

THE CANTONMENTS (AMENDMENT) BILL, 1990

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI LALIT VIJAY SINGH): I seek your permission to move:

"That the Bill further to amend the Cantonments Act, 1924, as passed by the Lok Sabha, be taken into consideration."

For information of the House, I beg to say that there are 62 Cantonments in the country, and these are at present administered under the Cantonments Act, 1924.

[The Vice-Chairman (Dr. Nagen Saikia) in the Chair].

The Act regulates measure, as is known to the House, to provide appropriate accommodation for the members of the armed forces and their families to ensure their health, welfare and security. Besides the armed forces and their families, there is a substantial civilian population in almost all the cantonments. The civic administration of the cantonment area is managed by the Cantonment Boards constituted under the Cantonments Act, 1924. The Boards are statutory bodies and their main functions are similar to those of municipal committees/corporations. The Boards consist partly of elected members and partly of nominated and ex-officio members. The term of the elected members on the Board is five years. They are elected on the basis of adult franchise.

The reason for moving this amendment is that according to section 27 of the Cantonments Act, the qualifying age of enrolment as eligible to vote at the election of members of the Cantonment Boards is 21 years. Article 326 of the Constitution has been amended by Constitution (Sixty-first) Amendment Act of 1988 with effect from 28th March 1989 to reduce the voting age from 21 years to 18 years for the election to the House of People and the Legislative Assembly of every State. Some of the State Governments have also adopted 18 years of age for election to the local offices. Because of this, we have introduced this Bill in the House for consideration in consonance with the amendment to the Constitution. The Cantonments Act section 27 may also be amended to bring down the voting age from 21 years to 18 years for election of members of the Cantonment Boards. Lok Sabha has already passed this Bill and a copy each of the draft Bill, the Statement of Objects and Reasons and the Financial Memorandum have been circulated along with the Bill. All the 62 cantonments at present have regular Boards. Elections in 49 cantonments are due in the month of December 1990/January 1991 in 9 cantonments on different dates in 1991 and in 4 cantonments in 1992. In order to bring voting age in consonance with Constitution we wanted to bring forward this Bill. Elections have been deferred in 54 Cantonment Boards up to 30th November, 1991, where elections were due in 1990-91. Therefore, Sir, I seek the approval of

the House in regard to the reduction in the voting age from 21 years to 18 years so that elections can be facilitated in these Cantonment Boards

The question was proposed

THE VICE-CHAIRMAN (DR NAGEN SAIKIA): Now, the Motion is before the House. We have two Members who want to speak on this. Mr Kapil Verma. Please be brief.

SHRI KAPIL VERMA (Uttar Pradesh): Mr Vice-Chairman, Sir, I welcome this Bill and support it because the voting age is being reduced from 21 years to 18 years. This has already been done in the case of Parliament, State Assemblies and the Municipalities and therefore, there is no reason why it should not be done in the case of these Cantonment Boards also. Therefore, this is being done here so that there is uniformity.

Reduction in the voting age alone is not enough. The youth have many problems and these have to be solved. The unemployment problem is there. There is a demand for the right to work. The previous Government made announcements about this concept without caring for the cost which it would entail. Obviously, it cannot be implemented within a short time. I hope, as a distant target, it will be implemented, depending upon resources.

Then, I would like the hon. Minister to bring forward a comprehensive Bill because this Act dates back to 1924. Many things have changed since then. At that time,

the Cantonment Board areas were very small and the civilian population around it was also very small. Now, the civilian population has grown. There are people who serve the Armed Forces personnel, workers, shopkeepers, etc. There are big markets. These people have their own problems and they have their own rights. These are not being fulfilled. In this connection, I would like to suggest that there must be some kind of a Municipal Committee. The Government must consider the setting up of some such Committee to look after their interests because there are little amenities, little water, no health care services, bad roads, etc. Therefore, you should think of some such Committee to look after their interests.

While on this, I would also suggest that the Boards' functioning must be democratised. I will give an example. In Lucknow, there is a Committee of 15. The number of elected Members is 5 or 7. These elected Members have been expelled. You can understand the absurdity of the situation. This is the position in a place like Lucknow where the Cantonment Board is very important. The hon. Minister must look into this and see how this happened. The military officers are there all right, but they do not have the powers to expel the Members who have been elected to the Cantonment Board by the people in that area.

Another point is, in Lucknow, there is a Church which dates back to Queen Victoria's time. Perpetual

[Shri Kapil Verma]

lease was given to this. But the people who go to worship there are being greatly inconvenienced. This is because the part of the land appurtenant to that Church and the compound has been taken over, has been grabbed, a building has come up. As a result of this, the people are finding it inconvenient to worship there and many difficulties are being experienced by them. The local population, the Christians and others, approached the Defence Minister. He promised that something would be done, but nothing has been done so far in this regard.

Before concluding, I would like to refer to a very important thing, namely, land-grabbing. I have given one example. This is a disturbing trend. Very valuable land in the Cantonments are being grabbed by important politicians. I would not mention the names. I would not mention the parties. But this tendency is there. By using their influence, local influence they are grabbing land. They get very valuable land at very cheap rates. The hon. Minister must look into this. This problem is there in U.P. In Allahabad, in Lucknow and in other places, this is happening. Something should be done immediately in this regard. This is very important.

In the end, I would once again repeat my request. Please do something for the youth of the country and try to solve their problems so that there will be no self-immolation, there will be no agitations and there

will be no violence. Reduction in age from 21 to 18 years is welcome but this must be accompanied by certain measures for solving the problems of the youth.

SHRI SUNIL BASU RAY (West Bengal). Sir, I support this Bill which has come somewhat late. Had it come earlier, the deferment of election to so many Cantonment Boards would not have been necessary.

As there is not much to say, certain vital aspects should not be ignored even at this stage. The Minister himself has said that in the cantonment areas nowadays not only military personnel live but civilian population in substantial number also live there. About their welfare, civic amenities etc. very little is being done by the Cantonment Boards. This leads to alienation between the civilian and military personnel which is undesirable. So the Cantonment Boards' funds and activities should be so reorganised, re-oriented that the unity between the civilian population and military personnel is established and developed.

I think the functioning of the Board itself suffers from certain undemocratic procedures. Why should there be any nomination even now? Earlier it was there to suit the interest of the British, but today we are a democratic country, we want our democratic people to be more united in their daily life. We should lay more emphasis on direct election to all the posts that may be there in the Cantonment Boards. I think the Government should consider this and come out with necessary amendments.

Thirdly, the hon. Minister has said that the functions of the Cantonment Boards are similar to those of municipalities. This does not explain everything. The functions of municipalities differ from the functions of

the Cantonment Boards in many ways, especially in the financial matters, in the matter of providing amenities and other services. So, I think this blanket reference is not helpful. What are the functions of the Cantonment Boards and how they are functioning, all these things should be placed before this House. This Act is being administered from the Defence Ministry and so this House has a right to know about the activities and functions of the Cantonment Boards on which depend the moral or the army personnel. That is why it is necessary. With these words I support the Bill.

श्री मोहम्मद खलीलुर रहमान (आन्ध्र प्रदेश) : जनाब वाइस चेरमैन साहब, यह जो बिल मे अमेंडमेंट लाया गया है, उस अमेंडमेंट को फुल्ली सपोर्ट करता हूँ। इस किसम का अमेंडमेंट बहुत पहले ही लाया जाना चाहिए था। खैर, देर आए, दुस्त आए। अब जो अमेंडमेंट लाया गया है, बजाए 25 साल के 21 साल की जो उम्र रखी गई है, वह बेहद जरूरी है और जब कि पंचायत राज्य के इरादे हैं, म्युनिसिपैलिटीज हैं, जिला परिषद हैं, ग्राम पंचायत हैं, हरेक में जब उम्र के तालुक से अमेंडमेंट किए गए हैं, तो जरूरत इस बात की थी कि कंटोनमेंट बोर्ड्स में जो अभी राइट अफ फेचाइस होता है, उसमें भी यह बेहद जरूरी था। इसलिए ये जो अमेंडमेंट्स लए गए हैं, इन अमेंडमेंट्स की मैं भरपूर ताईद करता हूँ।

†[شری محمد خلیل الرحمن
(آندھرا پردیش): جناب وائس
چیمبر مین صاحب یہ جو بل میں
امندمنٹ لایا گیا ہے۔ اس امندمنٹ
کو فلی سپورٹ کرتا ہوں۔ اس
قسم کا امندمنٹ بہت پہلے ہی
لایا جانا چاہئے تھا۔ بھر۔ دیو
اُنے درست اُنے۔ اب جو امندمنٹ

لایا گیا ہے۔ بجائے ۲۵ سال کے ۲۱
سال کی جو عمر رکھی گئی ہے۔
وہ بےحد ضروری ہے اور جب کہ
پنچایت راج کے ادارے یعنی میونسپلٹی
ہیں۔ ضلع پریشہ۔ میں گرام پنچایت
ہیں۔ ہر ایک میں جب عمر کے
تعلق سے امندمنٹ کئے گئے ہیں۔
تو ضرورت اس بات کی تھی کہ
کونسلٹ بورڈس میں جو واؤٹ اف
فرینچائز ہوتا ہے۔ اسی میں بھی یہ
امندمنٹ بےحد ضروری تھا۔ اسلئے
یہ جو امندمنٹس لائے گئے ہیں۔
ان امندمنٹس کی میں بھر پور
تائید کرتا ہوں۔]

SHRI LALIT VIJAY SINGH: Sir, I am grateful to the House for supporting the Bill wholeheartedly. Some points were raised about introduction of a comprehensive Bill. I will study and see. If it is necessary to improve the working of the Cantonment Boards, we will come before the House with necessary amendments for its approval. Now, a point was raised about the welfare of the civilian population. As you know, by its very nature, the Cantonments are made to service the Defence personnel, and all the civilian population who stay there are there to help the military personnel or are engaged by them in ancillary services. As regards their representation, it is very much inbuilt in the system. So, the civilian population is always allowed to have its say in the running of the day-to-day affairs of the Cantonment Boards.

As you will kindly note, Sir, Cantonment Boards are divided into three categories. I will say, just for your information that in Class I the total membership is 15, of which seven are elected. In the same way, in Class II, while the nomination is only of four, the elected members are six. So they are very much represented there and the provision for nomination has been made because

[Shri Lalit Vijay Singh]

of the very nature of the Cantonments, that the majority of the population in the Cantonments, generally, is of Defence services and the very purpose for which the Cantonment Boards are functioning is to serve them and so the nomination is made with a purpose to serve their welfare and other activities.

As regards the particular question raised about the removal of some members from the Lucknow Cantonment Board, I beg to submit that there is a provision for removal under action 34 of the Cantonments Act of 1924. And if it is felt that these provisions have not been complied with, have not been taken notice of while removing those members, I assure the House that I will look into it.

श्री कपिल वर्मा : आप उसकी इक्वायरी कीजिये कि जस्टिफाई था या नहीं ? इलैक्टड मेम्बर्स हैं, उसकी इक्वायरी कीजिये । आपके डिफेंस मिनिस्टर ने एश्युरेंस दिया था उस पर ।

SHRI LALIT VIJAY SINGH: I will look into it

SHRI KAPIL VERMA: Have you received it?

SHRI LALIT VIJAY SINGH: I have noted it. .. (Interruptions) . We have not received any complaint so far about the general allegation about the alienation of civilian population from the Army population. They are serving together, they are working in harmony and there are absolutely cordial relations between them. The Cantonments, within their resources, are functioning well.

Sir, I would like to submit that the Cantonment Boards have very limited power to levy resources, and the Central Government comes to their aid as and when necessary. There is always a budget provision from the Central Government for coming to their aid. Last year also—in 1990-91—the Government had made a provision of Rs. 9 crores for meeting their

budget. Therefore, these things are there. If there is any specific complaint, I will look into it.

श्री कपिल वर्मा : लखनऊ का चर्च ।

SHRI LALIT VIJAY SINGH: About that church business, the allegation has been made and I accept that there has been some encroachment on that, long back. It has been coming for a long time. We have taken steps to look into that and find out whether it has been illegal, and if it is found that it has been illegally encroached upon, then certainly we will take recourse to law and see that the Cantonment lands are well preserved and what belongs to whom will be kept, will be honoured.

With these words Sir, I request the House that the Bill may kindly be passed and the small amendment which I will be moving may kindly be adopted.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): The question is

"That the Bill further to amend the Cantonments Act, 1924 be taken into consideration."

The motion was adopted.

श्री शंकर दयाल सिंह (बिहार) : अगर चेलेंज कर दें तो इनका बिल गिर जायेगा ।

श्री सुरेन्द्रजीत सिंह ग्रहलुवालिया (बिहार) . करिये, करिये ।

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): We shall now take up clause-by-clause consideration of the Bill.

Clause 2 was added to the Bill.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): We shall now take up clause 1. There is one amendment by the Minister.

Clause—1

SHRI LALIT VIJAY SINGH:
Sir, I beg to move:

— "That at page 1, line 3, for the figure '1990' the figure '1991' be substituted."

The question was put and the motion was adopted.

5 P M

श्री कपिल वर्मा : इलैक्शन कब होंगे ?

SHRI LALIT VIJAY SINGH. As already said, between September and November 1991 We require this time for revision of the electoral rolls

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): I shall put clause 1, as amended to vote. 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 Bills.

The Enacting Formula and the Title were added to the Bill

SHRI LALIT SINGH: I move:

"That the Bill as amended, be passed"

The question was put, and the motion was adopted.

STATUTORY RESOLUTION APPROVING PRESIDENT'S PROCLAMATION UNDER ARTICLE 356 IN RELATION TO GOA

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): We shall go to the next agenda item, the Statutory Resolution Shri Subodh Kant Sahay to move the Resolution.

गृह मंत्रालय में राज्य मंत्री तथा सूचना और प्रसारण मंत्रालय में राज्य

मंत्री (श्री सुबोध कांत सहाय) : महोदय, मेरा कहना है :

"कि यह सदन सविधान के अनुच्छेद 356 के अधीन गोवा राज्य से सबधित राष्ट्रपति द्वारा 14 दिसम्बर, 1990 को जारी की गई उद्घोषणा का अनुमोदन करता है।"

गोवा के राज्यपाल की रिपोर्ट और उद्घोषणा की प्रतिया सदन के सभा पटल पर रखी गई है।

गोवा के राज्यपाल ने भारत के राष्ट्रपति को सम्बोधित अपनी 11 दिसम्बर, 1990 की रिपोर्ट में गोवा में चल रही राजनीतिक स्थिति का मूल्यांकन किया था। राज्यपाल ने उल्लेख किया था कि महाराष्ट्रवादी गोमातक पार्टी (एम जी पी) द्वारा मुख्य मंत्री डा लुइस प्रोटो बारबोसा से समर्थन वापस लिए जाने के कारण राज्य में राजनीतिक स्थिति अनिश्चित हो गई है। मुख्य मंत्री और भूतपूर्व उप मुख्य मंत्री दोनों ही बिना किसी निश्चित सबूत के बहुमत का दावा कर रहे हैं। राज्यपाल ने यह भी संकेत दिया था कि दानो ग्रुपों की संख्या का सदन के पटल पर परीक्षण करने के लिए उन्होंने 4 दिन का नोटिस देकर 10 दिसम्बर, 1990 को विधान सभा का सत्र बुलाया है, ताकि वे अपने-अपने दावों को सिद्ध कर सकें। राज्यपाल ने रिपोर्ट दी कि मुख्य मंत्री ने अपनी मंत्री परिषद् के साथ 10 दिसम्बर, 1990 को प्रातः ही त्याग पत्र दे दिया था।

गोवा में चल रहे मौजूदा राजनीतिक गतिरोध के संदर्भ में राज्यपाल ने उल्लेख किया है कि कांग्रेस—ई विधान पार्टी के 13 सदस्यों, गोधान पीपल्स पार्टी के 4 सदस्यों, एम जी पी के दो सदस्यों और एक आजाद सदस्य ने 9 दिसम्बर, 1990 को एक कामन फ्रंट जिसे "कांग्रेस डेमो-क्रेटिक फ्रंट" (सी डी एफ) के नाम से जाना जाता है, बना लिया है। इस फ्रंट ने गोवा विधान सभा में 9 दिसम्बर, 1990 से एक पार्टी के रूप में काम करना था। फ्रंट ने यह भी निश्चय किया कि डा० विलफ्रेड डीसूजा, कांग्रेस विधान