction. In any case, he said short notice. As I said quite a long notice is given.

Then he referred to the enhancement of rents. I have checked up rents in Ranikhet in particular about which he mentioned. I find that in 1939 the rent of Sweet Bazaar was Rs. 300. In 1947 it was increased to Rs. 500 and in 1952 on a review we reduced it to the original amount, that is Rs. 300. In any case there is no enhancement of 300 per cent. To take another example.....

Shri Bansal: Mr. Deputy Speaker, Sir, I never referred to rents. I referred to lease terms: leases are not revised every three or four years.

Sardar Majithia: I would refer to another instance where they have been lowered, for instance, in the case of Abkari Bazaar, in the case of land below Main Street Bazar and Zaruri Bazaar. It is not that we take a view of sitting high and dry; but we certainly take into consideration the prevailing rents, prevailing values by which we go by.

Shri Bansal: But I was not referring to rents, Sir, I was referring to leases.

Shri Tek Chand: Are leases changed?

Shri Bansal: Leases are changed every 30, or 40 or 90 years.

An Hon. Member: That is not the case under the Transfer of Property Act.

Mr. Deputy Speaker: Let the hon. Deputy Minister go on. He is not replying to one single Member.

Sardar Majithia: Then I would like to reply to what my hon. friend Seth Govind Das said this morning.

Shri Bansal: That is better.

Sardar Majithia: All right; thanks for the consideration. He said that more buildings can be put up in the area in which the bungalows stand today. Well, I am in entire agreement with him, because the areas are so large that more buildings can be

[Sardar Majithia]

put up. But they have to go according to a certain plan and the development in the cantonments cannot be haphazard. Whereas we would like more buildings to go up to reduce the shortage of accommodation, you should not forget the fact that the value of that land will increase. With the increase in value of that land, the necessary tax will also have to go up and persons will have to pay enhanced taxes. They should be prepared for it. But what I find is that people are not too willing to give to Government a portion of what they get by way of enhanced value.

About agricultural land he mentioned it should be raised to 15 years. I should like to point out that from the original four years we have already increased it to ten years. If our experience shows that even this is not adequate, I would not mind looking into this point over again.

Several hon. Members referred to the amendments that they have tabled. At this stage I do not intend to go into them because I will be giving replies to them at the proper stage. But before I sit down, Sir, I should like to take this opportunity of saying something about bazaar committees. Now, the bazaar committees function more or less independently—I say more or less. I have not come across very many occasions when the recommendations of the bazaar committees have been over-ruled by cantonment boards. As a matter of fact, a convention has been set up by which the recommendations of this body are agreed upon by the board without discussion there; thus the civil population enjoy more or less autonomy. As Shri Gadgil said, I entirely support him in that, we should see that these committees should get more powers. I should like to assure the House on this point that administrative orders will be issued in the very near future. But they will be under the overall control, as I said, of the main body. This subervient body cannot enjoy more powers than the cantonment board.

Now, Sir, quite a lot has been said about democracy. It is a very vast subject and people in this House have taken the opportunity of venting their views on democracy.

So far as this Bill is concerned I have checked up every point, and I find that there is nothing that this Bill takes away, either joint electorates, adult suffrage or anything of that type. The only limitation is that the elected representatives are in a slight minority.

Shri Gadgil: Perpetual minority, statutory minority.

Sardar Majithia: All right, statutory minority from the nominated members.

As I explained in my opening remarks, cantonments have got a history behind them. Cantonments sprung up because the military was stationed there. Because of the military being there, certain people moved into that area for trade purposes, for their own benefits, as a result of which the population of a cantonment comprises of the military personnel and the civil personnel.

To completely disenfranchise the military personnel would not be quite proper, because the cantonment is primarily meant for their advancement. To introduce a sort of election into them would also be very very difficult, apart from the other difficulty which comes in, namely, that you might have a unit today which might move on to a distant place, to another cantonment, tomorrow. Then how are those people going to come and vote in the original place? It is very difficult. Therefore, it will not be possible to give them the same way of democracy as you can give to the others: with the result that in order to safeguard their interests you have to have certain nominations. And it is these nominations which are being objected to. I have said before—and I shouldn't like to say anything further—that this is still an open question and will be considered again. I should not like to say anything more on that.

Dr. Lanka Sundaram: How soon will it be considered?

Sardar Majithia: Well, you will soon come to know about it.

Shri Sarangadhar Das (Dhenkanal—West Cuttack): As soon as possible.

Sardar Majithia: That is a good answer!

Then, I should just like to say a word because some Members of the Opposition have said something quite derogatory about military officers. I feel I cannot let go this opportunity without coming to the aid of a poor person who is not represented here, who cannot stand up and hit back. They say that people in the army are snobbish, they do not care for the civilians. Well, Sir, as I said before, there may be individuals who are that way, and I do not defend them. My friend brought out a certain officer. I shall certainly look into that. And he may rest assured that the needful will be done. I am as zealous to safeguard the dignity of each and every Member of this House as they themselves are. On the other hand, to generalise from this one example and say that the whole lot of the army are that way, I must say, is a very gross exaggeration. We have our officers who have gained praise not only in India but, if I may venture to say so, outside India as well. It was one of our Indian officers who was selected for that very onerous post of Chairman of the Neutral Nations Repatriation Commission. It was again our army which was selected to be the Custodian Force there. Our officers are good, considerate and, if I may say so, they are as national as any one of us here, and patriotic. To say anything against those people would be a gross injustice, and I should like to request those hon. Members to bear this in mind: when you speak of the army or the air force or the navy please remember that they are your counterparts, they are part and parcel of you, there is nothing separate about them, they serve you and serve you well.

With these words, Sir, I should like to conclude my reply.

Shri N. C. Chatterjee: Sir, may I put one question to the hon. Deputy Minister? In the Minute of Dissent of Mr. Rajagopal Naidu it is said that the hon. the Deputy Minister had given an assurance in the meeting of the Select Committee that he was contemplating to bring a comprehensive measure to implement the suggestions of the Committee to delimit the cantonment area. Is it correct that the hon. the Deputy Minister gave that assurance? Will he repeat it on the floor of this House? If so, when will it be implemented?

Sardar Majithia: Well, Sir, I have already mentioned that in my remarks, and I have given that assurance over here as well. Beyond that I do not think it will be possible for me to go. Because, to give a very definite date about it is, if I may say so, not possible. And I should not like to promise something which I may not be able to fulfil. But I can assure again that the very earliest opportunity will be taken of introducing that Bill.

Shri N. C. Chatterjee: This Dissenting Minute is dated 10th December, 1952. And today is the 10th December, 1953.

An Hon. Member: First anniversary!

Shri N. C. Chatterjee: I hope that at least before the second anniversary runs out the Bill will be before the House.

Dr. N. B. Khare: कब बाप मरेंगे, कब बेल बटेंगे ।

Sardar Majithia: आपसे पहले ।

I should not like to say anything more than what I have already said, Sir.

Mr. Deputy-Speaker: The question is:

“That the Bill further to amend the Cantonments Act, 1924, as passed by the Council of States, be taken into consideration.”

The motion was adopted.

Mr. Deputy-Speaker: Now we will take the Bill clause by clause. There are no amendments to clauses 2 and 3.

Shri Tek Chand: I take it, Sir, that despite there being no amendment one could oppose clause 2. Have I your permission?

Mr. Deputy-Speaker: Certainly.

Clause 2.—(Amendment of Section 2)

Shri Tek Chand: Sir, clause 2(a) gives for the first time the definition of "boundary wall" which means "a wall which abuts on a street and which does not exceed eight feet in height". If this definition is retained, (*Shri Gadgil*: You are against a dead wall!) it will be detrimental to the very object of the Cantonment Act. I think that Government by introducing this definition is introducing something which will make the Act. to that extent, unworkable. If you will be pleased to turn to section 194 of the Act, it says:

"No boundary wall, hedge or fence of any material or description shall be erected in a cantonment without the permission in writing of the Board."

Sub-section 2.

"A Board may, by notice in writing require the owner or lessee of any land in the cantonment—

- (a) to remove from the land any boundary wall, hedge or fence which is in its opinion, unsuitable, unsightly or otherwise objectionable; or
- (b) to construct on the land sufficient boundary walls, hedges or fences of such material, description or dimensions as may be specified in the notice; or
- (c) to maintain the boundary walls, hedges or fences of such lands in good order;"

Now, by means of this artificial definition of boundary wall, you confine it only to that wall which abuts on the street. Supposing I happen to

have a house and on three sides there is land of private owners and on one side there is the street. Thus, that house of mine has one boundary wall only according to this definition, the one that abuts on the street. The other three boundary walls, though they may be demarcating my land and my neighbour's land, nonetheless, they will cease to be boundary walls after this definition is accepted. The result will be, those three boundary walls may have been allowed to fall into decay, they may be bad, they may be ugly, they may be dangerous and the board becomes impotent after this definition is introduced. This word 'boundary wall' does not require a definition. A boundary wall is a boundary wall whether it abuts on the street, or it abuts on private lands owned by others. Therefore, this is a provision which has to be avoided altogether, because boundary wall is not an expression which requires statutory definition. By reducing the ordinary connotation of the word "boundary wall," the Cantonment Board has disabled itself, as under section 194 it cannot direct that there should be a boundary wall on the three sides which do not abut on the street. If there are boundary walls, it cannot direct that they are in a dilapidated condition or are not proper. The result is, by adding this new definition, the Board has, to a very great extent disabled itself from doing things which are necessary in the interests of health, sanitation and safety.

Mr. Deputy-Speaker: Has the hon. Minister anything to say?

Sardar Majithia: I have nothing very much to say except that it was also existing previously though it was not defined. This is just an amplification of what a boundary wall is.

Shri Tek Chand: Contraction, not amplification.

Sardar Majithia: The rest is just building and comes under that definition.

Mr. Deputy-Speaker: Is it necessary to put clauses 2 and 3 separately? The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 4.—(Amendment of Section 4)

Shri N. B. Chowdhury (Ghatal): I beg to move:

In page 1, line 19,

(i) omit "and"; and

(ii) after "Board" insert "and the people of the locality".

Sir, we know the character of the Cantonment Board. It has a nominated President, a nominated official majority. There has been some improvement made by the Select Committee in the other House by making a provision for the consultation of the State Government whenever there is any idea of separating any area or including any area within the jurisdiction of a particular cantonment. That is not sufficient because the Board itself may not have the opinion of the representative of the people. In these cases, it is necessary to ascertain the opinion of the people of the locality also. The civil population in that area may not be properly represented in that particular Board. I think it is necessary to consult not only the State Government and the Board, but the representatives of the people of the locality also. I have moved an amendment that the opinion of the local people should also be taken into consideration before taking any area inside a cantonment or excluding any area from the previous area of that particular cantonment.

Mr. Deputy-Speaker: Amendment moved:

"In page 1 line 19.

(i) omit "and"; and

(ii) after "Board" insert "and the people of the locality".

Shri S. S. More: I have not suggested any amendment; but I want to bring one important matter to the notice of the Minister in charge. In clause 4 of the Cantonments Act, the marginal note is Alteration of limits of cantonments. The Central Government can, by notification, alter the limits of Cantonment Boards or add to the limits of the cantonment areas or exclude some portion from the areas subject to their control. According to this amendment to clause 4, this notification will be issued by the Central Government after consulting the State Government and the Board concerned. You know, Sir, that every area is under the jurisdiction of some body or other, either a neighbouring municipality, or in the case of rural areas, under the jurisdiction of the district board or the taluk board. My submission is this. Whenever any slice of any area subject to the jurisdiction of a neighbouring authority is to be incorporated inside a cantonment area, it is only meet and proper and fair on grounds of natural justice that that particular authority should be consulted and its consent taken. You know, Sir, that under the Constitution, whenever any territorial change is to be effected, so as to affect the area of any State, that State ought to be consulted and its consent practically taken for the alteration. There is no such provision here. A sort of autocratic power is being given. I do not understand the propriety of consulting the Board concerned. The Central Government is not an authority on the spot. The Board concerned will be making some proposal for the acceptance of the Central Government and the Central Government acting on the recommendation or representation of the Board concerned, will be issuing this notification. Again consulting that Board is absolutely meaningless. Because, the Board is the claimant and asking the claimant whether he should have this particular area which he is claiming, is ridiculous. Therefore, my submission is that the Government has to safeguard

[Shri S. S. More]

not only the interests of the Cantonment Board authorities, but also the interests of all the local bodies in the country, and, as stated in the Constitution, even the panchayats. Supposing the village is under a panchayat, the Government, on the exparte representation of the Cantonment Board, will absorb that village under the Cantonment Board, and the panchayat will be hanging in the air like Trisanku. I believe that there will be no land or territory which is not within the jurisdiction of any local authority. In the case of those areas which are under the jurisdiction of any local authority, the Government should consult that particular local authority which is going to be affected along with the people. Why do we say that the people ought to be consulted? Let them decide under whose authority they will live. It will be a sort of a referendum, ascertaining in a democratic manner the will of the people. Therefore, I would rather support that amendment. I would further make a suggestion to the Government that they should, of their own accord, amend this particular clause and at least lay down specifically a convention by their own executive orders that whenever a territory or some part of territory is subject to the jurisdiction of any local authority or local body, is to be incorporated in a cantonment, then this particular local authority should be consulted. The same thing may happen also. When a local authority's means are limited, the Cantonment may say: "Well, we want to exclude from our jurisdiction this particular area." Now, what will happen to the people in that area. They will be deserted, left away, kicked out by the Cantonment authority, because they will be excluded by the Notification. The other body will not be prepared to accept them. If there are certain amenities provided in that particular area, when it is excluded from the Cantonment, there will be no one to take care of the public buildings etc., and therefore I say that a sort of no man's land will be created between

the Cantonment area and the adjoining area. Therefore, I would make an appeal to the Deputy Minister in charge to see whether my argument appeals to him. At least if he gives an assurance that proper orders will be issued in that respect implementing in substance what I have said, for the present I will be satisfied with that.

Shri N. M. Lingam (Coimbatore): I have an Amendment to that effect.

Mr. Deputy-Speaker: I will call upon Mr. Lingam also to move his Amendment, and once for all the Deputy Minister may reply.

Shri N. M. Lingam: I beg to move:

In page 1, line 19,—

(i) omit "and"; and

(ii) after "concerned" insert "and neighbouring local bodies".

I shall be very brief. I thought it was quite necessary that before enlarging the jurisdiction of the Cantonment Boards area, the Central Government should consult not only the Cantonment Board affected, but also the neighbouring local bodies.

It is true, Sir, that according to the Act, the provincial Government, before forwarding its views to the Centre, has to obtain the views of the public of the locality affected.

Shri S. S. More: Is there any law to that effect?

Shri N. M. Lingam: In the Cantonments Act as at present, there is a specific provision that the local Government, before forwarding its views to the Centre, should ascertain the opinion of the public and apprise the Central Government of the reactions of the locality which is affected either by excision of the existing Cantonment area or by inclusion of new areas. But, even so, it is necessary that the statutory authority affected should have a voice in the matter. It is usually a Municipal body or a Panchayat Board. It is a salutary principle for the Centre to know first hand the reactions of the statutory body, because it is the Panchayat or

the Municipality that has to bear the brunt of the new area if a portion of the Cantonment is excised and transferred to the Municipal area.

We have also to remember that the standard of services in the Cantonment area are generally of a high order. The sanitary conditions, public health services and other amenities are maintained at a high level of efficiency, and we must see that the standard around the Cantonment area is not lowered by transferring a burden to the local authorities in contiguous areas. So, to the Centre to come to a proper decision on this question of change of jurisdiction, it is best to have the views of the local body affected on all aspects, financial and otherwise. I know, Sir, certain local bodies have been financially seriously crippled by the transfer of areas to them and, on the other side, we have to see that a productive area in an existing local body is not taken over by a Cantonment area. For instance, it is possible for the Cantonment area to lay hands on a highly remunerative area, an area where industries are concentrated, so that they may get a good slice of the revenue of the local body by way of licence fees and other taxes. So, from the point of view of revenue, geography and proper development of the local areas concerned as well as of the Cantonment Board, it is absolutely necessary that the Central Government gets the views of the local authority not through the State Government, but direct.

Sir, I move.

Mr. Deputy-Speaker: Now, the other Amendment by Mr. Bhakta Darshan. If he wants to speak, he can speak. If he wants also to move, it is only another form of the Amendment already moved.

Shri Bhakta Darshan: I beg to move:

In page 1, line 19,

(i) omit "and"; and

(ii) after "concerned" insert "and the contiguous local authority"

उपाध्यक्ष महोदय, मैं अपने संशोधन को इन शब्दों के साथ प्रस्तुत करता हूँ कि मेरा जो मंतव्य है, वह श्री लिंगम और श्री एन० बी० चौधरी के संशोधनों से पूरा हो जाता है, लेकिन मेरा अनुमान है कि मेरे संशोधन की जो शब्दावली है, वह ज्यादा उपयुक्त है। श्री एन० बी० चौधरी का कहना है : "and the people of the locality"। मैं भी इस बात में सहमत हूँ कि जो वहाँ उस इलाके की जनता है, उसकी राय ली जाय; उसकी राय लेने के वास्ते कौन सा साधन अथवा संस्था होगी, इसका भी स्पष्टीकरण किया जाना चाहिये और मैं समझता हूँ उनके संशोधन में यह त्रुटि है। श्री लिंगम ने अपने संशोधन में कहा है : "and neighbouring local bodies"। मेरी समझ में नहीं आया कि किस कैंटूनमेन्ट बोर्ड के समीप एक से अधिक म्युनिसिपल बोर्ड हो सकते हैं; कई लोकल बाडीज़ साथ नहीं हो सकतीं, ऐसा मेरा विचार है और इसलिये मैंने अपना संशोधन रखा है : "and the contiguous local authority"। चाहे उस में काटना हो या चाहे उस संस्था को देना हो, यह तो अनिवार्य है कि वहाँ की संस्था का भी उस में सहयोग लिया जाय और उसका परामर्श लिया जाय। मैं समझता हूँ कि इसमें माननीय मंत्री महोदय को ऐतराज नहीं होना चाहिये और इसको स्वीकार कर लेना चाहिये।

Sardar Majithia: Mr. Deputy-Speaker, the position is quite simple. I am sorry I should have dealt with this in my opening remarks, and possibly this may not have been moved, but the position is that the State Government concerned always gets the reactions not only of the local population, but also any local Board which may be there, and it is only after when they have agreed to it, that they pass on their agreement to

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the Central Government and therefore that question will never arise.

Mr. Deputy-Speaker: Is it necessary to put any of these Amendments to vote?

Shri N. B. Chowdhury: Yes, Sir.

Mr. Deputy-Speaker: Mr. Lingam.

Shri N. M. Lingam: I do not press.

Mr. Deputy-Speaker: Mr. Bhakta Darshan.

Shri Bhakta Darshan: I am not pressing.

Mr. Deputy-Speaker: The question is:

In page 1, line 19,

(i) omit "and"; and

(ii) after "Board" insert "and the people of the locality".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5.—(Amendment of Section 12)

Shri N. B. Chowdhury: I beg to move:

In page 1, line 27,

for "a Military Officer" substitute "an Officer".

Mr. Deputy-Speaker: I will ask the other hon. Members also who have tabled Amendments, and once for all on all the Amendments as well as the Clause discussion will be allowed, instead of asking Amendment after Amendment.

Shri N. B. Chowdhury: I have only this Amendment.

Mr. Deputy-Speaker: I will call him again.

Mr. Bhakta Darshan.

Shri Bhakta Darshan: I beg to move:

In page 1, line 27,

after "Military Officer" insert—

"who has previously served as a member of the Cantonment Board".

In page 1, after line 29, add—

"Provided further that if a vote of no-confidence is passed against an Executive Officer, by the Cantonment Board with which he is serving, he shall immediately be transferred to some other Board; and in case similar votes of no-confidence are passed against him by two more Cantonment Boards, he shall be dismissed."

Mr. Deputy-Speaker: Hon. Members may address themselves to the Clause as well as the Amendments. Amendment moved:

In page 1, line 27,

for "a Military Officer" substitute "an Officer".

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Shri N. B. Chowdhury: Here it has been provided that during the absence of the Military Land and Cantonments Officer a military officer may be appointed as the Executive Officer for a period not exceeding three months. The expression "not exceeding three months" was not in existence previously. This is an improvement, but why should a Military Officer be compulsorily appointed. We have already pleaded that the Board should be further democratised, and that it should be an elected body, with an elected president. But that has not been accepted. However, we do not see any reason why an officer who is competent to deal with the necessary work, an officer who might have gained experience, having been associated with the cantonment administration for some time, or any

other person who is an elected member of the Board should not be entrusted with the work. The work of cantonment administration being of a technical nature, the executive officer has to know many things about the rules, and the various Acts prevailing in the cantonment area. So, a military officer who may not know all these technicalities cannot successfully carry on his duties, and satisfy the needs of the people. So it should not be made obligatory to appoint a military officer. Even a civilian officer who may have received the necessary training in public administration or known the technicalities of administering local bodies or any other person who might be residing in that cantonment and might have acquired sufficient experience with regard to the administration of that particular cantonment, can be appointed as the executive officer. I therefore submit that the word 'military' should be removed, so that there may be some scope for other persons also who are acquainted with the work of cantonment administration, to serve as executive officer, during this period.

श्री भक्त बर्षान : उपाध्यक्ष महोदय, मुझे यह निवेदन करना है कि पहले संशोधन के सम्बन्ध में मैंने यह रक्खा है कि "बीच में भ्रन्तकालीन व्यवस्था के तौर पर अगर किसी फौजी अधिकारी की नियुक्ति भी की जाय तो उस को पहले कभी कैंटोनमेंट बोर्ड का मेम्बर जरूर रहा होना चाहिये"। जैसा कि पहले मैंने अपने निवेदन में बतलाया था कि सारी सत्ता एग्जिक्यूटिव आफिसर के हाथों में रहती है। अगर वह अनुभवहीन हुआ तो मैं समझता हूँ कि और भी प्रशासन में खराबियाँ आ जायेंगी। जैसा कि सभी को मालूम है कैंटोनमेंट बोर्ड में सरकारी कर्मचारियों का बहुमत होता है, इसलिये उन में से ऐसा अधिकारी छाँटा जा सकता है जो कि कुछ दिनों के लिये, जैसी कि व्यवस्था की जा रही है कि अधिक से अधिक

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तीन मास के लिये, एग्जिक्यूटिव आफिसर का कार्य सम्पादित कर सके। मैं समझता हूँ कि इस में कोई विशेष भ्रष्टचन नहीं पड़ेगी। इस से प्रशासन का स्तर अच्छा हो जायेगा और कार्य में भी सुविधा होगी।

दूसरे संशोधन के सम्बन्ध में मेरा निवेदन यह है कि अभी तक यह व्यवस्था है कि जो एग्जिक्यूटिव आफिसर होता है उस की नियुक्ति केन्द्रीय सरकार करती है। मैं नहीं जानता कि केन्द्रीय सरकार का इस बारे में क्या प्रोसीजर है; कोई पब्लिक सर्विस कमिशन बनाया गया है या नहीं, लेकिन जैसा मैंने पहले अपने वक्तव्य में स्पष्ट किया था कि अभी तक एग्जिक्यूटिव आफिसरों पर कोई शंका नहीं है, उन पर कोई नियन्त्रण नहीं है, इस लिये मैं अपने संशोधन के द्वारा इस के अन्दर यह रखना चाहता हूँ कि अगर कोई कैंटोनमेंट बोर्ड किसी एग्जिक्यूटिव आफिसर के विरुद्ध कोई अविश्वास का प्रस्ताव पास करदे तो उस को वहाँ से फौरन स्थानान्तरित तो जरूर कर दिया जाय; और अगर उस के विरुद्ध दो, तीन बार अविश्वास प्रस्ताव पास हो जाय तो उस को सर्विस से निकाल दिया जाय। इस की बहुत अधिक व्याख्या करने की आवश्यकता नहीं है। मैं समझता हूँ कि माननीय मंत्री महोदय इस पर अवश्य विचार करेंगे।

Shri Tek Chand: I feel that the proviso is both unnecessary and also not proper. The proviso which is contemplated in this Bill reads:

"Provided that where a member of the Military Lands and Cantonments Service is not readily available for such appointment, a Military Officer may be appointed as the Executive Officer for a period not exceeding three months:".

The term "a Military Officer" means any officer, howsoever inexperienced or subordinate, and if I might say, he may even be a non-commissioned

[Shri Tek Chand]

officer, because even a non-commissioned officer is a military officer. Therefore, to fill the post of executive officer, even if it happens to be for a period of three months, by a very subordinate and inexperienced person, and to saddle upon him the responsibilities of an executive officer, as contemplated in the Cantonment Act, I submit, is conducive to confusion and maladministration. You will find that under Section 12 of the Act, the appointment of the executive officer is made by the Central Government or by such person, as the Central Government may authorise in this behalf, from the Service of Executive Officers constituted by rules under Section 280. According to those rules, we find that certain qualifications have been given. For instance, under rule 5, it is stated:

"Appointments to the Service shall be made by the Central Government by selection from among candidates recommended by the Federal Public Service Commission"—now, of course, the Union Public Service Commission.

When such rules are there, and competent persons are available, I do not think there is likely to be at any time dearth of persons possessing the usual qualifications of an executive officer. It should not be difficult to have competent executive officers, who understand the Cantonment Act and the rules made thereunder I feel therefore that we should not entrust this very responsible function to a man who may be the junior most military officer.

Shri N. M. Lingam: Mr. Deputy Speaker, Sir, I think there is a misconception about the scope of this amendment.

Shri S. S. More: Misconception with whom? With Government?

Shri N. M. Lingam: About the scope of the amendment.

Mr. Deputy-Speaker: Misunderstanding.

Shri N. M. Lingam: I stand corrected, if the expression I used is not all right.

The Cantonment Board does contain a nominated element, it has several officers nominated by the Government, in addition to the Executive Officer. It also has a Health Officer, and an Engineer. Under the Act, the powers of the Board and its president could be delegated to any one of the officers or members. But Government do not want to do it. It could also authorise one of the nominated members to act for a period not exceeding three months, if no executive officer is readily available for appointment. But it is, in order to widen the scope for the choice of a proper executive officer, even though he is to be appointed temporarily, that this Section is sought to be amended. The real intention is to see that the most suitable person, if one is not available within the Board, is appointed as the Executive Officer, in the vacancy of a permanent Executive Officer. So, it is wrong to assume that only an inexperienced officer will be appointed, just because the clause provides for any military officer to be appointed. The real intention behind this clause is that Government should have a free hand, so that the most suitable person may be appointed for that post. I think therefore that the Opposition amendment is not necessary.

Sardar Majithia: Mr. Deputy-Speaker, Sir, regarding the amendments moved, I will take the amendment by Shri Chowdhury over there first. To begin with, this is an appointment which only visualises a temporary vacancy. For instance, the executive officer falls sick or goes on leave. You have to fill in that gap by an officer only for that short period, and therefore the period of three months has been laid down. As regards the point that it should be 'any officer', I am afraid I am not able to accept that because he must be an officer who understands the military aspect of the question in the cantonment and therefore he must be a military officer.

So far as the other amendment is concerned and the reference made by my hon. friend, Shri Tek Chand, that he can be any officer, even a non-commissioned officer, that is not a fact, because an officer as defined in this Act means a commissioned officer and not a non-commissioned officer. So that will never arise. And I hope you will give us the credit that we will put in only a person who is suitable for that job and not an inexperienced officer. Therefore, I feel that these amendments are not necessary.

As regards the amendment of Shri Bhakta Darshan, about the non-confidence motion, I beg to submit that these are officers who are controlled by the Central Government and are amenable to all the Acts and the rules that are there for the governing of the other officers, and therefore, even that is not necessary.

Mr. Deputy-Speaker: Need I put the amendment of Shri N. B. Chowdhury to vote?

Shri N. B. Chowdhury: Yes, Sir.

Mr. Deputy-Speaker: The question is:

In page 1, line 27,

for "a Military Officer" substitute "an Officer".

The motion was negatived.

Mr. Deputy-Speaker: Shri Bhakta Darshan's amendment.

Shri Bhakta Darshan: I am not pressing my amendments.

Clause 5 was added to the Bill.

Mr. Deputy-Speaker: Why is the voice so feeble?

Shri S. S. More: They have no heart in the Bill.

Clause 6 was added to the Bill.

Clause 7 — (Amendment of Section 28)

Mr. Deputy-Speaker: We have had a long discussion over this. So generally hon. Members will be brief.

Shri N. B. Chowdhury: Sir, we oppose the entire clause. We think it is necessary to delete the clause altogether. Here the extra provision has been made that any person who is a member of any other local authority—may be a local body—would be debarred from becoming a candidate for election to the Board. Sir, this is an addition to the provisions which exist in the original Act describing the disqualifications of members for election to the Board. There are so many disqualifications. This was not in existence in the previous Act. This has been provided for in this amending Bill. We do not understand why there is a necessity to make a provision like this.

Now, there are persons who are serving very efficiently in more than one institution, more than one local body, which may exist side by side. So it is not at all in keeping with the provisions of article 13 of the Constitution which describes the fundamental rights.

Mr. Deputy-Speaker: Will there not be conflicting interests if they are side by side? Suppose there is some boundary dispute.

Shri N. B. Chowdhury: Here is a general provision. If you take that into consideration, then there should have been a qualifying word to indicate that in case there is a dispute between the local bodies on conflicting interests...

Mr. Deputy-Speaker: It may arise later.

Shri N. B. Chowdhury: In that case the Member concerned may not have the right to vote or participate in the proceedings of the meeting. That provision may be made. Nothing of that sort exists. Simply debarring from becoming a candidate for election to the cantonment board is not a proper thing, and we think it is against the canons of democracy. We cannot support it.

Shri S. S. More: Sir, I support the constitutional argument which has

[Shri S. S. More]

been advanced. If we look to section 28, every person who is on the electoral roll of a cantonment is entitled to be a candidate, subject to certain exceptions mentioned. As a matter of fact, Sir, I can point out that these disqualifications are more sweeping than the disqualifications which have been mentioned in our Constitution for a man to become a Member of this House or the Member of a State legislature. I will refer you to one clause—clause (a).

“No person shall be qualified for election or nomination as a member of a Board, if he has been dismissed from Government service and is debarred from re-employment therein; or is a dismissed servant [of a Board or an authority which before the commencement of the Cantonments (Amendment) Act 1936, exercised and performed the powers and duties of a Cantonment Authority under this Act]”.

Now, if we go to the relevant provisions of the Constitution and the relevant provisions, particularly sections 7 and 8. of the Representation of the People Act, section 7 does create a disqualification, but under section 8 of the Representation of the People Act there is a proviso that a person who has been dismissed for corruption or a person who has been dismissed for disloyalty to the State alone shall not be entitled to be a candidate either for a State legislature or to the House of the People. A Government servant dismissed for any other cause has to produce a certificate from the Election Commissioner saying that he was not dismissed for corruption or disloyalty. Here a sweeping statement has been made. You know, Sir, the attitude of the official majority. A Government servant who has honestly tried to serve the people may incur the wrath of the bosses dominating the Cantonment Board and he may be dismissed. There may be no moral turpitude. As a

matter of fact, a man may be dismissed for his other views or for his straightforwardness or something else. It may be treated as a sort of disqualification by the administrators. Such a man is entirely debarred for life—not for any particular period. He is debarred for life from becoming a member, being elected or nominated. My submission is—I am not going into this clause, Sir—that these original provisions are already reactionary, rigid and retrograde. In addition to that, another provision is being sought to be added by this clause 7.

Now you asked the question, and very properly, ‘suppose a conflict ensues’. If a conflict ensues between the interests of two local authorities, the man may find himself in a very awkward situation. Take, for instance, the provision of our Constitution. Article 101 says that no person shall be a Member of both Houses of Parliament together. No person shall be a Member, at the same time, both of Parliament and of a State legislature. But when is he given that option? A man may be a candidate for both Houses. A man may be a candidate for the House of the People and for a State legislature. He might get himself elected. There are many instances of persons who have been elected both to the House of the People and a State legislature. Then the Constitution says: well, after he is elected, within a certain time, he has to make a choice as to whether he will remain in the House of the People or he will remain in the State legislature. Here it is initial disqualification. He cannot be a candidate even. I can very well understand the other thing. As a matter of fact, I am one of those who support the view that persons must be pinned down to a particular institution. I would rather say that a Member who is in Parliament should not be allowed to be a Member of any local authority, because he cannot devote so much attention to the affairs of the local

authority. Therefore, he stands, in a way, between two stools; that should not happen. But this is absurd. Supposing a man resides in the area of a panchayat but he has got a business in the area of a cantonment authority. He might be a member of the panchayat and in order to safeguard his business interest, as a representative of the business community in the cantonment area, he may offer himself as a candidate for the cantonment election. Possibly he may get elected. Then, Government may say, 'You are a member of a local authority, you now make up your mind whether you want to be a member of the panchayat or whether you would like to shoulder the new responsibility thrown on your shoulders by the electorate of the cantonment.' I quite understand that sort of logic. But, here it is autocratic and unconstitutional, barring persons whose names are on the electoral list from contesting the elections. As a matter of fact, it is just a caucus being created. Possibly a man working in the adjoining local authority may have ample knowledge and experience. I do not understand why Government should place such a man under a disadvantage.

There is another point, Sir. Cantonment Board is also a local institution. Is there any other provision in the whole of this country which says that a person shall not be a member of two municipalities or that a person should not be both a member of a local authority and a municipality? In the absence of any such provision, my submission is, that it is only saddling those persons who are members of a local authority adjoining a cantonment area and debarring them from contesting the elections in the cantonment. It is absolutely unfair and, if I may say so, unconstitutional. Of course, I cannot raise it as a point of order as the practice of the House has been that on all points of a matter being *ultra vires* or on constitutional things, the Chair refuses to give any ruling. But, I have got

my own opinion, Sir, that this matter will conflict with the Constitution and it is likely to be knocked out in a proper court if the matter is taken up.

Sardar Majithia: Mr. Deputy Speaker, Sir, you have rightly hit the nail on the head when you said that supposing there is a conflict all that we are trying to do is to ask the members to make up their minds even before, so that there should be no conflict at all and they should decide which body they want to be members of even right from the beginning and not go on with unnecessary expenditure which they generally incur to get themselves elected.

Shri K. K. Basu (Diamond Harbour): Very good of you.

Shri S. S. More: Constitutionally not wrong?

Sardar Majithia: That is not constitutionally wrong, because as you said there is already a section that you cannot be member of two Houses or a Member of this House and the State Legislature. That analogy holds good.

Mr. Deputy-Speaker: I should tell hon. Members that whoever wants to have a clause moved must support it by a good voice. Am I to divide one against the other. I will put it to the vote of the House. The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clauses 8 to 24 were added to the Bill.

Clause 1— (Short title)

Amendment made:

In page 1, line 3, for "1952" substitute "1953".

—[Sardar Majithia]

Mr. Deputy-Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the enacting Formula were added to the Bill.

Sardar Majithia: I beg to move:

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

REPEALING AND AMENDING BILL

The Minister of Law and Minority Affairs (Shri Biswas): I beg to move:

"That the Bill to repeal certain enactments and to amend certain other enactments, as passed by the Council of States, be taken into consideration."

Sir, this is one of the usual Bills which do come up before Parliament from time to time in order to remove from the statute book Acts which have either become obsolete or which have spent themselves out and so on. You find three schedules in the Bill. The first schedule deals with Acts which are going to be repealed; the second schedule includes a number of Acts which are declared to be no part of the laws of India and the third schedule contains a list of Acts which are proposed to be amended in the manner indicated.

[MR. SPEAKER *in the Chair*]

Sir, I do not think that there is any objection in respect of any of the Acts included in these three schedules. It is more or less of a formal nature and I move that the Bill be taken into consideration.

Mr. Speaker: Motion moved:

"That the Bill to repeal certain enactments and to amend certain other enactments, as passed by the Council of States, be taken into consideration."

Shri V. P. Nayar (Chirayinkil) rose—

Mr. Speaker: I think if the hon. Member wishes to make a speech, we shall adjourn at this stage and take up the other subject because there are hardly two or three minutes.

Shri V. P. Nayar: I will just speak for a minute.

An Hon. Member: He may be on his legs.

Mr. Speaker: I have not allowed him to speak. I will have it in mind that he was on his legs.

PARLIAMENTARY CONTROL OF PUBLIC CORPORATIONS

Dr. Lanka Sundaram (Visakhapatnam): I am raising this debate on Parliamentary control of Public Corporations with a sense of tremendous urgency. This is not an academic discussion, Sir, nor am I speaking with any sense of levity or only with the desire to score a few debating points. Frankly, Mr. Speaker, Sir, my intention is to strengthen.....

Mr. Speaker: I just forgot to mention one thing. The matter is, of course of great importance and I find a large number of hon. Members are anxious to say something. Therefore there should be some time limit. I do not want just now to impose any time limit but we must bear in mind that the discussion must end at some time.

Dr. Lanka Sundaram: I am entirely in the hands of the Chair, Sir.

Shri S. V. Ramaswamy (Salem): The matter is of very great importance and it involves a lot of expenditure of the public money in these corporations. Therefore the debate