

rather serious matter, because when certain questions come up, on behalf of the Government we expect him to be present. As far as this Session is concerned, his attendance has not been for more than two hours for the whole Session. If the particular hon. Member cannot be present, some other hon. Member should be here to act as one representing the Government and as Leader of the House. It is not a thing which could be skipped over.

MR. DEPUTY CHAIRMAN :
There are a number of Ministers.

SHRI C. G. K. REDDY : I think, ordinarily, the Leader of the House should be in the House.

MR. DEPUTY CHAIRMAN : We now go to Legislative business.

THE CANTONMENTS (AMENDMENT) BILL, 1952

THE DEPUTY MINISTER FOR DEFENCE (SARDAR S. S. MAJITHIA) :
Sir, I beg to move :

That the Bill further to amend the Cantonments Act, 1924, be referred to a Select Committee consisting of :

1. Shri Bodh Ram Dube.
2. Dr. Shrimati Seeta Parmanand.
3. Shri Somnath P. Dave.
4. Shri T. S. Pattabiraman.
5. Shri Braja Kishore Prasad Sinha.
6. Shri M. H. S. Nihal Singh.
7. Shri Shyam Dhar Misra.
8. Shri Braj Bihari Sharma.
9. Shri Pir Mohammed.
10. Shri Mohammed Valliulla.
11. Shri S. Chattanatha Karayalar.
12. Shri Ram Kripal Singh.
13. Shri Bhupesh Gupta.
14. Shri Kishen Chand.
15. Shri Harischandra Mathur.
16. Shri P. S. Rajagopal Naidu.
17. Shri Hriday Nath Kunzru.

and myself, with instructions to report by the 11th December 1952.

The House will recollect, Sir, the discussion held on the 7th August, 1952

when the Defence Minister moved that the Bill be taken into consideration. In doing so, the Defence Minister gave a brief background of the history of Cantonment legislation and referred to the appointment of a Committee under the Chairmanship of Shri S. K. Patil which suggested certain amendments. The Bill is based principally on the recommendations of that Committee and I do not think I need elaborate further the various steps that have led to introduction of this Bill. During the debate that was held at the time, the Defence Minister accepted an amendment that the Bill be circulated for the purpose of eliciting public opinion, which was moved by my friend, Dr. R. P. Dube, who unfortunately is not here today. The motion was adopted and the Bill was circulated accordingly. We have now received opinions from various States. Most of the important States have forwarded the opinions received by them. A few are outstanding, but we might assume that any opinions received from them would more or less follow the pattern set by the opinions received from other States.

Analysing the opinions received I find that the Bill, limited as it is in its scope, has generally met with popular support. For the time being I shall leave out certain matters of a general nature which I know are uppermost in the minds of my friends like Dr. R. P. Dube. I shall only deal briefly with the general points that have been made in the opinions received. A general feeling has been expressed in favour of giving the Bazar Committees or "the Civil Area Committees"—the term we now propose to use in relation to those Committees—autonomous powers. I have every sympathy with the views of my friends here and outside in regard to Committees in charge of these civil areas getting more powers but it is clear that these Committees will have to function within the framework of laws and rules which govern their parent body, namely, the Cantonment Board itself. There are administrative, financial, geographical and other limitations which must of necessity

[Sardar S. Ś. Majithia.]

govern the functioning of these Committees. Subject to these general limitations I see no reason why the Committees in charge of civil areas should not have the maximum powers that we can give them.

Similarly, I notice that opposition has been expressed to certain powers vesting in the Executive Officers or the officers commanding the station. To a large extent this attitude seems to be born of the distrust that still unhappily prevails in respect of the general body of our civil servants. I also realise that this is a legacy of the past which will take some time to fade away. At the same time, I should like to appeal to my friends, both here and outside, that an attitude of this kind is entirely out of keeping with our democratic responsibilities. These civil servants are the instruments of our policy and decisions. What they did previously need not necessarily be a pointer to us in regard to what they would do or not do in future. Times have changed, circumstances have changed and I have no doubt that the large machinery of our Services also has reacted to these changes. I should like to add here that our Services have fully adapted themselves to the new and changed conditions and are not only fully patriotic, but are quite conscientiously carrying out their duties. There may have been some black sheep but we should judge from the overwhelmingly large numbers who are doing very good work in the Services. I should therefore like my friends to view this matter from the point of view of these changes and also the essential fact that the Cantonment Service is responsible to democratically elected Ministers and finally to this Parliament. Any continued distrust and suspicion of them is in a way, therefore, a reflection of our own lack of confidence in putting matters right where they require to be put right. The task of Cantonment administration is a difficult and complicated one. We cannot expect drastic changes to take place overnight. I can assure my friends that

the full impact of democratic responsibility is bringing about a change and is bound to continue to do so. Our attitude should be based on this essential factor and not on our experiences of the past under a totally different regime and different set of circumstances and conditions.

There is another important point to which I would like to draw the attention of the House. The opinions so far received have generally been opposed to placing any restriction on a member of the Cantonment Board becoming a member of another local authority. There is much to be said for both sides of this question. We should not, naturally like to lose an influential person's services in the Cantonment Board because he happens to be the member of another local authority. At the same time we have to bear in mind that a conflict of interests between one local authority and another might well arise and the member would, in such circumstances, be subjected to an unfair conflict of loyalties. However, this is an aspect of the question which can be gone into further details by the Select Committee. Till then perhaps we could keep an open mind on this subject.

I will now come to some of the general points which have been made and which I know are uppermost in the minds of some Members of this House and also outside. These, if I may say so, generally cover the questions of land administration and democratisation of Cantonment Boards which are really outside the scope of the present Bill. I am sure, my friends will give us the credit of being no less lovers of democracy than they are. To the extent that it is possible to democratise these institutions we shall certainly do so but it has to be borne in mind that the dominant interest in the Cantonment areas is that of the Defence Services and the Defence requirements of the country. To the extent that it would be administratively possible to separate the areas in order to give them the benefit of more democratic institutions it will be done, but the balance that remains has

to satisfy the primary needs of the existence of these areas, namely, giving the Defence Services a place to live in under amenities and conditions which promote their well-being, a sense of discipline and other facilities which are essential for their fighting efficiency and for discharging their duties to their Government and to the country at large. I should like my friends to bear this primary and paramount position in mind when they consider the question of democratisation and also the land administration in these Cantonments. As regards the latter question, I can assure the Members that we are alive to the need for systematising it and for making the administration as liberal as possible without sacrificing the essential financial and other interests of Government. I realise that the land administration of these Cantonments has had a haphazard growth and leases have an antiquity and a history which might not make them quite in keeping with modern ideas. We are, however, prepared to review these matters and to evolve a system which, while keeping and fully safeguarding the dominant Defence needs and interests in this branch of the Cantonment administration, will ensure for the lessees, land owners etc. fair and equitable terms. This Bill does not cover these matters but the Defence Ministry has these matters in hand and actually in individual cases which come to their attention and where a case is made out for a liberal treatment such treatment, is in fact accorded.

There is also a demand for more amenities in these Cantonments. This raises the questions of water supply, encouragement to visitors, taxation and other important factors in Cantonment administration. I would not like to take the time of the House on this Bill to deal with these matters exhaustively. I will only say that these are matters which must necessarily engage our attention when we consider the problems of Cantonments as a whole. Nobody knows better than the Parliament the limitations which our finances impose on the provision of such amenities and all that I can say at this stage is that within the limitations we shall do our best.

Sir, I think I have dealt with the general aspects of the problem which arises at this stage for the consideration of the House. The opinions which we have received appear to confirm the impression that we formed earlier that the Bill was a comparatively simple piece of legislation which does make certain improvements in the Cantonments Law of the lands and as such should be welcomed by the House. I therefore commend this motion to this House for its sympathy and consideration. Sir, I move.

MR. DEPUTY CHAIRMAN :
Motion moved :

That the Bill further to amend the Cantonments Act, 1924, be referred to a Select Committee consisting of :

Shri Bodh Ram Dube,
Dr. Shrimati Seeta Parmanand,
Shri Somnath P. Dave,
Shri T.S. Pattabiraman,
Shri Braja Kishore Prasad Sinha,
Shri M.H.S. Nihal Singh,
Shri Syam Dhar Misra,
Shri Braj Bihari Sharma,
Col. Peer Mohammad,
Shri Mohammed Valiullah,
Shri S. Chattanatha Karayalar,
Shri Ram Kirpal Singh,
Shri Bhupesh Gupta,
Shri Kishen Chand,
Shri Harischandra Mathur,
Shri P.S. Rajagopal Naidu,
Shri Hriday Nath Kunzru, and
Sardar Surjit Singh Majithia (mover).

with instructions to report by the 11th December 1952.

SHRI RAJAGOPAL NAIDU : (Madras) : Mr. Deputy Chairman, we are now introducing a Bill.....

MR. DEPUTY CHAIRMAN: Ordinarily the Members of the Select Committee don't speak. It is for the other Members to give suggestions and the Members of the Select Committee would look into those suggestions when they meet in the Select Committee

12 NOON.

DR. R. B. GOUR (Hyderabad) : Mr. Deputy Chairman, I am sorry that after hearing the hon. Minister moving the motion in this House that the Bill be referred to the Select Committee, I have to say that he does not give any inclination that the Select Committee, which will obviously be overloaded with the Members of his own party, will accept the various amendments that are suggested by the various Boards themselves to whom this Bill was circulated for eliciting their opinion.

SARDAR S. S. MAJITHIA: We will be very sympathetic.

DR. R. B. GOUR : The Bill that is before us or the Bill that is referred to the Select Committee does not radically amend the Cantonments Act of 1924 about which the entire country and, I can say, even Congressmen were agitating in the past, that the Bill should be amended. We know that this so called Cantonment administration was nothing but a concentration camp that was meant for the British controlled armies of those days. These Cantonment areas were concentration camps for the people residing in those areas. In the proposed Bill no radical change is being contemplated. These bazar areas will, of course, be known as civil areas, hereafter. The bazar committee will be called the civil areas committee. But that is not the thing that the people of the areas want, for which they have been agitating all these years. They wanted autonomy for these areas, they wanted some sort of municipal administration for themselves. That is what they have been agitating for all these years and precisely that is what is lacking in the Bill that has been placed before us now. This is the important fact that the Select Committee has to consider. I am sorry that from what I heard from the hon. Minister just now, we cannot expect the Select Committee—the majority of members in the Select Committee—to radically amend the old Act of 1924, and we cannot expect that these committees or areas will be given autonomy, their democratic right for which they have been agitating and which they have been claiming all these years.

I will not go into the detailed provisions of this Bill. They are all there before the House and before every member of the Select Committee, so also the various opinions expressed by the people concerned. There are various conflicts arising in these areas. For example, there are conflicts arising between the Estate Officer and the civil personnel about the civilian requirements. Then we have got the Vice-President. But what are his powers? There is the Chairman and so the Vice-President has not even supervisory powers. He cannot preside over the meetings of the Committee. Some other military officer who is the President will preside over the meetings, and it will be something like what we used to have in our college unions where the Principal was the President and a student was the Vice-President with no possibility of ever presiding over the meetings, as the Principal would be there to do so. Why this show of things, I do not understand. No endeavour has been made to meet the requirements and aspirations of the people. Here is a military officer and he will be the president of the committee ; but for what purpose ? What is the purpose served by this arrangement ? We can understand such an arrangement if the health of the military personnel is concerned, or something like that. But, so far as the civilian population is concerned, what are the powers that the Vice-President who comes from the civilian population has got ? What is the democratic right that you give to the people in the bazar area, as they are called ?

Moreover, how long are we going to have nominated majorities in these committees ?

Sir, these are some of the glaring facts which come out of this Bill and which show that the Bill is not going to satisfy the requirements of the people. It is not a radical amending Bill, amending the old Act of 1924. It falls short of our needs and aspirations. Therefore, I request that the Government should think over this because this is a thing that the various cantonment boards themselves have been demanding and the various populations in these

areas have themselves demanded in the opinions that they have expressed through the various State Governments to the Central Government. I know there is one representative of my Party on the Select Committee, but I would request the hon. Minister to give a categorical assurance in reply to this debate that he is going to accept certain things on behalf of the Government, certain radical and basic amendments according to the opinions expressed,—that these amendments or suggestions will be accepted by the Congress Party and the Congress Government. It is this that will meet the requirements of the people of these areas—these bazaar areas. I have, however, again to express my feeling that after hearing the hon. Minister, I am left with the sad feeling that he is not going to do anything practical in the Select Committee, in the matter of radical amendments of the old Act of 1924, and accepting the suggestions made by the Cantonment Boards. I see the hon. Minister smiling and nodding or rather shaking his head to indicate a “ No ”. Then what is the use of all these things in the Bill here if the people of the bazaar areas are to have no more democratic rights than before ? We know how these Cantonment Boards worked. We had one in Secunderabad and another in Bolaram. We know how members are nominated to these boards. A person nominated to the Secunderabad Board was later found to be a black marketeer and sentenced to imprisonment. That used to be the sort of nomination to these cantonment boards.

Sir, the Government must make up its mind whether they want the old Act of 1924 to be radically changed or not, or whether these cantonments should continue to be,—as I characterised them—concentration camps. If they are against such radical amendments, we have to bring forward many amendments, though we know what will be the fate of the amendments brought forward by us. We have, however, to do it in the interests of the cantonment areas and the people in those bazaar areas and in the interests of democracy, and such amendments must be accepted by the Government. If they do

not accept them, then the verdict will be against them. That is all. Here the Government may pass their Bill. But they must also see what History will say of them. I again request that the Government should see if their amendments are in consonance with the public aspirations. I request a categorical assurance from the hon. Minister that he will accept radical amendments, otherwise there is no use for the show of a Select Committee.

SHRI H. P. SAKSENA (Uttar Pradesh) : Mr. Deputy Chairman, I rise to give my support to the Cantonments (Amendment) Bill, that has been moved by the hon. Deputy Minister for Defence. While the Deputy Minister was inflicting his manuscript oratory on us, I got the impression that I was not a member of a paramount body like the Parliament of the Indian Union, but that probably I was belonging to a junior authority to which the member of a senior body was addressing something. The hon. Deputy Minister made a sort of distinction between the civil authority and the defence authority, implying thereby that we belong to the civil and junior class and he to the defence or senior class. I have always been under the impression that in the year of grace 1952, no difference or differentiation has now been left as between the civil and the military or defence. The Indian Union is one indivisible whole and the authority of the Government of India goes over it all, under the purview of the Indian Union Parliament. Therefore, I hope I am wrong in the impression that I formed, and that the hon. Minister did not mean to make any such differentiations.

My hon. friend Dr. Gour referred to what the Cantonment Boards were during the British regime and what they ought to be now. I am also reminded of the fact that a very eminent friend of mine was in the year 1922 prosecuted and sentenced just for getting a notice of a meeting that was going to be held in the city of Lucknow, distributed in the cantonment area of the city. He was prosecuted and sentenced. The entire defence or military area was

[Shri H. P. Saksena.] sacrosanct. Nobody could enter those sacred precincts. But I would very much wish to see—and this should have been accomplished by now—all this differentiation abolished.

Of course, there are certain characteristic features of the military and the defence which must be retained and the civil authority should ordinarily be not allowed to intervene in military and defence matters. Conceding that, it does not follow that the two should be rigidly excluded from one another.

Now, Sir, the times are changed. The hon. Minister talked of democratisation. Well, the mere use of words does not satisfy our hunger. We want things to be done in the concrete and actual shape. This is not the way of dealing with the House of Parliament in the manner in which we, the members, are being presently dealt with. I am referring to the speech that has been very presently made while the amending Bill was being presented.

Sir, I see no reason why the obnoxious and the disagreeable sections of the Cantonment Act be not scrapped forthwith. I hope the Members of the Select Committee of my party who are, as my friend, Dr. Gour has pointed out, in a huge majority will see that the governance and the administration of the Cantonment areas are democratised and, there is no gainsaying the fact that they will be earning the gratitude of millions upon millions of people living in those areas all over the country, by this act of theirs.

With these words, Sir, I commend the Motion to refer the amending Bill to a Select Committee.

SHRI B. RATH (Orissa) : Mr. Deputy Chairman, the Bill which was circulated for eliciting opinion is now before the House and the Motion is to refer the Bill to a Select Committee. At this stage, I would be failing in my duty if I do not draw the attention of the Members of the Select Committee to the opinions that have been received

and request them to scrutinise them properly because, as I listened to the Minister while he moved the Motion, I was led to think, as if all the opinions that have been received are in complete agreement with the amending Bill. But, Sir, if we scrutinise the opinions that have been received, we will find that there are practically two categories of opinions that are available to us, barring the opinions received from the States where there are no Cantonments—either the State Governments or the persons to whom this Bill was sent for giving opinion can give their opinion even though there is no Cantonment there—, we find, with respect to the States in which there are Cantonments that the opinions that have been received are of two major categories : one category gives one variety of opinion that “ We concur with the measure ” or “ We agree with the amending Bill ” or “ The amending Bill is very very progressive ” and of that nature. If we analyse the persons who have given these opinions, I have most unfortunately to remark that they belong to the very category for whom our hon. Minister is in all praise—they are, the Deputy Commissioners, Commissioners, Commanding Officers, President of Cantonment Boards and the Army Officers who are in complete agreement. If we analyse the opinions further, we will find that there is a difference, even in Cantonment Boards. The non-official Members are of opinion that the amending Bill, as has been presented to us in the last Session is not to the satisfaction of the Members. They want that these bodies must be completely changed. If the hon. Minister will look to paper No. 3—opinion of the All-India Cantonments Association, he will find that they have given certain valuable suggestions. They want that in the Cantonments, for whose development the civil population have been responsible for the last 150 years, the civil population should have representation. If we see the report of the Central Committee on Cantonments, we will find that, in spite of the best efforts of the Army Officers or the I. C. S. Officers who were in a majority in that Committee—Government perhaps thought that if more

members of the Constituent Assembly were put in, they will bring such a report which will not be acceptable to the Defence Department and so it was practically filled up with Army Officers and I. C. S. Officers—but, in spite of that, they have been forced to admit in page 3, while giving the history of the growth of the Cantonments, “the scheme for the provision of accommodation was subject to conditions which retained to Government their proprietary right in the land and gave them the right to use.....” and they go on, if we read through the paragraphs which give the historical retrospect, “the Cantonments of today are as such because it is the civil population which has helped in the growth of the Cantonments, not only the civil population have helped in the growth of the housing accommodation, not only they have built houses which have been used but the population has increased due mainly to the role of the civil population.” What do we find? The old Cantonment Act of 1924, section 5 of which deals with representations, is not going to be changed. Section 30 was such that it had never allowed elected representatives in the Cantonment Boards but, in spite of demands since the year 1948 or 1949, we find that we are faced with an amending Bill which does not want to change the character of the Cantonments and still wants to retain the dominance of the nominated representatives in the Cantonment Boards.

I request the Members of the Select Committee to see that the character of these Cantonment Boards is changed and I earnestly believe that here, the considerations will be primarily of the population in general. I do not discriminate as my hon. friend has discriminated, between the civil and military personnel. I believe that all the people are Indian and it is primarily to their interests and for their development that the Boards must be constituted and not with domination of any category over the other. There should be proper representation to different categories living in those areas, and that should be the primary consideration. The number of the people living and the work

that is to be entrusted to these Boards must be the primary consideration in fixing the nomination of the Members or fixing the number of Members that are to be there. But the election must be there, and it must be seen that the boards which are constituted are constituted in a democratic manner. That is why I would request the hon. Minister, in spite of the fact that section 13 of the original Act is not going to be amended by this amending Bill, to see that the Select Committee considers not only the amending Bill which is before the House but the whole Act. I have this request to make to the hon. Minister, because according to the rules of procedure and according to the motion that he has made before the House the Select Committee cannot go beyond the scope of the amending Bill. That is why I make this special request to the Minister in Charge of the Bill that he must widen the scope of the Select Committee so that they can examine the whole Act if necessary and suggest any amendments they wish to be made in the whole Act. With that object in view I would request the Minister and the Whip of his party to have an amendment moved to the motion as it has been presented so as to widen the scope of the Select Committee. I trust that the hon. Minister will do at least this much so that the Select Committee will have an opportunity of examining the whole Act. That is the first point.

With regard to another point which has been discussed at length previously and which is agitating the minds of two categories of persons who hold two different opinions, is as to how far the democratisation of cantonment boards will be helpful or how far it will harm the development of cantonment boards. So far as this report is concerned, the Committee which produced this report was—except for the hon. Member of the Constituent Assembly, Mr. Sidhwa, who of course was of a different opinion—composed predominantly of officials, and they say on page 15 :—

“ We have considered it desirable that cantonments should in fact maintain as far as possible in the foreseeable future their original

[Shri B. Rath.]

characteristic of military stations considering all the circumstances associated with the present state of the country in its political, economic and public health aspects".

Elaborating it, they say :

"The maintenance of satisfactory conditions of security, discipline and health among the troops which are a necessary corollary to efficiency will not admit of taking chances and the transfer of the administration of cantonments to civil majorities, we feel, is fraught with consequences which may prove detrimental to the efficiency of the army, its health and morale".

Sir, it surprises me that a body of experts, a body which is intimately connected with the army, can produce such a report. I do not know if it has become the practice at present to leave the discipline of the army, the health of the army, and their education, their electric supply and their water supply to the cantonment boards. Has the Defence Ministry absolved itself of all these responsibilities? It is clear that the health and the education of the army are completely within the jurisdiction of the Defence Department. It is they who control the army within the areas of the cantonment boards, and the cantonment board has practically nothing to do with them. By giving a false picture this experts' committee wants us to believe that it is really the cantonment board which controls the army life within the barracks, controls the health of the army, controls the sanitary conditions, controls the hygienic conditions, etc. That is not a fact. That point has been brought out not only by the All-India Cantonment Boards Association, which according to me has made a comprehensive study of the whole Bill and the Act itself, but by the Bengal Government too which has given an opinion and has at least tried to think over the problem. Even their opinion is that these cantonment boards should be democratised.

I believe the time has come when these cantonment boards as such should vanish. I do not understand why Barrackpore should not be joined with Calcutta, or why the Allahabad Cantonment should not be joined with the

Allahabad Corporation. So, I hope that the Select Committee will also consider whether it is at all necessary to have cantonment boards at some of the places where they exist today or whether they could be amalgamated with the corporations and municipalities near by. If the Select Committee are not given power to amend the Bill they should at least express themselves in such a way that it will force the Government to amend the whole of the Cantonment Act in the near future.

With these words, I submit that the hon. Minister should at least take into consideration my suggestion that the Select Committee must be empowered to go into the whole Act and suggest amendments in the various provisions of the original Act as well as in the present amending Bill if they so desire.

SHRI GOVINDA REDDY (Mysore):
Mr. Deputy Chairman, in supporting the measure that is now under discussion on the floor of the House, I would like to express myself as being in full agreement with the democratisation that has been sought and asked for from hon. Members of the Left Wing of this House. It is true that these cantonment areas have now expanded into civil areas with large civil populations, and, therefore, it is in the fitness of things that responsible municipal administration based on adult franchise should be extended to these areas. But, where I differ from the two hon. Members of this House is in their questioning the motives of the Government—that the Government is maintaining these obnoxious measures, that it is not making any attempt to remove them—and that is a thing which I do not agree with. Well, Sir, these obnoxious measures relating to cantonments have been purely historical antecedents.

In the past, when these cantonment areas came into existence, the civil population came to grow in a large military camp. Wherever, a military camp was established, there the civil population catering to military needs came and began to trade. Later on, in course of time the civil population

began to reside in the cantonment areas. But in those days military exigencies required that the entire administration of the area, maintenance of sanitary and health standards and providing comforts for the population which was engaged in trade and for the regulation of trade, and so on that all these should become matters of military discipline and supervision. It was perfectly legitimate that the military had to take the entire thing under their control because there was no other administrative unit to look after these areas. But, Sir, in course of time the military authorities themselves came to realise that when these areas grew into large civil areas, they could not cope up with the work. So, when the Government—even the alien Government that was here—realised that the military authorities were incapable of coping with the needs of these civil areas, they themselves attended to the democratisation of the Administration of these areas ; for one thing that they were not able and they were not technically equipped for looking after the sanitary arrangements and for the other thing, when the civil areas grew into large areas, the problem of administering justice also became very important—assumed very great importance—and therefore the military authorities had to pass on the Administration of Justice into the hands of the neighbouring civil Government or had to constitute courts of justice on the basis of the courts of justice that were obtaining in the civil areas. So, for these reasons, the military authorities themselves passed on their powers into the hands of bodies which were composed of military and at the same time civil officials or non-officials. They themselves—the old Government itself—created Cantonment Boards and thus the Cantonment Act came into force.

SHRI RAJAGOPAL NAIDU : With nominated majority.

SHRI GOVINDA REDDY : Yes, nominated majority of course. But still the exigency remains. The exigency was that those areas were meant to cater to the military forces that were

stationed there and therefore that military discipline should be there, and that the military control should be there over those areas. But those exigencies came to pass on and then later on it became very necessary to administer them differently and it was for this reason that the Government convened a conference of the Local Self Governments and sought its recommendations. It was later on again to liberalise these provisions that the Government appointed a Committee and that Committee went into the question and made certain recommendations. So, Sir, taking these facts into consideration, the motive of the Government in liberalising the Administration of these areas cannot be questioned.

Well, Sir, several of the obnoxious features have been given a go-by in this Bill. The arbitrary character of nominating these Boards and making them entirely arbitrary Boards instead of making them responsible to the electorate—in fact there was no electorate then—is a feature which has been given a go-by to in this Bill. And then the communal representation that was provided for has also been given a go-by to in this Bill and this Bill seeks to bring these areas on an electoral basis. But still it needs to be further liberalised. That is true. It must be brought in consonance with the civil areas and civil administration and these areas must be given a municipal administration. But that is a fact, Sir, which will need a further step and I am sure the Government will take that step soon. This Bill, Sir, therefore, in a considerable measure, liberalises the old restricted and arbitrary Cantonments Act, and it is welcome.

Sir, there have been matters of further details which need some thought. Three sets of opinions have been furnished to us and these sets of opinions differ on material points with regard to certain of the provisions of the Bill. Well, I have not been able myself to decide which opinion is more in consonance with the convenience of administration because arguments weigh equally on both sides. It is for the Select Committee that is proposed to be

[Shri Govinda Reddy.]
appointed now, to go into these questions and I am sure that they will look into the matter and take proper decisions. With these few words, Sir, I extend my support to the Bill.

SHRI RAJAGOPAL NAIDU : May I, Sir, seek at least a clarification from the hon. Minister?

MR. DEPUTY CHAIRMAN : Not now. At the end.

SHRI T. R. DEOGIRIKAR (Bombay) : Mr. Deputy Chairman, though I do not want to make a grievance, yet I am sorry that coming as I am from the four Cantonment Boards, none of us is represented on the Select Committee. Therefore, I take this opportunity to express my thoughts on the whole Bill.

From the Statement of Objects and Reasons appended to the Bill, it is clear that this Amending Bill is introduced for the purpose of increasing efficiency in the Cantonment Boards and not for the purpose of giving up the Municipal Administration in those areas. According to the recommendations contained in the Report made by the Central Committee on Cantonments, out of 56 Cantonment Boards, Ambala is likely to have a municipality and 17 others can be merged in the adjoining municipalities. This Bill obviously is intended for the remaining 38 Cantonment Boards. I think, unless those areas are of strategic importance and unless they are likely to be deteriorated by being constituted into separate bodies to the detriment of the military personnel, the Defence Department should not continue to administer them. I do not understand why after independence the Defence Department should aspire to take civil powers in those areas. Those areas may not be large enough to constitute themselves into municipalities or they may not be large enough to be merged into adjoining areas, but I fail to understand why those 38 Cantonment Boards cannot form themselves into borough municipalities or a village panchayat or why they cannot come under the District Local Boards. Less

area and less population should not be the reason for the continuance of this Defence Department Administration in those areas. To me it seems there is a divergence of views between the framers of this Bill and the signatories to the Report. On page 7 of the Report category 3 is given and in the bracketed portion it is stated :

“ Cantonments in which the civil areas by reason of their size or situation are not covered by categories 1 and 2 above and which may continue to be administered under the Cantonments Act (II of 1924).....”

So the reason is size and situation and not want of efficiency. Out of 38 Boards in category 3, 24 are running at a loss amounting to Rs. 5,02,000.

I do not know who makes up the loss—the Defence Department or the Boards themselves. If it is the former why should public money be wasted on those Boards ?

Coming to category 2 the present Bill seeks amendment to section 4 of the Act of 1924. The original section vested the authority for altering the boundaries in the Central Government. Now that authority is to be exercised by the Central Government in consultation with the State Governments and the poor cantonment boards are nowhere to be found. I do not understand why non-official element on the cantonment board should not be consulted in the process of this merger. That is rather strange. Supposing certain cantonment boards do not desire to merge in the adjoining municipalities and want to remain as a separate body, can they do so ? Take for instance Kirkee and Poona Cantonments. The incidence of taxation in Kirkee is Rs. 14 per head per year, but in Poona Cantonment it is Rs. 33, though Poona Cantonment is only five miles away from Kirkee. After the merger it is likely that the taxes in the Kirkee cantonment board or the cantonment area will increase, and naturally the population in Kirkee will not welcome the merger. Both these boards, according to me, can have sizeable borough and municipalities. On the other hand, let us suppose, a certain municipality does not desire to absorb

these cantonment boards. Can that municipality do so? The boards to which I referred are not well developed. Though they were administered by the then military authorities, the sanitary arrangements are highly deficient as compared to the arrangements in the adjoining areas. In order to bring these backward boards up to a certain level, capital expenditure will have to be incurred; and, who is going to provide that capital? If we are going to ask the municipal tax-payers to pay, it is really penalising them. Then, take the question of payments. The payments in the boards and municipalities are not the same. They will have to be equalised. Then the question about pension, provident fund etc., will come up. Then again, accommodation will have to be provided for. All this will mean additional burden on the flimsy finances of the municipalities. I am sure the labour unions will get ample field to reap a rich harvest by organising strikes. I am therefore of the opinion that the whole issue should be kept open. The option of merging or not merging should be decided by the cantonment boards and the municipalities concerned.

Coming to category 3, I think if the Government is not willing to give up their rule on those boards, at least twenty or more boards can be shifted from category 3 to category 2, as suggested by Mr. Sidhwa in his note of dissent. I think the policy of the Government should be to abolish these boards as early as possible. They are antiquated. They are legacies of the British Government and are not in keeping with the democratic traditions which we are trying to build up. Let this Bill be a step in that direction. I support the motion for Select Committee.

SHRI RAJAGOPAL NAIDU : Sir, just one question for clarification. Sir, in the Local Self-Government Ministers conference.....

SHRI S. C. KARAYALAR (Travancore-Cochin) : Sir, on a point of order, the hon. Minister is not in possession of the House. No question can be put to him at this stage.

MR. DEPUTY CHAIRMAN : You can speak.

SHRI RAJAGOPAL NAIDU : Resolution No. 2 was with regard to the excision of civil areas from cantonments, and consequent delimitation of the boundaries thereof. Sir, the Central Committee on Cantonments went through the whole thing and submitted a report recommending the excision of certain Civil areas from cantonment and the consequent delimitation of the boundaries thereof. That has been reported Sir, on pages 6—7 of the Report of the Central Committee. As I said, Sir, having regard to all these factors, they have decided that the cantonment should be divided into 3 categories. Category I includes the cantonments in which large areas redundant to the requirements of the army can be excised and formed into separate local bodies. Regarding the other two categories my hon. friend has just now mentioned, and has explained why this Bill has been now brought before this House. I refer to only Part I of the recommendations of the Central Committee. This Bill does not refer to anything with regard to the recommendations of the Central Committee in Part I. May I ask Sir, what has Government done with regard to the recommendations in Part I of the Central Committee's Report? Secondly, I find that—it is my own opinion—the whole Act can be re-opened and amended because, there are several items, very important things, that have been recommended by the Central Committee, and according to the Bill before us, we want that it should be referred to a Select Committee. The whole Act may be referred to the Select Committee as has been pointed out by two honourable Members a little while ago.

SARDAR S. S. MAJITHIA : Sir, I am very grateful to the hon. Members who have taken part in today's discussion. As I said in my opening remarks, I still feel that there is a certain amount of distrust in the minds of Members about our officials, both civil and military. I beg to submit Sir,

[Sardar S. S. Majithia.]

that this is not a fact. As I said earlier, we have changed and now they are—if you will permit me, to put it, so—the most dutiful servants of this Government which represents the people of this country.

Coming to some of the points Dr. Gour referred, to the presiding officer, who is a military official, and has no knowledge of civil requirements. If he had said that about twenty years ago, I possibly would have accepted his arguments. But today, your military men are all Indians, fully national and patriotic, and to say that these Indians cannot understand the requirements of the civil population, is very far from the truth. They live amongst them, they come from amongst them, and then to dub them as being ignorant of the conditions from which they come, is just to shut your eyes to the facts. I need not dilate on that very much.

The other point which he raised was about democratising the bodies. As I said Sir, there are certain difficulties regarding them, and I am very grateful to my friend Shri Govinda Reddy, for clarifying the situation to a great extent, and therefore, I need not waste the time of this House on that point. I will only say that these cantonments are the result. They have sprung up because we need them. By 'we', I mean the country. It is not that they have a haphazard growth. They come up because we want our troops to be stationed at a particular spot. Along with the cantonments, you have got the civilian population coming and settling there and helping the military personnel, and therefore this point should not be lost sight of that it is to the military personnel first that we should give primary consideration in cantonments.

Next, coming to my hon. friend Shri Saksena, I can assure him that there is no difference between himself and me. If I may refresh his memory, the military personnel always think themselves to be the servants of the country and by "the country", the people are also

included. There is no question of differentiation and they have come to the aid of the civilian population not once, but so many times. They could come effectively to their aid.

As regards my friend opposite, Shri Rath from Orissa, I can say that he was harping on the same old distress of the military officers which I have already replied to. Apart from that, he mentioned certain points which are also relevant and I may add that with regard to the accession of the areas, Government has already considered that and very soon will come to a decision on that point.

That leads me to my friend who spoke last, I think, Shri Deogirikar. He mentioned about certain areas. The main point he referred to was the difference in taxation between Poona and Kirkee. There are various aspects to be considered between Poona and Kirkee. It is entirely a different matter and has to be looked into. There are various things which come up while settling these differences and it is not such a simple matter as that. Besides these points, I find there is nothing else which I should refer to now.

SHRI B. RATH : Sir, what about widening the scope of the Committee to consider the whole Act itself ?

MR. DEPUTY CHAIRMAN : The question is :

That the Bill further to amend the Cantonments Act, 1924, be referred to a Select Committee consisting of—

Shri Bodh Ram Dube,
 Dr. Shrimati Seeta Parmanand,
 Shri Somnath P. Deva,
 Shri T.S. Pattabiraman,
 Shri Braja Kishore Prasad Sinha,
 Shri M.H.S. Nihal Singh,
 Shri Shyam Dhar Misra,
 Shri Braj Bihari Sharma,
 Shri Col. Peer Mohammad,
 Shri Mohammed Valiulla,
 Shri S. Chattanatha Karayallar,
 Shri Ram Kirpal Singh,
 Shri Bhupesh Gupta,

Shri Kishen Chand,
Shri Harishchandra Mathur,
Shri P.S. Rajagopal Naidu,
Shri Hriday Nath Kunzru, and
Sardar Surjit Singh Majithia (the mover)

with instructions to report by 11th December 1952.

The motion was adopted.

MR. DEPUTY CHAIRMAN : I announce that Sardar Surjit Singh Majithia will be the Chairman of the Committee.

Monday, the 8th December 1952, had been allotted for non-official Bills. As there are only two non-official Bills for introduction on that day, the Chairman has allotted the rest of the day for official Bills.

1 P.M.

The House stands adjourned till 10-45 A.M. on Monday, the 8th December 1952

The Council then adjourned till a quarter to eleven of the clock on Monday, the 8th December 1952.