

taken and a copy of the letter to the Delhi Police was also sent to me. But even after that not only no change took place but I had to face even worse humiliation right at New Delhi Station.

Delhi is the Capital of India where daily people from all parts of the country and also from abroad come. If an M.P. could be insulted and harassed in this way, what about the common people? It may be a small thing but it bites all right and I demand immediate action to set the matter right.

SHRI P.K. KODIYAN (Adoor): Even near about Parliament House the taxi-wallahs are refusing to come.

SHRI A.K. ROY: The Home Ministry has failed to tackle this problem. Would the Defence Ministry take some steps?

MR. CHAIRMAN: It will be passed on to the Home Ministry.

15.16 hrs.

CANTONMENTS (AMENDMENT) BILL—Contd.

MR. CHAIRMAN: The House will now take up further consideration of the Cantonments (Amendment) Bill. Shri K.P. Singh Deo will continue his speech.

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI K.P. SINGH DEO): Sir, when I was last on my legs, I was mentioning why it is not necessary to refer this Bill to a Joint Committee. One of the decisions the Government have taken is that after 1962 there shall be no more new cantonment but only military stations and, secondly, there will be excision of the civil areas, to be merged with any viable municipality, provided the State Government agrees to it. I am mentioning it because it has happened in the recent past that although from the Defence Ministry we would have liked to excise certain civil areas from the cantonment, from the Meerut and other cantonments, the State Governments have not agreed to it. Sir, the hon. Members,

who have been demanding that the municipal rights should be given to the civil areas, may like to get their State Governments to agree to take those civil areas and merge them with the adjoining municipality so that the so-called democratisation and the municipal rights can be enjoyed by the people living there.

Then it was stated that some of the services in the cantonments were not upto the standard. Then a question was asked as to what is the source of revenue, what is the source of taxation, whether Parliament was doing something illegal by granting them aid out of nowhere, because it is not mentioned in the Defence Services estimates. I would like to say that the ordinary as well as special grants in aid come under Demand No. 19, Major Head No. 269, Minor Head No. 11-B, Miscellaneous K, under the Heading "Grants in Aid". This is given to such cantonments as are unable to maintain a suitable standard of municipal administration with the income derived from local taxation. The four main items of services covered by it are water supply, conservancy, medical and public health and miscellaneous.

A question was asked about the Special Grants in Aid sanctioned to the major cantonments for the last three years. It is mostly for water supply. In 1980-81 this special aid was given to the cantonments at Barrackpore, Wellington, Fategarh, Shah-jahanpur and Aurangabad, to the tune of Rs. 90,74,225. 1981-82, Ahmedabad, Allahabad, Ambala, Fatehgarh, Jabalpur, Jhansi, Meerut, Rourkee, amounting to Rs. 1,15,48,975; 1982-83, Agra and Secunderabad together comes to Rs. 80 lakhs. In Secunderabad specially it was Rs. 8,11,000.

This is the policy of the Government which has been also endorsed by the Estimates Committee of 1983, which has been quoted by many of the hon. Members like Mr. Amal Datta, Mr. Satyanarayan Rao and other Members including yourself.

I come to my fourth point, which has been a common point of majority of the speakers and that is, the term of Vice-President should be 5 years instead of 2½ years, since the term of the Board is being extended from 3 years to 5 years, and secondly, the obligatory

functions, that is, of health, education and sanitation which were being sought to be made discretionary. In deference to the wishes of the Members, specially the impassioned plea by Members, Shri Harish Rawat, and the distinguished soldier, Major General Sparrow, M.V.C.-Bar, Acharya Bhagwan Dev, Mr. Bahuguna as well as Mr. Satyanarayan Rao, the Government would welcome these two suggestions and we bow to the wishes of the House on these two items, that is, five-year term for the Vice-President and the obligatory functions of health, education and sanitation are to remain.

The fifth point which was made by a majority of Members is the land use policy. They said, we have no land use policy and all that. But the fact is that with the geo-political and geo-strategic environment as is developing, the armed forces need every square inch of land which belongs to the Ministry of Defence and therefore, we would like to utilise this land there are no two opinions about the utilisation for any other purposes.

As for the question of converting the old grant into freehold, the Government has recently taken a decision that whenever such conversions take place the market rate would be payable.

Another very important point that was made by many hon. Members, more particularly by Shri Virdhi Chander Jain, Shri Satyanarayan Rao, and Shri Bahuguna was regarding ecology and cantonments being a model and that we should have Masterplans. The ecology, environment and the cantonments being a model for any municipality is not something which we are thinking of today, but cantonments are one of the few places apart from some of the well-kept forest reserves and preserves where the ecological balance has been maintained and the armed forces living in the cantonments do have a plan for afforestation and plantation and we are also trying to include it in the training schedules where the environmental aspect is also a part of the curriculum or training.

15.23 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

You will be happy to know that the assurance given by our hon. Prime Minister on the floor of this very House was to have ecological balances. Task Forces had been raised for the Shivaliks, we are also exploring the fact whether we can also raise similar ones in Jammu and Kashmir, in Himachal, in Rajasthan and other parts of the country like North-eastern sector and the Southern tip of the Indian sub-continent where ecological disturbances are occurring. This is a welcome idea of having a master plan. We shall definitely give our considered thought and opinion on this.

I have answered most of the general points which have been made by the hon. Members in which they had serious doubts about the Bill.

Now I would like to give some of the individual points which have been made by the hon. Members.

I have answered all the points raised by Shri Amal Datta including the one which he asked from where we are finding the fund. I have said from the Defence Services estimates.

I have answered Shri Harish Rawat's points.

I have answered Acharya Bhagwan Dev points individually and also in general.

आचार्य भगवान बेव (अजमेर) : मैं मन्त्रीजी से एक बात जानना चाहूंगा। दिल्ली में जो यूनी-वर्सिटी कैम्पस हैं वहां आपके रक्षा मन्त्रालय की जमीन है जिसका कोई उपयोग नहीं है। उसके संबंध में मैंने आपसे पूछा था। यहाँ पर तीन प्रशासन उसमें इण्टरफियर करते हैं—रक्षा मन्त्रालय, यूनिवर्सिटी कैम्पस और दिल्ली प्रशासन। तो जिस जमीन का कोई उपयोग नहीं है उसके सम्बन्ध में आप क्या कर रहे हैं ?

SHRI K.P. SINGH DEO : At the risk of repetition, I would once again mention, I said that the manner in which geo-political and geo-strategic situation is developing, the Ministry of Defence will not only need each and every square centimeter of land but may have to acquire even more land. So, I think, he understands the implied meaning of that.

I come to the points made by our distinguished soldier Parliamentarian General Sparrow. I am accepting the two points i.e. of the Vice President—5 years and the obligatory functions.

Shri Bahuguna made some very significant points. In fact he gave a back handed compliment to the cantonments and to the concept of cantonment. He raised a few questions. One was about Dehra Dun water supply. Dehra Dun is a Class I cantonment with a population of 25,000 which is split into 10 kilometres apart. One is Prem Nagar Camp which has a population of 6,000. Here the water supply position is satisfactory. The second is Garidakra Area. The population is 20,000. Here water scarcity was felt in certain localities and not in the whole locality. The Cantonment Board has formulated water supply scheme involving sinking of tube wells estimated at a cost of Rs. 18 lakhs. The work has been entrusted to U.P.J.N. Nigam and the amount of Rs. 3.5 lakhs has already been provided.

The second question was regarding the bridge over Narkotiya Nala in Bareilly Cantonment. Before that Smt. Begum Abida, Member of Parliament from Bareilly, has also been pressing the Government and the Government has decided to take this bridge up. Although it does not serve the cantonment population but it connects Sadar Bazar. During financial year 1983-84 it will be taken up.

Regarding surplus land in Allahabad Cantonment an hon. Member raised the question of allotment of land to the Scheduled Castes. This is done for five years at a time after taking the permission through the local Zila Sainik Board and Defence authorities through the State Governments.

This is done for five years at a stretch

because we do need the land and it is for Defence Ministry.

Shri Jai Ram Verma referred to the religious city of Ayodhya known as Faizabad Cantonment.

Regarding Guptar Ghat it is not yet the responsibility of the Cantonment Board. The State Government has not transferred it to us. The moment it is transferred to the Cantonment Board, the Cantonment Board will start looking after it.

Then, it was nice on knowing that the CPI Member, Shrimati Geeta Mukherjee was pleading for a Kali Bari and a religious institution.

SHRIMATI GEETA MUKHERJEE
(Panskura) : Social institution.

SHRI K.P. SINGH DEO : Whatever it is—social or religious. This was also referred to by the hon. Minister for Communications, Shri V. N. Gadgil. There is a controversy between the trust and another body. We are waiting for the court to decide who the real body is before we can take a final decision on that.

Shri Nandi Yelliah had referred to certain things in the Secunderabad Cantonment and he also referred to the visit of Estimates Committee to that area. That portion of the road still belongs to the National Highway and unfortunately neither the State P.W.D. nor the National Highway has been looking after the maintenance. Once it is transferred to the Cantonment Board by the Ministry of Shipping and Transport, the Cantonment Board can look into the maintenance aspects of it.

Then, Shri Daga has made a lot of far-reaching suggestions which have no relevance to this Bill because it is not a municipality. Therefore, I need not answer any of them. Shri Satyanarayan Rao also mentioned the report of the Estimates Committee and very copiously quoted from it in support of the principles enunciated in the Bill. Then, Shri Virdhi Chander Jain has referred to some of the areas in Jaisalmer. Shri Suraj Bhan referred to some places which had been

taken by the Ministry of Defence in Kota. In this regard, I would like to say that nothing has been paid so far. The Rajasthan Government has been trying to fix the rent for this. Once the Rajasthan Government finalises it, we will be in a position to decide on that.

I would like to conclude by saying that the Cantonments are no more the legacy of the British. Neither are they pockets of British influence nor the British way of life. In fact, they are now the oasis where secularism, patriotism, sense of duty and nationalism exist of the highest order. I would like to quote a statement made by the hon. Minister of Defence when he visited Kota recently :

“At a time when indiscipline and obscurantist forces are raising their ugly head in different parts of the country, our Armed Forces are shining examples of cooperation and harmony to our people.”

Therefore, I would like to appeal to the hon. Members to withdraw the amendments with the proviso that the Government would accept the amendments moved by hon. General Sparrow and Shri Harish Rawat—No. 72 and no. 70; 93 to 97 and 82-87, and also those moved by Shri G.L. Dogra and Shri Hari Krishna Shastri.

I move that the Cantonment (Amendment) Bill be taken into consideration.

MR. DEPUTY-SPEAKER : The question is :

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

The motion was adopted.

MR. DEPUTY-SPEAKER : The House will now take up clause-by-clause consideration of the Bill.

Clause 2—Shri Mool Chand Daga—Not present.

The question is :

“That Clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

MR. DEPUTY-SPEAKER : The question is :

“That Clauses 3 to 5 stand part of the Bill.”

The motion was adopted.

Clauses 3 to 5 were added to the Bill.

MR. DEPUTY-SPEAKER : Clause 6. Shri Suraj Bhan—not present.

The question is :

“That Clause 6 stand part of the Bill.”

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

Clause 8—AMENDMENT OF SECTION 15

SHRI ANANDA PATHAK (Darjeeling) :
Sir, I beg to move :

Page 4 :—

after line 26, insert—

“(c) after sub-section (5), the following sub-section shall be inserted, namely :—

“(6) The Board shall pay to elected members such honorarium or other allowances as may be prescribed by rules made by the Central Government in consultation with the Board.” (102)

The Board members should be paid honorarium or remuneration so that they can function effectively and there will be better relations between the defence personnel and civilian population.

SHRI K.P. SINGH DEO : The intention is to provide opportunities for public minded and public spirited people to dedicate them-

selves in the service of the community. Most of the cantonments are running with the grants given by the Central Government. They do not have any income of their own. Therefore, it is not acceptable.

MR. DEPUTY-SPEAKER : I now put Amendment No. 102 moved by Shri Ananda Pathak to Clause 8 to the vote of the House.

The Amendment No. 102 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

“That Clause 8 stand part of the Bill.”

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9 was added to the Bill.

Clause 10—AMENDMENT OF SECTION 17.

SHRI ANANDA PATHAK : Sir, I beg to move :

Page 4, line 38,—

after “vacant” insert—

“and fresh elections shall be ordered”.
(103)

Page 4,—

after line 38, insert—

“(aa) in sub-section (2), for the words “by nomination by the Central Government after consultation with the Officer Commanding-in-Chief, the Command” the words “by the President of the Board in consultation with the Central Government” shall be substituted;” (104)

I want that fresh elections should be ordered. For this purpose, I have given the amendment.

SHRI K.P. SINGH DEO : The provision of filling up of the vacancy is already pro-

vided in Section 17 (2) of the principal Act to which no amendment is being proposed. So, it cannot be accepted.

MR. DEPUTY-SPEAKER : I put Amendment Nos. 103 and 104 moved by Shri Ananda Pathak to Clause 10 to vote.

Amendments Nos. 103 and 104 were put and negatived.

MR. DEPUTY-SPEAKER : The question is :

“That Clause 10 stand part of the Bill.”

The motion was adopted.

Clause 10 was added to the Bill.

Clauses 11 to 13 were added to the Bill.

Clause 14—AMENDMENT OF SECTION 21

SHRI R.S. SPARROW (Jullundur) : Sir, I beg to move :

Page 6, line 15,—

for “two years and six months” substitute—

“five years” (92)

All I have to say is that I thank the hon. Minister for seeing the point and having announced that he is accepting it. I thank him for that.

Amendment Made

Page 6, line 15,—

for “two years and six months” substitute

“five years”. (92)

(Shri R.S. Sparrow)

MR. DEPUTY-SPEAKER : The question is :

“That Clause 14, as amended, stand part of the Bill.”

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Clause 15 was added to the Bill.

Clause 16 was added to the Bill.

Clause 17 was added to the Bill.

Clause 18 was added to the Bill.

Clauses 19 to 24 were added to the Bill.

Clauses 25 to 27 were added to the Bill.

Clauses 28 to 34 were added to the Bill.

Clause 35 was added to the Bill.

Clauses 36 to 40 were added to the Bill.

Clauses 41 and 42 were added to the Bill.

Clause 43—AMENDMENT OF SECTION 66.

SHRI ANANDA PATHAK : I beg to move :

Page 14,—omit lines 47 and 48. (105)

I find that the Executive Officer has been given unfettered powers. I would like that the officer should not be given those powers. It is a waste on the Board.

SHRI K.P. SINGH DEO : Since this is purely a routine administrative function, it can be discharged by the Executive Officer and the Board need not be encumbered. That is why this provision has been brought in. Therefore, the amendment of the hon. Member seeking to maintain the *status quo* cannot be accepted.

MR. DEPUTY-SPEAKER : I shall now put Amendment No. 105 to Clause 43 moved by Shri Anand Pathak to the vote of the House.

Amendment No. 105 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

“That Clause 43 stand part of the Bill ”

The motion was adopted.

Clause 43 was added to the Bill.

Clause 44 was added to the Bill.

MR. DEPUTY-SPEAKER : Clause 45, Mr. Ananda Pathak...

SHRI ANANDA PATHAK : I am not moving.

MR. DEPUTY-SPEAKER : The question is :

“That Clause 45 stand part of the Bill.”

The motion was adopted.

Clause 45 was added to the Bill.

Clauses 46 to 51 were added to the Bill.

Clauses 52 and 53 were added to the Bill.

Clauses 54 and 55 were added to the Bill.

Clauses 56 to 58 were added to the Bill.

Clause 59 was added to the Bill.

Clauses 60 to 62 were added to the Bill.

Clauses 63 to 66 were added to the Bill.

Clauses 67 to 69 were added to the Bill.

MR. DEPUTY-SPEAKER : Clause 70. Shri Ramavatar Shastri—not present.

Shri Vijay Kumar Yadav—not present.
Shri Suraj Bhan—not present.

Clause 71—there are no amendments.

So I will put both the clauses together.

The question is :

“That clauses 70 and 71 stand part of the Bill.”

The motion was adopted.

Clauses 70 and 71 were added to the Bill.”

Clause 72 was added to the Bill.

Clause 73 was added to the Bill.

**Clause 74—AMENDMENT OF
SECTION 116**

MR. DEPUTY-SPEAKER : Shri G.L. Dogra—not present.

Shri Hari Krishna Shastri—not present.

SHRI R.S. SPARROW : Sir, I beg to move.

Page 20,—

omit line 25 (93)

Page 20, line 26,—

for “(d)” *substitute* “(c)” (94)

Page 20, line 28,—

for “(e)” *substitute* “(d)” (95)

SHRI K.P. SINGH DEO : We accept these amendments. These are the obligatory functions of health, sanitation and education which were being sought to be put in the discretionary list. We accept the amendments that they should remain as obligatory functions.

MR. DEPUTY SPEAKER : The question is :

Page 20,—

omit line 25 (93)

Page 20, line 26,—

for “(d)” *substitute* “(c)” (94)

Page 20, line, 28,—

for “(e)” *substitute* “(d)” (95)

The motion was adopted.

MR. DEPUTY-SPEAKER : The question is :

“That clause 74, as amended, stand part of the Bill.”

The motion was adopted.

Clause 74, as amended, was added to the Bill.

**Clause 75—AMENDMENT OF
SECTION 117**

MR. DEPUTY-SPEAKER : Shri G.L. Dogra—not present.

Shri Hari Krishna Shastri—not present.

Shri R.S. Sparrow.

SHRI R.S. SPARROW : I beg to move :

Page 20,—

omit lines 33 to 35 (96)

Page 20, line 36,—

for “(b)” *substitute* “(a)” (97)

Page 20, line 39,—

for “(c)” *substitute* “(b)” (98)

Page 21, line 1,—

for “(d)” *substitute* “(c)”

SHRI R. VENKATARAMAN : These are cosequential amendments.

MR. DEPUTY-SPEAKER : Shri Mool Chand Daga—not present.

SHRI K.P. SINGH DEO : Since these are consequential amendments made in the Bill transferring some of the obligatory functions to the discretionary list we accept the amendments.

MR. DEPUTY-SPEAKER : The question is :

Page 20,—

omit lines 33 to 35 (96)

Page 20, line 36,—

for “(b)” *substitute* “(a)” (97)

Page 20, line 39,—

for "(c)" substitute "(b)" (98)

Page 21, line 1,—

for "(d)" substitute "(c)" (99)

The motion was adopted.

MR. DEPUTY-SPEAKER : The question is :

"That clause 75, as amended, stand part of the Bill."

The motion was adopted.

Clause 75, as amended, was added to the Bill.

Clause 76 to 86 were added to the Bill.

Clauses 87 to 90 were added to the Bill.

MR. DEPUTY-SPEAKER : The question is :

"That Clauses, 91 and 92 stand part of the Bill."

The motion was adopted.

Clauses 91 and 92 were added to the Bill.

MR. DEPUTY-SPEAKER : The question is :

"That Clause 93 stand part of the Bill".

The motion was adopted.

Clause 93 was added to the Bill.

MR. DEPUTY-SPEAKER : There is no amendment to Clause 94.

The question is :

"That Clause 94 stand part of the Bill".

The motion was adopted.

Clause 95 was added to the Bill.

MR. DEPUTY-SPEAKER : The question is :

"That Clause 95 stand part of the Bill".

The motion was adopted.

Clause 95 was added to the Bill.

MR. DEPUTY-SPEAKER : There is no amendment to Clause 96.

The question is :

"That Clause 96 stand part of the Bill".

The motion was adopted.

Clause 96 was added to the Bill.

MR. DEPUTY-SPEAKER : The question is :

"That Clauses 97, 98 and 99 stand part of the Bill."

The motion was adopted.

Clauses 97, 98 and 99 were added to the Bill.

MR. DEPUTY-SPEAKER : There are amendments to Clause 100. Shri Ramavatar Shastri and Shri Vijay Kumar Yadav are not present. Shri Pathak.

SHRI ANANDA PATHAK : I am not moving my amendment No. 111.

MR. DEPUTY-SPEAKER : Shri Daga and Shri Suraj Bhan are not present. I shall put Clause 100.

The question is :

"That Clause 100 stand part of the Bill".

The motion was adopted.

Clause 100 was added to the Bill.

MR. DEPUTY-SPEAKER : There are amendments to Clause 101. Shri Ananda Pathak is not moving while the others are absent. I shall put Clause 101.

The question is :

"That Clause 101 stand part of the Bill."

The motion was adopted.

Clause 101 was added to the Bill.

MR. DEPUTY-SPEAKER : The question is :

“That Clause 102 stand part of the Bill.”

The motion was adopted.

Clause 102 was added to the Bill.

MR. DEPUTY-SPEAKER : There are amendments to Clause 103. Shri Ananda Pathak is not moving while the other Members are not present. I shall put Clause 103.

The question is :

“That Clause 103 stand part of the Bill”.

The motion was adopted.

Clause 103 was added to the Bill.

MR. DEPUTY-SPEAKER : There are amendments to Clause 104. Shri Ananda Pathak is not moving. Shri Suraj Bhan is not present. I shall put Clause 104.

The question is :

That Clause 104 stand part of the Bill.”

The motion was adopted.

Clause 104 was added to the Bill.

MR. DEPUTY-SPEAKER : The question is :

“That Clause 105 stand part of the Bill.”

The motion was adopted.

Clause 105 was added to the Bill.

MR. DEPUTY-SPEAKER : The question is :

“That Clause 106 stand part of the Bill.”

The motion was adopted.

Clause 106 was added to the Bill.

MR. DEPUTY-SPEAKER : There are amendments to Clause 107. Shri Pathak is not moving. Shri Daga is not present. I shall put Clause 107.

The question is :

“That Clause 107 stand part of the Bill.”

The motion was adopted.

Clause 107 was added to the Bill.

MR. DEPUTY-SPEAKER : The question is :

“That Clause 108 stand part of the Bill.”

The motion was adopted.

Clause 108 was added to the Bill.

MR. DEPUTY-SPEAKER : There is no amendment to Clause 109.

The question is :

“That Clause 109 stand part of the Bill.”

The motion was adopted.

Clause 109 was added to the Bill.

MR. DEPUTY-SPEAKER : At 4 O'clock we have to take up discussion under 193. I think that in another 10 minutes we can take this up.

SHRI R. VENKATARAMAN : I would request the House to have 10 minutes for this Bill.

DR. SUBRAMANIAM SWAMY (Bombay North East) : You should make the request to me specially.

SHRI R. VENKATARAMAN : Dr. Subramaniam Swamy is the man of the match. I request him specially.

DR. SUBRAMANIAM SWAMY : All right. It is for Mr. Venkataraman.

MR. DEPUTY-SPEAKER : After we pass this Bill, we shall take up discussion under Rule 193.

16.00 hrs.

MR. DEPUTY-SPEAKER : The question is :

“That Clause 110 stand part of the Bill.”

The motion was adopted.

Clause 110 was added to the Bill.

Clause 111 was added to the Bill.

Clause 112 was added to the Bill.

Clauses 113 and 114 were added to the Bill.

Clause 115 was added to the Bill.

Clauses 116 to 121 were added to the Bill.

Clause 122 was added to the Bill.

Clauses 123 to 125 were added to the Bill.

Clause 126—AMENDMENT OF SECTION 216

SHRI ANANDA PATHAK : Sir, I beg to move :

“Page 32,—

omit lines 19 and 20.” (117)

Sir, in the Principal Act the Cantonment Board was to pass the order but in the amending Bill the Board has been replaced by Executive. So, I insist that Board should be the authority.

SHRI K.P. SINGH DEO : Sir, Clause 126 says :

“The power under section 216 of the Act to permit the import of any animal intended for human consumption or the flesh of any animal slaughtered outside the cantonment is proposed to be vested in the Executive Officer...”

Sir, the amendment seeks restoration of

status quo ante and, as such, it cannot be agreed to.

MR. DEPUTY-SPEAKER : I shall now put amendment No. 117 moved by Shri Ananda Pathak to vote.

Amendment No. 117 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

“That Clause 126 stand part of the Bill.”

The motion was adopted.

Clause 126 was added to the Bill.

Clauses 127 and 128 were added to the Bill.

Clause 129 was added to the Bill.

Clause 130 was added to the Bill.

Clause 131 was added to the Bill.

Clauses 132 to 143 were added to the Bill.

MR. DEPUTY-SPEAKER : The question is :

“That Clause 144 stand part of the Bill”.

The Motion was adopted.

Clause 144 was added to the Bill.

Clause 145 was added to the Bill.

Clause 146 was added to the Bill.

Clause 147 was added to the Bill.

Clauses 148 to 155 were added to the Bill.

Clauses 156 and 157 were added to the Bill.

Clause 158—AMENDMENT OF SECTION 281

Amendment made

Page 38, line 38,—

for "1982" substitute "1983" (62)
(Shri K.P. Singh Deo)

MR. DEPUTY-SPEAKER : The question is :

"That Clause 158, as amended, stand part of the Bill."

The Motion was adopted.

Clause 158, as amended, was added to the Bill.

Clause 159—AMENDMENT OF SECTION 182

Amendments made

Page 40,—

after line 5, insert—

(jj) in clause (36), after the words "appears to the Board" the words "to be not prejudicial to the maintenance of ecological balance and" shall be inserted.' (100)

At page 40, sub-clause (jj) to (m) shall be renumbered as sub-clauses (k) to (n) respectively. (101)

(Shri K.P. Singh Deo)

MR. DEPUTY-SPEAKER : The question is :

"That Clause 159, as amended, stand part of the Bill."

The motion was adopted.

Clause 159, as amended, was added to the bill.

Clause 160 was added to the Bill.

SHRI R. VENKATARAMAN : Sir, I beg to move :

"That this House do suspend clause (i) of Rule 80 of the Rules of Procedure and Conduct of Business in Lok

Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject-matter of the clause to which it relates in its application to the Government amendment*, for amending Section 284 of the Cantonments Act, 1924 for inserting in that section a provision for laying of bye-laws before each House of Parliament, to the Cantonments (Amendment) Bill, 1982, and that this amendment may be allowed to be moved." (3)

My amendment No. 3 is outside the scope of the Bill. Therefore, I am moving for suspension of Rule 80 and in its application, amendment No. 1, under which we take powers to place the Rules and bye-laws made by the Cantonments on the Table of the House.

MR. DEPUTY-SPEAKER : The question is :

"That this House do suspend clause (i) of Rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject-matter of the clause to which it relates in its application to the Government amendment*, for amending Section 284 of the Cantonments Act, 1924, for inserting in that section a provision for laying of bye-laws before each House of Parliament, to the Cantonments (Amendment) Bill, 1982, and that this amendment may be allowed to be moved." (3)

The Motion was adopted.

SHRI R. VENKATARAMAN : Sir, as I have just explained, recommendation of the Sub-ordinate Legislation Committee oblige us to place the various bye-laws on the Table of the House. There was no provision in the original Act because it was an old Act of 1925. We are introducing it here by Amendment No. 1.

*New Clause 160A**Amendment made*

Page 40, after line 33, insert—

Amendment of section 284 160A. In section 284 of the principal Act, after sub-section (3) the following sub-section shall be inserted, namely :—

“(4) Every bye-law made under this Act and every order made under sub-section (3) shall be laid as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the bye-law or order or both Houses agree that the bye-law or order shall thereafter have effect only in such modified form or be of no effect as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that bye-law or order.” (1)

(*Shri R. Venkataraman*)

Clause 160A must be taken as a new clause.

MR. DEPUTY-SPEAKER : The question is :

Page 40, after line 33, insert :—

Amendment of section 284. 160A. In section 284 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :—

“(4) Every bye-law made under this Act and every order made under sub-section (3) shall be laid as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the bye-law or order or both Houses agree that the bye-law or order should not be made, the bye-law or order shall thereafter have effect only in such modified form or be of no effect as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that bye-law or order.” (1)

The Motion was adopted.

MR. DEPUTY-SPEAKER : The question is :

“That New Clause 160A be added to the Bill.”

The Motion was adopted.

New Clause 160A was added to the Bill.

MR. DEPUTY-SPEAKER : Clause 161—
Mr. Daga is not available.

The question is :

“That Clause 161 stand part of the Bill.”

The Motion was adopted.

Clause 161 was added to the Bill.

Clause 162—AMENDMENT OF SECTION 287

MR. DEPUTY-SPEAKER : Now Clause 162. Mr. Ramavatar Shastri.

SHRI RAMAVATAR SHASTRI : I am moving all the amendments.

Page 41,—

omit lines 17 and 18 (33)

MR. DEPUTY SPEAKER : I shall now put amendment No. 33 to clause 162 to the vote of the House.

Amendment No. 33 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

“That clause 162 stand part of the Bill.”

The Motion was adopted.

Clause 162 was added to the Bill.

MR. DEPUTY-SPEAKER : Clauses 163 to 167 : there are no amendments.

The question is :

“That clauses 163 to 167 stand part of the Bill.”

The Motion was adopted.

Clauses 163 to 167 were added to the Bill.

MR. DEPUTY-SPEAKER : Now consequential amendments.

SHRI R. VENKATARAMAN : This is a consequential amendment, just to re-number. I move amendment No. 2 and also No. 67.

I beg to move :

“At pages 40, 41 and 42, clauses 160A to 167 shall be re-numbered as clauses 161 to 168 respectively.”(2)

MR. DEPUTY-SPEAKER : The question is :

“At pages 40, 41 and 42, clauses 160A to 167 shall be re-numbered as clauses 161 to 168 respectively. (2)

The Motion was adopted.

Clause 1—SHORT TITLE AND COMMENCEMENT

Amendment made :

Page 1, line 4,—

for “1982” substitute “1983” (61)
(Shri K.P. Singh Deo)

MR. DEPUTY-SPEAKER : The question is :

“That clause 1, as amended, stand part of the Bill.

The Motion was adopted.

Clause 1, amended, was added to the Bill.

ENACTING FORMULA

Amendment made :

Page 1, line 1,—

for “Thirty-third” substitute—

“Thirty-fourth” (60)
(Shri K.P. Singh Deo)

MR. DEPUTY-SPEAKER : The question is :

“That the Enacting Formula, as amended, stand part of the Bill.”

The Motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

MR. DEPUTY-SPEAKER : The question is :

“That the Title stand part of the Bill”

The Motion was adopted.

The Title was added to the Bill.

SHRI K.P. SINGH DEO : I beg to move :

“That the Bill, as amended, be passed.”

MR. DEPUTY-SPEAKER : Motion moved :

“That the Bill, as amended, be passed.

SHRI AMAL DATTA (Diamond Harbour) : During the consideration of the Bill, I had the opportunity to speak. I made two points already.

श्री रामावतार शास्त्री (पटना) : मैं तो पहले ही वाचन पर बोलने वाला था, लेकिन यहां पर नहीं था, इसलिये बोल नहीं सका।

MR. DEPUTY-SPEAKER : This is a very important discussion. We have requested the members to cooperate.

DR. SUBRAMANIAM SWAMY : You keep it for tomorrow.

MR. DEPUTY-SPEAKER : We have to complete this. Then I can stop him from speaking and finalise the Bill.

SHRI RAMAVATAR SHASTRI : I also wanted to speak.

SHRI AMAL DATTA : I made two points regarding the constitutionality of the Bill. I said, Parliament does not have legislative competence to enact the Bill.

MR. DEPUTY-SPEAKER : That you must have done at the introduction stage.

SHRI AMAL DATTA : That was not done. But that does not matter.

SHRI R. VENKATARAMAN : May I just explain ? I know your point.

DR. SUBRAMANIAM SWAMY : He also asked for some time.

MR. DEPUTY-SPEAKER : This half an

hour will be given. There was a request from the Government. You don't want to oblige the Government.

SHRI AMAL DATTA : I was assured by the Chair at that time that the Minister will answer to my points. The Minister only said whether Parliament has competence or not is a question which will be decided in another forum meaning thereby court : this is not a fit matter to be raised here or debated here. Therefore, he did not answer my points. My point is this. This is the point which can be taken even at the first reading of the Bill or the second reading of the Bill or the third reading of the Bill. It was taken up at the second reading of the Bill but was not answered. Now, I want to quote from page 469—Kaul and Shakhder. It says as follows :

“Where the motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House a full discussion may be permitted thereon.”

This is only to show that the legislative competence is a subject which can be.... (Interruptions) But they have not answered that. That is my point. I hope good sense will prevail and they will withdraw the Bill on the ground that this House is not competent to pass that legislation. (Interruptions)

श्री रामावतार शास्त्री (पटना) : उपाध्यक्ष जी, मैं इस बिल के प्रथम-वाचन पर ही बोलना चाहता था, लेकिन किसी कारणवश यहां नहीं था, इसलिये नहीं बोल सका। यह खुशी की बात है कि 1924 के बाद आप यह संशोधन लाये हैं। लेकिन मेरा आब्जैक्शन यह है कि जिस रूप में आप ने इस बिल को यहां पेश किया है उससे यह स्पष्ट है कि आप बोर्ड की पावर्स को कम करके एक्जीक्यूटिव आफिसर को ज्यादा से ज्यादा पावर्स दे रहे हैं जो हमारी जनतांत्रिक प्रणाली के खिलाफ है। आपको बोर्ड को ज्यादा से ज्यादा पावर्स देनी चाहिये।

आप ने बोर्ड की लाइफ को पांच साल तक के लिये बढ़ा दिया है, यह अच्छा काम किया है, यह

पांच साल से कम नहीं होना चाहिये। एक टर्म में दो वाइस प्रेसीडेंट चुने जायेंगे लेकिन उनके अधिकारों को कम कर दिया गया है, यह उचित नहीं है, उनको ज्यादा से ज्यादा अधिकार देने चाहिये। आप के एक्जीक्यूटिव आफिसर्स किस तरह से बिहेव करते हैं, सरकार इस बात को जानती है। मैंने तो दानापुर कैंटूनमेंट बोर्ड के कई एक्जीक्यूटिव आफिसर्स के खिलाफ कई गम्भीर शिकायतें मन्त्री महोदय के पास भेजी हैं। उन्होंने कुछ के खिलाफ कार्यवाही भी की है, उसके बावजूद उनको इतने ज्यादा अधिकार देना मैं मुनासिब नहीं समझता। मैं तो यह जानना चाहता हूँ कि बोर्ड को ज्यादा से ज्यादा अधिकार दिये जाने चाहिये। जो बोर्ड के सिविलियन इलाके हैं उनको कैंटूनमेंट बोर्ड से हटा देना चाहिये, उनका एडमिनिस्ट्रेशन नगरपालिका के साथ रहना चाहिये। अभी तक आप ने इस बिल में उसकी कोई व्यवस्था नहीं रखी है। तो मैं यह चाहूँगा कि इस व्यवस्था को देखिये और साथ ही उसके राइट्स को करटेल मत कीजिए बल्कि बोर्ड को ज्यादा से ज्यादा राइट्स दीजिए और अधिकारियों के राइट्स को थोड़ा सीमित कीजिए। अधिकारी थोड़ा उच्छृंखल हो जाते हैं और जो मन में आता है करते हैं। इलेक्ट्रेड रेप्रेजेन्टेटिव्स की बात भी नहीं सुनते और बड़े घमंडी हो जाते हैं। इस चीज को रोकना चाहिए और बोर्ड को ज्यादा से ज्यादा पावर देनी चाहिए।

MR. DEPUTY-SPEAKER : Now, the Minister will reply.

SHRI R. VENKATARAMAN : As regards the first point, about the competence of Parliament to legislate, I draw the attention of the distinguished Member—who is said to be a brilliant lawyer—to the Seventh Schedule to the Constitution of India, List I in the Seventh Schedule enumerates the powers of Parliament. Item 3 of the list reads as follows :

‘Delimitation of cantonment areas, local self-government in such areas, the constitution and powers within such areas of cantonment authorities and the regulation of house accom-

modation (including the control of rents) in such areas.’

This is within the competence of Parliament. And it is well-known in this Parliament that individual provisions, if they offend, they will be looked into ; by the courts. Whether Parliament has competence or not, must be decided in relation to the List, whether any individual provision in the Bill or the Act violates any of the Constitutional provisions or otherwise, must be decided by the court. Therefore, there is no point at all with regard to the Constitution.

As regards Shri Shastri's point, my colleague has already replied. Only thing is Shri Shastri was not here to hear it !

MR. DEPUTY-SPEAKER : Now, the question is :

“That the Bill, as amended, be passed.”

The Motion was adopted.

MR. DEPUTY-SPEAKER : Now we go to the next item. Discussion under Rule 193, Dr. Subramaniam Swamy.

16.24 hrs.

DISCUSSION ON THE STATEMENT
MADE BY MINISTER OF HOME
AFFAIRS ON 4.5.83 RE : INCIDENT AT
PATIALA ON 2ND MAY, 1983

MR. DEPUTY-SPEAKER : Dr. Subramaniam Swamy to raise a discussion on the statement made by the Minister of Home Affairs in the House on 4 May, 1983 regarding incident that occurred at Patiala on 2 May, 1983.

AN HON. MEMBER : We will call him 193.

MR. DEPUTY-SPEAKER : Yes, this is a discussion under 193.

DR. SUBRAMANIAM SWAMY
(Bombay North East) : I would like to begin with a point of propriety.