

OBITUARY REFERENCE

MR. CHAIRMAN : Members would have known with profound regret about the death on Saturday last of one of our colleagues, Dr. K. C. Baghel. He was with us even two days ago and was to have taken part in the debate today on the President's Address; but destiny willed it otherwise. He was a medical man by profession and he joined the Freedom Movement in 1931 suffering incarceration in the cause of the Nation. Before he became a Member of this House in 1964, he was a Member of the Madhya Pradesh Legislative Assembly for many years. By his quiet and dignified manner, he endeared himself to everyone who came into contact with him. In his passing away, we in this House mourn the loss of a colleague of ours.

I would request the Members to rise in their seats and observe a minute's silence as a mark of respect to the memory of Dr. K. C. Baghel.

(Hon. Members then stood in silence for one minute)

Secretary will convey to the Members of the bereaved family our deep sense of sorrow and sympathy.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED RESIGNATIONS BY ELECTED MEMBERS OF CANTONMENT BOARDS AND THEIR DEMAND FOR AMENDING THE PRESENT CANTONMENTS ACT

SHRI M. M. DHARIA (Maharashtra) : Mr. Chairman, Sir, with your permission, I would like to call the attention of the Minister of Defence to the reported resignations by the elected members of several Cantonment Boards in the country protesting against the provisions of the present Cantonments Act, and their demand for amending the Act for better representation and more powers to the Boards.

THE DEPUTY MINISTER IN THE MINISTRY OF DEFENCE (SHRI M. R. KRISHNA) : Mr. Chairman, Sir, communications tendering resignation have been received by Government from elected members of six Cantonment Boards. The main

reasons mentioned in these communications are firstly that the Cantonments Act should be revised, and in particular, the term of the elected members increased from 3 to 5 years and secondly that the instructions contained in the Government letter of 23rd March 1968 requiring 'Old Grant' holders to obtain leases before making new construction, re-construction, change of purpose, sub-division etc. in civil areas be withdrawn.

Regarding the first point, Government has under consideration comprehensive amendments to the Cantonments Act and Bill is proposed to be introduced in Parliament as soon as feasible. The proposed amendments will *inter alia* include provision for free and compulsory primary education, provide for further democratisation of cantonment administration consistent with the nature of Cantoments as military stations, rectify defects brought out by various judicial pronouncements remove difficulties which have been experienced in administering the Act and generally make further improvement with a view to achieve more fully the objectives with which they have been set up. A large number of suggestions for amendment to the Act have been received and we would welcome any further suggestions which any Honourable Member may desire to make.

Regarding the restrictions on 'Old Grant' sites, there is nothing new in the instructions issued on 23rd March 1968 which were a consolidation of the previous instructions already in force. The 'Old Grants' are in the nature of licences held free of rent and premium or on nominal rent and premium. The holders have limited rights under the terms of the grant. It is desirable in the interest of the holders themselves and also in the interest of the Cantonment Fund and of Government that the licensees take out leases at the earliest opportunity. The implementation of the instructions in force should assist the orderly development of Cantonments and also ensure proper return to the Consolidated and Cantonment Fund. To allow unrestricted rights in respect of Old Grant sites would mean giving away free valuable rights of Government in the land. Both the premium and rent in respect of the Civil Areas of Cantonments accrue to the Cantonment Fund and the increased

revenues should assist the development of the Cantonments.

SHRI M. M. DHARIA : Mr. Chairman, Sir, this Cantonments Act came into being in 1924 and it was for the protection of the interests of the military forces of the British Empire. I do not know whether the Government has considered the utility of these Cantonments where townships have now come to stay. If I can refer to the present Cantonments Act, I can say that the provisions therein include the Police Act, the Prohibition Act, the Motor Vehicles Act, the Labour Act, the Property Act and so many other Acts; these could be seen in the Cantonments Act. The House will be surprised to know that even today as per section 178 of the Act, a sweeper who does not go to his duty or who resigns without giving one month's notice to the Board can be convicted and this Act continues even today. If I report about the incidents that took place in Jubbulpore regarding which telegrams after telegrams have been pouring in, the military officers occupied the house of the Narmada Printing Press and all possible atrocities were committed, and in Jubbulpore we find tension. Under the circumstances, I am happy to know from the Minister that the Government will be bringing forward a comprehensive Bill. The State Governments have now scrapped the old municipal laws, they have revised the old municipal Acts and have brought in new Acts according to the needs of the day. The six lakhs citizens in the 62 cantonments residing there today, they have nothing but second class citizenship, having no rights whatsoever. The number of the nominated members is much more than the number of the elected members. All the executive powers are with the Executive Officers and other officers who are again the nominees of the Central Government or of the military officers. Under the circumstances, the people residing in those areas have no democratic rights, so far as the local authorities are concerned. Will the hon. Minister assure us that while bringing forward this new Bill care will be taken to see that the citizens residing in those areas get the same rights which the citizens in other cities are enjoying. Secondly, I would like to bring to the notice of the House that property laws are absolutely dangerous that with 24

hours' notice any house could be taken over or demolished as per the desire of the Defence Ministry. I do concede that for military purposes some rights will be necessary. But where these townships have come to stay, why should not the Government take into consideration the difficulties being faced by those people, the unstable condition that is there, and try to give stability? Under the circumstances, will the hon. Minister assure us today—and I make a demand—that these democratic decisions shall have to be taken? Will the hon. Minister assure the House accordingly?

THE MINISTER OF DEFENCE (SARDAR SWARAN SINGH) : Sir, it is our intention to bring forward, as has been explained by the Deputy Minister, a comprehensive law, and these suggestions which have been made by the hon. Member will be given due weight in framing the necessary amendment.

SHRI M. M. DHARIA : Thank you very much.

SARDAR SWARAN SINGH : It is true that there should be more democratisation in managing the affairs of the cantonments, particularly in relation to those parts which are occupied mostly by the civilian population.

Then the other point that has been mentioned is about the property laws. Here we will have to strike a balance between the rights of the community and the rights of the individual. Most of these people in several Cantonments are in occupation of large areas of land and they got them almost free. Whatever are the premiums that are chargeable, they will accrue to the community because that will go to the fund which will be utilised for the better development of the area. So some sort of a balance will have to be struck. Because of historical reasons, most of these people have acquired large areas of land almost free. They are in occupation of them and we will have to respect their rights of possession, consistent with the rights of the community that a person who just happens to occupy large areas should not be permitted to continue with that without paying something to the community in return for that. This is the balancing factor and we will keep this in view while framing the new legislation.

MR. CHAIRMAN : Mr. A. G. Kulkarni.

SHRI A. G. KULKARNI (Maharashtra) :
I am satisfied with the answer.

SHRI R. T. PARTHASARATHY (Tamil Nadu) : I would respectfully submit to the Government that this Cantonments Act is a relic of the British imperialistic rule and I would very much like to know why there should be an amendment of this Act, and why this feudal Act as it is should not be completely abolished and, if necessary, in pursuance of the democratic traditions of the country, an altogether new Act brought in.

SARDAR SWARAN SINGH : It is really a question of the mode that is adopted, because even to repeal it, an amending Act will be necessary. So whether it is a new Act or amendment of the existing Act is more a matter of procedure than of substance. I am not wedded to one or the other.

SHRI R. T. PARTHASARATHY : You have not answered the other point. Do you concede that the present Act is of feudal origin?

SARDAR SWARAN SINGH : The present Act requires amendment and it is absolutely unnecessary for me to describe it either as feudal or as anything. In fact, it is not feudal. It is really meant to lay the responsibility for the hygiene and other things of the troops who are actually residing in that area on somebody; somebody has to be held responsible for all that. And we are equally interested, just as the Britishers were, in ensuring good living conditions for our troops. There is nothing wrong in this in principle.

SHRI BANKA BEHARY DAS (Orissa) : I am happy that after so many years the Government realises that the law is an outdated law and they want to change it. But in view of the fact that the Cantonment areas have grown near the cities themselves, if they have a new law, then there will be discrimination between the people living in those areas and the areas in which the municipal laws are in force. In view of this, I want to know whether the Minister is going to propose to the State Governments

where there are Cantonment areas, to amend the municipal laws in those areas making some provision for the representation of the armed personnel who are residing in those areas, instead of having a new law.

SARDAR SWARAN SINGH : Sir, I do not think that this suggestion will really be practical. The best way to approach the problem would be, as I have already indicated, to bring forward comprehensive amendments of it which would virtually amount to a new Act so that the essential requirements of the civilian population are met with and the requirements of the armed forces and the troops that are located there are also sufficiently met with. We will have to strike a balance between these two requirements which are not mutually contradictory.

SHRI G. H. VALIMOHMED MOMIN (Gujarat) : Is it not true that in this privileged area, known as Cantonment area, and in the municipal area, there is sometimes double taxation on the citizens ? I know of a case in Gujarat where the bungalow of a Minister is situated in the municipal area and his garage, only five or ten yards away, is in the Cantonment area. He is subjected to double taxation. Secondly, in the Cantonment Boards, there is the principle of nomination. What else is it if it is not a feudal order ?

SARDAR SWARAN SINGH : About this question of double taxation, if the hon. Member gives the specific case, I will examine it, because I concede that there should not be double taxation.

SHRI M. M. DHARIA : It is there everywhere.

SARDAR SWARAN SINGH : Therefore, I say that this can be examined. Double taxation, to my mind, is not justified. Then the other question that was mentioned is the question of nomination. In the amended legislation that we intend to bring forward, so far as the civilian station is concerned, there will be election and we will increase the complement of elected members. But the troops are constantly on the move and we will have to have representation on the Cantonment Board to ensure that the essential requirements of the troops and that section which is exclusively

occupied by the armed forces are met with. And it will be better to retain some complement of nomination. Otherwise the troops will be on the move all the time and there will not be any fixed electorate from that point of view.

पंडित भवानी प्रसाद तिवारी (मध्य प्रदेश) श्रीमन्, मे माननीय मंत्री जी मे यह स्पष्टीकरण चाहता हू कि जबलपुर छावनी कानून के अन्तर्गत कुछ मज्जी वाले मज्जी उगाते थे और मिलिट्री को देते थे, अब क्या बात है कि उनको उससे रोका गया है। क्या मज्जी महोदय यह आश्वासन देगे कि जब तक नया कानून आवे और उसमें इसका प्रावधान किया जावे, सेना और नागरिकों मे सम्बन्ध बनाये रखने के लिये इस कार्यवाई को रोक दिया जायगा और जो लोग अभी मज्जी उगाते हैं उनका मज्जी उगाते रहने दिया जायगा। दूसरा स्पष्टीकरण मैं यह चाहता हू कि जबलपुर के एक नागरिक जिन का नाम हमारे मित्र श्री धारिया नेलिया और जा श्री नरबंदा प्रसाद इन्दुरख्या हैं, उनकी शिकायते क्या विभाग के पास आई हैं और कतिपय नागरिकों की शिकायतें आई है, पत्रकारों की शिकायतें आई हैं और उन पर विभागीय क्या कार्रवाई की जा रही है ?

SARDAR SWARAN SINGH : Sir, about the first part, it is true that notices were issued to the persons who were temporarily cultivating certain Cantonment lands to vacate them. But I stated that and the lease was renewed for one year more. In the meantime we will examine as to what should be the final decision in this respect. So they were not immediately thrown out. I would like to add, Sir, that the general policy is that lands are resumed only if they are required for military purposes, not otherwise. About the second point, I would require notice, because I do not have the facts readily with me about the specific case that has been mentioned. I would like to reply only after I have examined the matter and I would require notice to answer that.

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श्री सुन्दर सिंह भंडारी (गजस्थान) श्रीमन्, कैंटोनमेंट बोर्डस के कानून में बहा के निवासियों का प्रतिनिधित्व अधिक हो और उनकी मुख मुविधाओं के बारे में कानून में मशोधन हो, यह जो आपने घोषणा की है यह तो स्वागत योग्य है। मैं यह पूछना चाहूंगा कि कैंटोनमेंट बोर्डस का जितना क्षेत्र है और जैसा कि आपने माना कि अब बहा पर टाउनशिप का निर्माण हो गया है सिविल पोपुलेशन मुख्य रूप से बहा आ गई है, तो क्या डिफेंस मिनिस्ट्री में इस सवाल पर विचार किया गया है कि मुख्य रूप से जहां पर सिविल पोपुलेशन टाउनशिप के रूप में या मिट्टीज के रूप में बढ़ गई है उन क्षेत्रों को कैंटोनमेंटस में अलग कर दिया जाय और बहा पर रेग्युलर म्युनि-सिपलिटिज या रेग्युलर लोवल बोर्डस फंक्शन करें। पहले वह खाली जगह पड़ी थी इस लिये आपने उसको घेरा था और अब नागरिकों की आबादी बहा अधिक है, इस लिये वह अब अधिक आप के उपयोग में नहीं आ रहा। इस लिये आज की बदली हुई परिस्थितियों में दूसरी जगह या आपके सीमा क्षेत्र में उसका समाधान कर के उन नागरिकों आबादियों को पूर्ण रूप से कैंटोनमेंटस में बाहर करने के प्रश्न पर क्या डिफेंस मिनिस्ट्री में अध्ययन हुआ है और अगर नहीं हुआ है तो क्या इस प्रश्न पर आप अध्ययन करवा कर ऐसे क्षेत्रों को अपनी परिसीमा में बाहर करवाने पर विचार करेंगे।

SARDAR SWARAN SINGH : Sir, we have not considered the actual separation of the civil areas which are occupied mostly by civilians from the main cantonment area, and I think the same purpose can be served by undertaking a comprehensive amendment which we are considering. I would request the honourable Members to wait till I come with concrete proposals and if there is any further thing to be done, we can examine at the appropriate stage.

SHRI SUNDAR SINGH BHANDARI : It should also be examined simultaneously.

SHRI GODEY MURAHARI (Uttar Pradesh): Sir, these cantonments were actually formed by the Imperialist Government to protect the interests of an imperialist army which had to stay in the midst of a hostile population. But today things have changed and we have an army of an independent India which can very well do by being within the premises of the municipality. I would like to know why the Government does not consider it proper to transfer these Cantonment Board areas to the municipal authorities. And for the purpose of some safeguards for the army personnel they can ask for representation to the army personnel on the municipal committees. That would be a good solution, Sir, because I know that even where there are no Cantonment Boards, if the army wants to acquire a house it can do so under the ordinary law of the country and it becomes impossible for ordinary citizens to get back that house from the army authorities. Even if the person happens to have offered it voluntarily to the Defence Ministry, when he wants to get back the house, it is impossible for him to do so. In these circumstances when the Defence Ministry has these safeguards, what is the good of having these Cantonment Boards I know that these Cantonment Boards are the centres of corruption. Many army officers are involved in certain corrupt practices because of the very existence of these Cantonment Boards. Therefore, I would like the Government to consider this proposal of transferring these areas to municipal authorities.

SARDAR SWARAN SINGH : This proposal is not under examination and I will be extremely hesitant to accept the suggestion. We can undertake an appropriate legislation and we can provide safeguards to ensure that the type of difficulties pointed out are not there. But to abolish them lock, stock and barrel, it will not be practicable. There are large areas which are under the exclusive occupation of the armed forces and getting hold of an odd house by the army on hire is one thing, and then there are thousands of houses where questions of sanitation and the rest are involved. They are looked after more appropriately if the Cantonment Boards are made to function effectively.

SHRI Z. A. AHMAD (Uttar Pradesh) : Sir, it is very significant that in the year of grace, 1969, an old Act against which there was a lot of agitation in the British period—in the subsequent period also there has been a lot of agitation against that Act—now after, I suppose, 25 years, it is sought to be amended. And many Cantonment Board members had to resign and create a fuss, an agitation, in order to persuade the Government, in order to induce the Government to change it. I do not understand, Sir, first of all, why these Cantonment Boards are maintained. I have the experience of other countries and I know in other countries the normal municipal Acts are there everywhere and the entire area is covered by normal municipal administration. If there are certain areas occupied by the army or reserved for the army, they are reserved with special regulations and the people cannot go there easily. They are regulated by special laws. They are called military camps. I would like to know why this question should not be examined basically. Why is this hesitation to examine the suggestion which Mr. Murahari has put forward? Why should it not be examined? All these cantonment areas are no longer the same old cantonment areas today. They are populated and they have to be very strictly delimited because formerly there was a lot of land. Now that land is occupied by civilian population. As Mr. Bhandari has said, they should be delimited, confined to small parts where army is located, where the requirements of the army personnel ...

MR. CHAIRMAN : I would like to request honourable Members not to make speeches while we are dealing with a Calling Attention Motion.

SHRI Z. A. AHMAD : May I know, Sir, why this question is not being examined fundamentally, that the areas where the armed forces are located should become special areas governed by special laws and the rest of the areas should be handed over to the municipality? All the cantonment areas may be delimited with a view to handing them over to civilian population, to the normal municipal administration adjoining that area.

SARDAR SWARAN SINGH : On the factual side I might clarify that the cantonment areas are delimited. There are definite limits over which the Cantonment Act applies.

SHRI Z. A. AHMAD : This should be examined again.

SARDAR SWARAN SINGH : The second point is it may be that the civilian population has increased very much. But even now the civilian population is mostly in what might be described as a sort of bazaar, in the main commercial centre, where the total area is much less as compared to the overall area which is within the precincts of the cantonment limits. So, it is not that any large areas have been occupied by the civilians. These areas continue to be small but there are special problems relating to those areas on account of the increase in population and the rest, and they can be adequately met by the approach that we have adopted. This type of suggestion really is not a new one. What Mr. Ahmad is saying is that you delimit the cantonment areas as such and separate them from the civil area. This was precisely the origin when the original cantonment limits were indicated. Historically the civilian population has increased because the commercial centre has increased. In any cantonment area for serving the needs of the armed forces some sort of a commercial centre has to be there, and the two things have to be more or less integrated, complimentary to each other. No area will subsist unless there are customers and buyers to take advantage of those services. So, largely the same object, as I said, can be achieved by the approach that we have adopted and it is a sound one that we have adopted.

SHRI ARJUN ARORA (Uttar Pradesh) : Sir, this assurance that comprehensive Bill to amend the Cantonment Act would be brought was made before the House in the past also, but nothing has been done. May I know if the Minister is in a position to indicate when this comprehensive revision of the Cantonment Act will take place? Secondly, Mr. Dharia and Mr. Tiwari mentioned a strange case from Jabalpur concerning a respectable individual,

Mr. Narmada Prasad Indu Rikhia. When the facts are being brought before him in this House, why does not the Minister promise to get the matter investigated? He said, "I require notice". He is trying to waste our time and his. When the information is given to him in the House by honourable Members like Mr. Dharia and Mr. Tiwari, it is his duty and responsibility to say, now that the facts are being brought to my notice . . .

(Interruption)

SARDAR SWARAN SINGH : Sir, it is true that earlier also it has been said that a comprehensive amending legislation would be brought, but I will be quite frank in saying that this work was soft-pedalled particularly when the emergency was promulgated and other things had to be tackled. The actual detailed examination of the various amendments was more or less stayed. There are as many as 400 amendments which are under consideration and we are taking expeditious action to get them on the administrative side and we will take legal advice. I hope that it will not take too long although I cannot give any firm date. On the second question, Sir, there are two things. One is to expect me to give a reply or my comment upon the thing that is alleged about the Jabalpur incident about which, as I said, I will require notice. But surely, when I said that I will require notice that does not mean that I will not examine it. I will certainly examine it now that this question has been raised on the floor of the House.

SHRI B. K. KAUL (Rajasthan) : In view of what the Minister has said, I would like to have one assurance from him. The people in the Naushirabad cantonment area are being given notices for dispossessing their rights of lands and pro-dispossessing their rights of lands and pro-till the amendment in the Act is made?

SARDAR SWARAN SINGH : I cannot do that because the notices might have been given to resume the land for military purposes. I cannot therefore come in the way of the work being proceeded with.

SHRI B. K. KAUL : They are also properties, houses and so on. It is not for the land alone.

SARDAR SWARAN SINGH : On individual cases I cannot make a blanket statement. Each case will have to be decided on its own merits.

श्री मान सिंह वर्मा (उत्तर प्रदेश) : सम्भवतः माननीय मंत्री महोदय यह जानते हैं कि छावनी के क्षेत्र में इस प्रकार के खाली पड़े हुए प्लाट्स मिविलियन्स को बेच दिये जाते हैं और बेचने के पश्चात् वह उस पर अपने मकान निर्माण कर लेते हैं और लाखों रुपये खर्च होने के बाद अचानक ही नोटिस आ जाते हैं कि हमें मिलिट्री परपज के लिये आवश्यकता है। यह तो रहने के मकानों की बात है, इसकी भी आप छोड़ दीजिए, यानी इमरजेन्सी के पीरियड की ही बात नहीं बाद में भी, छावनी से लगी हुई दुकानों के भी जो व्यापार के क्षेत्र है, वहां भी इस तरह के उदाहरण हैं कि पहले उनकी इजाजत दे दी गई कि जिसके फलस्वरूप उन्होंने मकान निर्माण कर लिये, वर्कशॉप बनाये या जो कुछ भी कर लिया उसके बाद उनसे कह दिया यह सब आप नहीं बना सकते और अब जैसा कि मंत्री महोदय ने फरमाया है, कांफ्रिडेंसिब बिल आ रहा है उसमें, इस प्रकार की परेशानियां जो नारिगकों के मामले आती हैं उनको दूर करने के लिये भी कोई ऐसे प्राविजन रखने की आवश्यकता ममशी गई है?

SARDAR SWARAN SINGH : I am afraid I cannot add anything useful on specific cases. If specific cases are raised, then I will have to look into those specific cases in order to reply.

PAPERS LAID ON THE TABLE

I. PAPERS UNDER THE COMPANIES ACT, 1956

II. NOTIFICATIONS UNDER THE INDUSTRIES (DEVELOPMENT AND REGULATION ACT, 1951)

THE MINISTER OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS (SHRI FAKHRUDDIN ALI AHMED) : I beg to

lay on the Table a copy of the following papers, under sub-section (1) of section 619A of the Companies Act, 1956 :

(a) (i) Annual Report and Accounts of the Hindustan Salts Limited, Jaipur, for the year 1966-67, together with the Auditors' Report on the Accounts.

(ii) Review by Government on the working of the Company.

(b) (i) Annual Report and Accounts of the Sambhar Salts Limited, Jaipur, for the year 1966-67, together with the Auditors' Report on the Accounts.

(ii) Review by Government on the working of the Company.

[Placed in Library. See No. LT-4/69 for (a) (b)].

(c) (i) Annual Report and Accounts of the Cement Corporation of India Limited, for the year 1967-68, together with the Auditors' Report on the Accounts.

(ii) Review by Government on the working of the Corporation.

[Placed in Library. See No. LT-107/69 for (i) and (ii)].

(d) (i) Annual Report of the National Newsprint and Paper Mills Limited, Nepalagar, for the year 1967-68, together with the Auditors' Report on the Accounts (In English and Hindi).

(ii) Review by Government on the working of the Company.

[Placed in Library. See No. LT-4/69 for (i) and (ii)].

(e) (i) Annual Report of the Instrumentation Limited, for the year 1967-68, together with the Auditors' Report on the Accounts.

(ii) Review by Government on the working of the Company.

[Placed in Library, See No. LT-4/69 for (i) and (ii)].

(f) A copy each of the following Notifications (in English) of the Ministry of Industrial Development and Company Affairs (Department of Industrial Development) under sub-section (2) of section 18th of the Industries (Development and Regulation) Act, 1951.

(i) Notification S.O. No. 3278, dated the 10th September, 1968.