[Shri C. G. K. Reddy.] is a fact or is merely a 'misuse of powers of the Cantonment Boards. If It is a fact, I should like him to consider whether it is not desirable to see that this sort of res+riction which is not only unwarranted, but also goes against the principles of democracy, is removed and to see that no permission is insisted so far as public meetings are concerned, so far as social gatherings are concerned and, so far as even political meetings are concerned, be it Defence Ministry property or common property. In some areas, in the Defence Ministry property, in the so-called Defence Ministry property—because they own large tracts of land within the Cantonment Boards—there are certain parks and other public grounds as playing fields and also for entertainment. Now. I want to know whether the Cantonment Boards will allow the public to enjoy the same rights which they enjoy in other municipalities and areas.

## RAILWAY BUDGET—1953-54

THE LEADER OF THE COUNCIL (SHRI C. C. BISWAS): Sir, in the aosence of Shri Lai Bahadur Shastri, I beg to lay on the Table a Statement of the estimated receipts and expenditure of the Government of India for the year 1953-54, in respect of Railways. [Placed in the Library. *See* 3Jo. IV.U.(a)(86).]

As the hon. Minister in charge of Railways is in the other House and will shortly be speaking there on this •subject, what will be done is, that copies of the speech will be available to the Members as soon as his speech is over.

## CANTONMENTS (AMENDMENT) BILL, 1952—*Continued*

5 P.M.

SAROAR S. S. MAJITHIA: Mr. Deputy Chairman, I am very grateful to my friend Shri Jaspat Roy Kapoor for replying to most of the observations made by Shri Bhupesh Gupta. It has definitely lightened my task, and I should not like to waste very much of the time of the House. I should only like to say in passing that the Opposition is still keeping their eyes shut to what is an established fact. We have got independence and we are working on the democratic system, but the Opposition is still continuing in the old vein of running down everything that comes from the Government. The military officers and the civilian officers are Indians who are fully patriotic and sre no longer the chattels of a foreign coun*ry. They are responsible to this House throught the Defence Ministry, and as such I feel that there should be absolutely no ground for running down these officers of integrity for just merely being military officers or officers of the civil service.

My friend Shri Bhupesh Gupta has also referred to the amendments brought, up by this amending Bill. As I said, these are the amendments which the Ministry found were caJJed for, and the Patil Committee gavey. unanimous decision on the advisaoility of incorporating them, and we are doing that. The other points on which there was disagreement relate to intricate problems which are not so simple as they appear to our friends in the Opposition. I have already said that by the middle of this year I hope to come to definite conclusions regarding them, and very soon after that you will find that we will bring forward another amending Bill dealing with those particular questions. So far as this Bill is concerned, it is really a very, very simple and innocuous Bill and I see no reason why it should not have been passed in very much less time than it has taken already.

A regards the representation of the people, my friend Mr. Kapoor has already told this House that more than 1.000 opinions were got and they have been carefully analysed, and as a result of that we have been strengthened in our views, and therefore we are bringing this amending legislation before this House.

SHRI B. GUPTA: Where were these opinions obtained from?

SARDAR S. S. MAJITHIA; From the public.

About the dual authority, I may only mention that it is not a dual authority. The Commanding Officer is also the president of the board, and, therefore, that hypothetical question which is at the back of the mind of my hon. friend is really nothing to worry about.

As regards crops and animals, I am more or less in agreement with what the hon. Member said, and I will suggest an amendment to clause 22 of the Bill when the time comes. For the time being, as practically everything has been answered by Mr. Kapoor, I shall not take any more of the time of the House by saying anything more at this stage.

SHRI G. G. K. REDDY: I want clarification on- my question. I had asked him whether the cantonments have the power or not. I would like an answer.

SARDAR S. S. MAJITHIA: Regarding civic rights, regarding holding of public meetings in areas covered by-. cantonment boards, I am afraid I have not got that information at the moment.

SHRI J. R. KAPOOR: The law of the land applies.

SHRI C. G. K. REDDY: No.

SARDAR S. S. MAJITHIA: But I am quite firm in my conviction that these cantonment areas, which are primarily there for the amenities and benefit of the troops, should have restrictions regarding them end the Commanding Officer should be the final authority. I am quite sure that in the legitimate use of the grounds the Commanding Officers, being after all human beings and fully alive to the currents running in the country, will not be so immune and will certainly look into the merits of the permission sought for, and I am quite sure my friend will have no legitimate grievances on that score.

MR. DEPUTY CHAIRMAN: I am now putting the question to the House. The question is:

> "That the Bill further to amend the Cantonments Act, 1924, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration. There are no amendments to clauses 2 to 4.

Clauses 2 to 4 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now clause 5. There is an amendment.

Mr. Bhupesh Gupta, are you moving your amendment?

SHRI B. GUPTA: I see that I am up against an impervious process. Therefore, Sir, I am not moving it.

MR. DEPUTY CHAIRMAN: Now there are no amendments to clauses 5 to 12.

Clauses 5 to 12 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now clause 13. There is an amendment.

SHRI B. M. GUPTE (Bombay): Sir; I beg to move:

> "That for the proposed sub-section (2) of section 103 of the principal Act, the following be substituted: —
>
> '(2) If any person, when called upon under sub-section (1) to furnish information, neglects to furnish it within the period specified in this behalf by the Executive Officer, or furnishes information which is not

[Shri B. M. Gupte.] true to the best of his knowledge and belief, he shall be punishable with fine which may extend to one hundred rupees, and with a further fine which may extend to rupees five for every day on which the said neglect continues after the date of the first conviction.'"

Ttfow, Sir, the only difference between what is proposed in the Bill and in my amendment is the latter portion of it. In 'my opinion, the provision made in the Bill is entirely misconceived because what was recommended by the Patil Committee was that a continuing -offence should be provided for and the Bill provides double penalty. I refer to page 12 of the Report of the Patil 'Committee where it is said:

"The object for which this section is meant is defeated when a person, to whom a notice under this section is issued, fails to produce his Account Books, etc. in spite of reminders. For this purpose, we • consider that a suitable clause should be inserted to meet cases of continuing offence on the analogy of similar provision in respect of other sections."

So what was really recommended by the Patil Committee was continuing offence. A similar provision is found in section 268. It might turn out that the provision as made in the Bill is either useless or very arbitrary —useless in this sense that it says -that the person will be liable, even
- after conviction, for assessment. I submit, Sir, that it is not necessary to say so. The liability to assessment
-Temains. Then if the idea is that
■ excessive assessment may be made as a penalty, that also may not be possible. An appeal is provided. The appeal is to the District Magistrate or to the District Judge or the matter might go even to the High Court and
" the Appellate authority may not allow this fantastic assessment simply ■because the person had not given information. And moreover the assessment, if it is excessive, may not relate to the magnitude of the offence. A person might be delaying the giving of information for 15 days or even six months. Therefore, I say what is really intended is only a continuing offence. I therefore commend my amendment for the acceptance of the House.

MR. DEPUTY CHAIRMAN: Amendment moved:

"That for the proposed sub-section (2) of section 103 of the principal Act, the following be substituted: —

'(2) If any person, when called upon under sub-section (1) to furnish information, neglects to furnish it within the period specified in this behalf by the Executive Officer, or furnishes information which is not true to the best of his knowledge and belief, he shall be punishable with fine which may extend to one hundred rupees, and with a further fine which may extended to rupees five for every day on which the said neglect continues after the date of the first conviction.'"

The amendment and the clause are open for discussion.

SARDAR S. S. MAJITHIA: Mr. Deputy Chairman, I am afraid I am not in complete agreement with this amendment for the simple reason that the clause inserted by my friend Mr. Gupte is so very harsh that it may be really hard *on* somebody. I personally think that the clause should be incorporated as it stands because it adequately deals with the fine and powers of the Government to collect the reassessed tax. So I am afraid I am not in a position to accept this amendment.

MR. DEPUTY CHAIRMAN: Are you pressing your amendment, Mr. Gupte?

SHRI B. M. GUPTE: I do believe that it is correct. But in view of the fact that the hon. Deputy Minister is not accepting it, I withdraw it.

The amendment was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

That clause 13 stand part of the "Bill.

The motion was adopted.

Clause 13 was added to the Bill.

MR. DEPUTY CHAIRMAN: Now there are no amendments to clauses 14 to 16.

Clauses 14 to 16 were added to the Bill.

MR. DEPUTY CHAIRMAN: Clause 17. There is one amendment.

SHRI B. GUPTA: I do not want to move it.

Clauses 17 to 21 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now clause 22.

SARDAR S. S. MAJITHIA: Regarding this, I am more or less in agreement with what my friend Khwaja Saheb Inait Ullah has said and I have slightly redrafted this amendment. I move:

"That in section 259, in clause (a), after part (ii), the following parts "be inserted: —

'(iii) for the words 'growing crops or grass' the words 'or growing crops' shall be substituted;

(iv) in the proviso, after the "words 'tools of artisans' the words 'growing crops up to the value of five hundred rupees and implements and cattle used for the purposes of agriculture' shall be inserted;'".

MR. DEPUTY CHAIRMAN: Amendment moved:

"That in section 259, in clause (a), after part (ii), the following parts be inserted: —

'(iii) for the words 'growing crops or grass' the words or growing crops' shall be substituted;

(iv) in the proviso, after the words 'tools of artisans' the words, 'growing crops up to the value of five hundred rupees and implements and cattle used for the purposes of agriculture' shall be inserted;'".

The amendment and the clause are now open for discussion.

SHRI J. R. KAPOOR: Sir, may I suggest that our purpose will be served if in the substantive portion of section 259, after the words "growing crops or grass", we add the words "not exceeding the value of Rs. 500"?

SHRI INAIT ULLAH: What about "cattle", Sir?

MR. DEPUTY CHAIRMAN: I will read out section 259 in the original Act:

"Notwithstanding anything elsewhere contained in this Act, arrears of any tax and any other money recoverable by a Board under this Act may be recovered together with the cost of recovery either by suit or, on application to a Magistrate having jurisdiction in the cantonment or in any place where the person from whom such tax or money is recoverable may for the time being be residing, by the distress and sale of any movable property of. or standing timber, growing crops or grass belonging to, such person which is within the limits of such Magistrate's jurisdiction, and shall, if payable by the owner of any property as such, be a charge on the property until paid:

Provided that the tools of artisans shall be from such distress or sale.

(2) An application to a Magistrate under sub-section (1) shall be in writing and shall be signed by the President or Vice-President of the Board or by the Executive Officer,

- [Mr. Deputy Chairman.]

but shall not require to be personally presented".

SHRI C. G. K. REDDY: Sir, there is a confusion in the mind of the hon. Member and that is why all this difficulty.

MR. DEPUTY CHAIRMAN: I am afraid your amendment has not been happily worded .....

SARDAR S. S. MAJITHIA: Sir, actually the expression 'movable property' in the substantive section will include "cattle, tools or implements" used for the purpose of agriculture.

There should be a certain amount of protection for certain articles which are essential for carrying on this kind of activity. These should be exempted.

MR. DEPUTY CHAIRMAN: "Grow-crops and grass" is already there in the original Act. Why does the hon. Minister want it here?

SARDAR S. S. MAJITHIA: As I have stated, these words afe in the original clause; in the amendment, it is better to insert these words in the proviso so that it may be clear that "growing crops, grass, cattle and implements" may be <—, T d from distress.

MR. DEPUTY CHAIRMAN: There is no confusion now. The amendment is:

"In Section 259, clause (a), after part (ii), the following parts be inserted:

'(iii) for the words 'growing crops or grass', the words 'or growing crops' shall be substituted;

(iv) in the proviso, after the words 'tools of artisans', the words 'growing crops up to the value of . five hundred rupees and implements and cattle used for the purposes of agriculture' shall be inserted.'".

MR. DEPUTY CHAIRMAN: I will put the amendment to the House.

The question is:

"That this amendment be adopted".

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

That clause 22, as amended, stand part of the Bill.

The motion was adopted.

Clause 22, as amended, was added' to the Bill.

MR. DEPUTY CHAIRMAN: The-question is:

"That clauses 23 and 24 stand part. of the Bill."

The motion was adopted.

Clauses 23 and 24 were added to the Bill.

MR. DEPUTY CHAIRMAN: . The-question is:

"That clause 1, the enacting formula and the title do stand part of the Bill."

The motion was adopted.

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

SARDAR S. S. MAJITHIA: Sir, I beg to move that the Bill, as amended, be . passed.

MR. DEPUTY CHAIRMAN: Motion moved:

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

SHRI B. GUPTA (West Bengal): Sir, it was not my intention to say anything at this stage, but certain remarks made by some speakers on that side of the House, especially by the Minister and

Mr. Jaspat Roy Kapoor, have compelled me to say a few words. It has been contended that if the civilian population is given any control over the finances of the Cantonment Boards or the Civil Area Boards, or whatever they may be called, the interests of the military would be disregarded and that the civilian population would be looking after only their own narrow interests. I can only say that every citizen is not a Congress Leader and therefore there need be no apprehen-alon**.**

XHWAJA IN AIT ULLAH: They are more than Communists.

SHRI B. GUPTA: Sir, we don't run down the Government for whatever comes from them. In the whole discussion it has been our policy not to run down the Government just because it proposes certain things. We have sought to consider each issue on its merits and expressed our opinion on the merits of the issues as they are. I would only like to say that the hon. Minister should not run down democracy in the manner in which they are iunning it down. Sir, he said that there should be certain restrictions imposed on the civilian population with regard to their entry into the cantonment areas. He thinks that it is very necessary. Sir, if that is the outlook, if the intention is that the civil population should be thrown to the mercies of the military officers "with regard to their essential rights, then I would say that this Bill will not help at all, because the outlook remains the same old outlook, as has indeed been revealed here in the discussion. The Minister also stated that we have to recognise the fundamental fact of the transfer of power on the 15th August 1947. If that is all, then, Sir, why not say that since we have had that transfer of power, we should not bother about having a Parliament and two Houses here, should leave it to the British Parliament to conduct the affairs of this country? If you are at all sincere about implementing all that you have declared in your Consti-

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tution, it devolves upon you as a matter of responsibility to put into practice all you have stated there by introducing democratic institutions. Otherwise, we are only left with some phrases, some of which are meaningless, some irritating and others utterly atrocious.

SHRI C. G. K. REDDY: I would ask the hon. Minister to supply the information that I had asked in respect of the powers of the Presidents of the Cantonment Boards who are *ex-oflicio* Officers Commanding of the Station, regarding the holding of public meetings or holding social gatherings. As far as I know, and I have tried to find out, there is no law in the land which gives power to the Commanding Officer to restrict these meetings and other normal activities winch are allowed outside. If there is any law, I want to know from the hon. Minister the scope of that law and in what manner and to what extent these restrictions can be placed.

SARDAR S. S. MAJITHIA: I submit, Sir, that that is not connected with this Bill in any case.

MR. DEPUTY CHAIRMAN: It is apart from the Bill.

SHRI C. G. K. REDDY: It is connected with the Bill.

SARDAR S. S. MAJITHI .: I will certainly let the hon. Member have the information which he wants.

MR. DEPUTY CHAIRMAN: The question is;

"That the Bill be passed." The

motion was adopted.

## THE LIVE-STOCK IMPORTATION (AMENDMENT) BILL, 1953.

THE MINISTER FOR AGRICULTURE (DR. P. S. DESHMUKH) : Sir, I move that the Bill further to amend the Live-stock Importation Act, 1898, be taken into consideration.