

Par. 82.I.1.52

830



Wednesday,
9th December, 1953

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

**PARLIAMENT SECRETARIAT
NEW DELHI**

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THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

987

HOUSE OF THE PEOPLE

Wednesday, 9th December, 1953.

*The House met at Half Past One of
the Clock.*

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

SCHOOL OF TOWN AND REGIONAL PLANNING

*757. **Shri S. N. Das:** Will the Minister of Education be pleased to refer to the reply given to starred question No. 932 on the 1st September, 1953 and state:

(a) whether any progress has been made towards the establishment of a school of town and regional planning in Delhi as recommended by the All-India Council for Technical Education;

(b) if so, what;

(c) whether the Institute of Town Planners has accepted the scheme and has decided to work it; and

(d) the extent of financial help that Government have decided to give to the school?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) to (d). A statement giving the required information is laid on the Table of the House. [See Appendix IV, annexure No. 16.]

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Shri S. N. Das: May I know whether the Institute of Town Planners has submitted any scheme to the All India Council for Technical Education and if so, what are the important features of that scheme?

Shri K. D. Malaviya: A scheme was submitted by the Institute of Town Planners. The whole scheme was considered by the Government and is still being considered by them. The final proposals are that a school of town and regional planning should be established in Delhi. It should be an autonomous body and that representatives should be taken from the Government, from the Institute of Town Planning and also from the Institute of Engineers to constitute the Board and that the administration and management of the school should be placed in the hands of that governing body.

Shri S. N. Das: May I know whether there is any other school of this nature which is functioning anywhere in the country and if so, where it is?

Shri K. D. Malaviya: I do not know of any such Institute.

Shri S. N. Das: May I know what is the estimated expenditure that would be involved in this scheme?

Shri K. D. Malaviya: The non-recurring expenditure is estimated at 2.34 lakhs and the recurring, Rs. 75,000.

Shri S. N. Das: May I know whether this school will be managed by some expert imported from any other country or it will be managed by our own people?

Shri K. D. Malaviya: That question will also be considered in due course.

AUDIT AND EXCHEQUER BILL

***758. Shri S. N. Das:** Will the Minister of Finance be pleased to state:

(a) whether the draft of the Audit and Exchequer Bill referred to in the Ministry's Report for 1952-53, has since been finalised; and

(b) if not, what are the reasons for the delay?

The Minister of Finance (Shri C. D. Deshmukh): (a) Not yet.

(b) The enactment of an Audit and Exchequer Act becomes a matter of practical importance and necessity only in connection with major changes such as separation of audit from accounts and the introduction of a system of Exchequer Issues and Control. As I stated in my replies to the hon. Member's previous questions No. 443 and 599 on the 1st and 4th December, 1953 respectively, these changes involve complex accounting, administrative and financial problems which it will take time to settle.

Shri S. N. Das: May I know whether there has been any substantial change in the Government of India Audit and Accounts Order 1936, under which the duties and powers of the Auditor-General are being regulated, after the introduction of the new Constitution?

Shri C. D. Deshmukh: There has been no change in those orders.

Shri S. N. Das: May I know whether proposals are under consideration to enact a law regarding the conditions of service of persons serving in the Audit and Accounts department and administrative powers of the Comptroller and Auditor-General as envisaged in article 148 of the Constitution?

Shri C. D. Deshmukh: That would be a part of the new legislation when it is enacted.

Shri S. N. Das: May I know whether any controversy has arisen with regard to the audit of the accounts of such organisations which are wholly and partly financed by the Central Government and if so, what is the nature of the controversy that has been raised?

Mr. Speaker: With whom or between whom?

Shri S. N. Das: Controversy about the constitutional position of some organisations and bodies like private limited companies in which the accounts are not audited. They are audited by some chartered accountant.

Shri C. D. Deshmukh: An issue has been raised; but it does not amount to any controversy.

INDO-U.S. TECHNICAL CO-OPERATION SCHEME

***761. Dr. Ram Subhag Singh:** (a) Will the Minister of Finance be pleased to state the number of Indian technicians who have so far returned from the United States after having been trained there under the Indo-U.S. Technical Co-operation Scheme?

(b) How many Indian technicians are at present in the U.S.A. under this scheme?

(c) How many more Indian technicians have been selected to go to the U.S.A. for training under this scheme?

The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat): (a) 152.

(b) 60.

(c) 101.

डा० राम सुभग सिंह : यह जो १५२ आदमी अमरीका से शिक्षा पाकर लौटे हैं उन में से वहाँ जाने के कबूल कितने सरकारी ओहदों पर थे ?

श्री बी० आर० भगत : उनको चुनने के समय जो उसूल थे उन में यह था कि वे लोग चाहे सेंट्रल गवर्नमेंट के हों, या स्टेट

गवर्नमेंटस के हों या प्राइवेट आरगेनाइजेशन के हों, वें सब लोग जो सेंट्रल गवर्नमेंट के, या स्टेट गवर्नमेंटस के या प्राइवेट आरगेनाइजेशन के थे, सब के सब लगे हुये हैं।

डा० राम सुभग सिंह : वहाँ जाकर जिन लोगों को टेक्नीकल शिक्षा मिली है, वहाँ से लौटने के बाद उनको सूटेबिल टेक्नीकल पोस्ट्स पर रख लिया गया है अथवा नहीं ?

श्री बी० आर० भगत : माननीय सदस्य को यह मालूम होगा कि जिस समय ये लोग ट्रेनिंग के लिये बाहर भेजे जाते हैं तो इस बात की विवेचना कर ली जाती है कि कौन से विषय के लिये उनको भेजा जाय ताकि जब वे लौट कर आये तो वह डेवलपमेंट प्रोग्राम में फिट हो सकें।

مدرس آف ایجوکیشن اینڈ نیچرل
ریسورسز اینڈ سائنٹیفک ریسرچ (مولانا
آزاد) : ایسے آدمی چلے جاتے ہیں
جو وہاں پر لگ سکیں -

[The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): Persons fit for the jobs are selected.]

Shri V. P. Nayar: May I know how many such students have been sent to the U.S.A. for study in what are called basic industries?

Shri B. R. Bhagat: I have not got a break-up of the figures industry-wise.

Shri N. M. Lingam: What are the main subjects in which technicians have been sent for training?

Mr. Speaker: I think there may be a large number of subjects.

Shri B. R. Bhagat: The subjects are in connection with the development programmes.

GIFT PARCELS TO MAHE

*762. **Dr. Ram Subhag Singh:** Will the Minister of Finance be pleased to state whether the Government of India have imposed customs duty on all gift parcels sent by post to the French possession of Mahe?

The Deputy Minister of Finance (Shri A. C. Guha): Indian Customs duty is being levied again on all parcels, whether received from abroad or from another French settlement, when addressed for delivery in Mahe through an Indian Post Office.

Dr. Ram Subhag Singh: Since when has this duty been imposed on gift parcels to Mahe and what has been the result of this imposition?

Shri A. C. Guha: From 9th September, 1953. The result has been that there is a check on smuggling that was going on previously.

Dr. Ram Subhag Singh: May I know whether Government propose to impose the duty in the case of all foreign possessions in India?

Shri A. C. Guha: This is done for Mahe and Yenam. Other possessions are not taken into consideration.

Shri Muniswamy: May I know whether there is any relaxation or exemption in the duty in the case of gift parcels which we get from foreign countries?

Shri A. C. Guha: It is not a question of any relaxation of duty. These parcels are opened in the post office and if any smuggled articles are found, they are confiscated by the Government.

काशमीर में डाक तथा तारघर

*७६३. { सेठ गोबिन्द दास :
श्री नागेश्वर प्रसाद सिन्हा :

क्या राज्य मंत्री यह बताने की कृपा करेंगे :

(क) क्या काशमीर की डाक, तार तथा यातायात सेवाओं का प्रशासन सरकार द्वारा ले लिया गया है ; तथा

(ख) यदि हां, तो इस नई व्यवस्था से सरकार को कितना लाभ अथवा हानि होगी ?

The Minister of Home Affairs and States (Dr. Katju): (a) The postal services in Jammu and Kashmir have been administered by our Posts and Telegraphs Department ever since 1894. The telegraph and telephone services were taken over on the 16th September, 1953. As regards transport services, there are no railways operating in Jammu and Kashmir State. The air service between Delhi and Srinagar, which was being run by a private Company under a licence given by the Government of India, has been taken over by a statutory corporation set up by an Act of Parliament, with effect from the 1st August, 1953.

(b) The question arises only in the case of the taking over of the telegraphs and telephones services. It is expected that the loss will be about Rs. 3 lakhs per annum at present but this is likely to be made up in future.

सठ गोविन्द दास : जहाँ तक तारों और टेलीफोनों का मामला है, अभी माननीय मंत्री जी ने बतलाया कि निकट भविष्य में इस नुकसान के पूरे हो जाने की सम्भावना है। क्या इसका कुछ अन्दाजा किया गया है कि कितने दिनों में यह नुकसान पूरा हो जायेगा ?

डा० काटजू : आशा है कि भविष्य में पूरा हो जायेगा। भविष्य कितना लम्बा होगा मेरे लिये कहना जरा मुश्किल है।

सठ गोविन्द दास : क्या वहाँ पर इस वर्ष और आगे के वर्षों में पोस्ट आफिस, टेलीफोन आफिस और टेलीफोन का जो काम है उसको बढ़ाने की कोई योजना है कि हर वर्ष इतन पोस्ट आफिस बनाये जायेंगे ?

डा० काटजू : जी, मुमकिन है कि पोस्ट आफिस भी बढ़ाये जायेंगे और ट्रंक

टेलीफोन के बढ़ाये जाने की सम्भावना है। एक्सचेंज भी बढ़ाये जायेंगे। कोशिश की जायेगी कि जितनी सुविधाएँ हो सकती हैं वह वहाँ की जनता की दी जायें।

SPECIAL POLICE ESTABLISHMENT

*764. { **Shri V. P. Nayar:**
Shri Vallatharas;

Will the Minister of Home Affairs be pleased to lay on the Table of the House a statement showing (i) the number of cases of corruption and misconduct referred to the Special Police Establishment in 1950-51, 1951-52, and 1952-53 by the various Ministries of the Government of India, (ii) the number of such cases, so referred in which the Special Police Establishment has submitted its final report and the number of cases in which such enquiries revealed that the allegations were true and (iii) the number of prosecutions started on the basis of such reports?

The Deputy Minister of Home Affairs (Shri Datar): I place on the Table of the House a statement giving the required information. [See Appendix IV, annexure No. 17.]

Shri V. P. Nayar: May I know, Sir, how many such cases were referred to the Special Police Establishment by the Home Ministry and the Finance Ministry?

Shri Datar: That break-up I have not got here.

Shri V. P. Nayar: Then, may I know, Sir, in the cases about which details have been given in the statement, how many related to cases of amassing wealth by officers by corrupt practices?

Shri Datar: I would like to have notice about those details.

Shri V. P. Nayar: May I know, Sir, whether there has been any case referred to the Special Police Establishment by the Home Ministry about the conduct of the Inspector-General of Police, Delhi?

Shri Datar: No, Sir.

Shri Ajit Singh: May I know the number of cases reported by the public?

Shri Datar: Sometimes we receive private information and the Special Police Establishment makes enquiries, but I have not got the figures about the cases in which private information was received.

Shri Ajit Singh: May I know the number of cases that were proved and upon which action was taken?

Shri Datar: Action is taken either by way of prosecution or by way of departmental enquiry. Prosecutions were launched in respect of 23, 22 and 13 cases for 1950-51, 1951-52 and 1952-53 respectively, and the cases referred for departmental enquiry were 22, 5 and 4 in the respective years.

Shri V. P. Nayar: May I know, Sir, whether it is a fact that the Special Police Establishment was asked to enquire into the case of arson at the famous Sabarimalai Temple in 1950-51 and if it has not submitted its report?

Shri Datar: I have no information on that point.

SURVEY OF YOUTH ORGANISATIONS

*765. **Shri S. N. Das:** Will the Minister of Education be pleased to state:

(a) whether the survey of the youth organisations in India, undertaken by Government, has been completed;

(b) if so, what are the important features of the survey;

(c) whether other recommendations with regard to youth welfare work made by the Youth Welfare Seminar held at Simla, have been given effect to;

(d) whether any scheme for this work has been prepared and approved; and

(e) the amount of expense which Government may incur under the scheme?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) No.

(b) Does not arise.

(c) and (d). Yes.

(e) Rs. one crore in the Five Year Plan.

Shri S. N. Das: May I know the names of the agencies other than the State Governments which have been asked to make this survey?

Shri K. D. Malaviya: Non-official social welfare organisations of the country are being surveyed.

Shri S. N. Das: May I know, Sir, how the amounts provided in the current budget have been utilised with regard to this subject?

Shri K. D. Malaviya: The implementation of this scheme is still under the consideration of the Government, but a part of it has been implemented and a number of youth league camps have been organised. Some more are to be organised but the whole scheme is under consideration.

Shri S. C. Samanta rose—

Shri S. N. Das: May I know, Sir...

Mr. Speaker: Order, order. I am asking Mr. Samanta.

श्री एस० सी० सामन्त : क्या यह बात सच नहीं है कि संमिनार के बाद गवर्नमेंट ने छः हजार रुपया बिलासपुर में किसी को दे दिया है ?

مستتر آف ایجوکیشن اینڈ نیچرل
ریسورسز اینڈ سائنٹیفک ریسرچ (مولانا
آزاد) : نہیں - اس طرح کا کوئی
واقعہ نہیں ہے -

[The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): No, nothing of the sort has happened.]

Shri S. N. Das: May I know whether any of the Universities have been associated with the youth movement, and if so, which are they?

Shri K. D. Malaviya: Government have appointed an officer. He is in contact with the University authorities also with regard to organisational activities in this connection.

Shrimati Renu Chakravarty: May I know if all the College Unions have also been asked to submit their proposals and have they been approached on this subject?

Shri K. D. Malaviya: I am not exactly aware of this, but, as I said, the University authorities have been contacted.

Shrimati Renu Chakravarty rose—

Mr. Speaker: I am going to the next question.

EX-SERVICEMEN IN P.E.P.S.U.

***767. Shri T. B. Vittal Rao:** (a) Will the Minister of Defence be pleased to state whether the PEPSU Government had agreed with the Government of India to absorb ex-servicemen in the Civil Services of PEPSU?

(b) If so, how many ex-servicemen have been absorbed in the PEPSU Civil Services since August, 1947 to date?

The Deputy Minister of Defence (Sardar Majithia): (a) Yes.

(b) 1312 ex-servicemen have been absorbed in Government service.

Shri T. B. Vittal Rao: May I know if it is a fact that those absorbed ex-servicemen are being retrenched?

Sardar Majithia: That is a fact—only 24, but they will be re-absorbed because orders have been issued that no fresh recruitment will be made till these are absorbed.

Shri Ajit Singh: How many of them are Scheduled Castes?

Sardar Majithia: Sorry, I have not got the break-up of the figures.

CIVILIAN ASSISTANT FIRE MASTER

***768. Shri T. B. Vittal Rao:** (a) Will the Minister of Defence be pleased to state the qualifications prescribed by the Defence Ministry, for the post of Civilian Assistant Fire Master in the Ordnance and Technical Establishments of the Army?

(b) How many of the present incumbents in the office of Civilian Assistant Fire Master have the requisite qualifications?

The Deputy Minister of Defence (Shri Satish Chandra): (a) A statement giving the prescribed qualifications is laid on the Table of the House. [See Appendix IV, annexure No. 18.]

(b) Of the existing 25 Civilian Assistant Fire Masters, six possess the requisite educational qualifications and twelve possess the requisite technical qualifications.

Shri T. B. Vittal Rao: May I know whether those who possess the requisite qualifications are being demoted?

Shri Satish Chandra: No, Sir. If the persons possess the requisite qualification, there is no question of demoting them. On the other hand, certain persons who had worked for more than three years as on 1st January, 1949, were kept even if they did not possess the requisite qualification.

FORFEITURE OF PENSION

***769. Shri T. B. Vittal Rao:** (a) Will the Minister of Defence be pleased to state whether it is a fact that the pensions of retired military personnel who participated in the national movement, prior to August, 1947 have been forfeited?

(b) If so, what is the number of cases involved?

(c) Have Government restored any of the pensions so forfeited?

(d) How many are still pending restoration?

(e) What is the reason for Government not restoring their pensions?

The Deputy Minister of Defence (Sardar Majithia): (a) Pensions of various military pensioners who were guilty of offences of a political nature, were forfeited by the competent authority prior to August, 1947. The position was, however, reviewed after the attainment of independence, and orders providing for the restoration of such pensions with full arrears were accordingly issued in April, 1948, a copy of which is laid on the Table of the House. [See Appendix IV, annexure No. 19.]

(b) Precise information is not available.

(c) Yes, Sir, in 25 cases.

(d) One.

(e) The case is under investigation.

Shri T. B. Vittal Rao: May I know the number of cases pending disposal since the last four years?

Sardar Majithia: I said there is only one pending.

Shri Muniswamy: May I know, Sir, whether there is any proposal to bring in a new pension code for the armed forces, and if so, what are its features?

Sardar Majithia: I am afraid that is a separate question. This is about forfeiture of pensions. About the Pay Code as the hon. Member knows, if he tables a question, I shall certainly reply.

Shri T. B. Vittal Rao: May I know if the cases of those who participated in the workers' and peasants' movement against the British capital, and their props the feudal landlords, have been disallowed?

Sardar Majithia: Complete instructions have been issued and I have already laid on the Table of the House the necessary orders, and if the hon. Member goes through them, he will know the categories.

Dr. Ram Subhag Singh: May I know, Sir, whether the dependents of the pensioners who died before April, 1948 will also be given the benefit of this new order?

Sardar Majithia: No, they do not come under this order which is laid down now.

SILVER MINE IN KULU

***770. Shri S. C. Samanta:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether it is a fact that an old and abandoned silver mine has been discovered recently in the Kulu Valley in the Punjab?

(b) If so, what is its past history?

(c) Who discovered the mine?

(d) Is there any evidence of the existence of other ores or deposits there?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) to (c). The famous Uchich Silver Mines abandoned long since were described by an officer of the Geological Survey of India as far back as 1865. They were revisited by the Geological Survey of India during 1948-49. The mines appear to have been in dis-use for the last 70 to 80 years.

(d) Yes, Sir.

Shri S. C. Samanta: May I know whether any attempt has been made to investigate into the silver mine that was explored by Mr. Calvert?

Shri K. D. Malaviya: It has been considered advisable to undertake detailed prospecting, with a view to finding out the economic possibilities of the entire mines; and the detailed prospecting is not yet complete. Unless the mineral content of the ores has been assessed, it is not advisable to undertake the working of the mines.

Shri S. C. Samanta: May I know how many explorers were sent during the last four years, for detecting these mines?

Shri K. D. Malaviya: I cannot give the exact information regarding the number of officers sent. But in 1949, the mines were revisited by the Geolo-

gical Survey, and they worked in the field season.

FOREIGN TECHNICAL ASSISTANCE

*771. **Shri S. C. Samanta:** Will the Minister of Finance be pleased to state:

(a) how many *ad hoc* offers of technical assistance, training facilities, etc., have been received from foreign Governments, firms, institutions and universities since 1950, year by year;

(b) whether all the offers have been utilised;

(c) if not, the reasons therefor; and

(d) the constitution of the selection body for the purpose?

The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat): (a) to (d). The information is being collected and will be laid on the Table.

Shri S. C. Samanta: May I know who deals with these offers?

Shri B. R. Bhagat: All these *ad hoc* offers of training facilities and technical assistance are received by the various Ministries concerned with the subject of the offers.

Shri S. C. Samanta: Is it not a fact that the Education Ministry deals with all the subjects?

Shri B. R. Bhagat: No, Sir.

TAX EXEMPTION FOR EX-RULERS

*772. **Shri Dabhi:** Will the Minister of States be pleased to refer to starred question No. 718 asked on the 22nd August, 1953 and state:

(a) whether the personal or Darbari buildings as distinct from State properties of the ex-rulers of the Bombay State are exempted from local taxes; and

(b) if so, whether such exemption forms part of the agreements made with these ex-rulers?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). Ac-

cording to the Agreements made with the Rulers they are entitled generally to the continuance of all the rights and privileges enjoyed by them before the 15th August 1947. As regards exemption from local taxation this has been left to the decision of the State Governments. This applies to all the properties recognised as the private property of the Rulers.

Shri Dabhi: May I know whether the ex-rulers of Gujarat in Bombay State have been exempted from these local taxes?

Dr. Katju: The exemption applies to all the rulers generally. There is no particular exemption specially in favour of any one particular class of rulers.

Shri Dabhi: May I know whether it is not a fact that the Agreement merely states that the rulers will be entitled to full ownership, use and enjoyment of the properties belonging to them on the date of the Agreement, and does not in any way provide for...

Mr. Speaker: Order, order. I think the hon. Member is entering into an argument over the interpretation of the Agreement.

Shri Dabhi: I wanted to know whether it provides or not.

Mr. Speaker: I am not allowing that question.

Shri Kelappan: Apart from the exemption from local taxes, are the ex-rulers allowed any annual grant for the upkeep of their buildings?

Dr. Katju: Which particular class of rulers is my hon. friend referring to?

Shri Kelappan: Rajpramukhs or ex-rulers.

Dr. Katju: So far as the Bombay State is concerned, I am not aware of any, but I should like to have notice.

Mr. Speaker: This question is restricted only to Bombay State.

Shri Dabhi: One question, Sir.

Mr. Speaker: I do not want any arguments.

Shri Dabhi: I do not want to argue, Sir, but I want to put one question.

Mr. Speaker: The hon. Member may put his next question.

PRIVILEGES OF EX-RULERS

*773. **Shri Dabhi:** Will the Minister of States be pleased to refer to starred question No. 598 asked on the 18th August, 1953 and state:

(a) whether the ex-rulers of the Bombay State are immune from civil and criminal process; and

(b) whether there are other special privileges enjoyed by these ex-rulers at present?

The Minister of Home Affairs and States (Dr. Katju): (a) No. The prior permission of the Central Government is however necessary before a prosecution is instituted against a Ruler; similarly the previous consent of the Central Government is necessary for the institution of a civil suit against a Ruler.

(b) I would invite the hon. Member's attention to my reply to starred question No. 598 on the 18th August, 1953. The Rulers of States merged in the Bombay State have no privileges which the other Rulers do not possess.

Shri Dabhi: May I know some of the specific important privileges enjoyed by them?

Dr. Katju: I would ask my hon. friend to refer to a memorandum which was prepared, setting out all these privileges. Otherwise, it can only be illustrative.

Shri K. K. Basu: May I know the special privilege enjoyed by the rulers, as to the filing of a suit against them? Is it part of the Agreement, or does the position continue to be the same as under the British regime?

Dr. Katju: I think it is a part of the Civil Procedure Code, as amended some time back.

RETRENCHMENT IN P. E. P. S. U.

*775. **Shri Ajit Singh:** Will the Minister of States be pleased to state:

(a) how many Government employees have been retrenched since the President's Rule has been promulgated in PEPSU State categorywise;

(b) whether it is a fact that the Government employees, who were retrenched on the 1st September, 1953 were not served with proper prior notices; and

(c) if so, the reasons therefor?

The Minister of Home Affairs and States (Dr. Katju): (a)—

Gazetted officers:— 16

Non-gazetted officers (executive): 88

Non-gazetted officers (Ministerial):

437

Class IV: 260

TOTAL: 801

(b) No.

(c) Does not arise.

Shri Ajit Singh: May I know the number of officers borrowed from the neighbouring States?

Dr. Katju: I would require notice.

Shri Ajit Singh: May I know whether some of the borrowed officers are overaged?

Dr. Katju: I really cannot tell you. We are talking here of people whose services have been dispensed with. I do not know how this question arises.

Shri Ajit Singh: How many Government employees have been reinstated, and out of them how many are Scheduled Castes?

Mr. Speaker: I think the question may be put this way. How many retrenched persons have been re-employed?

Dr. Katju: 257 persons have already been re-employed. With expanding departments like Development etc., it is hoped that Government will find it possible at least to re-employ all good and characterful people permanently.

Shri Ajit Singh: How much economy will be there due to this retrenchment?

Dr. Katju: Government expect a saving of about Rs. 1,20,000 per

month, on account of this reduction in establishment. I might add here, that when the President's rule commenced in PEFSU, it was found that the PEFSU Government was the most heavily burdened in establishment, in the whole of India.

EXPORT DUTY

*776. **Shri Krishnacharya Joshi:** (a) Will the Minister of States be pleased to state whether the Government of Hyderabad have requested the Central Government to extend the period of duty on export?

(b) If so, what is the period of extension asked for?

The Minister of Home Affairs and States (Dr. Katju): (a) Yes.

(b) Six years from the close of the current year.

Shri Krishnacharya Joshi: May I know the total revenue that the Hyderabad Government collect every year, out of this export duty?

Dr. Katju: This question should really go to the Finance Ministry. My information is that the amount is Rs. 181 lakhs, under the head 'Export Duties'.

DELIMITATION COMMISSION

*777. **Shri Madhao Reddi:** (a) Will the Minister of Law be pleased to state how much time will be taken by the Delimitation Commission to complete its work?

(b) What is the progress of the work of the Delimitation Commission?

The Minister of Law and Minority Affairs (Shri Biswas): (a) The Delimitation Commission will probably take 7 or 8 months more to complete its work.

(b) It has completed the first stage of fixing the number of seats for each State in the House of the People and the State Legislative Assembly and the number to be reserved for the Scheduled Castes and Scheduled

Tribes. It has also finalised the delimitation of constituencies in PEPSU and Travancore-Cochin. Its proposals for delimitation of constituencies in Mysore, Coorg, Punjab, Madhya Bharat, Bhopal and Himachal Pradesh have been published and are likely to be finalised during this month.

Shri Madhao Reddi: May I know, Sir, whether the Government would lay on the Table the representations and other records that were received by the Commission?

Shri Biswas: Made to the Commission? Does the hon. Member refer to the objections which were received to the proposals made by the Delimitation Commission?

Mr. Speaker: That is what he means.

Shri Biswas: Those objections are before the Delimitation Commission and if my hon. friend wants the information, I shall have to get it from them.

Shri Nanadas: May I know, Sir, the principle adopted in giving priority for the delimitation of constituencies in the States?

Shri Biswas: As a matter of fact, priority was given to PEPSU and Travancore-Cochin in view of the impending general elections in those two States.

SOLAR ENERGY COOKERS

*778. **Shri Madhao Reddi:** Will the Minister of Natural Resources and Scientific Research be pleased to refer to the reply to starred question No. 458 asked on the 13th August, 1953 and state whether solar energy cookers have since been made available for use of the general public in India?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): Yes, Sir.

COLOMBO PLAN (TECHNICAL CO-OPERATION ASSISTANCE)

*779. **Shri Ajit Singh:** (a) Will the Minister of Finance be pleased to state

the amount of assistance which has been received by India under the Technical Co-operation Scheme of the Colombo Plan up to 30th June, 1953?

(b) Has India received any equipment for training institutions such as trade and technical schools, polytechnics, hospitals and so on?

The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat): (a) Training facilities abroad for 352 Indian candidates; Services of 35 foreign experts; and Equipment worth £31,074

(b) Yes, Sir; a portion of the equipment referred to above has been received for use in a hospital.

Shri Ajit Singh: May I know, Sir, what are their numbers and designations Ministry-wise?

Shri B. R. Bhagat: I have not got the break-up Ministry-wise.

INDIAN STANDARD WAGON COMPANY LTD,

*780. **Dr. M. M. Das:** Will the Minister of Finance be pleased to state:

(a) whether the Controller of Capital Issues has received an application from the Indian Standard Wagon Co., Ltd., (Managing Agents, Martin Burns Ltd.,) for permission to capitalise reserves to the extent of Rs. 9,74,625 and to make an issue to the ordinary share-holders of one bonus share of Rs. 25 for each existing share held; and

(b) if so, whether explosives will be ment in this matter?

The Deputy Minister of Finance (Shri M. C. Shah): (a) Yes, Sir.

(b) The permission applied for was granted

Dr. M. M. Das: May I know, Sir, the conditions about which Government satisfied themselves before granting this permission for capitalisation of the reserve fund?

Shri M. C. Shah: Our policy and practice is to accord our consent to such issue, i.e. capitalisation of all

free reserves, except where the percentage from the reserve left after capitalisation falls (a) below 20 per cent. of the increased paid up capital, or (b) there are very special reasons justifying refusal of consent to any such capitalisation.

Dr. M. M. Das: What are these special reasons?

Shri M. C. Shah: Ordinarily if the company has not paid dividend for a number of years and the condition of the company is not proper and does not justify such a consent.

Dr. M. M. Das: May I know whether it is a fact that for the year ended March, 1953 this company gave a dividend of 19 per cent.?

Shri M. C. Shah: I am not aware of that because I have not got those facts. But we know that the general reserves—as distinguished from Reserve Fund for specialised purposes like depreciation and others—was Rs. 20.5 lakhs and the permission granted was for Rs. 9.75 lakhs. So the remaining percentage is more than 27 per cent. or so.

Dr. M. M. Das rose —

Mr. Speaker: We will go to the next question.

ELEPHANTA ISLAND

*781. **Dr. M. M. Das:** Will the Minister of Education be pleased to state:

(a) whether quarries for cutting stone blocks for building purposes have been established or are going to be established in the Elephanta Island near the city of Bombay;

(b) if so, the decision of Government used for blasting rocks; and

(c) if so, whether such use of explosives for blasting rocks is not likely to cause any injury to the ancient cave temples of the island?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) Yes.

(b) Yes.

(c) No.

Dr. M. M. Das: May I know, Sir, the names of the contracting parties—I mean the party that gave the contract and the party that took the contract for the establishment of quarries?

Shri K. D. Malaviya: Shri Mangal Dass Narsi on behalf of the New Marine Oil Terminal Project is doing it. This contract has presumably been given by the State Government.

Dr. M. M. Das: May I know, Sir, whether the State Government has assured the Archaeological Department of the Central Government.....

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): Yes, yes.

Shri K. D. Malaviya: All standard tests to see that there was no harm done to these caves by the blastings were performed in the presence of our own officers and also in the presence of the State Government officers, and we are quite satisfied that no harm will be done to any one of the caves.

Dr. M. M. Das: In view of the fact that archaeologists are of opinion that there is a possibility of the existence of unexcavated cave temples in that region, may I know whether it is not desirable to stop the blasting of rocks?

Shri K. D. Malaviya: There is no such fear that there are any unexcavated caves present there which might be damaged by these blastings.

ELEPHANTA CAVE TEMPLES

***782. Dr. M. M. Das:** Will the Minister of Education be pleased to state:

(a) whether there is any possibility of the existence of other cave temples in the Elephanta Island that have not yet been excavated; and

(b) the annual expenditure incurred by Government for the maintenance of the cave temples in the island?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) In the area affected, there are no unexplored caves.

(b) Approximately Rs. 5,000/-.

Dr. M. M. Das: May I know, Sir, what is the annual amount that we gain by selling tickets?

Shri K. D. Malaviya: I do not know. I require notice to answer that question.

FOREIGN FIRMS

***783. Shri Buchhikotaiah:** Will the Minister of Finance be pleased to state:

(a) what amount of profits has been taken away from India in 1953 so far by foreign trade firms and companies; and

(b) whether the figure has increased or decreased compared with that of the corresponding period in 1952?

The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat):

(a) During the period January to August 1953, for which figures are available, the profits remitted abroad by foreign firms and companies operating in India amounted to Rs. 11.88 crores.

(b) There has been an increase of Rs. 3.78 crores over the corresponding period in 1952.

Shri Buchhikotaiah: Out of these which foreign country got the largest share of profits in 1953?

Shri B. R. Bhagat: U.K.

Shri G. P. Sinha: May I know whether there is increased capital investment by the foreign companies?

Shri B. R. Bhagat: That is a separate question.

Shri K. K. Basu: May I know whether the amount given represents the earnings of the foreign shipping concerns or only the trading companies incorporated in India?

Shri B. R. Bhagat: This includes all foreign firms operating in India.

Mr. Speaker: Can he give the break-up?

Shri B. R. Bhagat: We have not got the figure company-wise.

Shri K. K. Basu: My question was whether this includes the profits of the shipping companies who have their branches here or.....

Mr. Speaker: That was why I asked whether he had got the break-up. In order to reply to that question, he must have the details.

Dr. Lanka Sundaram: May I know, Sir, whether Government contemplate taking steps to ensure that these 25 crores of rupees a year may be ploughed back into Indian industry?

Shri B. R. Bhagat: There is no figure of 25 crores

Dr. Lanka Sundaram: The Parliamentary Secretary gave the figure for six months. I just doubled it i.e., 25 crores a year.

The Minister of Finance (Shri C. D. Deshmukh): There is no way of ensuring that the profits which these foreign firms make are ploughed back. It is left largely to their discretion. We try to create conditions favourable for the ploughing back. But from the exchange point of view, we have given an assurance that anybody who wants to remit profits will be permitted to do so, and it is only by leaving the door open that we may hope that a large proportion will be ploughed back, as undoubtedly it has been in the past.

N. C. C. (GIRLS DIVISION)

***784. Shri Bibhuti Mishra:** (a) Will the Minister of Defence be pleased to state whether there is any educational qualification fixed for girls for enrolment in the National Cadet Corps?

(b) How many girls have been enrolled in N.C.C. this year?

The Deputy Minister of Defence (Shri Satish Chandra): (a) Girl students in a college are eligible for enrolment in the Girls Division of the National Cadet Corps.

(b) 120 in the newly raised troops and about 75 to fill up normal annual vacancies in existing units.

श्री विभूति मिश्र : क्या स्कूल में पढ़ने वाली लड़कियों को भर्ती नहीं हो सकती ?

श्री सतीश चन्द्र : जी, अभी तो कालेज की लड़कियों के लिये ही शुरू की गई है ।

Shri Nanadas: May I know, Sir, the amount spent on individual girl cadets?

Shri Satish Chandra: I cannot give separate figures. There are no separate accounts for the junior, senior and the Girls' Division. They are all mixed up and separate figures are not readily available.

ARMY CLOTHING

***785. Shri Bibhuti Mishra:** Will the Minister of Defence be pleased to state whether Government are considering any proposal regarding the Defence Department purchasing clothes, blankets etc., from the All-India Khadi and Village Industries Board for the use of their personnel in order to encourage Cottage Industries?

The Deputy Minister of Defence (Shri Satish Chandra): The Services have all along been using to some extent, products of Cottage Industries to meet their miscellaneous textile requirements. Efforts have been made in the past to purchase stores like blankets, pull-overs, etc. from Cottage Industries even where a slight increase in cost or deviation from the prescribed specifications was involved. For instance, 65,000 blankets were procured from Cottage Industries during 1952-53. The possibility of increasing such purchases either through the All India Khadi and Village Industries Board or from other Cottage Industries is also being examined.

श्री विभूति मिश्र : डिफेंस सरविसेज में हाथ से बुनी और हाथ से कती खादी का कितना इस्तेमाल होता है ?

श्री सतीश चन्द्र : अभी तक तो नहीं होता है लेकिन अब यह इरादा है कि डस्टर, टाबेल और हास्पिटल की लिनन के लिये खादी इस्तेमाल की जाय । मैं ने जिक्र किया कि ६५ हजार कम्बल खरीदे गये । यह हाथ के बुने हुये तो थे ही लेकिन इनका ताना मिल

का था और बाना खादो यानी हाथ का कता हुआ था ।

DEVELOPMENT FUND FOR TRIBAL AREAS OF MANIPUR

***786. Shri Rishang Keishing:** Will the Minister of Home Affairs be pleased to state:

(a) the amount of the special development fund earmarked by the Government of India for the development of the tribal areas of Manipur during the current financial year;

(b) the amount of the fund as distributed under different heads and the different schemes submitted by the Government of Manipur;

(c) whether it is a fact that sanctions have not been issued so far by the Government of India for the local Government to execute their schemes;

(d) if the reply to part (c) above be in affirmative, what are the reasons for the delay; and

(e) what action the Government of India propose to take in order to enable the local Government to put through many of the important schemes and thus avoid lapse of the fund?

The Deputy Minister of Home Affairs (Shri Datar): (a) to (e). I lay a statement on the Table of the House containing the information asked for. [See Appendix IV, annexure No. 20.]

Shri Rishang Keishing: May I know, Sir, if it is a fact that the amount had been reduced from Rs. 9 lakhs to Rs. 4 lakhs?

Shri Datar: No, Sir, the amount has not been reduced.

Shri Rishang Keishing: May I know the reason why the sanction of the amount has been delayed and whether Government has taken any steps to avoid the recurrence of such delay in future?

Shri Datar: In the first place there was no delay at all. As soon as the schemes were received we sent them to the Ministries concerned and the

Planning Commission. They have now been finalised and the sanction has been given on the two dates mentioned in answer to (c).

Shri Rishang Keishing: May I know whether the Government have received any complaints from the local Government about the delay?

Shri Datar: We have received no complaint.

LANGUAGE COMMISSION (TRIPURA)

***787. Shri Biren Dutt:** Will the Minister of States be pleased to state:

(a) whether a Language Commission is going to be set up in Tripura State to develop the Tribal languages; and

(b) whether the leaders of the Tribal People are passing resolutions demanding such a commission to be immediately set up?

The Minister of Home Affairs and States (Dr. Katju): (a) No.

(b) No such representation has been received by the Government.

Shri Biren Dutt: May I know whether Government are aware that some private teachers are already teaching in Tripura in the Tripuri language?

Dr. Katju: I do not know about that. But, I may add here for the information of the House that in the small Tripura State, according to our information, 47 languages or dialects including several tribal dialects are being spoken and we have received no representation for investigation into this matter.

Shri Biren Dutt: Will the Government take this as being supported by private individuals for the tribal language or give aid to them?

Dr. Katju: Not to my knowledge.

हिन्दुस्तान एयरक्रैफ्ट

***७८८. श्री रघुनाथ सिंह :** क्या

रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या हिन्दुस्तान एयरक्रैफ्ट लिमिटेड एच० २ प्रकार के वायुयानों को

विश्व बाजारों में बेचने की प्रस्थापना कर रहा है ;

(ख) इन में से प्रत्येक वायुयान का मूल्य ; तथा

(ग) प्रति मास कितने वायुयान बिक्री के लिये रखे जा सकते हैं ?

The Deputy Minister of Defence (Sardar Majithia): (a) Yes, Sir; after the country's requirements have been fully met.

(b) No final price has been fixed for this plane as yet. It is, however, expected to be approximately Rs. 73,000/- excluding the price of the Radio Equipment.

(c) Five aircraft will be available for sale per month, commencing from June/July 1954.

श्री रघुनाथ सिंह : इस कारखाने में साल में कितने हवाई जहाजों का उत्पादन होता है ?

Sardar Majithia: For the time being, Sir, we have got plans to produce about 60 a year, but they will be stepped up, and, in case the need arises, they can easily go up to about 120.

CAPITAL INVESTMENTS

***789. Shri K. K. Basu:** Will the Minister of Finance be pleased to state:

(a) the names of the new industries in which capital has been invested year by year, since the introduction of the Five Year Plan; and

(b) the names of the industries already established into which additional capital has been put in?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). So far as the public sector is concerned, the required information is available in the "Five Year Plan Progress Report for 1951-52 and 1952-53" which is a published document. As for the private sector, estimates of fixed capital

investment from the beginning of the Plan period up to the current year, have been made in regard to the 42 industries covered in another published document, viz. "Programmes of Industrial Development 1951-56", with the addition of electric power generation and a few miscellaneous industries such as conduct pipes, wood-screws, sewing machines, ball-bearings, typewriters, razor blades, etc. The most important new industry included among the above is petroleum refining.

Shri K. K. Basu: Sir, May I know the percentage of foreign capital that is invested either in the old industries or in particular industries and the total amount so far invested on the private sector?

Shri C. D. Deshmukh: I require notice for that question.

Shri S. N. Mishra: May I know whether Government contemplate to set up a body to prevent bad investment and direct investment in more socially desirable channels?

Shri C. D. Deshmukh: The capital issue control machinery is a machinery of that kind. There is also the licensing of industries in the case of industries scheduled under the Industrial Development and Regulation Act.

Shri Joachim Alva: The hon. Minister mentioned about typewriters. May I know as to how permission was given to Remingtons to establish a factory in India when plans were placed before the Government for typewriters being produced by the Godrej's in Bombay?

Shri C. D. Deshmukh: That does not concern my Ministry. I am concerned with the financial aspect of it; it concerns the Commerce and Industry Ministry.

ORISSA ASSEMBLY BYE-ELECTION

***790. Shri B. C. Das:** Will the Minister of Law be pleased to state whether Government have instituted any enquiry into the allegation that a large number of Andhra names were omitted from the voters list in connection

with the bye-election of the Berham-pur plural constituency, held in June 1953?

The Minister of Law and Minority Affairs (Shri Biswas): No, Sir, but I understand that the Election Commission has asked the Chief Electoral Officer of the State to inquire into the allegation.

Shri B. C. Das: May I know whether an election that was scheduled to be held in June 1953 was stayed by the orders of the High Court on a petition of some Andhra citizens that their names were deliberately omitted from the voters' list?

Shri Biswas: There was a petition filed before the High Court to that effect but the petition was dismissed by the High Court on the 8th September, 1953.

Shri B. C. Das: May I know whether the proposed enquiry will be held in the public and whether in the enquiry that will be held members of the public will be allowed to let in evidence?

Shri Biswas: I cannot say; the matter has been referred to the Chief Electoral Officer of the State and he has been asked to hold the enquiry. What procedure he will follow has not been reported to the Election Commissioner.

Shri Nanadas: May I know the total number of voters on the original voters' list and the total number on the revised list in that constituency?

Shri Biswas: I cannot give the hon. Member the numbers wanted. But the allegation was that 3000 Andhra names had been left out and 3000 Oriya names had been substituted therefor.

हिन्दी विश्वकोष

*७९१. श्री नवल प्रभाकर : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे :

(क) क्या यह तथ्य है कि सरकार हिन्दी में एक विश्वकोष की रचना करने का विचार कर रही है ; तथा

(ख) यदि हां, तो इस सम्बन्ध में की गई प्रगति का व्योरा क्या है ?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) Yes.

(b) A statement is placed on the Table of the House. [See Appendix IV, annexure No. 21.]

श्री नवल प्रभाकर : क्या मैं जान सकता हूँ कि जो परामर्शदात्री समिति बनाई गई है उसकी अब तक कितनी मीटिंग्स हो चुकी हैं ?

श्री के० डी० मालवीय : उसकी कई मीटिंगें हो चुकी हैं ।

श्री नवल प्रभाकर : यह जो विश्वकोष होगा क्या यह सचित्र होगा ?

श्री के० डी० मालवीय : जी हाँ ।

श्री रघुनाथ सिंह : क्या कोई संग्रह भी हुआ है ?

श्री के० डी० मालवीय : जी, हाँ, इसकी पहली बाल्यूम तो तयार हो चुकी है, छपने वाली है ।

श्रीमती तारकेश्वरी सिन्हा : क्या मैं जान सकती हूँ कि अभी जो हाल में लखनऊ में लिपि सुधार के बारे में कान्फरेंस हुई, उन लिपियों के बारे में सरकार कुछ करने जा रही है या नहीं ?

مستتر آف ایجوکیشن اینڈ ریسرچ
دوسرے ایڈٹ سائنٹیفک ریسرچ (مولانا آزاد) : اس سوال سے اس کا کیا تعلق

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[The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): How is it relevant to this question?]

Mr. Speaker: This question is an entirely different one.

TRAINING IN ATOMIC WARFARE

*792. **Shri U. C. Patnaik:** Will the Minister of Defence be pleased to state whether there is any proposal for giving training in atomic warfare to officers of the Indian Defence Services in foreign countries?

The Minister of Defence Organisation (Shri Tyagi): No.

Shri U. C. Patnaik: May I know if there is any scheme for training the Defence personnel and through them the civilian public for defence against atomic and other attacks against us?

Shri Tyagi: There is no such proposal, Sir.

Shri U. C. Patnaik: Can Government give us an assurance, Sir, that in the event of an atomic automatic bombardment or attacks by any other long range weapon, our defence machinery—in spite of the Rs. 235 crores annual expenditure—is in a position to defend us?

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): No such assurance can be given, Sir. I do not think any government in the world can give that assurance.

Shri U. C. Patnaik: May I know if Government are aware of the fact that 300 officers of our neighbouring country, Pakistan, are being trained in atomic warfare in foreign countries?

Shri Jawaharlal Nehru: Government is not aware of that fact, Sir.

CENTRAL COLLEGE OF DANCING

*793. { **Shri L. J. Singh:**
Shri K. P. Tripathi:

(a) Will the Minister of Education be pleased to state whether it is a fact that the Sangeet Natak Academy is starting a Central College of Dancing at Manipur?

(b) If so, what is the scheme contemplated?

(c) Will the College be a full-fledged Government College or a College to be subsidised by Government?

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The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) to (c). The matter is under consideration and no definite scheme has yet been worked out.

I may be allowed to supplement this. A college of dancing has been proposed to be started at Imphal for Manipuri dancing.

Shri L. J. Singh: May I know whether the Government have drawn their attention to the statement issued sometime ago in the Press by the Chairman of the Academy to the effect that the central dancing college is being started in Manipur?

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): Let us not, first of all, get mixed up with these terms—college, academy, etc. You can call it 'college' or anything you like. It is proposed to have an academy of dancing at Imphal for those areas where there are special types of dancing—I think it is for Manipuri dancing—on a small scale, and not on a large compass as technological and all that. Another academy, perhaps a bigger one, in the other areas may be started, but the details have not been worked out. But the present idea is that there should be an academy of dancing at Imphal and another academy at Shillong for the other tribal types of dancing.

Shri L. J. Singh: May I know whether it is a fact that a substantial contribution has been set apart for this college of dancing by the Prime Minister from the Republic Day fund?

Shri Jawaharlal Nehru: Well, I cannot assure the hon. Member; a reply, nevertheless, may be made. As I said, the matter is being formally considered by the Government. A beginning has been made by some money which has been placed at our disposal for the Manipur Academy so that some small beginning may be made while the bigger scheme is worked out.

Shri Radha Raman: May I know, Sir, how many students will be admitted in this academy?

CENTRAL BOARD OF GEOPHYSICS

*794. **Shri K. C. Sodhia:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state the present constitution of the Central Board of Geophysics?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): A statement giving the required information is laid on the Table of the House. [See Appendix IV, annexure No. 22.]

Shri K. C. Sodhia: May I know when is the next meeting of the Board likely to be held?

Shri K. D. Malaviya: I do not know, but the Board is certainly going to be reconstituted in January next.

Shri K. C. Sodhia: How many meetings in a year do they generally hold?

Shri K. D. Malaviya: The old Board is finishing its life in January next. But they held several meetings in a year. I cannot give you the exact number.

Shri K. C. Sodhia: Who carries on this programme.....

Mr. Speaker: Order, order. Next question.

URBAN AREAS TENANCY BILL

*795. **Shri K. P. Tripathi:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether the Government of Assam recently re-drafted the Non-agricultural Urban Areas Tenancy Bill with limited rights to tenants; and

(b) if so, has it been reserved for the consideration of the President?

The Deputy Minister of Home Affairs (Shri Datar): (a) Yes.

(b) No, not yet.

Shri K. P. Tripathi: What is the reply which has been given by the hon. Minister to the 1st Bill?

Shri Datar: We have not yet received a copy of the Bill for the consent of the President.

Shri K. P. Tripathi: May I know whether it is within the knowledge of the Government that a large number of evictions are taking place in anticipation of this law which was to be put into effect?

Shri Datar: This Bill has been before us for the last two or three years in one form or another. Certain objections were raised by the Law Ministry and so it was referred to the Assam Government. All our suggestions have not been carried out.

Shri K. P. Tripathi: May I know if the Government is aware that this law, in its present form, cannot be passed, because it is against the Constitution?

Shri Datar: That is one of the reasons.

Shri K. P. Tripathi: What is the policy of the Government with regard to the urban areas tenancy—whether the Government have a policy of giving heritable and transferable rights to the tenants?

Shri Datar: That itself has to be decided.

Shri K. P. Tripathi: May I know whether an amendment with regard to this in the Constitution, is under the contemplation of the Government?

Shri Datar: I have to point out that an objection was raised—that these provisions were bad under article 19(5), and therefore we thought it proper, before requesting the President, to signify his consent, to invite the Minister from Assam to come here. He is coming here in the course of the next few days and we shall try to settle the matter.

Shri K. P. Tripathi rose—

Mr. Speaker: Order, order. Next question.

ALIGARH MUSLIM CONVENTION

*797. { **Shri Gidwani:**
Shri Raghunath Singh:
Shri Bibhuti Mishra:

(a) Will the Minister of Home Affairs be pleased to state whether Government are aware of the fact that there was close liaison between the organisers of Aligarh Muslim Convention held recently and certain elements and Press in Pakistan?

(b) Is it a fact that the proceedings of the said convention were first published in Pakistan Press?

(c) If so, which news agencies were responsible in transmitting the news from India?

The Deputy Minister of Home Affairs (Shri Datar): (a) Government have no information about such liaison. It is, however, true that the reports relating to this Convention were sent to the Pakistan Press by the correspondent of the Associated Press of Pakistan at Delhi who visited Aligarh to cover the Convention.

(b) No; the proceedings of the Convention were first published in a section of the Indian Urdu Press.

(c) The reports published in the Pakistan Press were credited to the Associated Press of Pakistan.

Shri Gidwani: Has the attention of the Government been drawn to the statement made by Mr. Sampurnanand, the Home Minister of U.P., published in "The Times of India" that the two most sinister features of the Convention were the fact that its sessions were arranged at night in an attempt to enable Aligarh University students to participate in the proceedings, and close liaison maintained by the organisers with certain elements and press in Pakistan?

The Minister of Home Affairs and States (Dr. Katju): I have read that statement in "The Times of India."

Shri Gidwani: Is that correct?

Dr. Katju: So far as the Government of India is concerned, the position has been given in part (a) of the answer just now read.

Shri Gidwani: Are the Government aware of the fact that many exaggerated and misleading and blood-curdling speeches were made, inciting the people to violence and the repetition of incidents of 1857?

Dr. Katju: I have read certain statements in the Urdu Press but I do not think that the language which my hon. friend has used would be justifiable. Probably, it appears to be a little exaggerated.

Shri Gidwani: May I know whether any action has been taken against any speaker who made such a speech, inciting the people to violence and even communal tension?

Dr. Katju: Not yet. The matter is under consideration.

Shri Gidwani: Do the Government contemplate taking any action against that speaker?

Dr. Katju: I said, the matter is under consideration.

Shri Joachim Alva: From the time our honourable and venerable Minister for Education was grossly treated with contempt and disrespect at Aligarh, right up to this time, communalism which has been underground has come overground and has been re-invited at Aligarh. Is the Government aware that the philosophy of the Muslim League is still quite rampant underground?

Dr. Katju: I am trying to understand the question.

Mr. Speaker: The point, as I understand, is that the speech of our Education Minister was treated very lightly and with contempt and the Muslim League mentality is still living or is present in India.

Dr. Katju: So far as the question relating to the speech of my hon. colleague is concerned, I really do not

know. As to whether the mentality of the Muslim League is living or not, it depends upon the people concerned. Some people probably have that mentality, and some people probably are trying to get over it.

Shri U. C. Patnaik: May I know, Sir, if there is any co-ordinated effort on the part of the security forces under the Home and Defence Ministries to counteract fifth column activities in our country?

Dr. Katju: There are no fifth column activities in our country. They are living in peace and tranquillity. If there is any fifth column activity, we will see that it is stopped.

Mr. Speaker: The question-hour is over.

WRITTEN ANSWERS TO QUESTIONS

MANUFACTURE OF RADIO COMPONENTS

***756. Sardar Hukam Singh:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether any of our research institutions have undertaken investigations to develop processes for the manufacture of radio components utilising indigenous raw material;

(b) if so, which are those institutions;

(c) whether the commercial possibilities of any processes developed so far have been examined anywhere in India; and

(d) if so, with what results?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) to (d). A statement giving the required information is laid on the Table of the House. [See Appendix IV, annexure No. 23.]

NATIONAL DEFENCE ACADEMY

***759. Sardar Hukam Singh:** Will the Minister of Defence be pleased to state what is the number of cadets that were selected for admission to

the National Defence Academy during 1951, 1952 and 1953, but were subsequently discharged during first or second year of their training?

The Deputy Minister of Defence (Sardar Majithia): 515 cadets were admitted to the Academy in 1951, of whom 4 were withdrawn in the first year and 10 in the second year of the training. Corresponding figures for 1952 are 728, 15 and 3. During the current year, of a total of 676 admitted to the Academy, only 7 have been withdrawn so far.

CONFIDENTIAL REPORTS ON ARMY PERSONNEL

***760. Sardar Hukam Singh:** Will the Minister of Defence be pleased to state:

(a) whether, on the army side, confidential reports, whether good or bad, are shown to the individuals concerned and their signatures are taken on them;

(b) whether an individual can represent to his superior officers if he feels that he has been incorrectly reported upon; and

(c) whether the same opportunity is given to the Gentleman Cadets in the Defence Academy?

The Deputy Minister of Defence (Sardar Majithia): (a) to (c). Yes, Sir.

N. C. C. CAMPS

***766. Shri D. C. Sharma:** Will the Minister of Defence be pleased to state:

(a) the names of the places where National Cadet Corps camps were held during the year 1953; and

(b) the social work done by the cadets at each of these places, and the particulars of such work?

The Deputy Minister of Defence (Shri Satish Chandra): (a) and (b). A statement is laid on the Table of the House. [See Appendix IV, annexure No. 24.]

RESINS

*774. **Shri Eswara Reddy:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state what steps are being taken for the commercial utilisation of the methods for the preparation of modified resins worked out by the National Chemical Laboratory?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): A statement giving the required information is laid on the Table of the House. [See Appendix IV, annexure No. 25.]

NATIONAL SAMPLE SURVEY

*796. **Shri H. N. Mukerjee:** Will the Minister of **Finance** be pleased to state when, the "further reports and studies of a technical nature" promised in the National Sample Survey's General Report No. 1 on the First Round, will be available?

The Minister of Finance (Shri C. D. Deshmukh): No further reports and studies of a technical nature have been prepared on the results of the First Round of the National Sample Survey. Further material has been collected in subsequent rounds. Two studies have been prepared on this material, and further studies are under preparation.

SMALL SAVINGS

366. **Dr. Amin:** (a) Will the Minister of **Finance** be pleased to state the estimated increase in small savings effected as a result of propaganda by the Planning Commission during the year 1953 (upto October)?

(b) What is the amount spent for propaganda?

The Deputy Minister of Finance (Shri A. C. Guha): (a) and (b). The Planning Commission are not conducting any propaganda specifically for the Small Savings Scheme. Publicity for this Scheme is done in the normal course by the National Savings Organisation and the cost of this publicity is about Rs. 7 lakhs per annum.

A Women's Savings Campaign has recently been started on the recommendation of the Planning Commission as part of the Small Savings Movement. This Campaign also draws largely on the publicity material of the National Savings Organisation and separate figures of expenditure are not being maintained for it.

It is too early to assess the results of the Women's Savings Campaign. The total collections under the Small Savings Scheme during the first seven months of the current year have amounted approximately to Rs. 21 crores.

मनोवैज्ञानिक अनुसन्धान विभाग

३६७. श्री बी० मिश्र: क्या रक्षा मंत्री यह बताने की कृपा करेंगे :

(क) रक्षा विज्ञान संगठन के मनो-वैज्ञानिक विभाग के सम्बन्ध में किया गया व्यय ; तथा

(ख) इस विभाग के कृत्य क्या हैं ?

The Deputy Minister of Defence (Sardar Majithia): (a) The expenditure incurred on the Psychological Research Wing is approximately 2,20,000/- rupees per year.

(b) Its chief function is to review constantly the working of the Services Selection Boards in order to ensure that the tests applied to the candidates are sound and fresh and that their interpretation is in accordance with the latest Psychological Researches. It is also responsible for devising new Psychological tests and for training personnel employed on selection work at the various Boards.

INDIAN OLYMPIC COUNCIL

368. **Shri V. P. Nayar:** Will the Minister of **Education** be pleased to state whether any report of the Secretary or President of the Indian Olympic Council, regarding the participation of Indian Athletes and players in the last Olympiad held at Helsinki has been received by the Government of India?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): The Government of India have not yet received any such report.

EDUCATION OF ANGLO-INDIANS

369. Shri K. C. Sodhia: (a) Will the Minister of Education be pleased to state the total amount of grant made for the education of Anglo-Indian Community during the year 1952-53?

(b) What was the total number of Institutions which received this grant?

(c) What was the total enrolment in each of them and the total admissions of pupils of other communities in each?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) to (c). The information is being collected from the State Governments, and the reply will be laid on the Table of the House in due course.

MANGANESE AND IRON ORE

370. Shri Joachim Alva: Will the Minister of Natural Resources and Scientific Research be pleased to state what is the estimated find of Manganese and iron ore in the Belgaum District of the Bombay State especially in Khanapur Taluka?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): Information is being collected and will be laid on the Table of the House, when received.

ALUMINIUM DEPOSITS

371. Shri Joachim Alva: Will the Minister of Natural Resources and Scientific Research be pleased to state whether Aluminium deposits are found in Belgaum District of the Bombay State in Chandagdh and Khanapur Talukas?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): Yes, Sir.

PETROLEUM SURVEY

372. Shri S. C. Samanta: Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether any survey was made by the Geological Survey of India to find out the possibility of the existence of petroleum in the Bengal basin before the American Company carried out aero-magnetic survey; and

(b) whether there are any other places in India where there is possibility of the existence of Petroleum?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) No, Sir.

(b) Yes, Sir.

TRAINING IN RADIOGRAPHY

373. Sardar Mukam Singh: Will the Minister of Finance be pleased to state:

(a) whether any experts have been sent to foreign countries to receive training in modern industrial radiographic practice;

(b) if so, how many and to which countries; and

(c) whether there is a provision, under the Colombo Plan, to train more experts in this or other branches of science?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes.

(b) One. To the United Kingdom.

(c) Yes.

MILITARY LAND AT AGRA CANTONMENT

374. Seth Achal Singh: (a) Will the Minister of Defence be pleased to state what premiums were taken from the Stone Masons for the Military land at Daresi No. 2 and 3 Agra Cantonment during the past twenty years and what annual rent is being charged from them?

(b) What has been the Standard table of rates for charging these premiums and rents for the last twenty-five years?

(c) Has any military land at Agra Cantonment and specially at Daresi No. 2 and 3 been leased out for any charitable or educational purpose on private treaty during this period?

(d) If so, what is the amount of the premium or rent charged from them?

The Deputy Minister of Defence (Sardar Majithia): (a) The total initial premia charged from the Stone Masons, were:—

Daresi No.	2	Rs.	92 0 0
Daresi No.	3	Rs.	7343 0 0
Total		Rs.	7435 0 0

1932—From	Rs. 3/6/-	to	36/-	per 100	sft.	p.a.
1934—From	Rs. 3/-	to	27/-	per 100	sft.	p.a.
1939—From	Rs. 3/12/-	to	33/12/-	per 100	sft.	p.a.
1945—From	Rs. 2/-	to	Rs. 50/-	per 100	sft.	p.a.
1949—From	Rs. 4/-	to	Rs. 80/-	per 100	sft.	p.a. (Still in force).

(c) Yes.

(d) (i) One small plot measuring 114 sft. was leased by private treaty, Daresi No. 2 for the purpose of a piao for a period of 30 years renewable upto 90 years on payment of yearly rent of Rs. 1/5/- and premium of Rs. 5/-.

(ii) A plot of land measuring 0.3 acre, in Daresi No. 2 was leased by private treaty in 1949 to Achal Trust for the construction of a Public Hall, Library and Reading Room for a period of 30 years renewable upto 90 years on payment of yearly rent of Rs. 1044/- and premium of Rs. 10440/-.

(iii) A plot of land outside Daresi area was leased in 1945, for a temple in Bhoosamandi in Schedule XI of the CLA Rules, 1937, in regularisation of encroachment on Government land (Lease in perpetuity) on payment of no rent and a premium of Rs. 100/-.

The total annual rent being charged from them is—

Daresi No.	2	Rs.	4466 6 9
Daresi No.	3	Rs.	3373 9 7
Total		Rs.	7840 0 4

(b) **Premium.** There was no Standard Table of Rents prior to 1932 for charging premium, nor was there any hard and fast rule for the same. Every case was decided on its merits, and the premium was charged according to the nature of the lease.

Rent—Commercial rates. The Standard Table of Rents was compiled for the first time in 1932 and subsequently revised from time to time as under:—

MOSQUE AT SAMBHAL

375. Shri V. G. Deshpande: (a) Will the Minister of Education be pleased to state whether there is a mosque at Sambhal in Moradabad District, U.P. which is protected under the Ancient Monuments Act?

(b) Has the attention of Government been drawn to the fact that the Muslim community is making changes in the structure of the mosque?

(c) Has the attention of Government also been drawn to the fact that a plate giving the history of the building put by the Archaeological Department, has been removed?

(d) What steps do Government propose to take in the matter?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) Yes.

(b) No.

(c) No.

(d) If the report is true, necessary steps will be taken for the replacement of the plate and the Trustees will be asked to adhere to the conditions of the agreement.

स्काउट तथा गाइड

३७६. सरदार ए० एस० सहगल : क्या शिक्षा मंत्री प्रत्येक राज्य में स्काउटों तथा गाइडों के संस्था सम्बन्धी आंकड़े बताने की कृपा करेंगे ?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): A statement is placed on the Table of the House. [See Appendix IV, annexure No. 26.]

INCOME-TAX (ARREARS)

377. Shri Bhagwat Jha Azad: (a) the Minister of Finance be pleased to state the measures taken by Government to recover the arrears of income-tax?

(b) What is the total amount outstanding as arrears of income-tax in the whole country?

The Deputy Minister of Finance (Shri M. C. Shah): (a) The various measures taken by the Government to recover the arrears of income-tax are described in the statement attached.

(b) The total amount outstanding as arrears (Income-tax, including Supertax, Excess Profits Tax and Business Profits Tax) in the whole of India as on 30th September, 1953 is as under:

(Figures in thousands)

	Out of demand for 1951-52 and earlier years.	Out of demand of 1952-53	Out of demand of 1953-54
	Rs.	Rs.	Rs.
Income-tax .	83,15,63	41,08,78	28,38,82
E.P.T. .	25,76,00	1,57,12	1,14,09
B.P.T. .	97,30	86,01	84,06
Total .	1,10,24,93	43,51,91	30,36,97

Miscellaneous items outstanding collection :

2,09,75*

Further information in respect of this question is contained in the statement attached.

*(Note: This includes arrears out of current demand also. Year-wise details are not readily available.)

STATEMENT

Information with regard to Part (a) of the Question

The usual practice in effecting recovery in default cases is to levy a penalty under section 46(1) of the Indian Income-tax Act and thereafter issuing a recovery certificate to the Collector under section 46(2) of the Act, if necessary.

The recovery provisions of section 46 of the Income-tax Act were ampli-

fied in 1948 by the addition of subsections (5) and (8).

Section 46(5A) gives powers to the Income-tax Officer to attach amounts due to a defaulter from another. Sub-section (8) is intended to facilitate recoveries from persons who have left India for Pakistan.

2. The obtaining of a Tax Clearance Certificate has been made necessary before any transfer of property is registered in the case of evacuees and persons intending to leave the country permanently.

3. In addition to these measures which give more powers to the Income-tax Officers, the Board has from time to time impressed on the Income-tax Officers to speed up collection

work and in particular to make expeditious use of their powers. In some important charges, such as Bombay, the duties of the Revenue Collectors, in the matter of collection under Certificate, have been facilitated by the appointment of special Officers.

4. The recovery of Income-tax arrears is being constantly watched by the Board.

Further information in respect of part (b) of the Question

The arrears of demand (Income-tax, E.P.T. and B.P.T.) outstanding collection in whole of India on 30th September 1953 amounted to Rs. 18,414 lakhs. Year-wise details of Arrear Demand are given as under:—

(Figures in thousands)

1940-41	...	1
41-42	...	1

42-43	8
43-44	2819
44-45	6637
45-46	16196
46-47	71500
47-48	99552
48-49	143667
49-50	168938
50-51	256413
51-52	336860
52-53	435191
53-54	303697
Total	1841381

The Analytical Summary of the Arrear Demand (I.T., E.P.T. and B.P.T.) as outstanding at the end of September 1953 is as shown below:—

(Figures in thousands).

	Arrears of 51-52 and earlier years.	Arrears of 1952-53.	Arrears out of demand created in 1953-54.	Total
1. Amount pending settlement of Double Income-tax and other relief claims.	221121	37214	4977	263312
2. Amount due from persons who have left India and who have no assets in India.	88631	7470	306	96407
3. Amount due by companies under liquidation.	35784	5583	65	41432
4. Amount covered by certificates issued to collectors (excluding certificates relating to items 1 to 3 above).	483167	51599	3508	538274
5. Amount pending disposal of appeals (excluding items 1 to 4 above).	96231	84492	4194	184917
6. Amount in respect of which penalties under section 46 have been levied (amounts included in items 1 to 5 should not be included in this).	18616	17531	1492	37639
7. Irrecoverable for other reasons (e.g., persons in India who have no assets in India).	37250	11464	10	48724
8. Probably irrecoverable.	38230	6529	209	44968
9. Balance recoverable of which: (a) fallen due before 30th September 1953.	40350	171607	122804	334761
(b) not fallen due before 30th September 1953	43113	41702	166132	250947
TOTAL	1102493	435191	303697	1841381

RAMAKRISHNA MAHAVIDYALAYA

378. **Shri Dasaratha Deb:** Will the Minister of Education be pleased to state:

(a) whether "Ramakrishna Mahavidyalaya" of Kailasahar, Tripura is getting any yearly or monthly aid from the Government of Tripura;

(b) if not whether Government has been approached by the governing body of the College for such aid; and

(c) if so, what action Government propose to take in the matter?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) The institution is not getting any regular grant on a yearly or monthly basis. But *ad hoc* capital grants of Rs. 4,950/- in 1950-51 and Rs. 1,800/- in 1951-52 were paid to the College by the Tripura State Government.

(b) Yes.

(c) The question of grant-in-aid during the current financial year 1953-54 is under the consideration of the State Government.

APPOINTMENTS OF CHIEF SECRETARY AND
I. G. P. IN PART 'B' STATES.

379. **Shri T. B. Vittal Rao:** Will the Minister of States be pleased to state:

(a) whether it is a fact that for the appointment to the posts of Chief Secretary and Inspector-General of Police in Part 'B' States, the prior approval of States Ministry has to be obtained; and

(b) if so, the reasons therefor?

The Minister of Home Affairs and States (Dr. Katju): (a) Yes.

(b) The prior approval of the States Ministry is necessary in view of the responsibility of the Government of India in respect of Part B States *vide* Article 371 of the Constitution of India.

अलीम फ़ैक्टरी, गाजीपुर

३८०. श्री आर० एन सिंह : क्या वित्त मंत्री यह बताने की कृपा करेंगे :

(क) इस समय गाजीपुर की अलीम फ़ैक्टरी में अलीम का स्टॉक ;

(ख) क्या यह तथ्य है कि स्टॉक के इकट्ठा हो जाने के कारण फ़ैक्टरी जितने समय पहले कार्य किया करती थी उस की अपेक्षा अब आगे समय कार्य कर रही है ;

(ग) क्या यह तथ्य है कि फ़ैक्टरी में काम की कमी होने के कारण फ़ैक्टरी के कुछ इंजीनियरों, मजदूरों तथा कर्मचारियों की छंटनी कर दी गई है ;

(घ) यदि हां, तो उनकी संख्या ; तथा

(ङ) फ़ैक्टरी में अलीम का स्टॉक जमा हो जाने के कारण ?

The Deputy Minister of Finance (Shri A. C. Guha): (a) and (b). In view of the highly competitive international market, it will not be to our interest to disclose the exact stock. But I may say that the present stock of opium in the factory represents the normal requirements of opium. But owing to a falling off in the foreign demand for opium alkaloids manufactured in the Government Alkaloid Works, Ghazipur, it became necessary to restrict the working of the Alkaloid Works to one shift instead of two shifts from the 1st October, 1953.

(c) to (e). As a result, 76 persons had to be retrenched of which 54 belonged to the category of casual workers, a category in which the strength is continually adjusted according to the requirements of the work in the factory. 14 out of the remaining 22 have since been provided with alternative employment. The possibility of giving alternative employment to the other eight is also being explored.

GADGIL COMMITTEE

✓ 381. **Shri T. B. Vittal Rao:** Will the Minister of Finance be pleased to state what action has been taken on the recommendation of Dearness Allowance Committee appointed under the Chairmanship of Shri N. V. Gadgil regarding the preparation and publication of All India Cost of Living Index by a competent body?

The Deputy Minister of Finance (Shri M. C. Shah): An all India

Working Class Cost of Living Index with base 1944 is being regularly published by the Labour Bureau since the publication of the Report of the Dearness Allowance Committee. The question of compiling a parallel series of All-India Middle Class Index and also of later integrating the two series into a composite All India Index is under active consideration in consultation with the Central Statistical Organisation.

THE
PARLIAMENTARY DEBATES

Acc. No. 25227
Date 25.11.20

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

1733

HOUSE OF THE PEOPLE

Wednesday, 9th December, 1953

*The House met at Half Past One of
the Clock*

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

2-30 P.M.

**COMMITTEE ON PRIVATE
MEMBERS' BILLS**

PRESENTATION OF THE FIRST REPORT

Shri M. A. Ayyangar (Tirupati): I beg to present the first Report of the Committee on Private Members' Bills.

ELECTION TO COMMITTEES

CENTRAL SILK BOARD

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to move:

"That in pursuance of clause (c) of the sub-section (3) of Section 4 of the Central Silk Board Act, 1948, as amended by the Central Silk Board (Amendment) Act, 1953, this House do proceed to elect, in such manner as the Speaker may direct, one member from among themselves to serve as a member on the Central Silk Board."

Mr. Speaker: The question is:

"That in pursuance of clause (c) of sub-section (3) of Section 4 of

578 PSD.

1734

the Central Silk Board Act, 1948, as amended by the Central Silk Board (Amendment) Act, 1953 this House do proceed to elect, in such manner as the Speaker may direct, one member from among themselves to serve as a member on the Central Silk Board."

The motion was adopted.

**COUNCIL OF THE INDIAN INSTITUTE OF
SCIENCE, BANGALORE**

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): I beg to move:

"That this House do proceed to elect, in such manner as the Speaker may direct, one member to serve on the Council of the Indian Institute of Science, Bangalore, for the triennium 1954-56 (both years inclusive) in pursuance of the provisions of clause 14(ii) of the Revised Scheme for the Administration and Management of the Properties and Funds of the said Institute and under Regulation 2.1 of the Regulations of the Institute."

Mr. Speaker: The question is:

"That this House do proceed to elect, in such manner as the Speaker may direct, one member to serve on the Council of the Indian Institute of Science, Bangalore, for the triennium 1954-56 (both years inclusive) in pursuance of the provisions of clause 14 (ii) of the Revised Scheme for the Administration and Management of the Properties and Funds of the said

[Mr. Speaker]

Institute and under Regulation 2.1 of the Regulations of the Institute."

The motion was adopted.

Mr. Speaker: I have to inform members that the following dates have been fixed for receiving nominations and withdrawal of candidatures, and for holding elections, if necessary, in connection with the election of one member each to the following bodies, namely:

	Date of nomina- tion	Date of with- drawal	Date of election
1. Central Silk Board	10-12-53	11-12-53	15-12-53
2. Council of the Indian Institute of Science, Bangalore.			

Shri R. K. Chaudhuri (Gauhati): May I seek a clarification. I have received notice of a meeting of the Central Silk Board to be held on the 19th of December. Will the members who will be elected now attend that meeting.

Mr. Speaker: The hon. Member is putting a question without even hearing what the motion is. The motion is for the election of one member in the entire Board, and that too, to fill up a vacancy.

The nominations for these bodies and the withdrawal of candidatures will be received in the Parliamentary Notice Office upto 4 p.m. on the dates mentioned for the purpose.

The elections which will be conducted by means of the single transferable vote, will be held in Committee Room No. 62, First Floor, Parliament House, between the hours 2-30 and 5 p.m.

CALCUTTA HIGH COURT (EXTENSION OF JURISDICTION) BILL

The Minister of Home Affairs and States (Dr. Katju): I beg to move:

"That the Bill to extend the jurisdiction of the High Court at Calcutta to Chandernagore and the Andaman and Nicobar Islands, as passed by the Council of States, be taken into consideration."

The object of the Bill is to extend the jurisdiction of the Calcutta High Court to Chandernagore which has recently become part of the Indian Union and also to the Andaman and Nicobar Islands. As hon. Members would have seen from the Statement of Objects and Reasons, already, under an order passed by the President in the year 1950, when Chandernagore became *de facto* part of India, certain laws were extended to that area and the jurisdiction of the Calcutta High Court was also extended to Chandernagore. Similarly, even today, certain laws, including the Code of Civil Procedure and the Code of Criminal Procedure have been extended to the Andaman and Nicobar Islands under the jurisdiction of the Calcutta High Court. The object of the Bill is to extend the jurisdiction of the High Court for all purposes to these two territories.

I find from the notice of an amendment that has been tabled that there is some anxiety to ascertain public opinion in the territories concerned. So far as Chandernagore is concerned, hon. Members are aware that it is only about thirty-four miles from Calcutta on the Grand Trunk Road and I really cannot understand what the public opinion can be. Nobody can ask that Chandernagore should be put under the jurisdiction of the Patna High Court or the Nagpur High Court. The only High Court is the Calcutta High Court. The same situation prevails for all purposes today in the Andaman and Nicobar Islands. I imagine that litigation from there is not very large and I do not think that there is any need for any lengthy speech.

Mr. Speaker: Motion moved:

"That the Bill to extend the jurisdiction of the High Court at Calcutta to Chandernagore and the Andaman and Nicobar Islands, as passed by the Council of States, be taken into consideration."

Shri Pataskar (Jalgaon): Sir, I wish to raise a point of constitutional importance. What is proposed to be done by this Bill is to extend the jurisdiction of the Calcutta High Court to the Andaman and Nicobar Islands and Chandernagore which is a territory which has recently been included in the Union of India.

So far as Andaman and Nicobar Islands are concerned they are included in Part D of the schedule.

Article 243 of the Constitution reads:

"(1) Any territory specified in Part D of the First Schedule (that is the Andaman and Nicobar Islands) and any other territory comprised within the territory of India but not specified in that Schedule shall be administered by the President acting, to such extent as he thinks fit, through a Chief Commissioner or other authority to be appointed by him.

(2) The President may make regulations for the peace and good government of any such territory and any regulation so made may repeal or amend any law made by Parliament or any existing law which is for the time being applicable etc., etc."

As I understand it, clause (2) confers the power of making regulations and laws for the administration of the territory on the President. Therefore I doubt whether, under the provisions of the Constitution, this Parliament can make legislation for a territory which is to be administered directly by the President.

I will now start by referring to the provisions in which the Constitution confers the jurisdiction of the High Courts on the President. For instance there is

a clear distinction between States in Part A, Part B, Part C and Part D which you will find by a reference to article 1. It says: "India, that is Bharat, shall be a Union of States. The States and the territories thereof shall be the States and their territories specified in Parts A, B and C of the First Schedule. The territory of India shall comprise the territories of the States, the territories specified in Part D of the First Schedule, and such other territories as may be acquired". So it makes a distinction between the several categories of States and the territories included in Part D.

Then, Part VI deals with States in Part A of the First Schedule. It begins from article 153. So far as the present purpose is concerned, there is article 214 which relates to the constitution of High Courts in Part A States. All the provisions contained in this Part VI relate to the administration of justice in Part A States. For instance, it says "There shall be a High Court for each State" and so on.

Then, Part VII deals with States in Part B of the First Schedule. And in Part VII all the articles, with a few exceptions in Part VI are made applicable to Part B States, including article 214, so that there can be a High Court established in Part B States also under the provisions contained in Part VII.

Then, so far as Part C States are concerned, provision is made in Part VIII of the Constitution. And under article 241 "Parliament may by law constitute a High Court for a State specified in Part C of the First Schedule or declare any court in any such State to be a High Court for all or any of the purposes of this Constitution". So there is a special provision so far as Part C States are concerned that Parliament may constitute a High Court for that area.

Therefore, looking to all these provisions which have been made for Part A, B and C States with respect to their judicial administration, and looking also to the provisions made in

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article 243, it is clear that "the territories specified in Part D of the First Schedule or any other territory"—probably Chandernagore would come under 'any other territory'—"comprised within the territory of India but not specified in that Schedule" (but now it is included there) "shall be administered by the President acting, to such extent as he thinks fit, through a Chief Commissioner or other authority to be appointed by him." So, that is the conception of article 243, namely, that these territories are primarily to be administered by a Chief Commissioner. And so far as the regulation of laws is concerned, clause (2) of the article provides that "the President may make regulations for the peace and good government...etc."

Thus, looking to the provisions made in the Constitution and the scheme of the Constitution itself I do not think it would be competent for this Parliament to pass any legislation extending the jurisdiction of the High Court of Calcutta to these territories which are included under Part D of the First Schedule.

Then, I find from a reference to the Bill itself it mentions that this is being tried to be done under article 230 of the Constitution. In the statement of objects and reasons it is stated: "In the case of Chandernagore.....now that *de jure* transfer of the area to India has been effected, it is considered that the jurisdiction of that High Court should extend to that area for all purposes by an Act of Parliament as contemplated in article 230 of the Constitution."

You will find that this article 230 is an article which finds its place in Part VI which deals with States in Part A of the First Schedule. There, naturally, if we look to the wording, what is intended is, first of all, there is the provision in article 214 that "there shall be a High Court for each State". And in order, probably, that one area in one State may be transferred to the

jurisdiction of the High Court of another State they make a provision in article 230 that "Parliament may by law extend the jurisdiction of a High Court to, or exclude the jurisdiction of a High Court from, any State specified in the First Schedule other than, or any area not within, the State in which the High Court has its principal seat."

Now, this article 230, as it finds its place in Part VI, can relate only to States in Part A. Therefore what is contemplated by this article 230 is that the area forming part of one State in Part A may be included, for purposes of jurisdiction, in an area under the jurisdiction of another High Court in another Part A State. We cannot construe this word "area" as if it would apply to any area in any territory of the Indian Union, when there is a distinction between the States.

Therefore, I doubt whether this Parliament can as a matter of fact legislate and pass a law by which the jurisdiction of the Calcutta High Court can be extended to these territories. That is a matter, probably, which is reserved for the President himself to do.

Mr. Speaker: He restricts his arguments to the Andaman and Nicobar Islands, is it?

Shri Pataskar: Also Chandernagore, because that now comes under Part D. It is a territory which now forms part of India but it is not included either in Part A or B or C or D of the First Schedule. When the Constitution was framed it was not there. Now it has been acquired. It will therefore naturally come under Part D.

Mr. Speaker: Anyway, article 243 will not apply. It is not in Part D.

Shri Pataskar: I think it would be now, under "other territories". That is why I first referred to article 1. "The territory of India shall comprise the territories of the States, the territories specified in Part D of the First Schedule (that is the Andaman and Nicobar Islands), and such other territories as

may be acquired." Therefore, Chandernagore will fall under article 1(3)(c). As such I think that is also covered by article 243 which applies to the territories of Part D of the First Schedule "and any other territory comprised within the territory of India".

Mr. Speaker: Will he refer to clause (a) of article 3? It says:

"Parliament may by law form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State."

Will that not cover the territories mentioned in clause (c) of article 1? I am not deciding anything.

Shri Pataskar: Article 3, in my opinion, is an article which relates to the re-organisation of States, changing their boundaries, etc. There is no attempt here to include a State in Part D in any other State.

Mr. Speaker: I am not talking with reference to Andaman and Nicobar. I am talking with reference to Chandernagore.

Shri Pataskar: In my view, article 3 refers only to the boundaries of the different States and territories being changed, which is entirely different from the point of view of the administration of the States and framing laws for administration, etc.

Mr. Speaker: My point is this. He made a distinction between the territories of the States, that means Part A, B and C and the territories in Part D and he said that "such other territories as may be acquired" is a class by itself and therefore the jurisdiction of a High Court in a Part A or B State cannot be extended to a territory which has been acquired. That seems to be his line of argument.

Shri Pataskar: Yes.

Mr. Speaker: If that is so, the question arises, to my mind, that if Parliament has got the power of re-arranging the boundaries...

Shri S. S. More (Sholapur): May I interrupt...

Mr. Speaker: Let me finish and first clear my doubt. I shall give the hon. Member a chance of advancing his own arguments. Let there be no interference in the middle.

The point that I was making, as I understood him to say till now, is, if his argument is carried to its logical extreme, it means that the territories which are acquired can never be put under the jurisdiction of any State or any High Court or, in fact, under anybody's jurisdiction.

Shri Pataskar: They can be, provided they are included in any Part A or B or C State.

Mr. Speaker: I was pointing out to him, that if it is competent for Parliament to so include them in any State by uniting any territory in any Part A State, if it is competent for Parliament to include Chandernagore in the State of West Bengal, I do not know why—that is my doubt—Parliament cannot extend the jurisdiction of the West Bengal High Court to Chandernagore.

Shri Pataskar: I would like to make clear what I mean. Suppose it is included in any Part A or B or C State, then, naturally, the provisions of Part VI would apply and there cannot be any difficulty. So long as it is not done under article 3—article 3 is so much circumscribed, so many things have got to be done and then alone it can be completed; there is the permission of the President; a Bill has to be passed; the wishes of the people have to be ascertained;—so long as it is not done, article 243 stands. Under that article 243, so long as it is only territory which can come under Part D,—there is already a Part D territory included in the Schedule—then the President alone has the power to make regulations for the administration of that territory. It is open to Parliament and Government to include these territories in any other State they like. If they

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do so, there is no difficulty. So long as that is not done, under article 243 it is the President alone who can administer such territories in the manner prescribed in clause (1) of article 243. He alone can make regulations as provided in article 243(2). That is my submission.

Mr. Speaker: I should like to hear the hon. Home Minister.

Dr. Katju: Mr. Speaker, with all due respect, I submit that the relevant provision is in the Union List in the Seventh Schedule item 79. This exactly covers the present Bill. Item 79 reads as follows: Extension of the jurisdiction of a High Court having its principal seat in any State to, (cut out exclusion business) any area outside that State. The Calcutta High Court is in the State of West Bengal. This Bill desires or seeks to extend the jurisdiction of the Calcutta High Court to areas outside the boundaries of the State, namely Chandernagore for the time being and Andaman and Nicobar Islands. My respectful submission is that so far as the jurisdiction of Parliament is concerned, this item is a complete answer. I am not going into the other factors, namely, that Chandernagore may become, even for administrative purposes, a part of the State of West Bengal. That would come later. Today, we want to have the position regularised.

My hon. friend also referred to article 243. That deals only with purely administrative matters. I do not doubt—I have not studied the point—it may have been open to the President to appoint a judicial machinery of his own. But, if he takes the view that instead of appointing a Judicial Commissioner or making some other arrangement, it would be more convenient to extend the jurisdiction of the Calcutta High Court to it, this is the only way it could be done. I respectfully submit therefore that there can be no doubt whatsoever as to the competence of Parliament to legislate in this matter.

Shri Pataskar: With respect to this entry.....

Shri N. C. Chatterjee (Hooghly): May I say something, Sir, so that my hon. friend may deal with that also?

Mr. Speaker: Let him pursue the argument and finish.

Shri Pataskar: I will finish in a minute. Item 79 is in the list of subjects which are assigned to the Union. In the scheme of the Constitution, there are certain subjects which are common, certain subjects which are left to the Union and certain subjects which are left to the States. Article 246(1) relates to the Union subjects. So far as there is any doubt between the Centre and the States, item 79 will come in. Suppose as between the Calcutta High Court and the Patna High Court, or between two States something has to be done, under the provision of Item 79, that could not be done by the State, but only by the Union Government.

Dr. Katju: Why are you confining yourself to Part A States under item 79?

Mr. Speaker: Order, order. Let him finish.

Shri Pataskar: I shall read article 246. It says:

“(1) Notwithstanding anything in clauses (2) and (3) Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the “Union List”).

(2) Notwithstanding anything in clause (3), Parliament, and, subject to clause (1) the Legislature of any State specified in Part A or B of the First Schedule also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the “Concurrent List”).

(3) Subject to clauses (1) and (2), the Legislature of any State

specified in Part A or Part B of the First Schedule has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the "State List").

(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included in Part A or Part B of the First Schedule notwithstanding that such matter is a matter enumerated in the State List."

What I submit is that article 246 is concerned with the distribution of powers between the Union and the State legislatures and that cannot override the clear provisions of article 243 when it lays down that the President can make regulations for the good government of such territory. That is my argument.

Shri N. C. Chatterjee: Sir, when I had something to do with the Calcutta High Court, when His Excellency Dr. Katju was the Governor of the State of West Bengal, I was sent for by the then Chief Justice, Sir Trevor Harris, and he asked me whether I was prepared to go to Andaman and Nicobar as a High Court Circuit Judge. I had then considered the matter and the short answer to my hon. friend Shri Pataskar's point is article 245(1). Kindly look into that. It says:

"(1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State."

3 P.M.

That gives complete power to this Parliament to legislate for any part of the territory of India. Certainly, Andaman and Nicobar Islands and Chandernagore are parts of the territory of India. Therefore, Parliament's authority is quite clear.

Look at article 246. It reads:

"(1) Notwithstanding anything in clauses (2) and (3) Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule..."

You know, Sir, "with respect to" has been construed both by the Privy Council and the Supreme Council as conferring a very wide ambit of authority in matters of legislation. Therefore, this Parliament has exclusive power to make any kind of legislation it likes to make with regard to the heads enumerated in List I. One of the items in List I, as you have seen, is Entry No. 79, viz. extension of the jurisdiction of a High Court to any territory outside that State. Therefore, the only limitation in Article 245 is "subject to the provisions of this Constitution". Of course, Parliament has supreme law-making authority, but still it can be delimited if there is any provision in the Constitution to the contrary. Now, my submission is that there is no provision to the contrary.

If you kindly look at Article 243 (2), there is nothing which takes away the power of the Parliament to make laws or to constitute a High Court or to extend the jurisdiction of a High Court to any part of the territory of India. The only limitation that it prescribes in Article 243 (2) is that if the President chooses to promulgate any regulation, that will have the effect of modifying any law that Parliament can make. Therefore, that does not take away our power to legislate.

If I may read to you one passage from Mr. Basu's well-known Commentary on Article 245, in Page 622 he says:

"The Union Parliament, according to the present clause...

—i.e., Article 245—

"...has the power to legislate for the whole or any part of the 'territory of India' as defined in Art. 1(3). But this territorial jurisdiction of Parliament is 'subject to

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the provisions of this Constitution'. In other words, the provisions of the present cl.(1) are to be read subject to any other provision of the Constitution which may modify the above jurisdiction of Parliament."

Then he gives one example:

"For example, Art. 243(2) says that as regards the territories included in Part D of the First Schedule, Regulations made by the President may repeal or amend a law made by Parliament in relation to such territory and that such Regulations shall have the same force as Acts of Parliament."

But that does not take away our initial power conferred by the clear words of Article 245 to legislate. I may submit that the principle, as you know, is well recognised that it should receive that construction which would make one part harmonious and consistent with the other, *ex antecedentibus*, *ex consequentibus*. You must understand the preceding and consequential provisions and bring them into play and read them in such a manner as to make one part consistent with the other. I submit it can be made consistent in that way. Parliament's power is supreme subject to one limitation that if we legislate and extend the jurisdiction of a High Court, the President may thereafter make suitable regulations amending that, but that does not in any way, according to my reading, affect Parliament's power to bring about this legislation.

Shri S. S. More: Much of the ground has been covered by the previous speaker. As far as article 243 is concerned, I would rather try to concentrate your attention on the word "administer" and my submission is that the word "administer" refers to the administration, i.e., the executive Government, and does not refer to the judicial and legislative aspect of the matter. The Chief Commissioner will be the chief executive authority under

the orders of the President. So, the word "administer" in the article has a special significance, and in the light of that significance, I would say that as far as the executive Government is concerned, the President has sole authority, but as far as legislative or judicial authority is concerned, if we try to reconcile, as my hon. friend has urged, the different provisions, I believe that Article 243 will not come in the way of this Parliament legislating. So, I emphasize and underline the word "administer", and that is the only thing I have to say.

Mr. Speaker: The real difficulty arises, according to him, from the provision of clause (2) of Article 243. His contention is that the President is given power to make the regulation.

Shri S. S. More: Clause (2) of Article 243 says:

"The President may make regulations for the peace and good government of any such territory and any regulation so made may repeal or amend any law made by Parliament or any existing law..."

Supposing, accepting for the sake of argument the contention of my hon. friend, we make this law and the President, in his wisdom, feels that he must make some regulation amending it, *ipso facto* he assumes that there is some law to be made by Parliament which may and can be amended if the President in his own authority makes a regulation contrary to the law passed by Parliament. So, this very clause will afford support to the contention that this Parliament has got the right to legislate, only subject to the restriction of a subsequent regulation made by the President which may modify that. So that point is clear.

The Minister of Law and Minority Affairs (Shri Biswas): May I add a few words? There is an obvious fallacy in the argument of my hon. friend, Mr. Pataskar. He assumes that because there is Clause (2) of Article 243 giving power to the President to make regulations, that automatically excludes

the power of Parliament to make any law for the States referred to in Part IX. What are the States or the territories referred to in Part IX? It does not refer merely to what is a Part "D" State. The First Schedule contains Part "A", "B", "C" and "D" States. The Andaman and Nicobar Islands is specified as a Part "D" State there. So far as Chandernagore is concerned, it is not a Part "D" State, but it is acquired territory, and therefore, it comes within the words "other territories not specified in the First Schedule". But the same provisions of Article 243 are applicable to Part "D" States and the "other territories" mentioned here. So, there is no distinction, I might say, between Andaman and Nicobar Islands and Chandernagore so far as the present question is concerned. They stand on exactly the same footing.

In fact, I may state that Regulations have been made in the past. Take for instance, Regulation I of 1950 made by the President in respect of the Andaman and Nicobar Islands. That was promulgated on the 1st of June, 1950, and that Regulation dealt with the question of the jurisdiction of the Chief Commissioner there over that area. But, Sir, that does not override the provisions of Article 230 which clearly states that Parliament has the power by law to extend the jurisdiction of a High Court. In fact, as my hon. friend has himself pointed out, the Statement of Objects and Reasons makes it perfectly clear that the present law is sought to be enacted under the provisions of Article 230. Now, article 230 no doubt occurs in Part VI, and my hon. friend thinks that as Part VI deals only with Part "A" States, therefore no law may be enacted by Parliament under that Article in respect of any area outside Part "A" States. Therein lies the fallacy of his argument. If you look at the definition of a State, in Part VI, you will find that Article 152 says:

"In this Part, unless the context otherwise requires, the expression 'State' means a 'State specified in Part A of the First Schedule'."

I shall accept my hon. friend's contention that Article 230 applies to Part

A States, but the Article specifically says that the jurisdiction of the High Court may be extended by law to areas outside the State. So, the jurisdiction of the High Court may be extended by Parliament to areas like Andaman and Nicobar Islands, or Chandernagore. Although Article 230 occurs in Part VI which deals mainly with Part A States, still, by reason of the fact that specific provision has been made in Article 230, for extending the jurisdiction of the High Court to areas outside a Part A State, I submit, the present legislation is perfectly valid. This is what my hon. friend has overlooked. He thought that Article 230 will not apply, because it occurs in Part VI which deals exclusively with Part A States. It no doubt deals mainly with Part A States. But where it is said that the jurisdiction may be extended to areas outside Part A States, we must give effect to that express provision.

As my hon. friend Shri N. C. Chatterjee pointed out, there is the other Article also, Article 245 which confers plenary power on Parliament to legislate in respect of all matters referred to in the Union List, and my hon. friend the Home Minister has already referred to the particular entry in the Union List, which deals with this question. If you look at Entry No. 79 in the Union List, and compare the language used there with that used in Article 230, you will find a great similarity between the two. Entry No. 79 reads:

"Extension of the jurisdiction of a High Court having its principal seat in any State to...any area outside that State".

Article 230 reads:

"Parliament may by law—

(a) extend the jurisdiction of a High Court to.....any area not within the State in which the High Court has its principal seat."

I am leaving out the words which are not relevant for our present purpose, and reading only the rest. The language used in the two places is exactly similar.

[Shri Biswas]

That is how the matter stands, and I submit that this legislation is quite in order.

Shri S. S. More: With your permission, may I make one or two more additional observations, in regard to the construction of the word 'administer'? Article 53 (1) reads:

"The executive power of the Union shall be vested in the President....."

I would refer you also to Article 75 which provides that the executive Government shall be responsible to the House of the People, and to Article 77 (1) which reads:

"All executive action of the Government of India shall be expressed to be taken in the name of the President."

The emphasis in all these places is on the executive aspect of the matter.

Shri Pataskar: May I say a word on the point raised by my hon. friend Shri N. C. Chatterjee? I agree with him that the provisions of the Constitution are to be so construed that they would be consistent with what is intended by the Constitution. As my hon. friend himself admitted, Article 245 reads:

"Subject to the provisions of this Constitution..."

and Article 243(2) authorises the President to make regulations. In view of this, it was contended that our jurisdiction is not taken away. Supposing Parliament—it is the Supreme Parliament, as we call it—passes a law, and if under Article 243(2) of the Constitution, the President makes a regulation, then that law will be set aside. But it was, however, argued that it does not mean that we cannot pass a law. I submitted to you Sir, that Article 243 is not to be read alone, but in the context of Article 241, and the other relevant Articles that occur in the Constitution.

In Article 214 (1), it is provided that:

"There shall be a High Court for each State." There is a similar provision in Part VII, which makes this Article applicable to Part B States as well.

If my hon. and learned friend's contention was correct, there was no necessity for making a separate provision in Article 241 in respect of Part C States, and any Part C State being a territory of India, Parliament could have legislated in respect of that State. But that is not the position. So far as the jurisdiction of the High Court is concerned, they have made a specific provision in Article 214 with respect to Part A States, and that provision has been made applicable also to Part B States, by means of an Article in Part VII; and in Part VIII they have made a similar provision in respect of Part C States, in Article 241 (1) which reads:

"Parliament may by law constitute a High Court for a State specified in Part C of the First Schedule..."

So, it is specifically mentioned in the Constitution that Parliament may by law constitute a High Court for each Part C State. So far as Part A and B States are concerned, the Constitution itself made provision for the constitution of High Courts for those States. But, so far as Part C States are concerned, it made a provision that

"Parliament may by law constitute a High Court for a State specified in Part C of the First Schedule..."

If my hon. friend's argument was correct that under Article 245, Parliament can legislate, where was the necessity for this Article 241 at all? So my submission is that we have to read all these provisions together, and find out what was the intention of the Constitution-makers, so far as this matter was concerned. Article 245 has to be read together with Article 243 (2).

Now I come to the point raised by my hon. friend Shri S. S. More. I am not at all relying upon Article 243(1) which deals with administration. I am not talking here about administration, but about the legislative power by which the jurisdiction of the High Court is sought to be extended, and this is more appropriately covered by Article 243 (2). If a proper construction of all these Articles is made, the intention of the Constitution-makers becomes clear enough. If they had wanted that Article 245 should cover Part C States as well, where was the necessity of making a provision for the purpose in Article 241 separately? The hon. Law Minister stated that it was fallacious to argue like this, in view of what is contained in Article 230. But it is clear that Article 230 not only occurs in Part VI relating to Part A States, but deals also exclusively with matters connected with Part A States. A similar provision has been made in Part VII also relating to Part B States. Having provided under Article 214 that there shall be a High Court for each State, they have further provided under Article 230, that for the sake of convenience, the jurisdiction of a High Court may be made applicable to any area not included in that State. This provision has been made in respect of Part A States, under Article 230, and in respect of Part B States, under a similar provision in Part VII. How can we say that these provisions which are intended to apply exclusively in respect of Part A and B States, should also apply to territories in Part D States, by analogy?

Therefore I would still maintain that if we consider all these provisions of the Constitution, it is clear,—of course, everybody would like, and I also would like that the sovereignty of the Parliament should be there—but the Constitution is supreme, and it is more supreme than Parliament itself. If the Constitution has chosen to have these territories administered by the President, who has been authorised to make regulations in respect thereof, how can it be maintained that the Constitution-

and the President should make laws, and those made by the President can replace those made by Parliament? That would obviously mean a race between the two.

My submission is that the word 'may' in Article 243 (2) amounts practically to 'shall', and therefore I think it will be better not to proceed with this legislation.

Mr. Speaker: I think the matter has been sufficiently argued. No further arguments are necessary.

Shri U. M. Trivedi (Chittor): One point has not been touched so far, and may I submit one observation in regard to that? The point raised by the hon. Home Minister has not been touched at all in the reply given by my hon. friend Shri Pataskar. The point he has raised is whether we in this Parliament have got power to legislate in view of what is contained in Article 243(2), which he read out to the House. His contention is incorrect, in this sense that by this legislation, we are merely providing for power for the exercise of jurisdiction by the High Court, with respect to Andaman and Nicobar Islands, and also Chandernagore. I would like to know what other provision of law there exists by virtue of which this Parliament can extend that jurisdiction. Item 79 read with article 230 very clearly provides that the jurisdiction can only be extended by the Union Government—by this Parliament—i.e. extension of the jurisdiction of the High Court of any 'A' State. There is no doubt that the West Bengal High Court—the Calcutta High Court—is an 'A' State High Court. Its jurisdiction has got to be extended and without extending that jurisdiction, the jurisdiction over Andamans and Nicobars cannot be exercised. This, by any imagination, cannot be extended by the President, even if he so desires. He may apply a particular law, but he has absolutely no power to extend jurisdiction of the Calcutta High Court over the Andaman and Nicobar islands. That is the patent fact that we have to keep in view, because this

[Shri U. M. Trivedi]

the jurisdiction of the Calcutta High Court. It is an enabling provision which cannot be made by virtue of article 243. Under article 243 President can provide for peace or good government and make any law, but he cannot say that the High Court shall exercise jurisdiction like this. This can only be done by the Union Government, and therefore, keeping that provision in view, I say that all other arguments in this particular instance are not to the point. The only provision that we have to look into is article 230 read with item 79.

Mr. Speaker: I think we will proceed with the consideration of the Bill. I need not give any ruling on this point. It has been our practice when a question of jurisdiction like that is raised. It is left to the House. So I do not think I need go into discussion of all these. But as the point was raised by Mr. Pataskar, I thought it right that all points should be before the House. That is why I allowed this discussion. Now we proceed with the consideration of the Motion.

Shri N. B. Chowdhury (Ghatal)
rose—

Mr. Speaker: He wants to speak on the consideration motion?

Shri N. B. Chowdhury: Yes.

Mr. Speaker: He has tabled an amendment?

Shri N. B. Chowdhury: Yes.

Mr. Speaker: Does he not want to speak on the amendment? He is entitled to speak even now.

Shri N. B. Chowdhury: I want to say something now.

Mr. Speaker: Then he will shorten his remarks when he takes up the amendment.

Shri N. B. Chowdhury: Yes.

Sir, while speaking on this Bill, I shall bear in mind the amendment which I want to move. My amendment seeks to state that before extending the

jurisdiction of the Calcutta High Court, the public opinion there should be ascertained.

[MR. DEPUTY-SPEAKER in the Chair]

Sir, the anxiety with regard to ascertaining the public opinion has been already anticipated by the hon. Minister. He stated the other day—only yesterday—that the poor litigant could not come a long distance and so he would be glad if justice is meted out to him nearer his door. So far as the Andaman and Nicobar islands are concerned, only the other day during the Question Hour the hon. the Home Minister himself stated that passage from that place to the mainland could be available only after 1½ months. So in that case, the 'poor litigant'—the expression which was used only yesterday—would suffer a great deal. So for these people it would be better if a Bench of the Court is allowed to sit there for sometime, if it could be made possible. That is with regard to the Andaman and Nicobar islands.

But I have to say something more, with regard to Chandernagore. Sir, when I had tabled my amendment, it was not in my mind to indicate that the people do not want to have the jurisdiction of the Calcutta High Court extended to them. As a matter of fact, they want that Chandernagore be entirely merged with the State of West Bengal. They welcome such a measure, and we know very well that when the question of merger of Chandernagore came and when they had a referendum, the overwhelming majority of the people, except a very few under the pressure of the French officials there, decided in favour of merger. But after that the Government of India have not acted with due deference to the wishes of the people of Chandernagore.

Sir, only the other day there was a short notice question and it was found that all the parties there who had filed nomination papers for the Municipal election had withdrawn their candidature, and this included even the candidates belonging to the local unit

of the ruling party itself. You can very well realise the position. If there had been no anxiety in the mind of the Chandernagore people, then at least those people who belonged to the ruling party would not have thought of embarrassing the Government here. So, Sir, the opinion of the people there should be taken into consideration when any new arrangement is going to be made with regard to Chandernagore.

Sir, already there is the Jha Commission and that Commission is to decide what the future status of Chandernagore within the Indian Union should be. Now that Commission has not yet finalised its report. I do not know if the Commission has started work. So when the final decision is not there and an interim arrangement is going to be made, the people want that at least the representative opinion of the Chandernagore people should be heard by the Government.

Another thing is that even all the Union laws that are necessary for the Chandernagore people have not yet been applied to Chandernagore. The people of Chandernagore want that certain laws such as the non-agricultural tenancy laws and certain labour laws should be applied to Chandernagore, but these laws have not yet been applied. So in respect of these laws they won't get any benefit, even if the jurisdiction of the Calcutta High Court is extended to that territory. So it is like putting the cart before the horse. Before extending the jurisdiction, these laws which are demanded by the people should be first applied to Chandernagore. Only the other day—three days back—all the political parties in Chandernagore expressed their opinion at a joint press conference, that they want complete merger with the State of West Bengal. But the Central Government here has not tried to ascertain their opinion properly and these difficulties are cropping up one after another. So my intention in moving this amendment is to indicate

that the Government of India should maintain touch with the representatives of the people of Chandernagore, and whenever the Government want to take any decision with regard to this newly-acquired territory, they should first consult them and then decide upon a course of action.

Shri K. K. Basu (Diamond Harbour):
Sir, this short Bill regarding extension of the jurisdiction of the Calcutta High Court seeks, to some extent, to improve the position of the citizens of Chandernagore and of the Andaman and Nicobar islands. Sir, though it has this limited object, we support this Bill. But what I am afraid is that so far as Chandernagore is concerned, I do not know whether by the enactment and enforcement of this law, the position will improve, because I remember, as the hon. Mover has said, that since the 2nd day of May 1950 orders under the Foreign Jurisdiction Act are being enforced and the Calcutta High Court has some rights over Chandernagore so far as that is concerned. But, I remember in our part, in one matter when a particular gentleman was arrested and was imprisoned in a Chandernagore jail, we moved a *habeas corpus* petition in the Calcutta High Court, and the Court was doubtful as to its powers to grant such petition. We also moved the Chandernagore Court and it was also in a fix to know whether it had enough authority to order the release of that particular prisoner. But, if the intention of the Mover also is that the entire jurisdiction, as regards appeal and all the other provisions of the High Court applicable to all other citizens of West Bengal is to be extended, to Chandernagore, then there will possibly be some benefit.

On this understanding, I would certainly welcome the extension of the jurisdiction of the High Court to Chandernagore. * * * * *

The average citizens feel that they will get some sort of justice before the High Court. Sir, I therefore consider that this extension would be of benefit to those territories.

*Expunged as ordered by the Chair.

[Shri K. K. Basu]

I would like to emphasise one point with regard to the Calcutta High Court. Sir, the hon. Home Minister himself knows that there has been a large accumulation of cases and we have reports that though cases are heard judgments could not be delivered. Added to that we are going to extend the jurisdiction to some more territories and it is most likely that a number of cases will crop up. Unless the hon. Home Minister intends to bring in some legislation or some reform in the field of judicial administration in the country, I do not know whether this particular provision will be of any real benefit to the citizens of the particular States concerned. Therefore, I wish that in the rule-making powers certain provision should be made so that the suits and appeals from these areas can be expeditiously heard.

Another point on which I wish to lay emphasis is this. When the Andaman and Nicobar Islands are being brought within the jurisdiction of the Calcutta High Court there should be some arrangements for the court sitting in circuit. I do not know whether even once the Calcutta High Court—during the period it had limited power—has sat in either Andamans or Nicobar Islands. Sir, as is well known the communication from these two Islands is so difficult. Once a month or once in 6 weeks there is a ship or steamer coming towards the mainland. Therefore, it is very difficult for the ordinary litigants to take any advantage of this provision. The enormous cost that will be entailed and the delay in getting appeals heard will practically debar that particular litigants to come before the High Court. Therefore, I wish that the Government should see that—in whatever manner they direct—the High Court should sit at least once a year—if possible twice a year—in circuit in the Andaman and Nicobar Islands. These are the few suggestions that I wish to make on this Bill.

* * * * *

Shri N C. Chatterjee: Sir, up to the year 1921, the word 'Andamans' was a

terror to the people. We know, Sir, that it was a notorious penal settlement where most of our patriotic sons had been sent during their terms of imprisonment. The greatest fighters for India's freedom had to spend years and years of their lives in that place. You may remember, Sir, that in that year the Government of India appointed a Committee and the penal settlement was closed down, and it was sought to be developed as a free colony. It has taken 32 years, Sir, really to bring it within the pale of civilised judicial administration and certainly we should welcome this measure. My hon. friend Mr. Basu is quite right. The difficulties of communication are there and something must be done. You know, Sir, we have got a Member from the Andaman and Nicobar Islands and he sent in a representation asking for leave because there is only one steamer touching the port during the month and in the next month there was no steamer going there. That is a state of things which ought to be redressed and I think, Sir, it will be good for the Andaman and Nicobar Islands to come within the jurisdiction of a High Court like the Calcutta High Court. The benefit can be given to them if the Judges of the High Court are to go on circuit and facilities are provided by the State Government and the Government should see that facilities are afforded to the litigants to get justice there. Certainly the situation will improve.

With regard to Chandernagore, Sir, the position is very unsatisfactory still. I think the hon. the Home Minister knows something about the feelings of the people of Chandernagore. Their position was very anomalous, something like an anachronism. There was something like a *de facto* jurisdiction and a *de jure* jurisdiction and they did not know where they exactly stood. So far as I could ascertain from the ex-Mayor of Chandernagore and the people who were members of the Municipal Council there, they are perfectly well prepared to merge themselves with West Bengal, subject to

certain safeguards, the safeguards being that they want some kind of a Commune. You know, Sir, that they have been brought up under the French system and they have been reared up under the Commune system, and the municipalities have a certain amount of autonomy which ordinarily our municipalities in British India or in our India do not possess. They wanted that system to continue. Certain extra powers of autonomy, freedom and self-government they wanted. Possibly that could be done.

Sir, my hon. friend said that Chandernagore is 34 miles from Calcutta. It is really 28 miles from Calcutta. It is a very peculiar thing that a subordinate judge of India is functioning there, a District Judge functioning under the Indian High Court is posted there, but the High Court's jurisdiction has not been extended. My friend was quite right when he said that he could not go to the High Court because the High Court was not quite sure that for the purpose of a writ of *certiorari*, *mandamus* or *quo warranto*, they had the jurisdiction so far as these citizens were concerned. That position should be regularised and they should be brought within the ambit of all fundamental rights and of the High Court and the Supreme Court. They should get all the rights of full-fledged Indian citizens and the Supreme Court and the Calcutta High Court should regard themselves as the protectors and guardians of those rights and they should be their best to vindicate their rights. I think, Sir, the people of Chandernagore will be benefited by this kind of extension of the jurisdiction of the Calcutta High Court. It is only next door and there is absolutely no point in trying to set up any other jurisdiction there. Now, the position is really anomalous and the anomaly should be redressed by the extension of this jurisdiction. Sir, possibly something could be done for Chandernagore by the hon. Home Minister who knows Bengal so well and possibly had something to do with it at the time Chandernagore was being taken over, if he would take some

interest, if he would meet some deputations of citizens of Chandernagore. the whole position can be regularised. Their natural sentiment for self-expression should be respected and they would have a happy lot under the present regime. I am supporting this Bill, Sir, and I think it will be good for the people of Chandernagore and also it will do some good to the tribal people inhabiting the Andaman and Nicobar Islands. The Bill is all the more necessary because a large number of refugees come from East Bengal, and a number of them has gone and settled in those islands. The Bill will also be desirable from their point of view.

Shri S. C. Samanta (Tamluk): Mr. Deputy-Speaker, Sir,.....

Mr. Deputy-Speaker: This is a short Bill, and the hon. Member should be brief.

Shri S. C. Samanta: Yes, Sir. I shall be very brief. I wholeheartedly support the Bill. Yesterday, we passed the Travancore-Cochin High Court (Amendment) Bill. In that debate, the hon. Minister told us that wherever accommodation is available, a circuit bench or a division bench of a High Court could be provided. In this case,—the question of extending the jurisdiction or the Calcutta High Court to Andaman and Nicobar—the question of accommodation has become a theme for our consideration. Andaman and Nicobar Islands, if we think of them, have no access by land. Nor is there any air communication. Only sea communication is there. I have personally seen that in that place there is want of buildings, etc. When we are taking such an area within the jurisdiction of the Calcutta High Court, the Government should think, first of all, of a building, and see that building for a circuit or division bench is at once constructed there. Also, the communication to that island should be made easier by sea by introducing more steamers. Air communication should also be at once started, because we are taking all powers of judiciary for a place which is so distant and where land

[Shri S. C. Samanta]

communication is also impossible. So, when we are taking the whole charge of the judiciary of a place which is so distant and which is short of communications, I request the Government to think of building new houses there not only for the circuit court but for the people living there, and also to make necessary improvements to the Islands.

Dr. Katju: I should like to say, Mr. Deputy-Speaker, just a few words on the points which have been raised in the debate. So far as Chandernagore is concerned, we are only concerned with this Bill which seeks to extend the jurisdiction of the Calcutta High Court to Chandernagore. That is a matter almost self-evident. But some reference was made to another matter of a quite different description, namely, the desire of the people for certain control over their own—what I may call—ministerial affairs. The House is aware that that particular question is under active consideration. The Government has appointed a Commission, a single-member Commission with Dr. Amar-nath Jha—to go into that matter and receive people's representations and to report to us. He will recommend as to what proper thing should be done in regard to the future administration of Chandernagore.

So far as the judicial administration is concerned, I submit that the matter is really not capable of any argument at all. It is so obvious. So far as the Andaman and Nicobar Islands are concerned, I quite realize the importance of the administration of justice nearer home. But I do not know at present what would be the volume of litigation from this land. So far as the question of jurisdiction is concerned, whether there is one case or whether there are half a dozen cases, there must be proper arrangements made for the exercise of that jurisdiction. Whether there should be any circuit court or not depends upon a consideration of all the available circumstances, such as, the volume of

litigation, the nature of litigation and how long will the Judges be kept engaged there, and so on. Otherwise, I now imagine what used to happen 20, 30 or 40 years back. The entire business of the Judicial Commissioner used to be conducted by correspondence. If there was anybody who had a case in Andaman and Nicobar, he probably got some solicitors or some lawyers for the case to be put forth to the High Court. The Chief Justice can, therefore, consider that point when he gets full possession as to the business which should come to the court from those islands. I am very happy to see that the Bill has been widely welcomed on all sides. This is an experience which I seldom had so far as such Bills are concerned.

Mr. Deputy-Speaker: The question is:

"That the Bill to extend the jurisdiction of the High Court at Calcutta to Chandernagore and the Andaman and Nicobar Islands, as passed by the Council of States, be taken into consideration."

The motion was adopted.

Clauses 1 to 4, the Title and the Enacting Formula were added to the Bill.

Dr. Katju: I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

LIVE-STOCK IMPORTATION (AMENDMENT) BILL

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa):

I beg to move:

"That the Bill further to amend the Live-stock Importation Act, 1898, as passed by the Council of States, be taken into consideration."

This is a very simple Bill. There is only one point why this amendment has been found necessary. It is because there is a possibility of live-stock being brought by air. Under the existing enactment, there is no provision, so far as the importation of live-stock by air is concerned. This Bill seeks to incorporate a provision for the importation of live-stock by air and provide for this contingency. As everybody knows, traffic by air is increasing rapidly, and we have had many instances of cattle being carried by air. I do not think there need be any objection to this Bill. It is a very simple Bill and it has been passed by the Council of States without any amendment.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Live-stock Importation Act, 1898, as passed by the Council of States, be taken into consideration."

Shri Raghavaiah (Ongole): We are extremely glad to note, Sir, from the hon. Deputy Minister of Food and Agriculture that this Bill has been passed by the Council of States without a single amendment. Far from giving any glory or adding any tributes to the Minister, for having piloted this Bill through the Council of States and getting it passed without a single amendment, one thing I would like to know from the hon. Minister, and that is, what is the experience gained by the Act of 1898, the original Act. What exactly are the results? What exactly are the improvements? How did it work? Nothing has been said in his introductory speech on this Bill. Sir, in fact, we do not know what the position of live-stock in our country is, and what attempts are being made by the Government for the importation of live-stock into this country.

Mr. Deputy-Speaker: All that is beyond the scope of this Bill. That is the import.

Shri Raghavaiah: What made them put in this provision—this import by air—as if land and sea are not enough for this importation. The hon. Minister says that already some animals are being brought by air. I do not know who is doing this and where the traffic is coming from. I understand human traffic by air is increasing and not animal traffic. In fact, air is not meant for animal traffic. We expect the Government to make provision for facilitating cheap traffic by air for human beings and not for animals. If this is the attempt which Government is making, it really speaks volumes of the way Government is trying to improve animal traffic by air.

Again, Sir, we have not been given any idea of Government's experience of the working of the original Act, and an amendment is sought to be introduced and push through. In view of the absence of any policy, the absence of any introductory remarks for the necessity of introducing an amendment to the original Act, absence of any policy on the part of Government for the improvement of livestock, one is surprised that an attempt is made to get through this Bill on the ground that the Council of States has passed it without a single amendment. Any number of amendments may be made in Acts without letting the members know their experience of the working of original Acts.

So, Sir, I expect that at least in his concluding remarks the hon. Minister will enlighten the House about the experience gained by Government in working the previous Act.

Shri N. B. Chowdhury (Ghatal): Sir, I have to say only a few words. I have not much to add to what the previous speaker has said. I only want an assurance from the hon. Minister that the recourse to air traffic would be availed of only in very urgent cases. Because, now-a-days we see whether there is any necessity or not so many people are going abroad by air and also coming

[Shri N. B. Chowdhury]

from other countries by air. In this way a good deal of money of the public exchequer is lost. We want that recourse to air travel should not be availed of in a frivolous manner. This is the only point I wish to make.

Mr. Deputy-Speaker: This Bill is brought with a view to check the spread of infectious diseases.

Shri U. M. Trivedi (Chittor): Sir, section 3 of the original act reads:

"The Central Government may, by notification in the Official Gazette, regulate, restrict, or prohibit, in such manner and to such extent as it may think fit, the bringing or taking, by sea or land, into the territories to which this Act extends or any specified place therein, of any live-stock which may be liable to be affected by infectious or contagious disorders and of any fodder, dung, stable-litter, clothing, harness or fittings appertaining to live-stock or that may have been in contact therewith."

While the object of the Bill is welcome, I do not understand why it is said:

"It extends to the whole of India except the State of Jammu and Kashmir."

Jammu and Kashmir is a contiguous territory so far as India is concerned. We are controlling import of foreign goods into Jammu and Kashmir. Under these circumstances, I cannot understand the propriety of keeping this law limited in its application to India and excepting Jammu and Kashmir. I would like the hon. Minister to say what inhibition was there to prevent us from making this law applicable to Jammu and Kashmir also.

Mr. Deputy-Speaker: They have not acceded with respect to these subjects.

Shri U. M. Trivedi: So far as the import of foreign goods are concerned, it has acceded to India. Let the hon.

Minister say, so far as imports are concerned, it has not acceded to India. The question relates only to importation.

Shri M. V. Krishnappa: Sir, I have nothing much to say. This is a simple amendment. When the original Act was enacted as early as 1898 there was no air traffic then, and it was not anticipated that this contingency would arise. In the original Act it was provided that if animals were imported by land or sea then we had powers to ask if they are suffering from any contagious disease. We could send them to quarantine and release them after a particular period. Recently there have been cases of infected animals being brought by air. Last year, for instance, about seven dogs were brought by air and some of them were suffering from some contagious disease. It is only to meet that contingency this amendment is being made.

Shri Raghavaiah: What attempts are Government making to fight the contagious diseases in places where they exist?

Mr. Deputy-Speaker: This measure provides for import from abroad.

The question is:

"That the Bill further to amend the Live-stock Importation Act, 1898, as passed by the Council of States, be taken into consideration."

The motion was adopted.

Clauses 1 to 4, the Title and the Enacting Formula were added to the Bill.

Shri M. V. Krishnappa: I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

CANTONMENTS (AMENDMENT) BILL

The Deputy Minister of Defence (Sardar Majithia): I beg to move

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

I shall briefly explain the genesis of this Bill. It was in 1948 that the Local Self-Government Ministers' Conference passed a resolution recommending that the Central Government should, in consultation with the Provincial Governments concerned, appoint a committee to examine the question of delimiting the cantonments. As a result of that in 1949 a committee was appointed, presided over by Shri S. K. Patil, to go into this question. The committee submitted its report in November 1951 and made certain recommendations to the Government which were duly considered. The opinions received generally favoured the Bill. The Select Committee suggested two minor amendments and the Bill was passed by the Council of States, as it was reported by the Select Committee.

The House will thus see that the Bill comes to it not only with the stamp of public approval but also with the seal and sanction of a representative assembly.

4 P.M.

Admittedly, the Bill does not solve cantonment problems. It carries out only certain amendments of a minor character with a view to improving the mechanism of the Act. The opposition to the Bill has come not in regard to the actual provisions but in regard to its scope, and it has been said that the Bill does not go far enough to meet the problem of democratisation. The main objection to the Bill is that it does not provide for democratisation and that it does not vest full municipal Government in the cantonment boards.

On the question of democratisation the Local Self-Government Ministers'

Conference in 1948 clearly recognised that, for reasons connected with security and the health of the troops, the areas where troops were quartered should be under the general control of the army authorities. The Patil Committee too was of the view that cantonments were military stations primarily and not civil towns and that the cantonments should in fact maintain, as far as possible, in the foreseeable future, their original characteristic of military stations, considering all the circumstances associated with the present state of the country in its political, economic and public health aspects.

It is also significant that the Patil Committee particularly noted that even amongst the civilian population of the cantonments there are substantial elements, often in a majority, who are apprehensive of the consequences of their transfer and are strongly opposed to the alterations suggested by the All India Cantonments Association.

I have explained the policy of the Government regarding democratisation in the Council of States in detail and I should not like to weary this House by repeating the same. But I should like to mention just a few things briefly. I am quite sure that we do not intend to entangle the army with the competition and controversies which are inevitable in a normal civic life. The army must be above these. And one of the justifications, and great justifications, of the present constitution of the cantonment boards with their official majority is that in areas in which the predominant interests are of the army and the military population, we should avoid giving these boards a constitution which would either mean the virtual disenfranchisement of the military population or that the special interests of the army in these areas would be entrusted to those who do not know much about the army. In fact, one of the beneficent results which I see flowing from the system that prevails today is that the

[Sardar Majithia]

hierarchy of the army and the representatives of the civil population in the area are brought together to serve a common purpose, namely the administration of the area in the best interests alike of the armed forces and the civil population inhabiting the area. I do not see why hon. Members should visualize any inherent conflict of interests in these matters merely because the official or military elements would be in a majority. In fact, a conflict of interests is more likely to arise if that section of the population which has a smaller sphere of interest is given an over-weighted majority. Nor do I see why hon. Members should necessarily assume that the administration of the cantonment boards would be undemocratic or not sufficiently watchful of popular interests. I am entitled to ask them if they are right in assuming that with popular representatives in this House and popular representatives in the Government a disregard for democratic procedure and responsibility would in any way be possible in the administration of these bodies. In the ultimate analysis the administration of a country is carried on by individuals. What is material is the ultimate responsibility of these individuals. Time was when these individuals were responsible to an autocratic foreign power. Time now is when they are responsible to the elected representatives of the people. Must we have the same mentality and the same attitude towards the system of administration now as we had in the past? I should like my hon. friends to consider carefully an answer to this question. Because that answer is vital not only to the administration of the cantonment boards as we envisage it but also to a host of problems which affect us in this country.

I should like to make one appeal to the Members of this House. I quite realise and appreciate our general enthusiasm for democratising the constitution of these boards. I can understand the arguments based on old

and out-of-date ideas of the autocratic methods or the arbitrary wills of our officers, be they military or civil. The continued use of these arguments, to my mind, today ignores without any reason or justification the obvious change which has overtaken the country since the 15th August, 1947. By their exertions and their example the armed forces have shown during the last six years that they can be trusted to do their job and that they are as patriotic and as self-sacrificing in the cause of democracy, as of the country, as the rest of us who have fought and sacrificed in the struggle for freedom. I see no reason why we should be chary of entrusting to the army and civil officers functions which are necessary for the safeguarding of its special interests, merely because the system does not conform to the normal conception of democratic bodies. I should like my friends in this House to ponder over this point and when they deal with this Bill ask themselves whether they are, in asking us to go all out for the democratisation of these bodies, not doing those functionaries an injustice.

As far as I can see, the only solution is to excise the maximum possible areas from these cantonments, having regard to geographical, administrative and public health considerations and to vest in the civil area committee under the cantonment boards the maximum possible autonomy, so that the civil element of the population, where it is inhabited in a concentrated area, can govern itself in municipal affairs. But these civil area committees should not have in any case more powers than their parent body, that is the cantonment boards.

As regards excision I should like to take this opportunity of saying that the report is now on my table and I expect to take a decision in the very near future. Having excised the areas which the military no longer requires, and which are inhabited by the civilian population, they naturally will go over to the adjoining local body and they will then enjoy all the benefits

which, according to my friends, they should enjoy. It will not be out of place to mention along with that that after this is done and we get experience about the problems of the cantonments as they will exist after this excision has taken place, if we find that there is room for further improvement, I do not mind bringing a comprehensive Bill to remedy that which experience teaches us to.

Mr. Deputy Speaker: Motion moved:

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

Shri Gadgil (Poona Central): Mr. Deputy-Speaker, let me confess that I was not very happy over the Bill that was introduced in the Council of States, not also happy over the changes that have been made in that Bill by the Council of States. I got very much more unhappy after listening to the speech of the Deputy Minister. It almost reminded me, by the phraseology and the patronising attitude with which it was delivered, that it has come almost from some Tottenham who was responsible in 1935 for introducing an Amending Bill to the main Cantonment Act of 1924.

Mr. Deputy-Speaker, you are aware that in 1935, an Amending Bill was brought and an attempt was made to show that it was progressive, and it was due to the strong attitude of the Congress party, which was in opposition then, that some fundamental changes were secured in that Amending Bill. Probably, the House is not aware of the fact that as the report from the Select Committee was presented to the House, a hint was dropped that the Commander-in-Chief was going to resign because there was a more liberal attitude adopted in that Bill, and efforts were made to request us not to press certain amendments. We stood firm and the result was that something was done. You are aware, Sir, that this Cantonments (Amendment) Bill is really concerned with three main problems:

(i) the composition of the Cantonment Boards,

(ii) the scope of its executive authority, and

(iii) what is known as the system of land tenure now prevalent in the various cantonments. It is not as if it is a small problem in which the House should not take any interest. It has a qualitative and a quantitative aspect. There are 56 cantonments in this country and the population according to the 1951 Census is about 18,25,000 and the total expenditure of these 56 cantonments comes to about Rs. 1,75,00,000. Therefore, it is not a small problem.

What was done in the Amending Act of 1935 was this. We fought for the democratisation of the Cantonment Boards. But, the Government stood firm and insisted that there must be a statutory majority. Then, I succeeded in this point: if there cannot be any change in the statutory majority, let there be a division of functions; in so far as matters relating to those territories or areas where the civil population lived the municipal functions with respect to that area must be transferred to a specially constituted Committee consisting of all the elected members in the Board. That came to be known as the Bazaar Area Committee. An assurance was given by Mr. Tottenham that in the spirit in which the Congress party responded to the appeal of the Government, he would see that by executive orders and directions, these Bazaar committees would be invested with maximum powers of autonomy.

What happened next is a sorry tale. I thought that with Independence, some change would come over the administration of the cantonments. Everything in this world has changed; but that part of the military administration relating to the cantonment affairs has not changed in the least.

जमीं जुम्हद जहाँ जुम्हद,

न जुम्हद गुल मुहम्मद ।

[Shri Gadgil]

Everything, the sky has changed, the land has changed, but Gul Mohammed has not changed. Colonel Blimps with whom we are very familiar, are still there: their vernacular edition. I was the President of the Cantonments Association for over 10 years and I know every detail about the administration of these cantonments. I thought there would be a change. But, they have inherited all the arrogance of their predecessors without developing those human approaches and democratic attitude which is so essential for running a successful democracy in this country. My hon. friend said in his speech, for which I am extremely sorry, 'what is the harm if there is an official majority, if things are done properly.' That was exactly the line adopted by the British Government here: if it is good Government, why do you want self-government. Good Government is no substitute for self-government even in cantonment areas. You cannot develop the personality of the individual citizen. You never give him an opportunity to commit mistakes and therefore no opportunity to do something better. He also said, "The problem is a problem of individuals and if they are good, the things they do will be good". As a general proposition, I should not like to take exception to that. May I, with your permission, Sir, refer to the memorandum submitted to the Patil Committee by the Military Lands and Cantonments Officers Service Association to show how contemptuously they look upon our own people. Here are some gems of wisdom. It is stated here:

"It is an established fact that cantonment administration as now carried on is much more efficient in every respect than provincial municipal administration under identical circumstances. It would therefore be a retrograde step to put the cantonments under provincial municipal administration. The lethargy and mal-administration prevailing in the provincial

municipal administration is a by-word throughout the country. The fact that even the largest municipalities in India including the Corporation of Calcutta,"—Shri N. C. Chatterjee is not here,— "have had to be superseded at one time or other proves that democracy so far as local self-government is concerned is a failure.....

Mr. Deputy-Speaker: Whose opinion is this?

Shri Gadgil:due mainly to the selfishness of the city fathers and the ignorance of the electorate. We fervently hope therefore that the lessons learnt from the municipalities will not be repeated in the cantonments."

This is the Military Lands and Cantonments Officers Service Association and the memorandum was submitted in the year 1950 before the Patil Committee.

My hon. friend was good enough to say that the Patil Committee went into all these things and that there were certain elements in the civil population who did not want any change. I will go into the history of this Committee.

This Committee was appointed in January, 1949 and in pursuance of certain decisions taken by the Local Self Government Ministers in 1948. The Deputy Minister said that even that conference did not suggest democratisation of the Cantonment Boards. It is not correct. The decisions recorded were:

"The conference recognises that for reasons connected with security and health of the troops, the areas where troops are quartered should be under the general control of the Army."

And the operative part was:

"To examine the question of delimiting areas of Cantonments

and the desirability of amending the whole Cantonment Act".

"There was no suggestion, as made by my hon. friend that the Patil Committee was of the view, as also the conference of the Local Self Government Ministers, that there should be no democratisation.

I find from the Select Committee's Report in the Council of States, that one of the Minutes of Dissent refers to a categorical assurance given by the Government that they would soon introduce a comprehensive measure. That assurance is repeated now with a very significant change, and that change is that if Government find after excising quite a lot of land that the things are still in the bad old way, then they shall consider having a comprehensive Bill. This was not the spirit of that assurance, and because of the assurance there was less opposition in the Council of States.

Now, coming to the Patil Committee, the Committee did not contain a single resident of any Cantonment, not one member.

An Hon. Member: Not one?

Shri Gadgil: Not one. I did my best, but in spite of my being a Minister then, I could not prevail upon the Military authorities to accept one representative from the All-India Cantonments Association which has been in existence for the last 30 years and with which the Defence Department dealt every six months over a period of 20 years. Not one was accepted.

Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes): Why did you not bring it before the Cabinet?

Shri Gadgil: I am under oath. Therefore, I cannot tell you what I did.

The point remains that this was the constitution. The Committee had prolonged discussions—at least it appears so from the time of three years which they took from the time it was appointed till it submitted its report.

It did not visit a single Cantonment, did not examine a single representative of the Cantonment areas. All that was put in this memorandum by the Military Lands and Cantonment Officers Service Association, was more or less borrowed and these recommendations are reactionary, that is the least that I can say about them. This is the Patil Committee's Report.

I formulated three main questions—the composition of the Cantonment Boards; the authority of the executive, its scope and functions; and the land problem. Except the land problem, the rest have been more or less left as they were. When there are more than 18 lakhs of people, what crime have they committed that they should not be allowed to have a control over their own Municipal affairs. The existence of cantonments had definitely impeded the progress and development of those areas everywhere. This is not my own view. In the Minute of Dissent by Hargovind Pant, representative of the U. P. Government on Patil Committee, he says that so far as Ranikhet is concerned, there has been absolutely no progress, no expansion of the Cantonment amenities, or anything of that kind. They cannot have any housing plan or a development plan or a neighbourhood plan—nothing of that kind. So, we then thought in 1936 that all these matters connected with the areas where the civil population lives should be given over to the Committee, and they would be managed best. We have been again and again told that the interests of the Military are supreme, that they are patriots—a proposition to which nobody will take any exception. What I have said is that this part of the Military administration relating to the Cantonments continues to be reactionary. Perhaps they want to have a little more power so that they may be little Moghuls, in these 56 small States, so to say.

What are the interests of the military? Building roads, electric supply and water are provided by the Military Services themselves—nothing to do with the Cantonment administra-

[Shri Gadgil]

tion. Food, including vegetables, eggs, meat and fruits, are arranged by Army Service Corps, and milk by Military Dairy Farm. Clothing is provided by Ordnance Corps. Hospitals are run by the Director-General of Medical Services. Schools and library are run by Military educational authorities. Games, playgrounds and cinemas are run by the Regimental funds. Every amenity, Municipal or otherwise, is provided by the Military Department itself, and they have nothing to do with the Cantonment management. I understand since they are in the same area or nearabout, the standard of the Municipal administration should be up to the mark, that in the interests of health, morals and security, there must be some standard. All that is agreed to, but why, subject to the general control, power should not be invested completely in the Cantonment Board to be completely elected by the people themselves. You can have two or three men if you like to represent the military on the Board. You have got the general power to suspend any decisions. You can even insist that in certain matters, unless the thing is approved by the Military authority, it should not be implemented. This is with respect to the composition of the Board.

Now, there are many people who come from the Cantonments. The experience of those people is something very different from what my hon. friend has been good enough to tell us. When this Bill was first introduced, I approached Shri Gopalaswami Ayyangar, who was then the Defence Minister, and I said: "Look here, what have you done?" He said: "It merely came, and I introduced it. But what do you want me to do?" I said: "First hear my qualifications to advise you." And I told him that I have been associated with Cantonment matters, I was mainly instrumental in getting certain Amendments incorporated in the Act of 1936. I suggested that it should be circulated for public opinion. Here are the reports, and

every public body concerned with Cantonment affairs has expressed its disapproval, has insisted upon this, that and the other—and we are told that the people want this Bill, that there are elements which want it. I submit that this is not the way to deal with a problem which involves nearly 19 lakhs of people and an expenditure of nearly Rs. 2 crores.

You just see the recommendations of this particular Association to which I made reference. They said: "You must give special representation to Harijans and labour." We did our best in 1936 not to have separate electorates for Mohammedans and that was the only Act where franchise was general and not connected with membership of any particular community or religion. There was great trouble. The Commander-in-Chief threatened to resign, but we stood by our guns and succeeded. That was the only island in the vast country of India where the franchise was merely based on citizenship and had no connection with religion or membership of any community. Now, they want to introduce this. It is because they fear that in case it becomes a fully democratic body, they must have these two elements at least on their side.

Do you know how they treat Harijans in the cantonments?

Shri S. S. More (Sholapur): Whom does the hon. Member mean by 'they'?

An Hon. Member: 'They' means Government.

Shri Tek Chand (Ambala-Simla): The cantonment authorities.

Shri Gadgil: You were not present here, as usual.

Dr. N. B. Khare (Gwalior): Does it not mean those who have brought this Bill before the House? Obviously it means them.

Mr. Deputy-Speaker: The hon. Member may draw his own conclusions.

Shri Gadgil: The point really is that the Harijans are treated much worse. At least I know of one case in the Kirkee cantonment, where the sweepers were so badly treated that in spite of the best efforts on everybody's part, they have not been reinstated, even though the higher authorities accepted that their discharge was illegal and against the policy of Government; even though five years have elapsed, not one of them has been reinstated so far.

Then they talk about amenities. Tell me one single cantonment where they have introduced compulsory primary education. In not one of them, have they provided for compulsory primary education. Again, what facilities have they provided for the civil population? Nothing. The entire taxes are paid by the civil population, and not one copper coin is paid by the military, and yet the full control is in their hands. I have never seen an example of this character anywhere under the sun, anywhere in any democracy.....

Shri V. P. Nayar (Chirayinkil): Except in India, that is Bharat.

Shri Gadgil: I have dealt so far with the composition of the Board. Now I come to the second aspect, viz. the powers which these military executive authorities want. In the good old days, there were magistrates, so well-versed in law, that I am almost tempted to cite a case, which probably my hon. friend Shri S. S. More, who comes from the same city as I do, knows.

There was a cantonment magistrate, by name Col. Thorn—Thorn or Thorne, I do not remember—and once a *tongawalla* was charged for his horse having made some nuisance in front of the Cantonment Board on the road. The *tongawalla* was prosecuted, and he said, what could I do if the horse eased there. The magistrate said, all right, produce the horse; and that horse, being the *corpus delicti* was shot dead, and the man was fined Rs. 50. The *corpus delicti*

should be destroyed; that is what the Criminal Procedure Code lays down, and so the horse was shot dead; perfect justice! After a good deal of protest, the chief executive of the Cantonment Board ceased to be a magistrate, and now that is exactly the power these people want. In this memorandum, you will find they want that they should be invested with magisterial power, and that the member-secretary, the executive officer or the principal officer of the Cantonment Board should be made a sitting member, with the powers of a magistrate. Just consider the prosecutor and the judge combining into one personality. In this Bill, provision is made for this purpose, in clause 24 which reads:

'Section 286A of the principal Act shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) The Board may, by a resolution passed in this behalf, delegate to the President, Vice-President, Executive Officer or Health Officer, subject to such conditions, if any, as may be specified in the resolution....."

When there is an official majority, is there any chance of non-official people or elected persons ever becoming successful in preventing this delegation? In other words, it means that the actual administrator or the dictator of the Cantonment Board is the Executive Officer. That will be the position, after this Bill is passed.

In 1936, we suggested that a separate cadre of Executive Officers should be there for the administration of the Cantonment Boards. It was my suggestion then, but now I regret it very much. The idea behind that suggestion was that instead of the blue-blooded military control, there will be a civilian administration which would conduct the affairs of the Board with a little more human approach. But I am sorry that this is

[Shri Gadgil]

not the experience that one meets with.

Coming to excision of extra lands acquired during the wartime, I am glad that a report will be placed on the Table of the House soon, and that these lands will be either constituted into notified areas, or assimilated with the adjoining municipal areas. Since Government have accepted this, I do not want to discuss this further.

But so far as the tenure system is concerned, no one can own land in the Cantonment as an owner. I do not mind it. Ownership in the modern days is not worth having, because possession is nine points in law. But in a cantonment, whatever be the cost of a building, if we are asked to vacate it or demolish it, we have to do it sometimes within 24 hours.

Perhaps we could be a little more certain of human life, but we could not be certain of a property in the cantonment area at any time. Things have improved to some extent, since 1947, so far as the administration of the land tenure system is concerned, because people come here and voice their grievances, and sometimes their complaints are looked into, and their grievances set right. But consider how the administrative mechanism will function. There are 56 cantonments in the country, spread all over the country, and for every little thing, for permission refused or a prosecution launched or something done here and there, the man has to run to Delhi, and wait on my esteemed friend, who has a very large heart, and is very sympathetic. The very system is bad. My submission is that you must give autonomy to these cantonments, and allow the things to be administered then and there subject to the general control which should be exercised by the main body, only if something is against the health or security or morals of the troops residing either directly in the cantonment area or close by. Subject to that, the administration should be done then and there, and there is no reason

why further democratisation should not be undertaken.

It is not good moving amendments here and there, for we can amend the law only here and there. But that is not the solution. I would suggest to the hon. Deputy Minister, since he has been good enough to give an assurance, to bring a comprehensive Bill, and not to make it dependent upon some review of the implementation of some policy with regard to the land tenure system, whereby many lands are now to be given away by the cantonment administration. Before that is done, there is one other thing to be done, and that is the restoration of the civil area committee, and investing it, as the hon. Minister himself suggested, with full autonomous powers. I have not claimed, and in fact nobody has claimed, that this subordinate body should have greater control than the parent body. Nobody has claimed that. I think we are sufficiently constitutional minded in that respect. But since the hon. Minister himself has suggested that this is going to be the solution, why not do it right now? Let us have some experience of his earnestness about it. What is it that prevents him from doing it? Some autonomy must be given to these civil area committees, and you should not wait for this, till something happens, and till you bring in a comprehensive Bill. Bring that comprehensive Bill in the next session, if you are earnest about it. In 1936, an amending Bill came after a period of nearly 12 years. In 1947, because there was the war, nobody could say anything. So, a committee was appointed, and it reported in 1951, after nearly three years.

The Bill was introduced in 1952. Now it is before your House and may be passed before the clock strikes 6.30. But the legislative passage of any Bill is not so easy in these days when every one of us wants to speak and make a great historical, abiding contribution to the discussion of the subject matter.

Shri S. S. More: You have already done that. (*Interruptions*).

Shri Gadgil: I do not think it will be possible to have that comprehensive Bill introduced and passed by both Houses in less than two years time. Therefore, immediately you must make the announcement, as I have suggested, and restore full autonomy to the "civil area Committees". Now, so far as the comprehensive Bill is concerned, you must provide for an elected President, an elected majority and decentralisation of local autonomy and you should not ask the people for little petty things to run to Delhi where even hotel accommodation is not enough and sometimes the poor Members of Parliament have more guests than they can...

Shri S. S. More: Accommodate.

Shri Gadgil:.....make provision for.

I therefore submit, Sir, that I am sorry—I am very sorry—that when we have won our independence and when we are trying to be democratic and insisting that there should be a democratic attitude this position continues. Even against the provisions of all known constitutions we gave the status of a State to Delhi. In no Federation, the seat of the Federation is a separate State, not in Australia, not even in the United States, and we did it because the Prime Minister said this is democracy and it must be done. Now, if that is so, if that is the prevailing mood, I am at one with it. But why these 56 areas should be deprived of democratic control over their own affairs, especially when they have agreed that it should be under the general control of the army officers? What is wrong there? I submit, Sir, that so far as this particular Bill is concerned, I am not happy over it, but I do not want to oppose its passage because the hon. Deputy Minister has been good enough to give an assurance. But I warn him that I will judge his earnestness by this test—what is he going to give me here and

now and on what lines is he going to bring the more comprehensive Bill? Sir, I have done.

Shri Bansal (Jhajjar-Rewari): Mr. Deputy-Speaker, Sir, I rise to oppose this measure which I consider atrocious and insulting to the very spirit of democracy in this country...

Many Hon. Members: Hear, hear.

Shri Bansal: I consider, Sir, the way in which the hon. Deputy Minister delivered his speech even more revolting and insulting. Because I happen to come from a cantonment. I was born and bred up in that cantonment.

I have spent 16 years and more of my life there.

Shri N. M. Lingam (Coimbatore): May I know the name of the cantonment?

Shri Bansal: Ranikhet I know all that a cantonment administration can do to the spirit of independence of the people.

I will relate a small incident, Sir. When I was a child and studying in the VIth standard, we decided to put on Gandhi caps. All of us in my class put on Gandhi caps and when I came home, my father turned me out, saying 'Don't you know this is a cantonment and you will be asked to leave this small town if you insist on putting on this Gandhi cap?' The fear which I saw in his eyes, I still remember. No useful purpose would be served by the Minister telling me that things are changing; we have become independent and therefore the Cantonment Boards are becoming democratic and we should lay our faith in them.

Sir, I will read out to you a letter which I received...

Mr. Deputy-Speaker: Does the ban still continue on Gandhi caps?

Sardar Hukam Singh (Kapurthala-Bhatinda): Just the other way.

Shri Bansal: If you will please listen to me, you will understand that something worse can happen even now.

Shri Gadgil: That is right.

Shri Bansal: Sir, I received a letter from a gentleman in Ranikhet. The letter reads like this:

"A meeting to discuss civic affairs of Ranikhet was held on the 24th October 1952 at 1500 hrs. at the Cantonment Board office, Ranikhet, called by the O. C. of the Station, and in reply to a question regarding playgrounds for civil children, the O. C. accusing a Member of Parliament said...

Dr. Suresh Chandra (Aurangabad): What is O. C.?

Shri Bansal: Officer Commanding.

"The bright son of a great man asked some silly questions in the Parliament and I had to spoil a whole day in answering those questions. He says that there are some playgrounds in Ranikhet which are not being allotted to civil children. I have said in my answer that there are no playgrounds at Ranikhet, except the few parade grounds. And now let them say what they can."

Sir, when I received this letter, I approached the hon. the Defence Minister, who is unhappily not present here. And, Sir, I want to raise a point of order here. Is it fair that when we are discussing Bills of such importance, that the Ministers in Charge who are responsible to this House and to the Cabinet are not present here?

Sardar Majithia: Do you mean to say that the Deputy Minister is not responsible?

Shri Bansal: The Deputy Minister is not a member of the Cabinet and, therefore, he is not responsible to the Cabinet.

Sardar Majithia: He is responsible to the Cabinet.

Shri Bansal: I may tell you that this is the mood of this House. We have been seeing for some time past that important Bills are being moved and piloted here by the Deputy Ministers. I want you to please take the sense of this House whether this is a proper practice. After all, when we are discussing Bills here, there must be some Minister who is responsible to the Cabinet who should be present and answer our queries and be responsive to this House.

Now, when this letter was received, I had a talk with the hon. Defence Minister...

Shri V. G. Deshpande (Guna): He raised a point of order. It should be decided.

Shri V. P. Nayar: You cannot proceed without the point of order being decided.

Mr. Deputy-Speaker: Every suggestion that is made is not a point of order.

Shri V. P. Nayar: That is for you to rule.

Shri Bansal: On a point of suggestion, Sir.

Shri V. G. Deshpande: I rise on a point of order that the Minister responsible to the Cabinet should be present when any Bill is being discussed. I humbly request you for a ruling on this point.

Mr. Deputy-Speaker: All I can say is this. I understand the desire of the House, that full and proper information must be laid before the House and those persons who are competent to speak with authority must be in the House whenever a Bill is debated. This matter was raised in the House on a prior occasion when in regard to the Reserve Bank of India Bill it was said that Mr. Guha, who was present, had not all that knowledge and experience as his chief had. It is true the chief had all that knowledge regarding agriculture, that Committee and so on. Therefore, before the House can come to any

conclusion, it is but right that they expect the Minister to answer all points that are raised here and place the fullest information available with the Government. That is, unfortunately, wanting, and therefore, I would urge upon the Government and all the Ministers to come in whenever any Bills are brought up. (Hear, hear). As far as possible they must make it a point to be present here so that the debate will be full and all aspects are placed before the House.

Sardar Majithia: May I respectfully submit, Sir, that the responsibility is joint and under the system, the Deputy Ministers are equally responsible, and as I have been delegated this particular subject of cantonments and lands, I am dealing with it and I am fully prepared to give all the information.

Mr. Deputy-Speaker: Very well.

Shri V. P. Nayar: That is not the point.

Shri N. C. Chatterjee (Hooghly): That is not the point.

Kumari Annie Mascarene (Trivandrum): The House wants the Minister to be present.

Shri S. S. More: Constitutionally, the position that he made is incorrect. I would refer you to article 75 of the Constitution. It is the Council of Ministers which is collectively responsible, unless he says that he is a member of the Council of Ministers.

Mr. Deputy-Speaker: That is not the question. So far as I am able to make out, there is no reference to any Cabinet Minister or Deputy Minister or any other Minister. All are Ministers under the Constitution. If the hon. Minister is in a position to answer in full and with confidence, the House cannot complain. Let us wait and see.

Shri Gadgil: I think, 'Council of Ministers' includes, 'Ministers, Ministers of State and Deputy Ministers'.

Mr. Deputy-Speaker: Every one. The

is not insistent upon the attendance of any particular Minister here. All that it is anxious about is to get as much information as possible. Let there be no want of information on account of the absence of any Minister.

Shri Bansal: When I received this letter I went to the hon. Minister and told him that this is what I have received and asked him whether he would like to take any action on it. He said, 'Yes'. I said, 'If you do give me an assurance, then I can get you this letter duly signed by the persons who have addressed it to me'. Because, people there were very apprehensive that unless they were assured that some steps would be taken, they might be penalised by the O. C., who happened to be the ruler of the Cantonment. Sir, although I wrote this letter to the hon. Minister on the 30th March of this year, will you believe it that I have not even got an acknowledgement from him?

Dr. N. B. Khare: I am in the same boat also.

Shri Bansal: And, the Deputy Minister here says that the House need not be apprehensive and need not presume that the people there would not behave democratically.

Sir, Mr. Gadgil just now said that there are no amenities provided in the cantonments by the Cantonment Boards. Not only that; whatever amenities were being provided have been taken away by the Cantonments after our independence. Sir, when I was a child, I remember playing on the playgrounds belonging to the military. Every Saturday afternoon was allotted to us for playing in those military playgrounds. After this O. C. who is an Indian took charge of my cantonment, he has issued a fiat that no school children will be allowed to play there. This is what is happening in the Cantonments after independence and the hon. Deputy Minister has the temerity to tell the House not to be apprehensive of anything undemocratic happening

[Shri Bansal]

Sir, Ranikhet is a cantonment area which has no separate civil area. It is one cantonment area as a whole. All the taxes are paid by the civilian population. These taxes have been enhanced recently. We never had a toll tax; that toll tax has come two years back and what is the result? Last year, some gentlemen went to Ranikhet—because it is a very nice hill station—to spend the summer there. One of them wrote a letter in one of the dailies, 'Ranikhet or Karbala'; and the letter gave a woeful tale of lack of drinking water facilities in that town. The water tanks that are supplying water to the civilian population are kept open from 4 in the morning till 8 and then they are locked. Throughout the day they remain locked. They are opened for an hour or so in the evening. While for the military personnel, the water runs throughout day and night, with the result that when you go to Ranikhet on any summer day you will find a mile-long queue of people waiting with their buckets, and tins to get water. That is what is happening in our cantonments these days.

The position of property is also equally serious. When the British military was located at Ranikhet, we had at least the satisfaction of getting crumbs which fell from their tables. Now, Sir, we do not have even those crumbs. It is not only I who tell you this. Our Prime Minister went to Ranikhet some months back and when I met him he confessed to me that the condition of the people in Ranikhet is simply awful. They have no sources of livelihood now because our military personnel is not so rich, not so wealthy and not so well paid that they can sustain the population of the township of Ranikhet. The British people could do it. The result is that the people of these cantonments are eking their livelihood with the greatest difficulty. And, when we ask for further amenities, for some offices to be taken from here so that some more employment may be given to the local

people, our Minister gets up and says that this demand for shifting offices comes from places which are becoming unpopular. What is a very difficult sort of life for our people is a joke for our Minister. I am sorry I cannot help using such strong words, because things are really very difficult in some of these cantonments.

Recently the leases of some of the properties were to be revised. I know of one case where the lease was upgraded by 300 per cent.

[SHRIMATI RENU CHAKRAVARTY in the Chair]

When the rental value of the property has gone down, the leases are sought to be raised 300 per cent. Those people came to me here in great panic and wanted me to do something to save them. I told them that they could file an appeal. They said they could not file appeals because the notices served on them said that if the lease money according to the revised rate was not deposited in the Government treasury their property will be taken possession of and they interpreted it that the property will be destroyed and the land will be taken over by the cantonment authorities. This is because there is a tradition that whenever the cantonment wants to take possession of the land leased out, then they pull down the buildings and take over the land. That may not be happening now, but this is the fear which the people of the cantonments have even now and this is a fact. So, this is the position of these cantonments. As for democratisation, today about 53 per cent. are nominated officials and the rest 47 per cent. are elected on the Cantonment Board. I do not know how this has been worked out. Madam, in these small cantonments the bazaar people are not very literate; they are ordinary townfolk. I was on a holiday in Ranikhet. One day I met one of the members of the Cantonment Board. He is a bazaar man and I know him very well. He told me

that in one of the meetings of the Cantonment Board the O. C. called him a damned fool. Please believe me. I want the House to believe that this is the kind of thing happening in cantonments and our Minister here says we need not be apprehensive and that the House can take it that everything that is happening in the garden of Allah is sweet and beautiful.

Shri U. M. Trivedi (Chittor):
Garden of mullah.

Shri Bansal: Madam, I have not very much to say but only this, that the things that are happening and can happen in the cantonments are unthinkable and therefore the sooner we democratise the cantonment boards the better. The plea that in the cantonments the army should be kept separate from the humble and tumble of ordinary civic life won't hold water in the least because inasmuch as there is some elected element on the Boards, civic life is inter-mingled with cantonment life. The only disadvantage of this is that because the civil population is in a minority, there is always friction and in order to stop that friction, the only step that can be taken and must be taken is to fully democratise these Cantonment Boards. Of course, you can safeguard the interests of the military by earmarking certain specific areas within which they have to function, but the town element in the Cantonment Boards should be dealt with absolutely separately. In fact, I would go so far as to say that whatever revenues are collected by the civilian population should not be used at all for those areas where the military personnel are located. Ranikhet is one of those cantonments, Madam, where as I said before, there is no separate area at all. We do not have any Notified Area Committee or any Municipal Committee; it is a wholly Cantonment area, with the result that all the best goes to the military and the worst goes to Civilian population.

5 P.M.

Once a European friend of mine was visiting Ranikhet and we were going

round admiring the beautiful sights of the place. He stopped at a particular place which is a sort of a watershed which divides the military area from the civilian area and he said: "Look here; you have heaven and hell in one and the same place." He was referring to that portion where the military installations are—and where the soldiers live, as heaven, and the area where the civilian population lives as hell.

I am again reminded of a small anecdote. A friend of mine is interested in the hobby of painting, and he painted a dwelling house, and he took it to his professor in the University. The professor said: "Well, this is a very good picture of a slum." My friend was shocked. He said, "Sir, it is not a slum. It is my dwelling house." That is exactly the position of cantonments, where all the best goes to the military authorities and all the worst goes to the civilian population. I think this House is in no mood to tolerate this any longer and the sooner this is realized by our hon. Deputy Minister, the better. I do urge upon him to withdraw this Bill and bring forward a comprehensive Bill, amending the anachronistic Cantonments Act in the very near future.

Shri S. S. More: Madam, this Bill raises so many fundamental points and one of the points is whether our declaration about local self-government is genuine or not. When the Congress was fighting the British for more than 65 years, we were very vehement in our declarations that the powers of local self-government should be entrusted to the people and their elected representatives. In 1882, as a matter of fact, Lord Ripon who happened to be a British administrator, did look at local self-government from the right perspective, from the democratic perspective. Therefore, he came out with a very heartening declaration that even in India, though it was then under the iron heel of the British Imperialists, local self-government must be entrusted to the people, and he made a very useful declaration which should serve as a beacon-

[Shri S. S. More]

light for all of us. He said that local self-government must be treated as the instrument for public education. Unless you give the people some power of administering their own affairs, some power for looking into their own difficulties and finding out ways and means to solve all those difficulties local self-government, in the real sense of the term, will not be in existence.

Then again, after Lord Curzon came, bureaucracy again asserted itself and whatever salutary principles were laid down by Lord Ripon were trampled under his feet. Again, the late Mr. Gokhale, Ranade and Dadhabhai Nowrojee agitated this point before the Decentralization Commission of 1909. Even there, two points were represented. Members of the bureaucracy were all along feeling that the people have no idea of local self-government. It is no use giving them the power. They will abuse it. They do not know what is responsibility. They said that "if the power is kept with us, in our hands, we shall carry on the administration in a very efficient manner." But the Commission, in spite of its diverse composition, was very particular to emphasise in the interests of India,

"No, we should not give more attention to the claims of efficiency than such claims deserve." They said: "We have come here to rule this country. We must educate the people and therefore some powers ought to be decentralized." And the power which was concentrated in the hands of the British bureaucracy and their Indian henchmen was, to some extent decentralized and panchayats and local bodies and taluk boards came into existence.

Madam, I am emphasizing this, and I went into past history just to underline my argument: because the Congress has been maintaining that "when we are here in this country, this country belongs to us; we know our local needs. We know our local problems a paid servant of

the Government cannot have the same solicitude that we possess for giving amenities to our own children, our own kith and kin." Therefore, in this Bill, the point is whether the principle of self-government, the principle of entrusting power, as they do in England, with the local people for removing their own difficulties and securing their own amenities by financing the administration,—whether that principle is being observed or not. That is the fundamental issue. As far as this measure is concerned, we should not take any party line. We should stand by the fundamentals, the basic principles, and as a matter of fact, on these basic principles, the superstructure of democracy rests securely. My submission, Madam, is that this particular measure is atrociously retrograde. As a matter of fact, the two previous speakers who came from the Congress ranks were bold enough, courageous enough, in spite, possibly, of the secret party whip, to open their hearts and condemn this Bill roundly. Not only Members of Parliament but even District Congress Committee officials are also against this particular measure and for the benefit of the House I may quote the opinion which has been given by the Congress Committee Officer, Shri P. P. Kalantra, Secretary of the Congress Committee, Deolali Camp; his opinion is given on page 4 of the opinion circulated to us. That is what he says:

"We humbly submit that the proposed Bill is not only reactionary in character and spirit, but is retrogressive and unworthy of democratic principles of local self-government and of the Republic of India, and deserves to be withdrawn and a fresh, new legislation be promulgated by overhauling the entire Cantonments Act of 1924."

I need not read further. Members of the Congress who represent their constituencies in Parliament are condemning in very round and scathing

terms this atrocious measure, and even members of the congress coming from the lowest ladder are also equally vehement in running down this measure and that is an opinion which ought to prevail with the hon. Minister in charge. Now, let us try to analyse some of the provisions. Take, for instance, clause 4. According to the original section 4 in the original Act, the cantonment authority has the right to "extend their area any time."

Shri U. M. Trivedi: On a point of order, Madam, I would like to know from the hon. Minister how it is that the statement of objects and reasons is not appended to the Bill that has been under discussion? The original sections which are sought to be amended are not also attached. Will he kindly explain this?

Sardar Majithia: So far as the objects of this Bill are concerned, it is very plain to see. There is nothing controversial according to me. It is just an amending Bill which amends certain sections for the better administration of the cantonments. There is nothing new that has been brought in apart from those amendments.

The Minister of Law and Minority Affairs (Shri Biswas): I may refer to the practice. You may order the office to correct that practice. It is this: if a Bill is passed by one House and transmitted to the other House, the only copy that is sent is the Bill, as amended—not the original Bill. What should be done is to pass on both the original Bill and the Bill in the form in which it emerges from the House; the original Bill has the Statement of Objects and Reasons, and also extracts from the Bill which is sought to be amended, if it is an amending Bill. I mentioned this in the other House. I think the Members of the other House are getting both copies—the original Bill and the Bill as passed by this House.

Mr. Chairman: I may explain the position. The Bill, as it was introduced in the Council of States, had already got all the proper sections

which are now being sought to be amended. Now, it is the Bill as amended by the Council of States that is circulated. So both the Bills are in the possession of hon. Members. The Bill, as it is introduced in the Council of States, is automatically circulated to all Members. And that is in our possession. So, I think hon. Members.....

Shri U. M. Trivedi: I may submit this for your information. I may just invite your attention to the very Bill which was just now passed—the Live-stock Importation (Amendment) Bill. There also we have got the Statement of Objects and Reasons, notwithstanding the fact that it was a Bill which was passed by the Council of States. There is also an annexure containing the various sections which are sought to be amended. The same is the case with the Special Marriage Bill, which has also been passed by the Council of States.

Mr. Chairman: I think I was misunderstood. The point I was trying to clarify was about the sections. Generally the sections which are sought to be amended are appended at the end. That is not being done because of the reason stated. It is true that the Statement of Objects and Reasons is appended with the Bill, whether it is passed by the Council of States or not. I think in future care will be taken to see that this is also done in all cases.

Dr. Suresh Chandra: How can we proceed with the discussion when the Statement of Objects and Reasons is not appended?

Mr. Chairman: As I have said in future the Statement of Objects and Reasons must be appended. In this case I take it that in the original Bill, as introduced in the Council of States, there is the Statement of Objects and Reasons. I would ask the hon. Minister to state whether that Statement of Objects and Reasons remains in this case too.

Sardar Majithia: Yes, it does.

Dr. Lanka Sundaram (Visakhapatnam): May I ask the hon. Law Minister as to who is responsible for circulation in the manner in which this particular document is done? Has the Secretariat of the House of the People to do it?

Mr. Chairman: Generally, as we see in all cases, as amended by the Council of States the Bills are circulated. The Bills, as originally introduced, are also circulated. That is how every Bill is sent to us. That is the procedure that is followed in the case of every Bill.

Dr. Lanka Sundaram: The Secretariat of this House must append to this Bill the original Bill as introduced in the other House: is that the position?

Mr. Chairman: That they also do. As hon. Members know, as soon as a Bill is introduced in the Council of States, automatically that Bill is circulated to Members of the House of the People. After it is passed by the Council of States, again the Bill as amended (if it is amended) is circulated. That is the position.

Shri Joachim Alva (Kanara): May I add one word? Yesterday the objects of the Reserve Bank (Amendment) Bill were two: demonetisation and rural credit. What appeared in the printed Bill was on the back it was written that the Act is to be amended in regard to demonetisation only. Unfortunately I have not got a copy of the Bill. In the Statement of Objects and Reasons which happened to be inside, rural credit only was mentioned,—not a word was written about demonetisation, which is the black-spot of the Bill.

Mr. Chairman: The point raised by the hon. member was in connection with the Cantonments (Amendment) Bill. The hon. member should have objected to what points out now yesterday when the Bill was under discussion. I would request hon. members to allow the hon. member who was speaking to continue.

Shri Joachim Alva: All that I stated was that all the objects should be stated.

Mr. Chairman: It has already been stated by me that the Statement of Objects and Reasons must be appended to the Bill.

Shri Joachim Alva: All the object.

Shri S. S. More: Madam, I was dealing with some of the provisions of this Bill. But before I do so, it would be desirable to refer to the Report of the Central Committee on Cantonments which was presided over by Shri S. K. Patil, M. P.

It was pointed out by the Deputy Minister that this Bill has been brought forward with a view to implementing the recommendations of this Committee. A person who does not look at the original report may possibly get a wrong impression that Government had appointed a Committee, possibly, of the representatives of the people and some useful suggestions were made by that committee and Government were very promptly coming forward with the necessary amendments. But that impression will not stand even for a minute, if one goes through the original report of the committee. I have got a copy of that report. As a matter of fact, Madam, as you know, whenever reports are submitted by committees they are printed, but this particular report is not in a printed form. Possibly, Government itself was not prepared to give it all the publicity which it deserved, because the recommendations made by them are not in the public interest—they are in the interests of the bureaucracy.

And what was the composition of this committee? Mr. S. K. Patil happened to be the Chairman of this committee; but I find in the body of the report that Shri S. K. Patil who had gone on a world-tour said that he would not be able to preside over the meetings. Some stop-gap arrangement was made and somehow this report was brought out. Who are the other members? All members of

bureaucracy, representing the Central Government and the State Governments—all I.C.S. people. I have nothing to say personally against any ICS man. But the ICS people are trained in the British manner. The cardinal principle of training the I.C.S. people was to be indifferent to the popular interest; they were trained to grab as much power as possible, against the interests of the people, so that they can rule with an iron hand over the destinies of millions of this country. There are six or seven members on this Committee and all of them are members of the bureaucracy. A committee which, excepting the Chairman, is composed of members of bureaucracy, is not expected to take the interest of the people into account. They were trying to manoeuvre to get as much power even in these cantonment boards as possible and made recommendations which run counter to the interests of the masses. So, the encouraging words that they are trying to implement the recommendations of the committee should not create illusions in the minds of any member of this House.

Then, Madam, according to section 4 of the 1937 Act, it was the local Government which was given that power. By a later amendment, the Central Government took that power for itself. Again, concentration of power. If the power had been with the Local Government, it would at least have meant some decentralisation. But the Central Government was greedy of power and it robbed the Local Governments of having the necessary power under Section 4. The amendment now proposed reads: "The Central Government may after consulting the State Government and the Board concerned". It gives an impression that 'good sense, generous sense has dawned on the Central Government to consult the State Governments and the Board.

I can give the House my own personal experience. Once for a period of five years I happened to be the President of the District Local Board, Poona.

An Hon. Member: District Local Board?

Shri S. S. More: According to our Provincial law, a district local board is a separate local self-governing institution. It provides amenities for people of rural areas, who are not in any municipal area or cantonment area.

An Hon. Member: That is the District Board.

Shri S. S. More: I am not so much concerned about the name of the institution. My only point is that it is a local self-governing institution having jurisdiction in certain areas of the district. I happened to be its President and I was surrounded by so many cantonment boards, the Poona Cantonment Board, the Kirkee Cantonment Board, etc. The Kirkee Cantonment Board decided, in the interests of their health and security, to bring some villages under their own jurisdiction. And without any notice to the Local Board, without consulting or paying regard to the sentiments of the people who were to be brought under their jurisdiction, they were treated even worse than cattle, and a notification came that "Villages A, B, C, D shall form part of the Kirkee Cantonment Board". What happened? They were all villagers. They were all doing agricultural work. They had a number of cattle. They had their own stables and their standard of health was not as high as the military requirements wanted. The result was that all our schools were closed, because the Local Board was not competent now to run a school outside its own area. The water arrangements were discontinued, because the Local Board cannot provide any amenity to an area outside its jurisdiction. On top of the cutting off of the amenities the villagers were flooded with notices for prosecution. Every day the villagers came to me with a heap of notices saying "this is the latest present to us by the benign government"—that happened under the Britisher—"and we are being prosecuted for so many offences against the health provisions of the cantonment authority.

[Shri S. S. More]

My submission is that if an area is to be included, the people residing in that area must be consulted. It is no use saying "we have consulted the State Governments, we have consulted the Cantonment Board". I think it is a mockery of justice. What is the use of consulting the cantonment board? Because, the Central Government will be issuing the notification extending the territorial ambit of these boards on the recommendation of the board, on a proposal mooted by the board itself. Now, here will be a pretence, saying "we consulted the board". It is not the board which has to be consulted. It is the people who are to be consulted. Not only that. It is the other adjoining local authority which ought to be consulted and given an opportunity to have their say. But no. That is not the idea of democracy of those who are in charge of this particular Bill.

Take for instance clause 5. I am not taking every clause. But clause 5, in its essence, is again concentration of power in the sinister hands of military henchmen or military stooges. It reads:

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

I need not say anything disparaging their competence or disparaging their solicitude for the people. These military officers are trained to be rude to the people. Possibly, whenever the Deputy Minister or the Minister in charge of Defence Organisation goes to any place these military officers may be very submissive and polite to them. But as far as the people are concerned, our experience is quite the opposite. Suppose the Executive Officer, who himself is a petty Moghul, is absent or for some other reason is not there, the Military Officer is to be placed in charge for a period of three months. To put it very mildly and

shortly, it means that at least within the cantonment area there will be no law prevailing but the martial law of the Military Officer who will be placed in charge of this particular cantonment. And this is opposed not by us, Members of the Opposition, but by so many other people and I would in this connection refer you to page 9 of the opinions circulated.

As far as its composition is concerned, my friend Shri Gadgil has elaborated to a very large extent on the undemocratic or rather the autocratic character of the composition of the board—official majority with a sprinkling of non-officials elected, even that with the courtesy or sympathy of the cantonment officers. I was wondering whether I was reading the 1861 Council Act of the Britisher or the Council Act given to us by the Minto-Morley reforms where some non-officials were in negligible minority and those few Indians who happened to go there were saying "let us have a democratic majority, let us have an elected majority". Madam, this measure is very retrograde. I think it is based on the pattern of legislation which prevailed in this country in 1861 or subsequent thereto till about 1920. All the military officers and executive officers, everybody is given all the power to rule the people with an iron rod in their hands. My opposition is undiluted as far as this particular measure is concerned.

According to clause 17, under the existing section they have to give six months' time to come out with a particular order. Now the time is extended to twelve months.

I do not want to take this House to every clause of this Bill. But I feel that this particular measure is nothing but murdering the spirit of democracy. It shows in every line the undiluted distrust of the people. The present Government does not seem to repose any trust in the wisdom of the people, possibly because the people in their wisdom elected it in majority to the House but feel they have done it

wrongly. Therefore they are not prepared to trust their wisdom any further. Military and Executive Officers will be there.

Take for instance the civil area, the bazar area. All the taxes will be paid by the bazar area. Still it will be under the heel of the military officers. They will pay the piper, but the tune will be called by the military officers, the bosses of the cantonment board. This is a shameful thing and ought not to be tolerated by the House.

Madam, thanking you for the opportunity you have given me, I again say that I stoutly resist this measure and I do believe that the Minister in charge and the Government which is behind him will take some lesson from the vehement opinions expressed by Shri Gadgil and Shri Bansal and withdraw this measure and come forward, if they can, with a more comprehensive measure in which the principle of democracy will be well enshrined, so that people will say "local self-governing rights have been given to us, we are masters in our own house, whatever amenities we want or whatever hardships we suffer from we will try to get the necessary amenities and surmount the hardships". With these words I again voice my opposition to this particular measure.

Shri N. M. Lingam: Madam Chairman, I rise to give my general support to the Bill. I must confess to a feeling of surprise at the way in which my hon. friend Shri Gadgil looked at the Bill. I felt that there was a fundamental misconception as to the scope of the Bill. Madam, it has to be realised that it is not intended to make these cantonment areas nurseries of democracy. It is not the intention of the Government and I am sure the House realises that it is not the intention of the House that we should experiment on democracy in these areas called cantonment areas. The problem arose in this way. Cantonments originally were camping ground for the troops. That, at any rate, is the dictionary meaning of the word cantonment. That is their genesis also in

this country. Later on, they grew, they became arsenals, they contained in themselves aerodromes, roads, parade fields. Along with the growth of these cantonments, the civil population also grew as an ancillary to the growth of the cantonments. They began to undertake services. Small traders gathered around the cantonments and inevitably the civil population became an appendage of the cantonments. A stage was reached when adjustments had to be made between the needs of the civil population and the objectives of the military administration. On the face of it, co-existence of the military and civil population is not possible. So, the only permanent solution to this problem is to excise the civil areas from the military portions of the cantonment. But, the cantonment grew in such a way that it is not easily possible to effect that excision. We are told that out of 56 cantonments, only in respect of one, the civil population is so large that it could be excised and converted into a separate municipality or panchayat or whatever it is. In the remaining cases, only in respect of 17 cantonments, the civil area could be excised and merged with the neighbouring local areas. That is to say, the civil areas cannot by themselves become separate local units. In the vast majority of cases, the civil areas are so interlinked with the military areas that they cannot be excised.

This problem is solved practically by this Bill. In no case where the population is so large that the civil area can be converted into a separate municipality, excision is agreed to. In the remaining 17 cases, we are including the civil areas in the cantonments with the neighbouring local bodies. The House has now to consider what to do with the remaining 38 cantonments. Are we to go ahead with the so-called democratisation of the 38 cantonments or are we to keep them as purely military centres, having regard to security, health, convenience and efficiency of the military? I think the answer is obvious.

[Shri N. M. Lingam]

I am afraid that a fetish of democracy was made when an hon. Member said that cantonments are governed by bureaucrats, that they are centres of reaction and therefore this Bill is a retrograde step. It is not difficult to say that democracy, if you analyse it, is a myth even in this House. I would tell my hon. friend Shri Gadgil that it is a few strong men everywhere throughout the world that rule, whether it be in New Delhi, or in Moscow or in Washington. To make so much play of this word democracy is to divorce reality from the discussion of the subject.

With regard to the services and other amenities in these Boards, I can say with personal experience that some of them enjoy greater conveniences and services than other panchayat boards or municipalities composed entirely of elected persons. My hon. friend Shri Bansal made complaints against one particular cantonment, namely, Ranikhet, and began to generalise. He assumed that conditions in all the cantonments were bad and therefore the administration in the cantonments was damnable. That is an error into which we are liable to fall. We view things from a particular point of view, from our experience of a particular locality or cantonment and think that the entire system of cantonments administration must be bad. We have to guard ourselves against this danger.

In this Bill, the Government have come to realise that there is need for reform. They have gone to the farthest extent to which they could go consistent with safeguarding the military objectives of maintaining these cantonments. I do not know if hon. Members realise that cantonments have adult franchise now. Communal representation has been abolished. Cantonments have been divided into wards. I do not know what more democratisation the Members want. If this could be called democratisation, the cantonments already have it. There is nothing that they do not en-

joy which people outside the cantonments are supposed to.

Shri S. S. More: This is Hitler's democracy.

Shri N. M. Lingam: There are exceptions to every rule. But if by democratisation is meant the existence of adult franchise, a system of election, abolition of communal representation, we have all these things in the cantonments.

Shri K. K. Basu (Diamond Harbour): Why stop there?

Shri N. M. Lingam: I thought the hon. Member was interrupting me. I am going ahead. It is entirely not right to say that there is no democratisation in the cantonment Boards. Nor is it fair to say that this Bill, which is the outcome of the recommendations of the Cantonment Boards Enquiry Committee, is reactionary because the personnel of the committee comprised some I.C.S. gentlemen and members of the armed forces. In the first place, it is unfair to level this charge against these officers. It has to be remembered that these officers are serving our country in the highest capacity. The House does not realise that one of the military Members of this Committee is Lieut. General Thimmayya. You call him Colonel Blimp. We have sent him as our Ambassador of peace. If you condemn Lieut-General Thimmayya, you have to condemn the same gentleman who is now on a mission as the Chairman of the Neutral Nations Repatriation Commission. Let us face facts. It would not do to repeat the old slogans and say that our military officers, because they happened to sit on this Committee, have the Sandhurst traditions and that they are unpatriotic. Let us not say that because there were one or two I.C.S. gentlemen in the committee, they are reactionary. They have risen equal to the highest demand of patriotism. It must be remembered that the Committee was presided over by no less a person than Shri S. K. Patil, who is not only a

front rank patriot in the country, but also a man with considerable experience in the field of local administration.

So, let us accept the Bill wholeheartedly. I can understand there being room for improvement in the Bill—for instance, improvement with regard to the liberalisation of the land tenure system, of the rules governing buildings, the rules governing encroachments, but it is entirely fallacious to base our argument on these slogans that the Committee was manned by bureaucrats, that the process of democratisation has not been carried sufficiently in the administration of the Cantonments.

I have tabled an Amendment with regard to Clause 4 of the Bill. Probably I will have occasion to speak on it later on, but I would refer to it in a general way here. With regard to the change in the jurisdiction of Cantonments, there is a provision in the Bill to consult the Cantonment also before the Central Government decides on any change in the jurisdiction, but I feel it is necessary to consult the neighbouring local bodies also, because when a new area is tacked on to a cantonment or when an existing area in the Cantonment is tacked on to another local body, the interests of the local body are vitally affected, and therefore, it is but fair that the local body concerned should be consulted.

And then there is the major provision in the Bill delegating certain powers to the executive officer by the Cantonment Board. I agree there will be emergencies when the Board will not be able to discharge the functions under the Act expeditiously and therefore such delegation is necessary, but just as the Civil Areas Committee, which is an autonomous body within the Cantonment, has to get its actions approved by the Cantonment Board as a whole, it is also necessary that the actions of the executive officer or any other officer of the Cantonment

should be subject to the post-approval of the Cantonment Board so that there may not be any abuse of power on the part of the officers.

It has been said that these Civil Area Committees are mere shows, and that they do not have any effective autonomy, but it is a matter of growth by conventions and so far as I know, these Civil Area Committees have the powers required of them and if they do not enjoy the power envisaged for them in the Act, it is for us to promote it. It is by executive instructions that these Civil Area Committees should not be interfered with in their day to day work that healthy conventions will grow between the Cantonment Board and the Civil Area Committee. There may be cases where the Executive Officer or any particular individual charged with the administration of the Cantonment does not discharge his duties properly, but in such cases it is for the Government in the Ministry of Defence to see that the persons chosen to man the services of Cantonment Boards—the executive officer, the persons nominated to the Board—are experienced Military officers, persons sympathetic to the aspirations of the people inhabiting the civil areas. I think the Ministry does take care to see that persons of the proper type man these posts, and if there is any abuse as was reported by one of the Members in the House citing the instance of Ranikhet, then it is for us not to condemn the Act or the Bill, but to see that such officers are transferred or suitably punished.

I will say whatever I have got to say about the Amendments later on when the Clauses are taken up, but I only want to emphasise that the Committee which has enquired into the working of Cantonments was conscious of the demand that the administration in the Cantonments should be democratised as much as possible, but they came at every stage, against this obstacle of reconciling the interests of the Army personnel and the needs of the civil areas. This is what the Chairman of the Committee has said in one place.

[Shri N. M. Lingam]

"We have considered it desirable that Cantonments should in fact maintain, as far as possible, in the foreseeable future their original characteristic of Military Stations considering all the circumstances associated with the present state of the country in its political, economic and public health aspects. The maintenance of satisfactory conditions of security, discipline and health among the troops which are necessary corollary to efficiency, will not admit of taking chances, and the transfer of the administration of Cantonment Boards to civil majorities, we feel, is fraught with consequences which may prove detrimental to the efficiency of the Army, its health and morale."

So, in fairness to the Committee, and in appreciation of the real situation obtaining in the Cantonments, let us say that the Bill is the utmost which could be done in the present circumstances, and let us all whole-heartedly support the measure.

Shri N. B. Chowdhury (Ghatal): Madam Chairman, we have heard several speeches, but except the one just now finished, all the hon. Members have characterised the Bill as undemocratic, reactionary etc., and even the Congress Secretary's report has been quoted by hon. Member Shri More. I do not wonder because I did not expect anything better at least in this case, because it concerns the Army men, because I am sure that the kind of democracy that they are aiming at, that they are building up here, has been made very clear by the speech of the hon. Deputy Minister. So, we should be rather thankful to him for giving the people of India an opportunity to know what kind of Government they are building up here in India.

What is this Cantonment Bill that has been brought before us? Hon. Member Shri Gadgil, who had been

the President of the All-India Cantonments Association, had sent a representation, and even this representation had not been taken into consideration, and even representation has not been given to this Association so far as the constitution of the Central Cantonments Committee is concerned. There was the State Ministers' conference in 1948, but certain pressing demands about the excision of the civil areas, formation of other local civil bodies wherever possible, etc., had been made since 1938, but the war came and nothing could be done. What prevented them from taking prompt action, after 1947? The hon. Minister spoke about the obvious changes, but his speech was contradictory. He also quoted certain extracts from the report of the Central Cantonments Committee, which has been quoted also by the hon. Member who has just finished. What does he say? He says that the cantonments are not going to be made nursery grounds for democracy. It is therefore easy to understand what is meant by that. They do not want the armies to be the friends of the people, they do not want the children of the soil to live in *bonhomie* and they do not want the armies to live in friendly co-operation with other people who might be living near them. It is because of this, that they dare not introduce further democratisation in this amending Bill. Criticism has been made that what has been done so far is not at all progressive. If this measure were a progressive measure, we should have found amendments seeking to introduce further democratisation. But what do we find in this Bill? We see here the same old provision of a nominated president, a nominated military commanding officer, and the presence of the same electoral rules which require that there shall be a nominated majority. The Central Cantonments Committee did not even take into account the representations that were made to them. The terms of reference were also kept vague, perhaps purposely, with the result that we find that the

measure that is before us does not go even a step ahead.

Previously the imperial armies of occupation were living in these cantonments. They were living in India, not as they should have done in other countries, in places meant for temporary residence as cantonments, places from which they could carry on manoeuvres and operations. But in India, however, they have been doing this sort of manoeuvring and operational work for quite a long period, for nearly 200 years. This Government also want to continue the same tradition by maintaining the same kind of attitude for segregating the army from the civil population. Why cannot there be a municipalisation of these areas, so that the civil people can live in friendly co-operation with the armymen? The armymen also can enjoy the common facilities of a civic life, subject to the military discipline and other things that they require. But we find here that the same old imperial attitude is being maintained.

The Central Cantonments Committee has observed in their report:

"We have considered it desirable that cantonments should in fact maintain, as far as possible, in the foreseeable future their original characteristic of Military Stations considering all the circumstances associated with the present state of the country in its political, economic and public health aspects."

When hon. Members are speaking of a more comprehensive measure, they ought to appreciate the significance of this remark. No such measure is going to be brought before the House in the foreseeable future. This is the attitude they have adopted. What is the reason for that? Perhaps they think that the economic and political conditions in the country are such that they will have to use the army against the people, perhaps

they are going to build a kind of democracy which will require the use of the army against the people. Only last year, there was an amending Bill in the Parliament, to amend the Criminal Procedure Code, whereby the magistrates were given extra powers, to use not only the armymen and the navymen, but even the air force men against the civil population who might assemble peaceably. On the one hand, fundamental rights are guaranteed to the citizens, but on the other, they are being taken away by these means. And now they want to build up an army in such a way that they could use it for suppressing the people, just as the British occupation armies had done for so long. If that is not the intention, why do you not change your attitude? Why should the same old imperialistic outlook remain?

What my hon. friend Shri Gadgil has said should be really a pointer to the men belonging to his party, who say that they are not going to oppose this measure, because they expect that a more comprehensive Bill will be brought forward very soon, providing for greater democratisation. How can they expect a more democratic and more liberal measure, in the face of what has been stated by an hon. Member belonging to their own party? Still, they maintain the observation of some other patriot belonging to that group. Some time back, when the I.C.S. people came into question, they said, why do you grumble against them, they are also patriots. In the same way, now also, if we ask them, why do you want to pass this legislation, they say, after all in the ultimate analysis, it is the character or the attitude of the persons that counts. That only means they have no objection, even if a measure is brought before the House, by which the people's right to a democratic institution or right to vote for a municipal body is taken away. If such a Bill is before us, we can by no means support it. We shall have to oppose it, and demand that if the cantonments are to be maintained at all, they must be

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maintained in a democratic manner, and the civil population and the army-men should live together as brothers, as men belonging to the same country, and having the common objective of serving the interests of the people and ensuring their welfare. So long as the attitude of Government and the hon. Minister continues to be what it is to-day, we can have no hopes of further democratisation of the local bodies, and the cantonment boards.

Coming to some of the specific provisions in the Bill, we find that there is a provision in the Bill which says that the member of a neighbouring local body cannot be the member of a Cantonment Board. Why should it be so? In the Constitution, it is provided that every citizen shall have the right to be elected to more than one institution. So, why should the member of a local body be barred from becoming a member of a Cantonment Board? I would submit that clause 7 of this Bill should be deleted.

6 P.M.

I have moved certain amendments on which I shall have to speak when the clauses come up for consideration. So for the present, I would wind up my speech by opposing the Bill and demanding a democratic measure by which the 'imperial army of occupation' would cease to exist and India would have a truly national army and there would be no policy of segregating the civil people from the military population, and no question of domination of the civil people by the army men in the cantonments.

Shri M. Khuda Baksh (Murshidabad): Madam, Chairman, I have not had the privilege of being the Chairman of a district local board, nor perhaps the disability of having lived in a cantonment. Therefore, I can claim, Madam Chairman, that I shall be able to look at this Bill rather more dispassionately.

If I have not been a Chairman—I have never been one—of a district local board, I do not think I shall have any pre-conceived notions about local self-government, or be obsessed by any pet theories of my own. We are here talking about the cantonments. First of all, Madam Chairman, we must be clear in our minds as to what is a cantonment. What is its character? The cantonment is a place where soldiers are stationed, and they are deployed in times of war or other emergency—from there to wherever they are needed.

My hon. friends from this side as also from the other side have traced the growth of these cantonment cities, how the civil population came to live there, how trade and commerce grew and how they were dependent for their living on the military station there. We have also heard hon. members talk about democracy. So it is in this context, Madam Chairman, that we have to go into the cantonments rather more deeply and not in a perfunctory manner, that my hon. friends have chosen to do. The cantonment is a place where there is a certain kind of discipline which perhaps many of us here do not understand. There they certainly do not talk of democracy. There we do not permit our Jawans to choose their own Commanding Officer. The Commanding Officer is given to them and they have to accept the Commanding Officer as their Commanding Officer. They have to go, fight and lay down their lives—under the orders of that Commanding Officer. There they are not even given the option of choosing 'A', 'B' or 'C'—many good men—to look after the ammunitions or the supply or the Quartermaster-General's section. It is all decided for them by superior authority and they have to agree to it. That is the type of discipline we have inculcated in our Jawans ever since they were raised. This is the kind of discipline we want to see maintained. Therefore, to talk of democracy in their midst would, I am sure the House would agree with

me, be dangerous. Still democracy is there. It has to be practised here as well as in the cantonments.

We have been told, Madam Chairman, that we have 56 cantonment cities in the country. We have also been told that there is only one which has a civil population large enough which can maintain a Civil Areas Committee or a Board or whatever it is—a Municipality perhaps—on its own without being dependent on the military areas. And there are 17 cantonments which have areas which can be merged into contiguous local areas. All this has been agreed to. The House knows that all this has been agreed to. Now, it would appear strange to me, Madam Chairman, to find my hon. friend from the Opposition talking in the same breath of excision of areas and making them over, as it were, to the other local authorities and of the military and civil population living in brotherhood, amity, friendliness, *bonhomie* and what not. I just do not understand it. To talk of the military and civil population living as brothers and in friendliness is one thing; but to talk of excision of certain areas and making them ever to contiguous other areas and still have that friendliness and *bonhomie*.....

Shri N. B. Chowdhury: I think the hon. Member has not gone through the Cantonment Committee's report.

Shri M. Khuda Baksh: I do not understand it. Perhaps I have not understood him well enough.

Shri N. B. Chowdhury: There is no categorisation as has been recommended.

Shri M. Khuda Baksh: That was what I understood him to say. Anyhow....

Shri S. S. More: Have an open mind. (Interruptions).

Shri M. Khuda Baksh: My friend, Mr. More, from Bombay in his characteristic fashion got up and posed a question to this House which, if I

have heard correctly, is: whether our declarations of local self-government are true or not? That is a poser set to this House. Well, I have the composition of these Cantonment Boards before me. It is 53 per cent. nominated and 47 per cent. elected. Now, Madam Chairman, let us go back to the character of the cantonment. There the population is not static. It cannot have a static population, in the very nature of things. Today the military personnel may be nil; tomorrow, the entire military personnel may have to be concentrated in a particular cantonment. Therefore, if the military personnel have retained for them 6 per cent. more of the seats than the civil personnel, I do not understand how that would be murdering of democracy. Anyhow, let us come down to facts. What is the average population of a cantonment? What is the proportion of the population of a cantonment—whether the civil population in a cantonment is larger than the military population. If it is so, in how many cases the cantonment's civil population is larger than the military population? In how many cases the cantonment's military population is larger than the civil population? Now, we have again not to lose sight of the fact that the military population in a cantonment is an unknown quantity. We never know what would be at a given time the military population of a particular cantonment. Therefore if they have to....

Shri Gadgil: Take the total civil population—about 19 lakhs. Have you got army to the extent of 19 lakhs?

Shri M. Khuda Baksh: That would again be a bad analogy, because the total civil population of all the 56 cantonments is 19 lakhs and I do not know what the present strength of our army is. Well, I do not suppose my hon. friend, Mr. Gadgil, also knows, because it is a secret. Therefore, let us not speculate on the strength of our army. What our army is and what it is not, is not for me nor for him to say. Probably it is known only to our Defence officials and the Minister....

Shri N. B. Chowdhury: Then your argument loses force.

Shri M. Khuda Baksh: It may be 50 lakhs today. It may have to be more tomorrow. That would depend on the exigencies of the circumstances. He has himself read and quoted a passage from the report. Taking into account the political and economic aspects and the character of the cantonments, certain things will have to be done. We are in a state of flux. We do not know whether our military strength will have to be raised. Tomorrow anything may happen and we may have to adjust our military strength to the needs of the moment.

Shrimati Sucheta Kripalani (New Delhi): That is in a state of emergency.

Shri Gadgil: We are talking only of normal times. Therefore, democratic institutions must function in normal times. If it is an emergency, even this Government may be suspended. Parliament may be suspended.

Shri M. Khuda Baksh: True. I am extremely grateful to my hon. friend, Mr. Gadgil, when he reminds me that we are living in peace time and there are now normal conditions prevailing. I am also grateful to my Maker that there are normal conditions prevailing today. But we do not know what the morrow would bring forth. The basic and fundamental thing that my hon. friends lose sight of is that a cantonment is a 'chhowni'; it is not a city nor is it a town. It is a 'chhowni', it is a cantonment and therefore cantonment is a thing which has to be thought of and understood in context with the military. Madam Chairman, my hon. friend Mr. More in his eloquence, in his characteristic eloquence, I would rather say, has gone to the extent of calling our military authorities, including those who are in charge of these important cantonments as military stooges. I do not quite appreciate the meaning or the implication that he has sought to put on the word 'stooge'. But, I thought Madam Chairman, that a stooge was in the pay of somebody else. Whether

they are efficient, whether they are good or whether they are bad, I would certainly never dream of calling our military officers stooges or somebody else's henchmen and I hope that after listening to this he would be wise and well advised to withdraw these words that he has used with regard to our forces and jawans. They are certainly not anybody's stooges.

Shri S. S. More: I stand by those expressions.

Shri M. Khuda Baksh: My hon. friend from Ranikhet is not here. He has been referring to one or two instances in which he perhaps was personally involved. There was certainly rancour in his speech—if not rancour, possibly justifiable indignation—and possibly his speech was conditioned by his mental condition. Anyhow what he referred to was distressing. If that has happened to him it is regrettable and I am sure the hon. Minister will look into it. But that is no argument to use against this Bill. Perhaps that would be an argument to be used against a particular officer who has been disrespectful to an hon. Member and therefore indirectly—why perhaps directly—to this hon. House and therefore I share his indignation at the expression used about an hon. Member of this House.

I agree with my friend who spoke before me from this side in this that there is certainly room for improvement. I do not come from a cantonment town and I am not therefore quite conversant with the property laws, the laws of land tenure and rules etc. If it is a fact that a man cannot own property there, the military authorities could perhaps accept the desirability of introducing ownership in the areas which are peculiarly civil, in this sense that only civilian population is there in that particular area. Times have changed and we have also re-oriented our ideas about ownership of property. If we can own property anywhere else these cantonments must also allow that. We are certainly not in the days of musketry war-

fare; we are in the atomic age; and, therefore whatever arguments the military authorities could have had against owning property in cantonment areas cannot have force now. Therefore, if people cannot own property now, certainly Government should bring in legislation to give effect to the popular demand. I want that people who have been there for a certain number of years or more could own property, particularly in civil areas.

Another most distressing thing that I heard was the enhancement of the lease amount by 300 per cent. If that has happened, I am sure, the hon. Minister will look into it. Certainly the value of the cantonment property has fallen and it stands to reason that the traders and merchants who are there are certainly not doing that kind of profitable trade as they were wont to and if it is causing any hardship—and I am sure it stands to reason that it does—he will certainly look into it and persuade those particular cantonment Boards to decrease the rents.

One or two other things have been mentioned by hon. Members. Of course, they have been certainly taken note of by the hon. Minister and he will look into them and if anything can be done he would do it.

Therefore, Madam Chairman, it certainly is not an atrocious or revolting Bill by any manner of means; nor is it a negation of local self-government in any sense of the term. If my hon. friends suggest that there is room for improvement, I agree that there is room for improvement and we improve by experience and as we go on gathering more and more experience we certainly shall introduce more and more reforms and liberalise more and more.

Shri S. S. More: How many centuries would you require?

Mr. Chairman: Order, order.

An Hon. Member: Madam, I come from a cantonment area.

Shri U. M. Trivedi: I also come from a cantonment area.

Mr. Chairman: There is quite a long list of people who come from cantonment Boards; but, I do not think it is only they who are interested in dealing with the Bill. The matter is of public importance and therefore everybody should be given a chance to speak.

Shri U. M. Trivedi: Madam, the hon. Member, Mr. Khuda Baksh said that he was not a Chairman of a local board nor was he a resident of a cantonment and that is why he could give a very dispassionate picture. After having heard his harangue, it appears that not having known anything of the cantonment and being always enamoured of the very nice dresses that military people generally put on, he has got a very good picture about them and he only narrated about that picture and forgot that we are living in a society neither so rich, nor so affluent nor so foppish.

This Cantonment Act is a slur—I use the word slur—on the democracy of India. Slur in this sense that ordinarily in every military station the ordinary sanitary needs of the military are attended to by the military itself. They have got their very nice hospitals. Ordinarily, our citizens of India, 10,000 citizens of India cannot get one doctor to attend to their needs paid for by the Government, but the military have got at least 20 doctors to attend to them for every 1,000 men. Their needs, so far as medical attendance is concerned, are well attended to; (*Interruption*) their needs for sanitation are well supplied, their needs for good roads are well supplied within their own area. What for do they want the area of the other people, other citizens to be controlled by them? Does this Cantonment Act of 1924 provide for a small Municipal Board or a municipal arrangement for affording some amenities to the public or is it afforded merely as a protection to the military? In one breath we can say that this is a law which provides for a sort of apartheid movement, this

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is a law which provides for complete snobbery, this is a law which provides for some sort of externment orders. Unfortunately, those of us who have lived in cantonments, people like me who have been born and brought up in cantonments, know what we have suffered on account of these. In those days, if we suffered at the hands of the British officers, we suffer no less at the hands of our present military officers. The same snobbishness handed over from generation to generation is still to be found there. We have got a sort of a monopoly created.

Just now Mr. Khuda Baksh was suggesting to us something mathematical to which probably he never applied his mind. He is not aware of the fact that this Cantonment Act provides for 3 different types of classification of the various Cantonment Boards. One is first class with a population of over 10,000, another second class and the third where the population is less than 2,500. In all cases, whatever be the population, irrespective of the population, even if it more than 10,000, you will get only seven men to be elected by the general public, and they will always have eight men from the military side, on the Board. Whatever be the population, irrespective of the number of citizens that are to be controlled, the military personnel on the cantonment board will always have the majority. What is more: the citizens will not be allowed to interfere with the sanitation obtaining in the exact military area. But the military people will always pounce upon the citizens for maintaining a particular standard. They will always have an upper hand in every local matter with which they are concerned. Then there is something like externment orders passed under sections, if I remember aright,—237, 238 and 239 of the Cantonments Act. The word "sedition" is very difficult to describe. We have got vast powers in the hands of the officer commanding. If he finds that anybody is likely to act in a manner prejudicial to the

interests of the military personnel, is likely to act in such a manner as to enter on their land in any manner, then an order comes from him. The officer need not go to the District Magistrate. He would put a person outside the Cantonments limit. It is what is known as "*barah pathar bahar*." Nobody is allowed to enter the cantonment limits. Is this an Act for providing municipal amenities, or, is it an Act giving powers to the military personnel and to the officer commanding to act according to their wishes? The act in such a manner that whenever they lease out stalls, markets, the cantonment's own buildings, gardens or anything of the kind, they exceed the limits. What do they do? They have got a provision that the Cantonment Board may, by public auction, give out on lease for three years. Do they follow that process? They have got, again, another provision of law saying that if they so desire, for any reason whatsoever, if the officer commanding so desires, he may not do it by public auction but give it to anybody who may be his well-wisher, who may be his sycophant, who may be a person always wishing him good morning, good evening and good-bye. He may give it, if he wants, as a *bakshish* to all his various sycophants. It is this power that we have to look into. Do these powers speak of democracy? Why do we trust the military personnel more than the public, and against the public? Why do you always keep the military in the picture? It is quite true that the picture drawn by Mr. Bansal is correct. We can see that actually the military area looks like heaven and the area where the general citizens live looks like hell. It is quite true. Are efforts being made in any manner to make the life of those who live in these cantonments, those ordinary citizens who live in those cantonments, happy, and are amenities provided for those areas to look like heaven as the military area is? Nothing of the kind. There life is made more miserable. They are treated as if they are some sort of

inferior people, some insects. They are supposed not to know how to control their modes of life and they are being taught that you must live like this and you must behave like this and they are looked down upon by the whole military. Especially in the Board meetings, it generally happens that the snobbery is more evident. Often, big citizens, important citizens, respectable persons, by some fluke, or by their own methods of election, get into the Cantonment Boards, but their complaints are thoroughly unheeded and they are insulted. This is possible because the presiding officer—the commanding officer—is irremovable. And what is more? This is the only body in the whole of India which we find militates against the ordinary principles of criminal jurisprudence. Look at the magistrate. Generally there is only one magistrate, the cantonment magistrate. He is always a member of the Board. If an offence is committed against the Board, he is the person to judge, and he tries that offence. Really, a redress is impossible. The Presiding magistrate himself is practically the complainant, he tries the offence and awards the punishment! The poor man has no remedy against the biased attitude of the magistrate. It is on this principle that I say that the Bill is an obsolete thing. It is rather a thing of the past when the Britishers were merely guided by the instruction of their own men, and wanted to keep their white men away from the "Contamination" of the black. In those days, this law was made and to have the supremacy of the white, this law was continued. But those days are gone. We are now in democracy. We are now in a republic, and it is desirable that every section of this Bill must go. It must be replaced by the ordinary municipal laws or municipal Acts which must not provide any facilities for those 'cantonments' whatsoever. Every citizen, rich or poor, whoever he may be, must have the same right as an ordinary citizen of India. Every citizen,—be he an army officer, be he a sweeper, or be he a labourer or be he a

teacher—all of them must enjoy the same franchise and they must be able to and be allowed to, control the destiny of the town in which they live. Some of the provisions in this Bill are so bad that, just as Mr. More was saying, the cantonments have got such nice powers that if they just walk about, out of the limits of their own cantonment, and if they see a very fine site, if they see a very small village where ignorant people live, and which might be suitable for purposes of outing, for purposes of enjoying a picnic, or for some sort of nefarious mischief by the military personnel, out goes an order: "We want this area also to be demarcated into a cantonment area." Then they seize the land and take possession. Mr. More was speaking about an area which the cantonment wanted and which it got. The same thing happens all over. It used to happen in the former days and it was done under the Foreign Jurisdiction Act. Now, the amending Bill is here to repeat the same thing. Those of us who had the misfortune to live in the old Indian States know it. Even there, the military could encroach upon the land. We are doing the same thing even today. In this very law, although it provides that a particular area may be taken over and may be notified by a particular process to be a cantonment, there is no provision by which the area may be taken over for other purposes when the army forces stationed there go out. The moment the army goes out, then automatically the area must cease to be a cantonment. I know the instance of my own town, Neemuch. The military went away from there in 1929, and yet it was not declared to have ceased as a cantonment. Then they came, and then again in 1936, the military went away and yet, from 1936 to 1947, it was still kept as a cantonment and it was governed in a most autocratic manner.

Mr. Chairman: May I ask the hon. Member if he has anything more to say?

Shri U. M. Trivedi: I will finish in One minute. Madam, I have

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not much to say, except to say that hon. friends like Mr. Khuda Baksh who have spoken on this Bill, instead of extolling things about which they have no idea, should themselves go to cantonments and learn things first hand and then offer any criticism which they may like to.

So far as the Cantonments Act is concerned, it is clearly a slur on the Republic of India and it must go. I oppose this Bill.

BUSINESS OF THE HOUSE

Mr. Chairman: I have an announcement to make.

Tomorrow the discussion scheduled to take place at six o'clock, standing in the name of Dr. Lanka Sundaram on Parliamentary Control of Public Corporations, will take place at 5.30 P.M. and will continue till 6.30 P.M., instead of as scheduled from 6 to 7 P.M.

The House stands adjourned till half past one tomorrow.

The House then adjourned till Half Past One of the Clock on Thursday, the 10th December, 1953.
