

ESTIMATES COMMITTEE (1982-83)

(SEVENTH LOK SABHA)

FORTY-SEVENTH REPORT

ON

**MINISTRY OF DEFENCE
(DEPARTMENT OF DEFENCE)
CANTONMENTS**



Presented to Lok Sabha on..... 22.12.1982

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MINISTRY OF DEFENCE - CANTONMENTS.

| <u>Page</u> | <u>Para</u> | <u>Line</u> | <u>For</u> | <u>Read</u> |
|-------------|--------------|------------------------------|---|-------------|
| 7 | 1.17 | 5 | making | taking |
| 8 | 1.22 | last line | defraying | defrayed |
| 9 | 1.26 | 7 | <u>After</u> 'GOC-in-C', <u>Add</u> 'of' | |
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| 13 | 2.2 (iii) | 5 | 893 | 1899 |
| 13 | 2.2 (iv) | 2 | coprises . | comprises |
| 14. | 5.4 (a) | 1 | Prime | prime |
| 15 | 5.13 | 22 | <u>After</u> 'proceedings.', <u>Add</u> the words 'Because the acquisition proceedings' | |

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(1982-83)

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INTRODUCTION

I, the Chairman of Estimates Committee, having been authorised by the Committee to submit the Report on their behalf, present this Forty-Seventh Report on Ministry of Defence (Department of Defence)—Cantonments.

2. The Sub-Committee on Defence took evidence of the representatives of the Ministry of Defence on 10 February, 1983. The Committee wish to express their thanks to the officers of the Ministry for placing before them the material and information desired in connection with the examination of the subject and giving evidence before the Sub-Committee.

3. The Committee also wish to express their thanks to all the organisations and individuals in the Cantonments who furnished memoranda and suggestions to the Committee on the subject.

4. The report was considered and approved by the Sub-Committee on 30 March, 1983 and it was adopted by the Committee at their sitting held on 4 April, 1983.

5. For facility of reference the recommendations/observations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in a consolidated form in the Appendix to the Report.

NEW DELHI;
April 6, 1983.

Chaitra 16, 1905 (S)

BANSI LAL,
Chairman,
Estimates Committee.

CHAPTER I

CANTONMENT BOARDS AND THEIR ADMINISTRATION

Distribution of Cantonments

1.1 There are 62 Cantonments in the country which are distributed among 5 Army Commands as under:—

| | |
|------------------|-------|
| Central Command | 29 |
| Southern Command | 15 |
| Western Command | 9 |
| Northern Command | 5 |
| Eastern Command | 4 |
| | <hr/> |
| TOTAL | 62 |
| | <hr/> |

Duties and Functions of Cantonment Boards

1.2 The Cantonment Boards are autonomous bodies and their main functions in relation to Cantonments are more or less the same as those of Municipalities under the Cantonments Act, 1924 the obligatory duties and discretionary functions performed by the Cantonment Boards have been indicated as follows:

Duties

- (a) Lighting streets and other public places.
- (b) Watering streets and other public places.
- (c) Cleansing streets, public places and drains, abating nuisance and removing noxious vegetation.
- (d) Regulating offensive, dangerous or abnoxious trades, callings and practices.
- (e) Removing, on the grounds of public safety, health or convenience, undesirable obstructions and projections in streets and other public places.
- (f) Securing or removing dangerous buildings and places.
- (g) Acquiring, maintaining, changing and regulating places for the disposal of the dead.

- (h) Constructing, altering and maintaining streets, culverts, markets, slaughterhouses, latrines, privies, urinals, drains, drainage works and sewerage works.
- (i) Planting and maintaining trees on roadsides and other public places.
- (j) Providing or arranging for a sufficient supply of pure and wholesome water, where such supply does not exist, guarding from pollution water for human consumption and preventing polluted water from being so used.
- (k) Registering births and deaths.
- (l) Establishing and maintaining a system of public vaccination.
- (m) Establishing and maintaining or supporting public hospitals and dispensaries and providing public medical relief.
- (n) Establishing and maintaining or assisting primary schools.
- (o) Rendering assistance to extinguish fires, and protecting life and property when fires occur.
- (p) Maintaining and developing the value of property vested in, or entrusted to the management of the Board, and
- (q) Fulfilling any other obligation imposed upon it by or under the Cantonments Act or any other law for the time being in force.

Discretionary functions

- (i) Laying out in area (whether previously built upon or not, new streets, and acquiring land for that purpose and for the construction of buildings, and compounds of buildings,
- (ii) Constructing, establishing or maintaining public parks, gardens, offices, dairies, bathing or washing places, drinking fountains, tanks, wells and other works of public utility,
- (iii) reclaiming unhealthy localities,
- (iv) furthering educational objects by measures other than the establishment and maintenance of primary schools,

- (v) taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics,
- (vi) making a survey,
- (vii) giving relief on the occurrence of local epidemics by the establishment and maintenance of relief works or otherwise,
- (viii) securing or assisting to secure suitable places for carrying on of any offensive, dangerous or abnoxious trades, calling or occupations,
- (ix) establishing and maintaining a farm or other place for the disposal of sewage,
- (x) constructing, subsidising or guaranteeing tramways or other means of locomotion and electric lighting or electric power works,
- (xi) adopting any other measure, likely to promote the safety, health or convenience of the inhabitants of the Cantonment, or
- (xii) the doing of anything on which expenditure is declared by Central Government, or by the Board with the sanction of the Central Government to be an appropriate charge on the Cantonment Fund.

In addition to the above duties and discretionary functions, the Boards are empowered to make provision for educational objectives outside the Cantonments if they are satisfied that the interests of the residents of the Cantonments will be served thereby.

Classification of Cantonments

1.3 The Cantonments are classified into Class I, Class II and Class III under the Cantonments Act, 1924 on the basis of the civil population. The classification is as under:—

| Class | Civil Population |
|------------------------|-------------------------------------|
| Class I | Above 10,000 |
| Class II (a) | Above 7500 and not exceeding 10,000 |
| (b) | Above 5000 and not exceeding 7500. |
| (c) | above 2500 and not exceeding 5000. |
| Class III | 2,500 and below. |

The classification is based upon the civil population and has no nexus with land area. In fact no norms have been laid down regarding the extent of land in each of the different classes of the Cantonments.

1.4 The Defence Secretary, during evidence, asked to state whether, apart from the composition of the Cantonment Boards which differs as between different classes of Cantts., there was any other purpose of classification of Cantts. He stated that "the present classification determines the number of elected members. That is the relationship. It has nothing to do with powers."

1.5 It was pointed out to the witness that since the present classification of Cantonments was based on the 1971 census of population, it had become anachronistic and that there was need to re-classify the Cantonments on the basis of 1981 census. He replied that the practice followed was that "when the certified final census figures become available, we then notify."

Composition of Cantonment Boards

1.6 Station Commander is the President of the Cantonment Board and there is provision for *ex-officio* and nominated members besides elected members of the Board. The composition in respect of different-classes of Cantonments is given here-under:—

| Classification | Members of the Board | | |
|------------------|----------------------|-----------------------|---------|
| | Total | Ex-officio-/Nominated | Elected |
| I | 15 | 8 | 7 |
| II (a) | 13 | 7 | 6 |
| II (b) | 11 | 6 | 5 |
| II (c) | 9 | 5 | 4 |
| III | 3 | 2 | 1 |

1.7 The ex-officio members besides the Officer Commanding the Station who is the President of the Cantonment Board are the Senior Executive Medical Officer as the Health Officer and the Garrison Engineer as the Executive Engineer of the Board. A magistrate of 1st Class is nominated as a nominee of the District Magistrate. Mily. Officers (including officers of the Air Force) are nominated on the Board by the Officer Commanding in the station. The interests of the Army are looked after by the President, Canton-

ment Board and the nominated members. The nominee of the District magistrate is expected to look after the interest of the State Government in the administration of the Board.

1.8 As in a Cantonment Board, the strength of official block consisting of ex-officio/nominated members is one more than that of the elected members, theoretically the official block is in majority on a Board. However, general instructions were issued in 1957 that the seat of one nominated member would be kept vacant in all Class I and Class II Cantonments thereby introducing parity among elected and nominated members on Boards in Class I and Class II Cantonments.

1.9 As a measure of democratization, Government have decided that the Vice-President, who is an elected member of the Board, should preside over the meetings of the Board during the temporary absence (not exceeding 30 days) of the Officer commanding the Station who is the President of the Board. It has further been decided that where the Vice-President is a member of a Committee, he shall be the Chairman thereof. The Chairman of all Committees appointed by the Board would have the right of casting vote in the event of equality of votes as provided for in respect of Board meetings. The Cantonment Boards were also advised to appoint their Vice-Presidents as Chairman of the Assessment Committee.

1.10 Civil Area Committee: According to Section 43A of the Cantonments Act 1924, which was inserted in 1936, the power to declare areas in Cantts and Civil Areas has been vested in the Central Government. The declaration has to be made by a notification published in the Gazette. It is obligatory to declare Civil Areas in all Class-I and Class-II Cantonments. The afore mentioned section further directs that every Board in a Class-I or Class-II Cantonments shall appoint a Committee consisting of all the elected members and the Health Officer and Executive Engineer (who are ex-officio members of the Board) for the administration of such areas. The Vice-President of the Board is the ex-officio Chairman of the Committee. The power of the Central Government to declare Civil Areas includes the power to alter the areas so declared.

1.11 The Cantonment Boards have, by regulations framed under the Cantonments Act, 1924, delegated some of its powers and duties to the Civil Areas Committee.

Present composition of certain Cantonment Boards

1.12 In a brief note on Secunderabad Cantonment furnished to the Study Group of the Committee at the time of their visit to that

Cantonment in January 1983 it was stated that "after the expiry term of Office of the elected Members in December, 1980, the said term was extended for a period of one year upto December, 1981. This was followed by varying the Constitution of the Board in the first instance upto December, 1982 followed by an extension of period upto June, 1983. Under the varied Constitution the Cantonment Board comprises of the Station Commander as President, one Military Officer and one non-official as nominated Member..... This action has been taken in consonance with the policy of Government not to hold elections to Cantonment Boards until such time the Cantonment Act, 1924 is amended for which an amendment Bill has been introduced in the Lok Sabha on 9 July, 1982. The said Bill provides for the term of Office of the Members of the Boards as 5 years instead of three years as at present under the existing laws."

1.13 Explaining the genesis of this change, the Defence Secretary said in evidence:—

"There are some Boards where we have had arrangements of this type. Since the Act is being amended and under the amended Act, fresh elections will be required and the number changes, we thought that we would do this after the new Act got amended..... We have had the Station Commander as Chairman; one military officer and one civilian person. Now the question was how to choose the civilian representative. It was felt that instead of getting involved in the question of choice, the Vice-President of the Board whose term was expiring would continue as a civilian representative."

Control over Cantonment Boards

1.14 The Cantonment Boards are subject to the overall control of the Central Government in the Ministry of Defence through the General Officer Commanding-in-Chief of the Command. The Central Government is concerned with the general administration of the Cantonments through the Commands and exercise of control over them within the frame-work of the Cantonments Act, 1924. Director-General, Defence Lands and Cantonments who is the head of the Defence lands and Cantonment Service acts as an adviser to the Ministry of Defence on all matters concerning Cantonment Administration.

1.15 During evidence, the Defence Secretary was asked to elucidate the respective roles and functions of the GOC-in-C of the Command and Director-General, Defence Land and Cantonments in

regard to the Cantonments. He was also asked to state whether the demarcation of functions between the two authorities was clear and unambiguous. He replied:—

"There are no statutory powers provided for the Director General, Defence Lands and Cantonments....Statutory powers and powers under rules are with the Army Commander. The Director General has an advisory sort of role and he functions as an office which advises, which channelises the various matters relating to administration of Cantonment Board....But all functional authority vests with the Army Commander of the Local Cantonment Board....He (D.G., D.L. & C.) is an advisory body and has subordinate organisation—the Director is attached to the Command Head-Quarters. At that level the Director functions as an adviser or as an aid or a Staff Officer to the Army Commander and assists him in his work relating to the administration of the Cantonment."

Power of the GOC-in-C

1.16 The GOC-in-C of the Command is entrusted with the responsibility to ensure that the Cantonment Boards carry out their functions to fulfil the purposes of the Act. For carrying out such supervision the GOC-in-C is vested with the powers to order inspection of the Cantonment Boards and call for any information and documents from the Boards. If on receipt of these he is of the opinion that any duty imposed on a Board has not been performed or has been performed in an improper or inefficient or unsuitable manner or that adequate financial provision has not been made for the purpose, he may direct the Board to make arrangements for the proper performance of the duty or make financial provision for the purpose.

1.17 Unless the immediate execution of such order is necessary the Board is given an opportunity of showing cause as to why such direction should not be issued. After issuing of such direction if the Board fails to comply with the same, GOC-in-C may make arrangements for making up such action and may direct that all expenses connected therewith shall be defrayed out of the Cantonment Fund.

1.18 The GOC-in-C of the Cantonment may also at any time direct that any matter may be considered by the Board or any proposal of the Board may be reconsidered and he may direct the suspension of any decision of a Board and issue a notice to the Board to show cause as to why such direction should not be made.

and after considering the reply of the Board he may direct that the decision shall not be carried out into effect or that it shall be carried out into effect with such modification as may be specified.

✓ 1.19 The GOC-in-C is also vested with the powers to over-ride any decision of the Board which is considered prejudicial to the health, welfare or discipline of the troops, after giving a reasonable opportunity to the Board of showing cause why such direction should not be made.

1.20 The GOC-in-C of the Command is also vested with the powers under the rules made under the Cantonment Act 1924 viz. Cantonment Account Code, 1924, Cantonment Land Administration Rules, 1937, Cantonment Fund Servants Rules, 1937 etc. He has also been vested with powers on behalf of the Central Government with regard to lease, licences, conveyance deeds, budget estimates, sanitation and health of Cantonments and management of lands and establishment matters of the employees of the Cantonment Boards. Director, DL & C at each Command acts as an adviser to the GOC-in-C of the Command in all matters connected with the administration of lands and municipal affairs of the Cantonment Boards.

1.21 During evidence, the Defence Secretary was asked in how many cases during the last ten years inspections were ordered by the GOC-in-C and as a result of such inspections directions were issued by the GOC-in-C to the Cantonment Boards. He replied:—

“There are other occasions where for special reasons, the Army Commander or the local commander may feel that it is necessary to order a special inspection and based on that some specific directions are issued because he is the authority to direct the board to do certain things. The D.G.’s office does not have specific details of the number of such instances.....”

Powers of the Central Government

1.22 The Central Government is vested with certain powers under the Cantonments Act, 1924 for carrying out inspection of Cantonments and issue of directions to the Cantonment Board for due performance of any duty imposed on a Board by or under the Act or make adequate financial provision for the performance of such duty and in case of failure by the Cantonment Board to comply with the said direction to make arrangements for taking of such action and directing that all expenses connected therewith shall be defraying out of the Cantonment Fund.

1.23 The Central Government is also empowered to supersede any Board which is not competent to perform or which persistently makes default in the performance of the duties imposed on it or exceeds or abuses its powers. Before such supersession is made, reasonable opportunity is to be given to the Cantonment Board to show cause against the supersession.

1.24 The Defence Secretary was during evidence asked to state the number of Cantonment Boards superseded by the Central Government during the last ten years under the powers vested in them. He replied that "no Cantonment Board has been superseded in the last ten years."

1.25 Asked further to state as to on whose report was the Central Government's power to supersede the Cantonment Board invoked, and whether it was always on the basis of the report of the GOC-in-C. To this the Defence Secretary replied that "the Central Government can also act on its own."

Annual Report of the Cantonment Board

1.26 Every Cantonment Board is required to submit to the Central Government annually a report on the administration of the Cantonment through the GOC-in-C, of the Command. The comments, if any, of the GOC-in-C, of the Command on such report are communicated by him to the Board which is allowed a reasonable time to furnish a reply thereto and the comments together with the reply, if any, are to be forwarded by the GOC-in-C, the Command to the Central Government along with the report.

1.27 Asked where in the Central Government were these reports received and whether it was organisationally well equipped to scrutinise these reports and take follow-up action, the Defence Secretary, during evidence, replied that "at the Government of India level, these reports are received in the office of the Director-General who does consultation and examination of them and keeps the Ministry advised about what action has been taken or ought to be taken." According to him, the organisation was well-equipped and a "knowledgeable office."

Acts and Rules

1.28 Apart from the Cantonment Act, 1924 there are several rules relating to different aspects of administration of Cantonments as also the Cantonment Account Code 1924. These rules were framed several decades back. The Defence Secretary was asked during evidence whether there had been any occasion in the past to review

them in the light of development since those were originally framed. He replied:—

"Though the main rules and the Act carried the year of vintage, they were revised from time to time and amendments have been introduced. But notwithstanding this I admit that it looks very odd when you quote a rule of 1930 or Act of 1920. It does convey an impression as if you are acting in a frame work which is archaic. I have myself suggested to my colleagues that we should undertake a more comprehensive review and reintroduce them as an Act or rule of a much later date."

1.29 In all there are 62 military cantonments each administered by a Board consisting of non-official elected and official nominated/ex-officio members and presided over by the Station Commander. These are divided into different classes on the basis of civil population as disclosed by 1971 census, for the purpose of determining the number of elected members. Although according to the constitution of these Boards, the elected members are one less than the official members in actual practice since 1957 a parity has been maintained in bigger cantonments by keeping one of the officials' opposition vacant. The Committee appreciate this as a step towards democratisation and suggest that as this has been given a trial for 25 years now, this system should be given a statutory backing. Further, the cantonments should be reclassified on the basis of the 1981 census and the composition of the Boards refixed early.

1.30 It is the statutory requirement that the declared civil areas of bigger cantonments are administered by a committee with a majority of elected members and presided over by the Vice-President of the Board, who is also an elected member. Further, the Boards have been advised by government to appoint the Vice-President as the Chairman of the Assessment Committee. The Estimates Committee desire that it should be ensured that this advice is being followed uniformly in all the Cantonments.

1.31 The Committee have been informed that in certain cantonments no elections to the Boards have been conducted for some years now and that the extended tenure of the Boards having expired, the Boards have been reconstituted with only two members, one official and another non-official and the Station Commander as the President. The Committee feel that in view of considerable civil population in the cantonments the Boards should not go for long without popular representatives periodically elected.

1.32 The Cantonment Boards function under the overall control of the Ministry of Defence through the General Officer Commanding-in-Chief of the Command concerned. The Director General, Defence Lands and Cantonments acts as an adviser to the Ministry on all matters concerning cantonment administration. The Committee have elsewhere in this Report dealt with the financial position and the standard of services of the cantonments. They feel that there ought to be meaningful control over the cantonments to improve their working. In this connection they recall that the Defence Secretary was unable to readily report to the Committee any instance where the power of ordering special inspections and for issue of specific directions was exercised by the GOC-in-Cs of the Command in respect of any Cantonment. The Committee would like the Ministry to enjoin upon the GOC-in-Cs to be more vigilant and active in overseeing the functioning of the cantonments under their command and to ensure that the cantonments are run efficiently and economically and that adequate civic services are provided by them to the people living in the area.

1.33 The Ministry should also devise a system of periodic monitoring and review of performance of the cantonments on the basis of their Annual Reports and independent inspections for giving appropriate directions for improvements and following up the action thereon.

1.34 The Committee further recommended that after the Amendment to the Cantonment Act, 1924 which is before Parliament, is passed, the rules and regulations framed under the Cantonment Act, 1924, as also the Cantonment Account Code, 1924 should be comprehensively reviewed, updated and substituted by consolidated new rules and regulations/code.

CHAPTER II

CANTONMENT LANDS

Classification of Cantonment Lands

2.1 It is stated that barring a few exceptions like Secunderbad, Deolali and St. Thomas Mount Cantonments, all land within the Cantts is owned by the Government of India, Ministry of Defence. There are, however, small pockets within the Cantonments which are owned by other Departments of the Central Government and also by the State Governments.

2.2 The Cantonment Land Administration Rules 1937 provide for classification of Cantonment lands under three main groups:

- (i) Lands required or reserved for specific Military purposes are classified as 'A'.
- (ii) Lands, which are not so required or reserved, but have to be retained in the Cantonment for effective discharge of the duties of the Government in respect of the Army administration are classified as 'B'.
- (iii) Lands which are vested in the Cantonment Boards under section 108 of the Cantonments Act 1924 for the discharge of municipal functions are classified as 'C'.

Class 'A' land is sub-divided into two categories viz:—

- (a) Class 'A-1' land which is actually used or occupied by the Military authorities,, for barracks/stores, arsenals, aerodromes, accommodation for military personnel, parade grounds, riflesranges, etc.
- (b) Class 'A-2' land which is not actually used or occupied by the military authorities, but for the use or occupation of which for any other purpose, except temporarily, there exists specific military objection.

Class 'B' land is sub-divided into the following categories namely:—

- (i) Class 'B-1' land which actually occupied by any Department of the Central Government other than Defence Department

- (ii) Class 'B-2' land which is actually occupied or used by or is under the control of any Department of a State Government.
- (iii) Class 'B-3' land which is held by private persons under the provisions of the Cantonment Land Administration Rules 1925/1937 or under the provisions of the Cantonments Code 1899 or 1912 or under any executive orders in force prior to 1899, subject to the conditions under which the Central Govt. have reserved to themselves the proprietary rights in the soil.
- (iv) Class 'B-4' land which is land not included in any of the above sub-categories which generally comprises of vacant land not specifically reserved for military purposes.

2.3 The management of class 'A-1' land, apart from the areas declared from time to time by the Central Government to be under the immediate management of the military authorities themselves, is entrusted to the Military Estates Officer (MEO). The management of Class 'B-1' land vests in the Department in the occupation of the land. Similarly, the management of Class 'B-2' land vests in the Department of the State Government in occupation or having control over the land. The management of class 'B-3' and 'B-4' land, except in the civil areas notified under Section 43A of the Cantonments Act 1924 and Rule 2(b) of the Cantt. Land Administration Rules 1937, is entrusted in the MEO. The management of lands in the civil areas notified under section 43A of the Cantonments Act 1924 and Rule 2(b) of the Cantonment Land Administration Rules 1937 is entrusted to the Cantt. Board concerned. The management of class 'C' land vests in the Cantonment Board concerned.

2.4 Leasing and licensing of lands within the Cantonment is governed by the provisions of the Cantonment Land Administration Rules 1937 and the executive instructions issued by the Central Government from time to time. The grant of land for residential, commercial, educational and charitable purposes is governed by the instructions contained in the Government of India, Ministry of Defence letter No. F11013/7/73(D(Lands)-Vol.III dated 18th June 1982. Temporarily surplus Defence Lands are also granted on short-term agricultural leases to ex-servicemen, landless persons and those belonging to the weaker sections of the society.

"Old grant sites"

2.5 The Ministry of Defence have stated that since the rights and obligations of the lessees are clearly defined in the leases granted under the provisions of the Cantt. Codes of 1899 and 1912 and under the Cantonment Land Administration Rules 1925 and 1937, the administration of these lands poses no problem. However, nearly 90 per cent of the land held by private persons in the Cantonments is held or is presumed to be held under rules, regulations and orders issued from time to time by the then Governments of Bengal, Madras and Bombay Presidencies and the competent military authorities between the years 1879 and 1899, which are generally referred to as "old grant sites." Stringent restrictions were in force in the past to regulate change of purpose, sub-division of site, transfer of properties from one party to another, as also erection and re-erection of buildings held on old grant terms. The restrictions were almost totally relaxed in respect of civil areas in November 1941 and the Cantonment Boards were authorised to deal with sub-division of sites, extension of sites, change of purpose, regularisation of encroachments or erection of additional buildings in any manner they may think fit subject to the provisions of Cantonment Land Administration Rules. Consequent on the misuse of this discretion by some of the Cantonment Boards, restrictions were partially reimposed in November, 1961 and more stringent measures were taken in March 1968. These measures had the effect of imposing a nearly total ban on construction of the buildings within the Cantonments. Consequent on representations received from various quarters, Government reviewed the policy, and a revised policy for land administration within the Cantonments were outlined in Ministry of Defence letter No. 11013/7/73D(Lands) dated 15th November 1976. The matter was reviewed further and instructions outlining the latest policy are contained in the Ministry of Defence letter No. F.11013/7/73/D(Lands) Vol.III dated 18th June, 1982.

Shortage of Accommodation in Civil Areas

2.6 The Ministry of Defence have stated that the boundaries of most of the existing civil areas in the Class I and Class II Cantonments were notified in the late thirties and the early forties. The population of these areas has multiplied manifold since then and the civil areas have become very congested. In some Cantonments like Jabalpur and Meerut, the civil area was expanded in the late fifties. According to the Ministry of Defence there is a demand from many quarters for including more land within the notified

civil areas so that the accommodation shortage could be met by additional constructions. Some of the proposals are under examination of the Ministry.

2.7 The point regarding shortage of living accommodation in certain old cantonments was raised also by the Committee during evidence. In regard to grant of permission to put up new buildings to cater to the needs of increased population, the Defence Secretary said that it was not the policy to expand the civilian areas in the Cantonments. Where the pressure of population was increasing and new houses were necessary to accommodate it and the land was lying unused, as for instance in Secunderabad Cantonment, it had been decided that those who want to build houses in the civil areas, they should not be prevented from doing so. In the military areas however the future requirement of the military have also to be given consideration. In regard to the areas under the charge of the military we have to act according to their advice, he said.

2.8 It was pointed out during evidence that in the Nasirabad Cantonment no permission was given to build new houses or rebuild the existing houses which was causing a lot of difficulty to the people. The Defence Secretary replied that the local Cantonment Board had authority to grant permission in the matter.

2.9 Mention was also made of the situation in the Mhow Cantonment where the Study Group of the Committee observed that the bungalows, each constructed in a very large area, were in a dilapidated condition and permission was not being given to reconstruct them. Admitting this being the case in the Mhow and Allahabad Cantonments, the Defence Secretary stated:

"It has not yet been decided as to how much land could be given (for building houses in replacement of the old ones) and on what terms. When negotiations are held, people go to courts. We are thinking of setting up a high powered Committee to give suggestions in the matter.... We are thinking that the Committee should include Town Planners and the representatives of the local administration. The Town Planners on the Committee will see that development of the area is on correct lines and the danger of haphazard development was avoided."

Unauthorised Constructions and Encroachments

2.10 The main problems encountered in the administration of lands in Cantonments are stated to be those of unauthorised constructions and encroachments. The Ministry of Defence have found that the provisions of the Cantonments Act, 1924 are ineffective in dealing with unauthorised constructions. Some of these provisions are being amended in the Cantonments Amendment Bill, 1982 which has been introduced in Parliament and the Ministry expects that when they become law, the Cantonment authorities will be able to deal with unauthorised constructions more effectively. Similarly, the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 have been found to be inadequate to deal with the increasing menace of encroachments. The Ministry of Works and Housing are stated to have sponsored a legislation to make comprehensive amendments to the above enactment. One of the amendments proposed is to make encroachment on public land a cognizable offence. According to the Ministry, when these amendments are incorporated in the Act, it will be possible to deal with the problem of encroachments more effectively.

2.11 During evidence, the Defence Secretary was asked to offer his comments in regard to the problem. He replied that "the Station Commander has the power to ensure that there are no encroachments. However, we do not have sufficient number of persons available, who can go round and see and keep a check on this."

2.12 During their on-the-spot study of a few Cantonments, the Committee observed that on account of the steady growth in population the housing problem in the civilian areas of the Cantonments has become very acute. Perhaps this problem is common to all old Cantonments. The Defence Secretary informed the Committee in evidence that it was not the policy of the Government to expand the civilian areas in the Cantonments. In these circumstances the only alternative before Government is to make intensive use of the land in the civilian areas to provide adequate residential accommodation. In this connection the Committee recall the statement of the Secretary that Government was thinking of setting up a broad-based high-powered committee to go into the matter and give suggestions to Government. The Estimates Committee desire that such a high-powered committee should be set up forthwith to go into the matter and submit its report early so that Government could take suitable

steps for the planned development of the civilian areas in the Cantonments and the people living in those areas are relieved of the housing problem.

2.13 The Committee are surprised that even though the Station Commander has the power to ensure that there are no encroachments on Government lands and unauthorised constructions in the Cantonments area, encroachments and unauthorised constructions are, according to Government's own admission, a major problem. The Committee are not able to appreciate the explanation offered by the Defence Secretary that this was so because the authorities "do not have sufficient number of persons available who can go round and see and keep a check on this." The Committee would like the Ministry to issue strict instructions to the Military authorities and the Cantonment Boards to be alert and prevent encroachments and unauthorised constructions effectively, and not wait until the legislation being sponsored by the Ministry of Works and Housing is passed and enforced, as, in the meanwhile, the problem will become more acute and it will be more difficult to handle it.

CHAPTER III

CIVIL AMENITIES IN CANTONMENTS

Civic amenities

3.1 The Cantonment Board is entrusted with the responsibility to provide the civil population with municipal facilities which include sanitation, supply of drinking water, provision of medical facilities, hospital/dispensaries, running of Primary Schools, construction and maintenance of roads and drains, provision of street lighting etc. The Cantonment Board is expected to provide all these out of its own resources augmented wherever necessary by ordinary and special grant-in-aid by the Central Government.

3.2 The Ministry had furnished to the Committee a statement showing the civic amenities available in the Cantonment as compared to those in the adjoining municipality and the disparity between the two. It indicated that the civic services provided in the Cantonment areas were deficient in many respects and needed improvements. Asked to state whether any concerted efforts had been made to remove these deficiencies, the Defence Secretary in evidence, stated:

“We have sanctioned an amount of Rs. 56.62 lakhs to 15 Cantonments during 1980-81 and made an allocation of Rs. 66.76 lakhs in 1981-82 for this purpose. But where the total outlay involved is large, it becomes difficult to accommodate it within the financial resources that are available to us.....we will try to discuss further with the State authorities and the neighbouring local bodies to see what kind of joint arrangements can be made in order to facilitate availability of water supply and underground sewerage facilities in the Cantonment Board areas as well.”

3.3 Dealing with the general question of lack of adequate civic amenities in the Cantonments, the Defence Secretary said that that was the major problem with all Cantonment Boards. There were only 12 Cantonments which were financially viable but there were as many as 50 Cantonments whose income was not adequate to meet their expenditure. Grants were given to them to meet their expenditure but how much could be given to them could be well imagined.

Roads

3.4 It was stated in the preliminary material that "In the matter of roads, drains and street lighting, provision of these is generally looked after by the Military Engineer Service in the area under the control of the military and by the Cantonment Board in the civil area." Asked to state whether it was not possible to entrust the maintenance of roads and other services in the whole of the cantonment to the Military Engineer Service and the Cantonment Board may pay a portion of their revenue to them. This could, it was suggested, avoid diffusion of responsibility and make for economy in the execution of works. Replying to the point the Defence Secretary stated:

"The problem is not so much how it is worked. The main problem is the resources availability. If the Cantonment Board has enough resources to maintain in a proper condition all the roads which fall in the Cantonment area, then the difficulty would not be there. By and large, I would submit that the cost of an MES Officer is more than the cost of a civil officer because there are other facilities and other arrangements and infrastructure that have to be provided for an officer working in uniform in MES but that does not apply to the civil organisation. Within the small resource we have to use a more expensive means of implementation and it will only further reduce the work that is capable of being done."

3.5 In this context, a point was raised regarding the bad condition of roads in the Secunderabad Cantonments observed by the Estimates Committee during their on-the-spot visit. It was pointed out that the roads in the Cantonment area were taking heavy civil as well as Military traffic; yet the responsibility for the repair and maintenance is entirely of the Cantonment Board. The Defence Secretary assured the Committee in evidence that he would take up the question of State assistance for repair and maintenance of roads in the Secunderabad Cantonment with the Chief Secretary of the State.

Education

3.6 Section 116(n) of the Cantonments Act 1924 provides that it shall be the duty of every Cantonment Board so far as the funds at its disposal permit to make reasonable provision within the Cantonment for establishing and maintaining or assisting primary schools.

3.7 Out of the 62 Cantonments in the country, schools are run by Cantonment Boards in 49 Cantonments. In 13 Cantonments, no schools are being run by the Cantonment Boards. This is due to smallness of the Cantonment, availability of adequate educational facilities in the Cantonment by other agencies, or nationalisation of schools by the State Governments etc. In these cases also, many of the Cantonment Boards either give financial assistance to the privately run primary schools or make Cantonment Board buildings available for running the schools by State Government agencies etc. In 9 Cantonments the Boards are running middle schools; and in 14 Cantonments, the Boards are running high schools.

3.8 It is stated that in the matter of maintaining schools, the Cantonment Boards are severely handicapped due to their lean financial resources as well as the reluctance of the State Governments to give them grant-in-aid by way of reimbursement of the expenditure incurred by the Cantonment Boards in running the schools.

3.9 According to the Ministry, due to financial constraints and the Commitment of the Cantonment Boards and the Government to ensure that matters relating to sanitation, hygiene/public health do receive higher priority, significant financial assistance for maintenance of schools could not be made available. As such, the question of transferring responsibility for running schools from the Cantonment Boards to State Governments is considered by Government in each individual case on its merits.

3.10 During evidence, the Defence Secretary was asked whether the Ministry had taken up with the State Governments concerned the question of transferring middle schools and high schools to them and, in case the State Governments were unwilling to take these schools, was it not possible to bring them round to atleast extend aid for the running of these schools on the same lines as the State Government was providing in the case of privately run schools in the State. The Defence Secretary replied:

"Currently the law pertaining to Cantonment Boards provides for running of all primary schools as a statutory duty of the Cantonment Board. So the States generally try to take advantage of this provision by saying: 'Look here, your Cantonment Board Act itself provides that it is your responsibility.'

We are trying to transfer the management of these schools and the financial liability of the schools, to the State Governments. In some cases, they have agreed and the

actual transfer has taken place. We are also amending the Act. We have included the provision in the proposed amendment Act where we have made management of schools or running of schools by Cantonment Board as an additional function rather than an obligatory function. That also will give us the statutory power to insist that this is not our responsibility."

3.11 The civic services provided in the Cantonment areas are deficient in many respects. This is indeed a sad commentary on the functioning of Cantonment Boards which work under the overall control and direction of the Central Government. The Committee have given elsewhere suggestions to improve the financial position of the Cantonment Boards. The Committee would like the Ministry of Defence to have an overall review of the needs of the Cantonments in regard to essential civic amenities and evolve a time-bound programme to remove the deficiencies particularly in the matter of drinking water supply and sanitation facilities.

3.12 The Committee feel that the present arrangement under which repair and maintenance of roads in the military areas of the Cantonments are the responsibility of the MES while in the civil areas these are the responsibility of the Cantonment Board, is not conducive to coordinated development and maintenance of roads within the Cantonments as a whole. The Committee, therefore, suggest that the Ministry of Defence may devise suitable financial and administrative arrangements whereby roads in the Cantonments area as a whole are maintained well by a unified authority.

3.13 In particular in regard to roads in Secunderabad Cantonment, which the Committee on their visit found to be in very bad shape, the Committee note the assurance of the Defence Secretary that he would take up the question of State assistance for repair and maintenance of roads with the Chief Secretary to the Government of Andhra Pradesh. The Committee would await the outcome.

3.14 Although education is the responsibility of the States, the Cantonments Act 1924 imposes the obligation of providing for primary education on the Cantonment Boards. However, 9 Cantonment Boards are also running middle schools and 14 Cantonment Boards are also running high schools. It is obvious that on account of financial constraints and demands for other essential

services it is difficult to run these schools satisfactorily without assistance from the States. The Committee desire that wherever such assistance is not forthcoming the State Governments should be persuaded to either take these schools over or extend aid as applicable to privately run recognised schools. Incidentally, the Committee note that if the proposed amendment to the Cantonment Act 1924 is carried out, it will no longer be the obligatory function of the Cantonment Boards to provide for primary education also. The assistance for this also should be sought from the States at the appropriate stage.

CHAPTER IV

FINANCIAL POSITION OF CANTONMENTS

Position of Cantonment Boards

4.1 Although Cantonment Boards are local bodies, realising income from local resources by way of taxation etc., yet when the finances of the Boards are not adequate to meet the cost of day-to-day administration and a deficit in their budget is caused disabling the Cantonment Boards from fulfilling the statutory requirement of retaining a closing balance of 10 per cent of the expenditure, financial assistance is given by Central Govt. in the shape of ordinary grant-in-aid. Similarly, for development projects which cannot be financed by Cantonment Boards from their own resources, special grant-in-aid is made available by the Ministry of Defence. Provision of funds for this purpose is made in the Defence Budget.

4.2 According to the Ministry, the grant-in-aid to the Cantonment Boards during the last three years was of the following order:—

| <i>Year</i> | <i>Grant-in-aid</i> |
|-------------|------------------------|
| 1979-80 | Rs. 3.66 crores |
| 1980-81 | Rs. 4.36 crores |
| 1981-82 | <u>Rs. 5.05 crores</u> |

4.3 During evidence it was pointed out to the Defence Secretary that the grants given to the Cantonment Boards were not on regular basis. The Defence Secretary replied that grants to Cantonments Boards were sanctioned after considering their budget. The Cantonment Boards were not given grants to meet hundred per cent of their deficit. According to him, if that procedure was adopted, the Cantonment Boards would not have any worry regarding their finances. A comparison was made between the total budget of the Ministry and the total deficit of the Cantonment Boards and thereafter it was determined as to how much deficit could be met. It was

thereupon pointed out to the witness that the position was that the Cantonment Boards were not levying fresh tax and depended on grants from the Central Government. In case grants were not given, it was not possible to continue the civic services on account of which a large number of people were suffering. The Defence Secretary stated:

"We apply pressure on the Cantonment Boards for levying taxes."

4.4 Replying to the question whether under the reserve powers of the Central Government any individual Cantonment Board had been examined to find out the facts the Defence Secretary stated:

"We see to that when the annual administration report of the Cantonment is received. Presently, we are waiting for the new Amendment Bill being passed. We will be able to do something only when it is passed."

4.5 Another point which was asked of the witness was whether population of the Cantonment could be one of the criteria for allocation of grants. The Defence Secretary replied that "in that case we will have to sanction grants even to those Cantonments which do not have a deficit budget. We do not have so much resources to be able to give to all the Cantonments."

4.6 It was pointed out to the Defence Secretary that in 1981-82, the grant-in-aid, both original and special to the Cantonment Boards were of the order of about Rs. 5 crores only. Asked whether the Ministry proposed to enhance the quantum of these grants to the Cantonments in the interest of bringing about improvements in the standard of services and civic amenities in the Cantonments, the Defence Secretary replied:

"Every year, we try to bring about some increase in the total availability of funds for these two purposes. In the year 1978-79, the total provision was Rs. 3.60 crores; in 1979-80, we increased it to Rs. 3.66 crores; in 1980-81, it was increased to Rs. 4.5 crores; in 1981-82, it was increased to Rs. 5.06 crores and in 1982-83, it was increased to Rs. 6 crores. You will notice that in the last few years, there has been an increase of about Rs. 1 crore per year, roughly about 20 per cent increase."

Cantonment Boards vis-a-vis Adjoining Municipalities

4.7 Financial position of Cantonment Boards vis-a-vis adjoining Municipalities have been indicated as follows:

| S. No. | Name of the Cantonment Board | Whether the Cantt. Board is self sufficient or deficit | Name of adjoining municipality | Whether the adjoining municipality is self sufficient or deficit. |
|--------|------------------------------|--|----------------------------------|---|
| 1 | 2 | 3 | 4 | 5 |
| 1 | Agra | Deficit | Agra Nagar Mahapalika | Deficit |
| 2 | Ahmedabad | Deficit | Ahmedabad Municipal Corporation | Deficit |
| 3 | Ahmednagar | Deficit | Ahmednagar Municipal Council | Self Sufficient but receives grant on various accounts |
| 4 | Ajmer | Deficit | Ajmer Municipal Council | Deficit |
| 5 | Allahabad | Deficit | Allahabad Nagar Palika | Deficit |
| 6 | Almora | Self Sufficient | Almora Municipality | Deficit |
| 7 | Amritsar | Deficit | Amritsar Municipal Corpn. | Self sufficient |
| 8 | Ambala | Self Sufficient | Ambal Municipality | Self sufficient |
| 9 | Aurangabad | Deficit | Aurangabad Municipality | Deficit |
| 10 | Babina | Deficit | Jhansi Municipality | Deficit |
| 11 | Badamibagh | Deficit | Srinagar Municipality | Deficit |
| 12 | Bakloh | Deficit | Dalhousie Municipality | Self Sufficient |
| 13 | Barrackpore | Deficit | North Barrackpore & Barrackpore. | Deficit |
| 14 | Bareilly | Deficit | Bareilly Municipal Corpn. | Deficit |
| 15 | Belgaum | Deficit | Belgaum Municipal Corpn. | Self Sufficient |
| 16 | Cannanore | Self Sufficient | Cannanore Municipality | Self sufficient |
| 17 | Chakrata | Deficit | Dehradun Municipality | Deficit |

| 1 | 2 | 3 | 4 | 5 |
|-----------------|-----------------|---------------------------------------|-----------------|---|
| 18 Clement Town | Deficit | Dehradun Municipality | Deficit | |
| 19 Dagshai | Deficit | Solan Municipality | Self sufficient | |
| 20 Dalhousie | Deficit | Dalhousie Municipality | Self sufficient | |
| 21 Dehradun | Deficit | Dehradun Municipality | Deficit | |
| 22 Dehu Road | Self sufficient | Talangaon Municipality | Deficit | |
| 23 Delhi | Self sufficient | N.D.M.C. and D.M.C. | Deficit | |
| 24 Deolali | Deficit | Nasik Road and Nasik. | Self sufficient | |
| 25 Danapur | Deficit | Danapur Nizamat | Deficit | |
| 26 Faizabad | Deficit | Faizabad Nagar Palika | Deficit | |
| 27 Fatehgarh | Deficit | Farrukhabad-cu-Fatehgarh Municipality | Self sufficient | |
| 28 Ferozepore | Deficit | Ferozepore Municipality | Self sufficient | |
| 29 Jabalpur | Self sufficient | Jabalpur Municipal Corpn. | Self sufficient | |
| 30 Jalapahar | Deficit | Darjeeling Municipality | Deficit | |
| 31 Jammu | Deficit | Jammu Municipality | Deficit | |
| 32 Jhansi | Deficit | Jhansi Municipality | Deficit | |
| 33 Jullundur | Deficit | Jullundur Municipal Corpn. | Self sufficient | |
| 34 Jutogh | Deficit | Simla Municipal Corpn. | Deficit | |
| 35 Kamptee | Deficit | Kamptee Municipality | Deficit | |
| 36 Kanpur | Self sufficient | Kanpur Municipal Corpn. | Self sufficient | |
| 37 Kasauli | Deficit | Solan Municipality | Self sufficient | |
| 38 Khasyol | Deficit | Dharamsala | Self sufficient | |
| 39 Kirkee | Self Sufficient | Pune Municipal Corpn. | Self sufficient | |

| 1 | 2 | 3 | 4 | 5 |
|----|-------------------|-----------------|-----------------------------|--|
| 40 | Landour | Deficit | Mussoorie Municipality | Deficit |
| 41 | Lansdowne | Deficit | No adjoining Municipality. | |
| 42 | Lebong | Deficit | Darjeeling Municipality | Deficit |
| 43 | Lucknow | Deficit | Lucknow Municipality Corpn. | Deficit |
| 44 | Mathura | Deficit | Mathura Municipality. | Deficit |
| 45 | Meerut | Deficit | Meerut Municipality | Deficit |
| 46 | Mhow | Deficit | Indore Municipal Corpn. | Deficit |
| 47 | Morar | Deficit | Gwalior Municipal Corpn. | Deficit. |
| 48 | Nainital | Self sufficient | Nainital Municipality | Deficit |
| 49 | Nasirabad | Deficit | Ajmer Municipality | Deficit |
| 50 | Pachmarhi | Deficit | Pipariya Municipality | Deficit |
| 51 | Poona | Self sufficient | Pune Municipal Corpn. | Self sufficient |
| 52 | Ramgarh | Deficit | No adjoining Municipality | |
| 53 | Ranikhet | Deficit | Alomora and Nanital | Deficit |
| 54 | Roorkee | Deficit | Roorkee Municipality | Deficit |
| 55 | Sagar | Self sufficient | Sagar Municipal Corpn. | Deficit |
| 56 | St. Thomas Mount. | Self sufficient | Alandur Municipality | Self sufficient but receives statutory and non-statutory grant under various Heads amounting to Rs. 1420401. |
| 57 | Secunderabad | Deficit | Hyderabad Municipal Corpn. | Deficit. |
| 58 | Shahjahanpur | Deficit | Shahjahanpur Municipality | Deficit. |
| 59 | Shillong | Deficit | Shillong | Deficit |
| 60 | Subathu | Deficit | Solan Municipality | Self sufficient |
| 61 | Varanasi | Deficit | Varanasi Nagar Maha palika | Self sufficient |
| 62 | Wellington | Deficit | Coonoor | Self sufficient |

4.8 It would be seen from the above statement that out of 62 cantonments, only 12 were financially self sufficient.

4.9 Explaining the reason as to why were the Cantonment Boards not financially viable while in many cases the adjoining municipalities were, the Ministry of Defence have in a written note to the Committee explained the position as follows.

"In the matter of income from local resources, the Cantt. Boards suffer badly as compared to the Municipalities for the following reasons, namely:—

- (i) lack of trade/business activity and absence of industry in a Cantonment as compared to the Municipality due to the very nature of Cantonments;
- (ii) absence in Cantonment of buildings of high rental potentialities for the above reasons; and
- (iii) preponderance of Central Govt. properties belonging to Ministry of Defence in Cantonments due to the very nature of Cantonments.

For the above reasons, while Municipalities enjoy sizeable income from property taxes, octroi, toll etc., Cantonment Boards normally do not get satisfactory yield from these resources. All Central Government properties are exempt from municipal taxes. Central Govt. however, have conceded that the Municipalities should be paid service charges in lieu of taxes and this decision is yet to be implemented in respect of Cantonment Boards. Recently Govt. have agreed to pay to the Cantonment Boards, service charges in respect of Central Govt. properties belonging to the Ministry of Defence at a uniform rate of 33-1/3 per cent of the property tax/house tax leviable and also that in respect of Cantonment Boards which will receive ordinary grant-in-aid from Ministry of Defence, the amount of service charges paid to the Cantonment Board will be set off to that extent against ordinary grant-in-aid payable to the Cantonment Boards. Perhaps the financial position of Cantonment Boards may show significant improvement once the service charges from Central Government properties belonging to Ministry of Defence start flowing. In view of the above it would not be appropriate to compare the financial position of a Cantonment Board with that of the adjoining Municipality."

4.10 During evidence, the Defence Secretary was asked to indicate the position in regard to the implementation of the decision that the Cantonment Boards should be paid service charges in lieu of taxes in respect of Central Government properties. He replied:

"These Orders were issued on 1st November, 1982 and made applicable from 1st April, 1982. Now all the local bodies and Cantonment Boards have been asked to take action to identify these properties, discuss with the Ministry's local officers and come to a settlement on these issues."

Tax Structure of Cantonments

4.11 Cantonment Boards like Municipalities have primarily to depend upon income from local taxes. They are empowered under the Cantonments Act 1924 to levy within the Cantonment area with the prior approval of the Central Government any tax which may be levied by a Municipality in the State in which the Cantonment is situated. Local taxes such as house-tax (or property tax), conservancy tax, water tax, lighting tax, trade and profession tax etc. are therefore stated to be the main sources of income of the Cantonment Boards. Non-tax income of the Cantonment Boards is stated to be from charges for conservancy services rendered to troops, rent in respect of lands and buildings etc.

4.12 During evidence, the Defence Secretary was asked whether the Central Government had laid down any guidelines in regard to levy of taxes by the Cantonment Boards or, while granting approval to the levying of any tax, the Central Government tried to bring about uniformity in the tax structure of the Cantonment. In reply he stated:--

"We have not laid down any guidelines specifically. But the policy we are following is that the cantonment board is authorised to levy such taxes as are permissible to be levied by municipal boards in the State in which it is located. That gives some element of commonality with the kind of tax structure which is acceptable to people of that region or area. Based on the tax structure in the municipal body, the cantonment board makes the recommendations. These are examined here and approved."

It was pointed out to the witness that the Cantonment Boards had not levied taxes as should have been done. To this, he replied that "it is another question that the powers available are not being

exercised. But the expenditure of the Cantonment Boards is more and the will to levy taxes less. Therefore there is always a deficit budget".

4.13 Asked whether any thought had been given to the question of making a suitable provision in this regard in the Amendment Bill that was before Parliament, the Defence Secretary said that a provision had been made in the Amendment Bill that if a Cantonments Board did not agree to levy a new tax (and that was often the case), the Central Government could direct that tax should be levied.

Aid to Cantonment Boards by States

4.14 It was observed from the preliminary material furnished to the Committee that in the case of many Cantonments, State Govts. were not giving any financial aid whatsoever and in the case of a few Cantonments, financial aid had been given by the State Govts. only in certain areas. Asked to state the basis on which the State Govts. were extending financial aid to the Cantonments and whether the Ministry of Defence had taken up with the State Govts. the question of evolving uniform principles for financial aid to Cantonments by the State Govts., the Defence Secretary replied:—

"Present arrangements are that, by and large, the State Govts. do not provide financial assistance by way of Grant-in-aid. There are, however, some items in respect of which they do make payment. In certain matters, such as education, some State Govts. have given grants to the Cantonment Boards on the basis of expenditure incurred by the Boards in running educational institutions.

Some of the State Govts. have also given compensation to Cantonment Boards on par with Municipalities consequent on abolition of certain taxes like Octroi and terminal tax etc. which could be levied by a local body in the State and the levy of which was abolished by the State Government.

Wherever the State Govts. have defaulted in making such payments, the matter is pursued with them.

A share of the proceeds of entertainment tax, Motor Vehicles Tax, receipts from cattle maintained under the Cattle Act, are also paid to Cantonment Boards in certain States.

But we do not get any share of the Sales Tax....”

4.15 Asked further to state whether the question of State aid to Cantonments was ever discussed in the past at any high level like the Chief Ministers' Conference, the Defence Secretary said that “it has not been discussed at the level of such conference.... this question has not been considered in a consolidated form.”

4.16 In this context a suggestion was made that this matter should be discussed by the Defence Ministry with the Planning Commission and the Ministry of Finance. Replying to another question regarding State Governments meeting a part of the expenditure of the Cantonment Boards, the Defence Secretary stated that “this is one of the difficult problems of Centre-States relations” and agreed to the suggestion from the Committee that the matter should be taken up with the Finance Commission as well. A suggestion was also made that since the State Governments were collecting revenue from the Cantonment areas by way of Sales tax, they should give grants to the Cantonment Boards for roads, water supply and other civic amenities within the Cantonment areas. Another suggestion was that when Grants were released to the States or when allocations to States out of the collections from Central Taxes were determined the expenditure that Central Government is required to make for providing civic services to the population living in the Cantonment areas in the State should be deducted and given to the Cantonment Boards. Offering his comments on the suggestion the Defence Secretary said:

“We will have it examined.”

4.17 The Committee observe that out of a total of 62 Cantonments, only 12 Cantonments are financially self-sufficient. The Cantonments look forward to Central assistance in the shape of ordinary grant-in-aid for meeting their budgetary deficit and special grant-in-aid for undertaking projects which they are unable to finance out of their own funds. The Committee are informed that the total budget of Ministry for this purpose is limited (Rs. 5.05 crores during 1981-82) and, therefore, it is possible for the Ministry to meet only a part of the additional needs of the Cantonment Boards. The Cantonment Boards do not receive assistance from the States on a regular or uniform basis. Thus the revenue raising measures of the Cantonment Boards and the financial support extended to them by the Centre and the States need to be reviewed to rationalise the present arrangements for making the Boards financially viable so that the

areas administered by them may not suffer badly. The Committee would like to emphasise that the provision of civic amenities in the Cantonments should be such as to be an example for emulation by the local bodies in the adjacent areas.

4.18 The procedures for levy and recovery of taxes and service charges as well as rents should be streamlined to leave no scope for underassessment or short collection. The Committee see no reason for the reluctance on the part of the Cantonment Boards in levying legitimate and reasonable taxes for augmenting their own resources. However, in this context, the Committee note that under the amendment to the Cantonment Act, 1924 pending before Parliament, provision has been made that if a Cantonment Board did not agree to levy a new tax, the Central Government could direct that tax should be levied. The Committee hope that by a judicious exercise of this power (when it is available), the Ministry of Defence will be able to bring the Cantonment Boards round to levying such taxes as are considered reasonable and legitimate. In this context it is desirable for the Ministry to lay down some guidelines in regard to levy of taxes by the Cantonment Boards.

4.19 The Committee recognise the limitations of the Cantonment Boards in raising revenue especially in view of the preponderance of Government properties which are not taxable. The Committee hope that the orders of the Government issued on 1 November, 1962 regarding payment to the Cantonment Boards of service charges in respect of Central Government properties belonging to the Ministry of Defence at a uniform rate of 33.1/3 per cent of the property tax/house tax leviable will be implemented soon. The Committee desire the Ministry of Defence to vigorously pursue with the other Ministries the payment of these charges in respect of other Central Government properties in the Cantonments. The Committee further recommend that the Ministry of Defence may consider asking the State Governments to also pay to the Cantonment Boards service charges in lieu of Municipal taxes in respect of State Government properties within the Cantonment areas.

4.20 The Committee feel that since the State Governments are collecting revenue from the Cantonment areas by way of Sales Tax, Entertainment Tax, Motor Vehicles Tax etc., they should also contribute to the finances of the Cantonment Boards for providing services like schools, dispensaries, hospitals etc. and also for maintenance and repair to roads within the Cantonment area which take heavy traffic from and to outside the Cantonment area. The Committee, therefore, recommend that the question of State aid to

Cantonment Boards should be discussed by the Ministry of Defence with the Ministry of Finance, the Planning Commission and the Finance Commission and also brought before the Chief Ministers' Conference.

4.21 After taking steps to optimise the resource raising by the Cantonment Boards and after settling the States assistance to them the Ministry of Defence should on the basis of the needs of the Cantonments try to bridge the budgetary gap, if any, of the Cantonments by means of grant-in-aid.

CHAPTER V

MILITARY STATIONS

Present Policy

5.1 During evidence the representative of the Ministry was asked to state the current policy of the Government regarding setting up of new Cantonments. In reply he stated:

“The present policy is not to set up any new Cantonment, because by and large, there is a lot of additional financial burden which devolves on the Government. So, no new Cantonments are being established or notified near Military Stations where military personnel stay”.

5.2 He mentioned that no new Cantonment had been set up since 1962. He however, made a distinction between a Cantonment and a Military Station. Whereas the former includes the civilian areas also, in the latter only Military officials and troops are accommodated.

5.3 Asked to state the genesis of the decision not to set up any new cantonment, the Defence Secretary stated that the maintenance and provision of civic facilities to the civilian population was, under the Cantonment Act, the responsibility of the local authority for that area. In view of that it was not considered necessary for the Ministry of Defence to accept that responsibility and it was decided that in future they should take responsibility only for the military troops, by setting up Military Stations.

Guidelines for selection of Military Station:

5.4 The Ministry of Defence have indicated the following guidelines for selection of Military Stations:

- (a) *Location:* The Prime consideration for selection of a new military station is its close proximity to the border. The location must have strategic importance, conforming to the defence plan. It must have clear approach routes to the border and laterally to other stations. Hence, all weather rail and road facilities must exist.

(b) *Civic Amenities*: The Military station must be in close proximity to big towns/cities for its logistic backing, yet far enough to permit unhindered development of the Military station. Big towns are generally very well connected by rail and road, and hence the operational requirement of movement of troops and equipment is quicker. Other civic facilities based on proximity to big towns are:—

- (i) Power supply
- (ii) Water supply
- (iii) Good markets
- (iv) Schools and colleges
- (v) Places of worship
- (vi) Railway station/Bus stop
- (vii) Cinema Halls etc.
- (viii) Post and telegraph offices

(c) *Training requirements*: The Military station identified must fulfil the following requirements:

- (i) Must have sufficient area for construction of accommodation and training of troops.
- (ii) Must have sufficient small arms classification ranges close to unit lines.
- (iii) Must have field firing ranges, for training of troops on big calibre guns and for large scale exercise with troops and equipment.
- (iv) Must have terrain similar to our border for realistic operational training.

(d) *Identification of land*: The above consideration must be borne in mind while identifying the most suitable land. Following points must also be viewed during selection:

- (i) There should not be densely populated pockets of civilians in the land selected.
- (ii) There should not be major obstacles like rivers, ravines or thick forests in the land identified.

- (iii) There should not be religious places of significance, inviting annual/regular fairs.
- (iv) Land should not be surrounded by bottlenecks, or congested areas.
- (v) Land should preferably be on a National Highway/Main Roads.
- (vi) It should meet all KLP requirements and should have scope for future expansion.

Procedure for acquiring land

5.5 The Ministry were asked to indicate the procedure observed for acquiring land for new Military Stations. They have in a written note furnished to the Committee stated that fresh acquisitions are due to expansion of the Armed Forces and introduction of more sophisticated weapons and equipment. The additional requirements of lands are worked out by the Services Headquarters, DGOF, R & D Organisations etc. according to the norms approved by Government. Acquisition of land, however small the area involved may be, requires the sanction of Government.

5.6 The procedure generally adopted is that the organisation requiring the land convenes a Board to select a suitable site after carrying out a survey. The estimated cost of acquisition is furnished by the Military Estates Officer who ascertains it from the local revenue authorities. The Board also ascertains from the Collector concerned if there is any religious or political objection to the proposed acquisition. In view of the tremendous pressure on land due to increasing population and also increasing areas being brought under cultivation, most State Governments have withdrawn the power to issue no objection certificates in land acquisition cases. After the receipt of a NOC from the State Government or Collector, the proposal for acquisition is submitted to Government for sanction by the User authority (in case of extreme urgency, the land is requisitioned initially under the Requisitioning and Acquisition of Immovable Property Act, 1952 and possession taken over. If there is a permanent requirement, a proposal for acquisition is submitted to the Government). Once the necessity for acquisition is, accepted by the Government and sanction is issued, executive action is taken by the Defence Lands and Cantonments Service, through the Military Estates Officer. The actual acquisition is done by the Collector or Deputy Commissioner on whom the demand is placed by the MEO. Fresh acquisition is done under the Land Acquisition Act, 1894.

Acquisition of requisitioned lands is done under the LA Act, 1894 if the conditions stipulated in section 7 of the RAIP Act, 1952 are not satisfied. If they are satisfied, the acquisition is done under the RAIP Act, 1952.

5.7 The compensation payable under the LA Act, 1894 is the market value plus 15 per cent thereof as solatium. Under the RAIP Act, 1952, only market value is payable. The MEO maintains close liaison with the Collectors/Deputy Commissioners who assess the compensation, to safeguard the Defence Ministry's interests.

5.8 Asked whether it was the policy of the Government that there should not be civil population in the midst of Military Stations to be set up in future, the Defence Secretary described the procedure regarding selection of sites for the Military Stations as follows:—

“Regarding the policy of locating the Military Stations, first we consider as to what should be the location for the Military Station from the strategic point of view. Thereafter we ask the State Government to let us know the area where land can be given. The considerations kept in view are that there should be least inconvenience to least number of people and that if possible, agricultural land should be avoided. The State Government then offers us land. We cannot acquire any land until no objection certificate is given by the State Government. So, we form an idea of the location from the strategic points of view but specific areas are decided in consultation with the State Government.——— From our side we neither include any area nor exclude it. In this matter we are guided by the advice of the District and State Authorities. A joint Board consisting of our officers, the District officers and the State Government officers is constituted which visits the sites and suggests which areas should be selected”.

5.9 The Defence Secretary was further asked whether in the light of the decision not to set up new cantonments any more and to set up only military stations, it was appropriate to locate military stations adjacent to thickly populated and industrial areas. He replied:

“To the extent possible it should not be because it would surely create problems”.

5.10 Replying to the specific question from the Committee: “Whether you will agree or not agree that these military stations

should be in a compact area where you can supply all the civic amenities at a cheaper price in a less area..... he replied: "I agree".

5.11 The Committee during their on-the-spot visit to certain Cantonments found that it was a security hazard to have National/State Highways and public roads passing through them. During evidence, the Defence Secretary was asked as to how Government proposed to get over this problem. He answered:

"The old Cantonments quite often were located on both sides of an important road. May be that was a national highway or may be it was not a national highway. The importance of the road may have developed subsequently—— At that time that conception was not there. These are very old cantonments. When the population grows on both sides of the road and, if you have military installations or important buildings containing military personnel and officers on both sides of the road, there is a tendency to develop a thought as to why not divert the road itself. ———But currently, we are not so much in favour of diverting these roads. This is the view of the Ministry. It is because this causes a lot of public inconvenience. Unless there is something extremely important from the secrecy point of view or from the national security point of view, by and large, public inconvenience should not be caused where avoidable".

5.12 Replying to the question whether, if for certain reasons the State Government differed from the Ministry of Defence and a particular piece of land is considered necessary for setting up a military station, the Ministry of Defence or the Central Government had any other way by which land could be acquired for the purpose, the Defence Secretary stated that there was no other way. He added:—

"Even if there is an authority that the land can be requisitioned, the agency who undertakes this work is the State Government. It is only through them that the requisition proceedings can be undertaken and the requisition can be subsequently followed by acquisition of land. But if the State Governments are not willing to cooperate, in a practical sense, I do not know how far it would be possible to acquire. We do not generally insist on any specific area unless the specific land becomes important from the strategic point of view and from the defence angle".

5.13 Elaborating further the procedure followed in acquiring land for the Cantonments or Military stations, the Defence Secretary said:

"The process of establishing a military station and getting the land is a fairly long one. First, from the operational requirement point of view and the strategic point of view, the approximate areas or locations where the troops have to be stationed are decided. Then in consultation with the State Governments and with their approval and participation, the location is given a more fixed position. We take a map and go with the revenue authorities and the district authorities to identify the specific place where such a military station or whatever be the requirement is located. Then the land acquisition proceedings start. Whenever proceedings start, there are some people who object—may be in the same peripheries or in between some others and various types of objections are raised and then these are discussed with the State Governments and the State authorities and some adjustments wherever necessary are made. Or if the State authorities feel that the objections are not very valid, then we go along with the acquisition proceedings have to be done by the State Government itself, if they have any objection, they will not proceed with the acquisition proceedings. There are situations where delays do take place and we do run into difficulties of this kind. But I suppose it is there in the situation where we all function, but when we start we provide the time for the delay also".

5.14 Supplementing him, a representative of the Ministry of Defence from the Army side said:—

".....the NOC in the first instance can only be obtained from the District authorities. That was quite successful when there was land available and.....when the State Governments were willing to give this; but in actual practice what has happened is that even if the district authorities are agreeable to give the NOC, in actual fact, they cannot give till the clearance comes from the highest authority in State and consequently, when it reaches there.....pressures within the State Government and pressures from other people come and a lot of time is wasted even in getting the NOC. After getting the NOC considerable time lapses in obtaining Government sanction and issue

of Section 4 Notification.....Section 4 notice is only an intention of the State Government to acquire the land. After that objections have to be received from various people and then firm intention is given under Section 6. All these processes take 3 to 4 years and by that time either the political situation changes or the State Government itself changes”.

5.15 Asked what would happen in case a threat to the Nation developed in the meanwhile, he replied:

“Very correct. Some such factors also come. But there are other factors also which I would submit for your consideration. There are national elections or State elections or municipal elections. Then the whole thing goes into a freeze till those are over. Then the situation changes and by that time NOC expires”.

5.16 Replying to a suggestion from the Committee that there should be a limit to persuasion and that finally the Defence Ministry should have the powers to go ahead, the Defence Secretary said:

“But there are judicial processes which prevent progress in the field”.

5.17 Replying to the specific question from the Committee as to what was the remedy if any State Government did not cooperate, the Defence Secretary said:

“We try and persuade at various levels I do not think we have any powers (to go ahead on our own)”.

5.18 Asked what was the remedy if the persuasion of the Ministry of Defence failed, he replied:

“We will have to take a view even to locate a military station at that particular specific point *vis-a-vis* what the State Government is offering. If we find that what is being offered is not suitable or convenient, we can shift the location”.

Military Station at Hissar

5.19 The Committee had received public representation against the proposals for acquisition of additional land for expansion of Military Station at Hissar. In order to verify the facts, the Committee asked for a map indicating the location of Military Station at

Hissar and also the locations at which it was proposed to acquire additional land for the Military Station.

5.20 From the map furnished by the Ministry of Defence, the following facts were observed:

- (i) That the existing Military Station was situated on the North of the National Highway No. 10.
- (ii) That the additional land offered by the State Government for the expansion of the Military Station was at 3 different locations on both sides of the National Highway No. 10. Besides, for reaching the Southern locations from the existing Military Station in the North of the Highway, a railway line will have to be negotiated.
- (iii) That the additional land proposed to be acquired in the South of the National Highway and West of the existing Military Station was adjacent to industrial area and in the high population Belt.

5.21 In the course of discussion regarding the principles observed for locating Cantonments/Military Stations, the specific case of the Military Station at Hissar was raised by the Committee. It was pointed out to the Defence Secretary that, according to the latest proposals for the expansion of the Military Station, the main road (National Highway No. 10) in Hissar will come in between the Military facilities and installation. Besides, the land proposed to be acquired south of the National Highway for the Military Station was a very fertile agricultural land. There were many industries on the peripheries and the area had considerable population. The witness was asked as to how far he thought it was an appropriate proposal. He replied that the Ministry had also received representations against acquiring land for the Military Station in the South of the road and the Defence Minister was also of the opinion that land on only one side in the North of the National Highway ought to be taken and it was not necessary to go to the South of the road. The State Government, however, held a different view.

5.22 Subsequently, explaining in detail the development in regard to Military Station at Hissar, the Defence Secretary stated that the Military Station was originally set up in 1976. Later its expansion was approved. On Strategic considerations and the border, the selection of the site was very appropriate. The idea of the Army Headquarters and the Defence Ministry was that if it (expansion) was

near the old Station, it would become a homogenous unit. An attempt was made to get all the land required in the area north of the road. A senior Army Officer went to Hissar a number of times and discussed the matter with the Chief Secretary. The present Army Chief, who was then Army Commander of the Western Command, met the Chief Minister on the 11th April, 1980. The effort of the Ministry of Defence was that all the land required should be given in one block in the North of the road. The State Government, however, said that in the North of the road, there was a lot of irrigated land, besides two canals, many tubewells and settlements of evictees of Bhakhra Canal area.

5.23 Replying to the query from the Committee, the representative of the Ministry of Defence from the Army side said that they had visited the site. It was a highly irrigated area. It had tubewells and two canal systems; Bhakhra and Sirhind. State Government, therefore, maintained that they would not be able to give that land. It was pointed out to the State Government that that would mean that National Highway would pass in the middle of the Military Station. The Railway line would also pass through, which would create problem of crossing. In 1976, 1446 acres of land was acquired for the Military Station. Subsequently, "No objection Certificate" was given for another 998 acres. State Government was requested to allocate land between Alipur and Raipur on the North of the road. They, however, said that they would give only on the South of the road. At last it was decided that NOC will be given for Dabra and Ladwa. It was also decided that classification range should not be near the town. Therefore, 2506 acres were to be given near Bhadra where there were sand dunes. Apart from these, a big ammunition depot was to be built which was not to be near the town. Therefore, the land proposed to be given came to be in three pockets.

5.24 When asked to state the reasons given by the State Government for declining to give a compact area for the Military Station, the representative of the Ministry said:

"That is not for us to ask. So, we have reluctantly accepted that (what was offered by the State Government)".

5.25. Supplementing him, the Defence Secretary said:

"...the Army people and the Ministry have always been pressing that we want to be away from the South part

of the road. The State Government has however been persistently advising us that in the North of the road they will be in a position to give us only a limited area and for the other requirements we will have to go to other two sites which are on the Western side and Eastern side. Now, with all these discussions and controversies, the State Government suggested that we must take the land on the West and take it alongwith the land available to the North of the road and split the Cantonment and have it in two parts".

5.26. The Committee learn that in pursuance of a representation regarding the acquisition of land for expansion of Military Station at Hissar received by the Dy. Defence Minister, a representative of the Ministry of Defence was deputed to make an on-the-spot inquiry into the relative merits of different sites. He visited Hissar on the 27th February, 1982 and in regard to the pocket of land in the South of the National Highway No. 10 and on the West of the existing location of the Military Station he had the following observations to make:

- (i) It is much near to the city and in close proximity to the industrial township;
- (ii) A net work of canals, distributories and roads pass through this pocket;
- (iii) Approximately 80 per cent of the land is irrigated;
- (iv) Cost of acquiring land in this pocket will be quite high;
- (v) The sub-soil water in this pocket is very high-between 5-6' below ground level; and
- (vi) Two high-power transmission power lines pass through this pocket.

The Defence Secretary was, therefore, asked by the Committee to state whether he was satisfied to have a Military Station at Hissar with the civilian population in between and whether he was going to depart from the guidelines and the policy of the Government in this particular case. In reply the Defence Secretary stated:

"Now, after taking all this into account, we have taken a decision that we will not go to the South of the road for locating these troops. We will stay in the North of the

road. Now, there are two other requirements which are not necessarily related and need not be contiguous to the residential area. One is the classification ranges. Because they are meant for firing, these are further South about 18 kms. away from this place, and for that also, great care has been taken to see that it is not a civilian area and also it is not an irrigated area.... Then we have the requirements for putting ammunitions etc., which is far in the North and much away from this area. That also is an area which causes a minimum disturbance to the local population. As far as the requirements of this (other) area are concerned, we will confine ourselves to the North and we will continue to press the State Government to give land North of the road".

5.27 The Committee welcome the policy of the Government to set up only military stations comprising areas for lodging the troops and setting up military facilities and installations and not Cantonments comprising military as well as civilian population after 1962. This decision would make for greater security of the military areas. The Committee suggest that the feasibility of excising Civil Areas from the existing Cantonments wherever possible, may also be examined and appropriate action taken.

5.28 The Committee recommend that in case the Ministry of Defence need land for setting up new Military Station or expanding the existing Military Stations exclusively meant for the use of the Military, they should strictly follow the guidelines laid down for identification of land for the purpose and ensure that land is in a compact area away from the heavily populated and industrial areas. It should also be ensured that railway lines or National or State Highways do not pass through the Military Stations.

5.29 It is a matter of concern to the Committee if, as stated by the Defence Secretary in evidence, the Ministry of Defence have no powers to requisition and acquire land for purely military purposes on their own or otherwise ensure that the land they need is made available even when it is urgently required on strategic consideration. The Committee desire that Government should give a serious thought as to how to ensure overriding priority for acquisition of land as dictated by important defence needs, without having to depend on normal procedures.

5.30 The Committee examined as a case study the proposals for the expansion of the Military Station at Hissar. The additional land required for the expansion has been offered at different locations far apart from one another and not in one compact area around the existing location of the Military Station which was originally desired by them on strategic and security considerations. National Highway No. 10 which takes heavy traffic and a railway line pass between the site at which the existing Military Station is located and the new locations at which land was proposed to be acquired for the expansion of Military Station. Besides, the additional land proposed to be acquired in the South of the National Highway and the West of the existing Military Station is close to the Hissar Town and its industrial area and is separated from the existing Military Station by a high population belt. This was clearly against the guidelines issued by the Ministry of Defence for identification of land for Military Stations. Apart from this, it is an agriculturally fertile area irrigated by a network of canals and its distributories and it is not desirable even from this angle to acquire this land for the Military Station. The Committee therefore stress that the Ministry should expand the Military Station around the existing locations in the north of the National Highway. This would cause least inconvenience to the general public, prove economical to acquire land and provide civic amenities in a compact area, ensure security to the Military Station away from thick civil population and obviate problem of logistics. In this connection the Committee note the statement of the Defence Secretary: "Now, after taking all this into account, we have taken a decision that we will not go to the South of the road for locating these troops. We will stay in the North of the road."

NEW DELHI;
 April 6, 1983.

 Chaitra 16, 1905 (S)

BANSI LAL,
 Chairman,
 Estimates Committee.

APPENDIX

Statement of Recommendations

| Sl. No. | Para No. | Recommendation/Observation |
|---------|----------|---|
| 1 | 2 | 3 |
| 1 | 1.29 | In all there are 62 military Cantonments each administered by a Board consisting of non-official elected and official nominated/ex-officio members and presided over by the Station Commander. These are divided into different classes on the basis of civil population as disclosed by 1971 census, for the purpose of determining the number of elected members. Although according to the constitution of these Boards, the elected members are one less than the official members in actual practice since 1957 a parity has been maintained in bigger cantonments by, keeping one of the officials position vacant. The Committee appreciate this as a step towards democratisation and suggest that as this has been given a trial for 25 years now, this system should be given a statutory backing. Further, the cantonments should be reclassified on the basis of the 1981 census and the composition of the Boards refixed early. |
| 2 | 1.30 | It is the statutory requirement that the declared civil areas of bigger cantonments are administered by a committee with a majority of elected members and presided over by the Vice-President of the Board, who is also an elected member. Further, the Boards have been advised by government to appoint the Vice-President as the Chairman of the Assessment Committee. The Estimates Committee desire that it should be ensured that this advice is being followed uniformly in all the Cantonments. |

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|---|------|--|
| 3 | 1.31 | <p>The Committee have been informed that in certain cantonments no elections to the Boards have been conducted for some years now and that the extended tenure of the Boards having expired, the Boards have been reconstituted with only two members, one official and another non-official and the Station Commander as the President. The Committee feel that in view of considerable civil population in the cantonments the Boards should not go for long without popular representatives periodically elected.</p> |
| 4 | 1.32 | <p>The Cantonment Boards function under the overall control of the Ministry of Defence through the General Officer Commanding-in-Chief, of the Command concerned. The Director General, Defence Lands and Cantonments acts as an adviser to the Ministry on all matters concerning cantonment administration. The Committee have elsewhere in this Report dealt with the financial position and the standard of services of the cantonments. They feel that there ought to be meaningful control over the cantonments to improve their working. In this connection they recall that the Defence Secretary was unable to readily report to the Committee any instance where the power of ordering special inspections and for issue of specific directions was exercised by the GOC-in-Cs of the Command in respect of any Cantonment. The Committee would like the Ministry to enjoin upon the GOC-in-Cs to be more vigilant and active in overseeing the functioning of the cantonments under their command and to ensure that the cantonments are run efficiently and economically and that adequate civic services are provided by them to the people living in the area.</p> |
| 5 | 1.33 | <p>The Ministry should also devise a system of periodic monitoring and review of performance</p> |

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of the cantonments on the basis of their annual Reports and independent inspections for giving appropriate directions for improvements and following up the action thereon.

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1.34

The Committee further recommend that after the Amendment to the Cantonment Act, 1924 which is before Parliament, is passed, the rules and regulations framed under the Cantonment Act, 1924, as also the Cantonment Account Code, 1924 should be comprehensively reviewed, updated and substituted by consolidated new rules and regulations/code.

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2.12

During their on-the-spot study of a few Cantonments, the Committee observed that on account of the steady growth in population the housing problem in the civilian areas of the Cantonments has become very acute. Perhaps this problem is common to all old Cantonments. The Defence Secretary informed the Committee in evidence that it was not the policy of the Government to expand the civilian areas in the Cantonments. In these circumstances the only alternative before Government is to make intensive use of the land in the civilian areas to provide adequate residential accommodation. In this connection the Committee recall the statement of the Secretary that Government was thinking of setting up a broad-based high-powered committee to go into the matter and give suggestions to Government. The Estimates Committee desire that such a high-powered committee should be set up forthwith to go into the matter and submit its report early so that Government could take suitable steps for the planned development of the civilian areas in the Cantonments and the people living in those areas are relieved of the housing problem.

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2.13

The Committee are surprised that even though the Station Commander has the power to

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ensure that there are no encroachments on Government lands and unauthorised constructions in the Cantonments area, encroachments and unauthorised constructions are, according to Government's own admission, a major problem. The Committee are not able to appreciate the explanation offered by the Defence Secretary that this was so because the authorities "do not have sufficient number of persons available who can go round and see and keep a check on this." The Committee would like the Ministry to issue strict instructions to the Military authorities and the Cantonment Boards to be alert and prevent encroachments and unauthorised constructions effectively, and not wait until the legislation being sponsored by the Ministry of Works and Housing is passed and enforced, as, in the meanwhile, the problem will become more acute and it will be more difficult to handle it.

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3.11

The civic services provided in the Cantonment areas are deficient in many respects. This is indeed a sad commentary on the functioning of Cantonment Boards which work under the overall control and direction of the Central Government. The Committee have given elsewhere suggestions to improve the financial position of the Cantonment Boards. The Committee would like the Ministry of Defence to have an overall review of the needs of the Cantonments in regard to essential civic amenities and evolve a time-bound programme to remove the deficiencies particularly in the matter of drinking water supply and sanitation facilities.

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3.12

The Committee feel that the present arrangement under which repair and maintenance of roads in the military areas of the Cantonments are the responsibility of the MES while in the civil areas these are the responsibility of the

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| | | Cantonment Board, is not conducive to coordinated development and maintenance of roads within the Cantonments as a whole. The Committee, therefore, suggest that the Ministry of Defence may devise suitable financial and administrative arrangements whereby roads in the Cantonments area as a whole are maintained well by a unified authority. |
| 11 | 3.13 | In particular in regard to roads in Secunderabad Cantonment, which the Committee on their visit found to be in very bad shape, the Committee note the assurance of the Defence Secretary that he would take up the question of State assistance for repair and maintenance of roads with the Chief Secretary to the Government of Andhra Pradesh. The Committee would await the outcome. |
| 12 | 3.14 | Although education is the responsibility of the States, the Cantonments Act 1924 imposes the obligation of providing for primary education on the Cantonment Boards. However, 9 Cantonment Boards are also running middle schools and 14 Cantonment Boards are also running high schools. It is obvious that on account of financial constraints and demands for other essential services it is difficult to run these schools satisfactorily without assistance from the States. The Committee desire that wherever such assistance is not forthcoming the State Governments should be persuaded to either take these schools over or extend aid as applicable to privately run recognised schools. Incidentally, the Committee note that if the proposed amendment to the Cantonment Act 1924 is carried out, it will no longer be the obligatory function of the Cantonment Boards to provide for primary education also. The assistance for this also should be sought from the States at the appropriate stage. |
| 13 | 4.17 | The Committee observe that out of a total of |

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62 Cantonments, only 12 Cantonments are financially self-sufficient. The Cantonments look forward to Central assistance in the shape of ordinary grant-in-aid for meeting their budgetary deficit and special grant-in-aid for undertaking projects which they are unable to finance out of their own funds. The Committee are informed that the total budget of Ministry for this purpose limited (Rs. 5.05 crores during 1981-82) and, therefore, it is possible for the Ministry to meet only a part of the additional needs of the Cantonment Boards. The Cantonment Boards do not receive assistance from the States on a regular or uniform basis. Thus the revenue raising measures of the Cantonment Boards and the financial support extended to them by the Centre and the States need to be reviewed to nationalise the present arrangements for making the Boards financially viable so that the areas administered by them may not suffer badly. The Committee would like to emphasise that the provision of civic amenities in the Cantonments should be such as to be an example for emulation by the local bodies in the adjacent areas.

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4.18

The procedures for levy and recovery of taxes and service charges as well as rents should be streamlined to leave no scope for under assessment or short collection. The Committee see no reason for the reluctance on the part of the Cantonment Boards in levying legitimate and reasonable taxes for augmenting their own resources. However, in this context, the Committee note that under the amendment to the Cantonment Act 1924 pending before Parliament, provision has been made that if a Cantonment Board did not agree to levy a new tax, the Central Government could direct that tax should be levied. The Committee hope that by a judicious exercise of this power (when it is

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available), the Ministry of Defence will be able to bring the Cantonment Boards round to levying such taxes as are considered reasonable and legitimate. In this context it is desirable for the Ministry to lay down some guidelines in regard to levy of taxes by the Cantonment Boards.

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4.19

The Committee recognise the limitations of the Cantonment Boards in raising revenue especially in view of the preponderance of Government properties which are not taxable. The Committee hope that the orders of the Government issued on 1 November, 1982 regarding payment to the Cantonment Boards of service charges in respect of Central Government properties belonging to the Ministry of Defence at a uniform rate of 33-1/3 per cent of the property tax/house tax leviable will be implemented soon. The Committee desire the Ministry of Defence to vigorously pursue with the other Ministries the payment of these charges in respect of other Central Government properties in the Cantonments. The Committee further recommend that the Ministry of Defence may consider asking the State Governments to also pay to the Cantonment Boards service charges in lieu of Municipal taxes in respect of State Government properties within the Cantonment areas.

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The Committee feel that since the State Governments are collecting revenue from the Cantonment areas by way of Sales Tax, Entertainment Tax, Motor Vehicles Tax etc., they should also contribute to the finances of the Cantonment Boards for providing services like schools, dispensaries, hospitals etc. and also for maintenance and repairs to roads within the Cantonment area which take heavy traffic from and to outside the Cantonment area. The Committee, therefore, recommend that the question

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| | | of State aid to Cantonment Boards should be discussed by the Ministry of Defence with the Ministry of Finance, the Planning Commission and the Finance Commission and also brought before the Chief Ministers' Conference. |
| 17 | 4.21 | After taking steps to optimise the resource raising by the Cantonment Boards and after settling the States assistance to them, the Ministry of Defence should on the basis of the needs of the Cantonments try to bridge the budgetary gap, if any, of the Cantonments by means of grant-in-aid. |
| 18 | 5.27 | The Committee welcome the policy of the Government to set up only military stations comprising areas for lodging the troops and setting up military facilities and installations and not Cantonments comprising military as well as civilian population after 1962. This decision would make for greater security of the military areas. The Committee suggest that the feasibility of excising Civil Areas from the existing Cantonments wherever possible, may also be examined and appropriate action taken. |
| 19 | 5.28 | The Committee recommend that in case the Ministry of Defence need land for setting up new Military Station or expanding the existing Military Stations exclusively meant for the use of the Military, they should strictly follow the guidelines laid down for identification of land for the purpose and ensure that land is in a compact area away from the heavily populated and industrial areas. It should also be ensured that railway lines or National or State Highways do not pass through the Military Stations. |
| 20 | 5.29 | It is a matter of concern to the Committee if, as stated by the Defence Secretary in evidence, the Ministry of Defence have no powers to requisition and acquire land for purely military |

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purposes on their own or otherwise ensure that the land they need is made available even when it is urgently required on strategic consideration. The Committee desire that Government should give a serious thought as to how to ensure overriding priority for acquisition of land as dictated by important defence needs, without having to depend on normal procedures.

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5.30

The Committee examined as a case study the proposals for the expansion of the Military Station at Hissar. The additional land required for the expansion has been offered at different locations far apart from one another and not in one compact area around the existing location of the Military Station which was originally desired by them on strategic and security considerations. National Highway No. 10 which takes heavy traffic and a railway line pass between the site at which the existing Military Station is located and the new locations at which land was proposed to be acquired for the expansion of Military Station. Besides, the additional land proposed to be acquired in the South of the National Highway and the West of the existing Military Station is close to the Hissar Town and its industrial area and is separated from the existing Military Station by a high population belt. This was clearly against the guidelines issued by the Ministry of Defence for identification of land for Military Stations. Apart from this, it is an agriculturally fertile area irrigated by a network of canals and its distributories and it is not desirable even from this angle to acquire this land for the Military Station. The Committee therefore stress that the Ministry should expand the Military Station around the existing locations in the north of the National Highway. This would cause least inconvenience

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to the general public, prove economical to acquire land and provide civil amenities in a compact area, ensure security to the Military Station away from thick civil population and obviate problem of logistics. In this connection the Committee note the statement of the Defence Secretary: "Now, after taking all this into account, we have taken a decision that we will not go to the South of the road for locating these troops. We will stay in the North of the road."
