

ESTIMATES COMMITTEE **1960-61**

HUNDRED AND FORTY-FIRST REPORT **(SECOND LOK SABHA)**

MINISTRY OF DEFENCE

Action taken by Government on the recommendations contained in the Forty-Sixth Report of the Estimates Committee [First Lok Sabha] on the Ministry of Defence—Lands and Cantonments



LOK SABHA SECRETARIAT
NEW DELHI
May, 1961

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CORRIGENDA

Hundred and Forty-first Report of the Estimates Committee on the Ministry of Defence.

Page 18, Col. 4, against Serial No. 24, -

- (i) for 'whi' read 'while'
- (ii) for 'Ordina' read 'ordinary'
- (iii) for 'the' read 'their'

Page 22, Col. 3, against Serial No. 42, for
'ntiguous' read 'contiguous'

Page 22, Col. 3, against Serial No. 45, for
'requisitioning' read 'requisitioning'

302-LS-RP-18.7.61/1,175.

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**There are no recommendations which have been accepted by Government. Hence there is no Chapter II.

**ESTIMATES COMMITTEE
1960-61**

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Shri A. K. Ray—Deputy Secretary.

Shri M. C. Chawla—Under Secretary.

*Elected w. e. f. 25th November, 1960 vice Shri Dinesh Singh resigned.

INTRODUCTION

I, the Chairman of the Estimates Committee having been authorised by the Committee, present this Hundred and Forty-first Report of the Estimates Committee on Action Taken by Government on the recommendations contained in the Forty-sixth Report of the Estimates Committee (First Lok Sabha) on the Ministry of Defence—Lands and Cantonments.

2. The Forty-sixth Report of the Estimates Committee (First Lok Sabha) was presented to Lok Sabha on the 28th March, 1957. The Ministry of Defence furnished their comments on the recommendations contained in the Report between 14th October, 1958 to 14th October, 1960. The replies were considered by the Study Group 'G' of the Estimates Committee (1960-61) on the 1st December, 1960 and 29th April, 1961.

3. The Report has been divided into the following four Chapters:

I. Report.

**II.

III. Replies of Government that have been accepted by the Committee.

IV. Replies of Government that have not been accepted by the Committee.

4. An analysis of the Action taken by Government on the recommendations contained in the Forty-sixth Report (First Lok Sabha) of the Estimates Committee is given in Appendix V.

NEW DELHI;
May 12, 1961.
Vaisakha 22, 1883 (Saka).

H. C. DASAPPA,
Chairman,
Estimates Committee.

**There are no recommendations which have been accepted by Government. Hence there is no Chapter II.

CHAPTER I

REPORT

The Estimates Committee in para 22 of the Forty-sixth Report (First Lok Sabha) observed that the abolition of Cantonments should be the ultimate goal and with this end in view, practical steps should be taken, in consultation with the State Governments, so as to reach it in the minimum possible period. They had also recommended, in para 95 of the Report, that pending finalisation of action regarding ultimate abolition, the Cantonments Act should be suitably amended immediately to provide for the democratisation of civic administration in the Cantonment areas. They had suggested that the Station Commander should cease to be a member of the Board and that the President of the Board should be elected by the members from among themselves. Government in their replies stated that these two recommendations vitally affected the very basis of their present policy and that it was an accepted policy in the administration of military stations that the Commander should be responsible for the health and welfare of the Armed Forces personnel and his authority should be undivided. Further the nomination of an official element in a local body to look after special interests was a common administrative device. Government had already taken certain measures (c.f. *reply to Paras 14 and 15 of the Report *ibid*) to ensure by executive orders that the administration of civil areas was left in the hands of elected members. Government also stated that a proposal was under consideration to give statutory effect to all those measures when a comprehensive amendment of the Cantonments Act was undertaken and that the question of increasing the strength of the Cantonment Boards would also be considered at that time. *The Committee hope that Government would introduce necessary legislation for this purpose before long to provide adequate democratisation in the Cantonment Areas.*

The Committee would like to add, however, that the idea of cantonments itself—though not of the particular pattern—cannot be new to India alone and it would be only proper for them to fall in line with their counterparts in other modern developed countries, if not immediately, at least in course of time.

The Committee are glad to observe that other points brought out in their Forty-sixth Report (First Lok Sabha) have been replied to by Government generally to their satisfaction.

*S. Nos. 1 & 2 of Chapter IV.

CHAPTER III

REPLIES OF GOVERNMENT WHICH HAVE BEEN ACCEPTED BY THE COMMITTEE

S.No. (As in Appendix XVIII to the 46th Report)	Reference to paragraph No. of the Report	Summary of Recommendations/Conclusions	Reply of the Government
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It is not surprising, and on the contrary quite understandable, that the Cantonments Act as framed in 1924 provided a statutory official majority in the Board constituted for the civic administration of the cantonments.

What is surprising is that it has not been considered necessary or desirable even today to make a change in a position which has continued for decades.

The Committee notice the same hesitancy as before in the approach of the authorities to the question of the full democratisation of local self-Government in Cantonment areas. They regret to find that at this stage of poli-

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The Government of India in their earlier reply to recommendation 43 as contained in paragraph 95 of the Estimates Committee's Report have already stated that it is an accepted policy in the administration of military stations that the Commander should be responsible for the health and welfare of the armed forces personnel and his authority in this respect should be undivided. It is on this consideration alone that official control in the Cantonment administration has been retained and not for reasons stated by the Committee. Moreover, the nomination of official members on a local body to look after special interests is a common administrative device.

tical development in the country, the authorities should still think in terms of conducting experiments in the matter of entrusting what is essentially a municipal administration to the elected representatives of the local population. The Committee are also distressed to hear the same old argument based on the fear that if municipal administration was entrusted to the elected representatives of the people, it might interfere with the health and security of the troops stationed in the adjoining areas.

The Committee feel fully convinced that there is no justification for continuing the bureaucratic administration in the cantonments. They feel that there is no necessity to experiment with parity or any process of democratisation in the constitution of Cantonment Boards. Even when the experiment was first made in a few Cantonments it should have been extended in all Cantonments as the first step in the process of democratisation. Even the fears about the security and health of the troops which the Committee consider unfounded, need not have interfered with the process since the Cantonments Act provided for sufficient safeguards.

The Committee find it difficult to accept the above arguments. The Committee are not aware that the presence of a large civil popu-

It is not peculiar to the Cantonment administration alone. There are a number of other local bodies in which the local boards are either wholly or partly nominated e.g. New Delhi Municipality, Pachmarhi Municipality, etc.

[*Ministry of Defence O.M. No. 835—G/D (C&L) dated the 28th March, 1959.*]

5. It is true that the presence of a large civil population in Bombay, Calcutta, Bangalore and Delhi is not considered injurious to the security of

lation in Bombay, Calcutta, Bangalore and Delhi is considered injurious to the security of the armed forces stationed at these places.

the armed forces stationed there, but it is essential to note that in the military areas in these stations, there are no pockets of civil population and the administration of the military area, including its sanitation, is entirely looked after by the military authorities themselves.

[*Ministry of Defence O.M. No. 835—G/D (C&L) dated the 28th March, 1959.*]

7 The Committee recommend that the Cantonments Act should be amended immediately to provide for the democratisation of the civic administration in the Cantonment areas. The strength of the Cantonment Boards which varies from three to 15 should be increased. The membership should be determined in relation to the population and should be based on well-defined principles. The Officer Commanding the Station may have powers to nominate one or two military officers to the Board, if necessary. One of them might be the Health Officer and the other one of the Medical Officers or the Garrison Engineers. The Committee do not consider it necessary or desirable that the Officer Commanding the Station should be a member of the Board. They are of the opinion that the President of the Board* should be elected by the members from amongst themselves.

7. The Government of India have carefully considered this recommendation and are unable to agree to the replacement of the Station Commander by an elected member as President. As stated in their reply to Serial No. 43 of the Committee's recommendations, it is an accepted policy in the administration of military stations that the Commander should be responsible for the health and welfare of the Armed Forces personnel and his authority in this respect should be undivided. Moreover, the nomination of an official element in a local body to look after special interests is a common administrative device. They have, however, already taken the following steps to ensure that the administration of civil areas is left in the hands of elected members :—

(i) Parity between the official and elected members has been introduced in the composi-

tion of all Class I and Class II Cantonment Boards by issuing orders not to fill up one nominated seat. Class III Cantonments have already only one elected and one nominated member.

(ii) The powers of the Civil Area Committee in the matter of control over buildings, boundaries, issue of trade licences, etc., have been enlarged. The Civil Area Committee consists of all the elected members of the Cantonment Board and the Vice-President of the Cantonment Board, who is an elected member, acts as Chairman of the Civil Area Committee.

(iii) The Assessment Committee dealing with the assessment of House-Tax consists of a majority of elected members. The Vice-President of the Cantonment Board also acts as Chairman of the Assessment Committee.

(iv) It has been laid down that during temporary absence of the Officer Commanding the Station, the Vice-President should preside over the meetings of the Board.

A proposal is under consideration to give statutory effect to all the measures mentioned above, which have already been put into practice by executive orders, when a comprehensive amendment of the Cantonments Act is undertaken

soon. The question of increasing the strength of the Cantonment Boards will also be considered at that time.

[*Ministry of Defence O.M. No. 4(1)/4223—G/D (C&L)/58 dated 14th October, 1958.*]

8 23 The Committee consider that the powers of the Board should be comparable to the powers of the municipalities. For that purpose, a comparative study may be made of the constitution and powers of municipalities in those States, where local self-Government has progressed. The Central Government could take powers for issuing instructions in pursuance of national policy, plan or programme. The general control which in respect of municipalities vests in the State Governments may in respect of the Cantonment Boards vest in the Central Government. Also, if considered absolutely necessary in order to safeguard the interests of the troops, the Officer Commanding the Station or the G.O.C.-in-Chief may have the powers to suspend any resolution passed by the Board for a specified period, the maximum to be laid down by law and refer the matter to the Central Government. The Central Government could have the powers to make a reference to the Board for reconsideration or to veto the resolution. The Committee feel that such provi-

8 6 From the enclosed statement (*vide* Appendix I) it will be seen that generally speaking, the powers of a Cantonment Board compare favourably with the powers of the various municipalities in the State. Also the GOC-in-Chief, the Command who holds the same position in respect of Cantonment Board as the State Governments in respect of municipalities is himself under the control of the Government of India who in turn are responsible to Parliament. One of the proposed amendments to the Cantonments Act, 1924 is to modify the existing powers of the GOC-in-Chief, the Command to veto a resolution of the Cantonment Board and to provide that he can do so only with the previous approval of the Central Government.

[*Ministry of Defence O.M. No. 835—G/D (C&L) dated the 28th March, 1959.*].

sions would simply safeguard the Defence interests.

The Committee are convinced that there is no risk involved in the democratisation of Cantonment administration in the manner indicated by them.

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The following is an extract from the Annual Administration Report of Cantonments for 1954-55 :

“The financial position of most of the Cantonments is not at all sound. Many lead only a hand to mouth existence and quite a good number depend on Central aid for maintaining their financial equilibrium. No major development projects have, therefore, been undertaken by any of the Cantonments in the past. As a result, Cantonments lagged behind the desired standard in the matter of providing an adequate and wholesome supply of water, proper drainage schemes, sanitation projects, electricity and education etc. Owing to the financial stringency and other defence commitments, aid from the Central Government has been given only for balancing budget estimates and financing very essential projects.”

The Committee feel that this is a very unsatisfactory position.

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The Committee find that there was practically no programme in the First Five Year Plan for

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What is quoted in paragraph 26 of the report from the Annual Administration Report on Cantonments for 1954-55 represents the position as it existed then. Since then considerable progress has been made in the undertaking of development projects in Cantonment areas. A separate note on this is attached (*vide* Appendix II). It will be seen that in so far as supply of safe water in the Cantonment areas is concerned, out of 60 Cantonments only 5 Cantonments have no piped water supply. In other Cantonments either piped water supply is already available or schemes therefor are under execution.

The Cantonment Boards who have no arrangement for piped water supply have been advised to prepare plans and to submit the same to the Government for their consideration as early as possible.

[Ministry of Defence O. M. No. 4 (I)/3276-G/D
(C & L)] 58 dated the 18th December, 1959].

development in Cantonment areas except in the last year of the plan when a sum of Rs. 44 lakhs was said to have been provided, out of which only a sum of Rs. 19 lakhs was actually utilised.

11 29 The Committee consider it unfortunate that local self-administration under the supervision and control of the Central Government should have a poor record in the matter of development of civic facilities.

12 30 The Committee cannot help feeling that shortcomings on the part of the Cantonment Administration are inherent in the system under which they work.

13 30 The Committee find that while municipal administration, town planning, development projects, educational and medical facilities etc. have made considerable progress in municipal areas controlled by various State Governments, so far as the Cantonments are concerned, the progress has lagged far behind.

14 30 The Committee feel that as long as the responsibility for supervising the Cantonment areas lies

12—14. Planning and execution of all Urban Development Schemes like piped-water supply, sewage etc., require an adequate Engineering Organisation, large capital outlay etc. All such planning, estimating and execution are also time-consuming. The delay in the execution of development plans in Cantonments is not on account of inherent shortcomings on the part of the Cantonment Administration, but due to difficulties, administrative and financial, which are inherent in the execution of all Urban Development Schemes and which the Government believe most of the Municipal Committees controlled by various State Governments in the country are also facing.

with the Central Government, every attempt should be made to quicken the pace of development in the Cantonment areas.

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The civil population living in the Poona Cantonment do not enjoy the benefits of the Bombay Primary Education Act, whereas compulsory Primary Education was introduced in Poona City as early as 1-9-47. While on the one hand such a position was due to the view held that the State Government's enactment was not applicable in the Cantonments, on the other hand it was also due to the Central Government not taking steps to provide for the introduction of free and compulsory primary education in the Cantonment area. The Committee consider this as a very unsatisfactory position.

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The Second Five Year Plan has envisaged the implementation of the policy of Compulsory Primary Education through the instrumentality of the local authorities. The Central Government being responsible for local administration in Cantonment areas, it would be expected that they should have taken up this matter much earlier.

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The Committee consider it unfortunate that uncertainty about the responsibility for taking action in accordance with the Directive Principles of State Policy should have remained unresolved for nearly seven years out of the

[Ministry of Defence O.M. No. 4(1)/3276-G/D(C&L)/58 dated the 18th December, 1959]

15-17. It will be seen from the attached note (*vide* Appendix III) dealing with the progress of primary education in Cantonments, including proposals for introduction of compulsory primary education, that the attention paid to primary education in Cantonment areas is by no means unsatisfactory. It will be appropriate that it is necessary first to provide school buildings before compulsory primary education is introduced in Cantonment areas. Cantonment Boards who are deficient in school accommodation have been asked to take up construction of school buildings from their own resources or to submit proposals for construction, if they desire Government aid.

[Ministry of Defence O.M. No. 4(1)/3276-G/D (C & L) 58 dated the 18th December, 1959.]

ten year period specified in the Constitution. They are anxious that there should be no disowning of responsibility on the part of both the State Government and the Central Government in this important matter and no further time should be lost in fulfilling the responsibility. The Committee feel that a clear decision regarding responsibility in the matter should be taken immediately and very early action taken to implement the Directive Principles of State Policy.

- 18 35 The Committee would suggest that the entire basis of the Cantonments Act should be examined in the light of the Constitutional provisions. The Committee would recommend that the matter should be very carefully examined by the law officers of the Government and the opinion of the Attorney General should also be invited and a clear decision reached at an early date. They also suggest that, if necessary, the opinion of the Supreme Court may be sought by the President in this matter, under the provisions of Art. 143(1) of the Constitution.
- 19 40 The Committee do not propose to make any specific recommendation regarding the en-
18. As suggested by the Committee the entire basis of the Cantonments Act has been examined in the light of the Constitutional provisions in consultation with the legal advisers of the Government who have expressed the opinion that no part of the Act goes against the Constitution. In view of this advice, Government do not consider it necessary to refer the matter further to the Supreme Court under the provisions of Art. 143(1) of the Constitution.
- [Ministry of Defence O.M. No. 835—G/D (C & L) dated the 28th March, 1959.]
19. The recommendations are covered by the reply already given by Government to recommendation

hancement of the powers of the Civil Area Committee, since they do not agree that democratisation should be introduced piecemeal in this manner, and since they have already recommended that the very structure of the Cantonment Board should be made fully democratic.

No. 43 of the Estimates Committee as contained in para 95 of their Report.

[*Ministry of Defence O.M. No. 835-G/D (C & L) dated the 28th March, 1959.*]

- 20 42 It has been represented to the Committee that the decisions of the semi-judicial Assessment Committees are not treated by the Official element with the respect they deserve.
- 21 45 The Committee cannot help feeling that the prevailing attitude regarding Assessment Committees is not in consonance with the democratic ideals that they would like to prevail. The Committee realise that there could be difference of opinion about assessment. But when a responsible body is set up, the implications of setting aside any decision reached by that body after due deliberations should be realised. The Committee feel convinced that such unfortunate situations arise mainly because of the estranged relationships caused by providing a statutory official majority in a purely civil administration.
- 21 20-21. The Government of India do not accept this general statement made by the Committee regarding the prevailing attitude of the official members towards the Assessment Committee based as it is on the only instance of what happened in Barrackpore Cantonment. There have been no instances in the recent past where the G.Os.-C-in-C have invoked their powers of suspension of any resolution connected with the assessment done by an Assessment Committee.
- In the particular instance of Barrackpore Cantonment the Assessment Committee decided the case of assessment of property of a member thereof, which was contrary to the provisions of S. 32 of the Cantonments Act. When this irregularity was pointed out to the Cantonment Board it appointed a fresh Committee. It would be of interest to note that the second Assessment Committee enhanced the value proposed by the first Assessment Committee from 10 to 84 per cent.

It is also well known that generally speaking the work of the Assessment Committee appointed by Municipal Bodies including their members therein has not met with unqualified success. The Taxation Enquiry Commission has also recommended that there should be a State-wide organisation for the valuation of properties independent of the municipalities and that the latter should assess taxes on the basis of the valuation furnished by the Central Valuation Organization.

[*Ministry of Defence O.M. No. 835—G/D(C & L) dated the 28th March, 1959*].

22 The Committee consider the position about large arrears of collection of taxes as very unsatisfactory.

22-23. The Directorate of Military Lands and Cantonments have already fixed a target of 95% for collection of taxes in Cantonments. Efforts made to attain this target progressively have so far resulted in raising the percentage of collection of taxes from 82.40 on 1st May 1957 to 88.85 on 31st March 1960. A statement (*vide* Appendix IV) showing the percentage of collection of taxes in all cantonments as on 31st March 1960 and the average percentage of collection of taxes in Municipalities within the jurisdiction of various States is attached. This will show that the percentage of collection of taxes in cantonments is quite satisfactory. Nevertheless, with a view to further

23 The Committee feel that the Government should prescribe a standard of collection of taxes and see that it is adhered to.

25 The Committee recommend that the special reasons for the arrears should be found out and suitable remedial action taken by improving the financial administration and the efficiency of the personnel.

increasing the percentage of collection of taxes in cantonments, certain proposals, based on the recommendations made by the Central Council of Local Self-Governments, to amend the Cantonments Act, 1954 are also under consideration:—

- (i) To prescribe that being under arrears of taxes to cantonments will be a disqualification for becoming a member of the Cantonment Board.
- (ii) To provide for the attachment of immovable property to facilitate recovery of taxes due to Cantonments.
- (iii) To enhance the scale of fees prescribed for issuing distraint warrants and notices of demand.

[Ministry of Defence O.M. No. 4(1)/D(C&L)/58/
2514-G/D (C & L)/60 dated the 14th October,
1960].

24 While the Committee realise the necessity to give grants in order to supplement resources wherever they are deficient, they feel that the grants should also take into account the level of taxation in the Cantonments, the level of services provided for the expenditure and the wealth and prosperity of the inhabitants.

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[Ministry of Defence O.M. No. 4(1)/D(C&L)/58/
2514-G/D(C & L)/60, dated the 14th October,
1960].

25 The Committee recommended that wherever proceeds of taxes levied and collected by States have been assigned to municipalities, the question of extending the same benefit to the Cantonments situated in the States should also be taken up.

25. The question of securing a share for the Cantonment funds out of the proceeds of certain taxes levied and collected by State Governments in Cantonment limits has already been taken up with the State Governments. As a result of this, during 1959-60 twenty-four Cantonment Boards obtained as their share an aggregate of Rs. 3,12,765 from the State Governments. This amount will be a recurring income for the Cantonment Boards. In addition, fresh proposals are under consideration for being taken up with the State Governments, which, if accepted by them, are expected to fetch an additional income of about 4 to 5 lakhs per year for the Cantonment Boards within the next two or three years.

[Ministry of Defence O.M. No. 4(1)D(C&L)/58/2514-G/D(C&L)/60 dated the 14th October, 1960.]

26 The Committee feel that there should be a review and rationalisation of the taxation in the various Cantonments. The Committee recommend that taking into consideration the services performed in both the Cantonments and the adjoining municipalities, the tax structure in Cantonments should be suitably revised so as to remove wide disparities in the incidence of

26. As a result of a comprehensive review of taxation in the various Cantonments undertaken during 1956-57 there has been a progressive increase in the annual income of the Cantonment Boards. During 1957-58 the increase in income amounted to Rs. 4.43 lakhs and during 1959-60 to Rs. 6.36 lakhs. Fresh measures under contemplation are expected to augment income further by

taxation. The grants-in-aid should also be so regulated that there is no encouragement to such Boards as do not meet fully their responsibility for imposing taxation measures.

Rs. 3.11 lakhs during 1960-61 and Rs. 7.46 lakhs during 1961-62. While sanctioning taxation proposals the Cantonment Boards and the Government take into account the existing level of taxation in the neighbouring Municipalities as well as the capacity of the people to bear the burden of taxation. As already stated in reply to Serial No. 24 Government also take into account all the relevant details of taxes in Cantonments while sanctioning ordinary grants-in-aid for balancing the budgets of Cantonment Boards.

[Ministry of Defence O.M. No. 4(1)/D(C & L)/58/2514-G/D(C&L)/60 dated the 14th October, 1960].

27 56 The Committee recommend that after the Cantonment Boards have been made fully democratic it should not be made obligatory for the Boards to get the prior sanction of the Central Government for imposing municipal taxes. They should have independent powers of taxation as recommended by the Local Finance Enquiry Committee.

27. On the basis of the recommendations made by the Central Council of Local Self-Governments, Government have already under consideration a proposal to amend the relevant section of the Cantonments Act, 1924 to empower Cantonment Boards to fix from time to time the rates of taxation within maximum and minimum limits prescribed by the Government in respect of each cantonment and for each tax.

[Ministry of Defence O.M. No. 4(1)/D(C&L)/58/2514-G/D(C&L)/60 dated the 14th October, 1960].

28 62 The Committee agree that in keeping with the progress of social and political outlook in the country the attitude of Executive Officers associated with local self-Government bodies should also undergo a re-orientation.

28-29. It is noticeable that the attitude of the Executive Officers has undergone a change in tune with the changing economic, social and political conditions in the country.

- 29 The Committee were surprised to learn that the All India Military Lands & Cantonments Officers Service Association urged the reduction of the strength of elected members in the Board to 25%, the abolition of the civil area committee consisting of elected members and its replacement by an official standing committee, the inclusion of the Executive Officer as a member in the Board and also the investment of the Executive Officer with the judicial powers of a magistrate.
- 30 This, the Committee consider, is a most deplorable attitude on the part of civil servants who are supposed to assist a type of Local Self-Government. The Committee can only hope that the outlook of these Officers has undergone a material change since then. At the same time, they believe that it is also the responsibility of the Government to ensure the leadership and initiative necessary to make every member of the administrative organisation controlled by them adhere to sound democratic principles.
- 31 The Committee do not consider the appointment of I.A.S. Officers as Executive Officers in 30. The Government have already revised the training programme for the officers of the Military Lands
- The observations of the Committee are nevertheless being forwarded to the All India Military Lands and Cantonments Officers Service Association for information and guidance.
- [*Ministry of Defence O.M. No. 4(1)/3276-G/ID(C & L)*]58 dated the 18th December, 1959].

Cantonments as a feasible suggestion. The Committee would however point out that in any case the Executive Officers should be put through a comprehensive course of training, which should include a study of the problems concerning Local Self-Government, social welfare, town planning and development etc. The Committee do not consider the present course of training of six months, during which the trainees are attached to some Executive Officers, as satisfactory.

31

75 The Central Committee on Cantonments, reporting in 1951, referred to the suggestion that some provision should be made where sites granted under the old Presidency regulations on Cantonment tenure would be converted into lease-hold so that the respective rights of the Government and of the occupier could be more clearly defined. The Committee feel that the action taken on this recommendation would indicate that no active steps were taken by Government to encourage such conversion.

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78 Even assuming that in each of the cases of harassment caused to the residents of Cantonments in the use of property, action had been taken strictly in accordance with the orders, rules, regulations or other conditions of the grant, the Committee cannot rule out the possibility of a genuine feeling of harassment in the minds of the property holders.

and Cantonments Service and recently, with the active assistance and cooperation of the Indian Institute of Public Administration, a refresher course for the cantonment officers lasting for about a month was organised at the Institute. It is expected that this will become an annual feature.

[*Ministry of Defence O.M. No. 4(1)/3276-G/D(C&L)*]
58 dated the 18th December, 1959].

31—36. It is not correct to say that no active steps have been taken to encourage the conversion of 'old grants' rights into 'lease-hold' rights as recommended by the Central Committee on Cantonments in 1951. In actual fact, Government have gone even a step further by deciding to allow conversion of old grant and leasehold rights into freehold rights freely in civil areas and to a comparatively limited extent in Bungalow areas on payment of a reasonable sum. Further details of these decisions were made available to the Estimates Committee just when its report was being finalised and are included in Appendix XIV of the report. These decisions were taken by Government, after holding discussions with representatives of the elected members of the Cantonment Boards and members of the Informal Consultative Committee of Parliament for the Ministry of Defence, as suggested by the Estimates Committee in its report, and they re-

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79 The Committee would observe that perhaps the spirit of the assurances given by the Defence Secretary, on the floor of the Legislative Assembly in 1936, is not being observed uniformly in all cases, while taking executive action.

present the maximum extent of liberalisation which the Government can agree to at present consistent with the basic fact that Cantonments are primarily military stations.

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81 The Committee are by no means certain that the decisions in the matter of land tenure in Cantonments mentioned in the Statement laid on the Table of the Lok Sabha on 17th December 1956, will lead to a practical solution of the land problem.

Certain further details such as reservation of pre-emption rights for Government, the formula for determining the payment to be made by the Government when pre-emption rights are exercised, the standard form of conversion deed to be used for the purpose and delegation of authority to sanction such conversions remained to be finalised. It is hoped that these details may be finalised in the near future. It will thereafter be possible to deal with the applications for conversion of old grants and leasehold rights into freehold rights. Till this new policy has been implemented and given a fair trial, Government see no reason to share the doubts expressed in the report that it will not lead to a practical solution of the land problem.

[Ministry of Defence O.M. No. 4(1)D(C. & L)/58/1846-G/D (C. & L.)/60 dated the 27th September, 1960]

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81 The Committee feel that the chances of success might improve if sufficiently attractive terms were also allowed to holders of the 'Old Grant Sites' for the conversion of their tenure into free-hold e.g.,

(i) Conversion into free-hold on payment of an amount which is fixed at a reasonably low figure ; or

(ii) recognition of the holders as lessees in perpetuity, on payment of a nominal premium, the other terms of the lease not being onerous for the lessee.

However, the Committee consider that the best guarantee for the success of any formula

could only be that it should meet the realities of the situation and be in accordance with the popular will.

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The Committee would recommend that to arrive at a workable formula, the Government should convene a conference with the representatives of the All India Cantonments Association, nominees of the elected members of the Boards from different regions, and members of Parliament having special knowledge of the subject. It should be the endeavour of the Conference to find an agreed solution, keeping in view the main objects of (a) providing a guarantee of tenure thereby ensuring an undisturbed possession of land, (b) eliminating extra municipal interference in the enjoyment of property rights, and (c) providing for an orderly and planned utilisation and development of land. Having found such a formula, the Government should, if necessary, bring forward a legislation to end within a reasonably short period the multiplicity of tenures.

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The Committee do not see any convincing reasons why the management of the class 'B' (3) and 'B' (4) lands should not be vested in the Cantonment Board.

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The Committee recommended that first of all, a survey and a review of all lands whether class 'A', 'B', or 'C' should be carried out to define clearly the lands which are required or

37-38. The ownership of B-3 and B-4 lands in Cantonments vests in the Government of India. It is not clear what added advantages will accrue to the Cantonment Boards by the proposed transfer of management of these classes of land to them. B-3 lands are already under occupancy leases and the lease-holders are allowed to use them

need to be reserved for specific military purposes. Further, they recommend that all lands except (a) those demarcated as suggested above (b) those which are under the occupation or use of any Government Department should be managed by the present Cantonment Board or its successor authority. For the purpose of the management of lands, the Boards should be enabled to function in the manner of Town Improvement Trusts. A suitable formula regarding the sharing of the income from Government lands between the Cantonment Board and the Government may also be worked out, according to the needs of the circumstances.

subject to the terms and conditions of the lease until it becomes necessary for Government to resume them for defence purposes. Very little management is therefore required in respect of B-3 lands. Moreover under the new scheme of land tenure, Cantonment Boards will be competent to sanction conversion of old grant and lease-hold rights in the case of B-3 lands in civil areas of Cantonments and all income arising out of this by way of premia or cost will be available for approved development works in Cantonments.

As regards B-4 lands, even now Government liberally sanction re-classification from B-4 to C and transfer of lands to the management of Cantonment Boards whenever lands are required for municipal purposes of Cantonments. Government derive at present on an average an income of about Rs. 28,000 only annually from the management of B-4 lands. Therefore the advantages that Cantonment Boards will derive by being entrusted with management of these lands will be very insignificant compared to the special grants-in aid for development works averaging about 50 to 55 lakhs every year which the Cantonment Boards are at present getting from Government.

The Government are therefore of the opinion that it will be in the interest of the Cantonment Boards if the *status quo* is maintained.

[Ministry of Defence O.M. No. 4(1)D(C & L)/58/
1846-G/D(C & L)/60 dated the 27th September
1960.]

39 89 The Committee find that even though the recommendations of the Central Committee on Cantonments were made five years ago very little progress has been made in the implementation thereof. The Committee feel disappointed with the pace of progress in the matter of delimitation of Cantonments.

Even the decision said to have been taken two years back after consulting the wishes of the local residents has not been implemented yet.

40 90 In considering the question of the delimitation of Cantonments and excision of civil areas from Cantonments, the Committee find that there is an emphatic need to reconsider the very approach to the problem. The Committee observe that even though the questionnaire issued by the Central Committee on Cantonments was comprehensive and touched the fundamental problem relating to the Cantonment, except perhaps only the Lands problem, the report took a very restricted view of the terms of reference to the Committee.

41 91 The Committee feel that the very justification for the continued existence of the Canton-

39 and 40. Government would like to state that in accordance with the recommendations of the Central Committee, civil areas from six Cantonments have been excised but in the remaining 12 Cantonments from which certain civil areas were recommended for excision by the Central Committee, it has not been possible to do so because of strong opposition by the Local Excision Committees, Cantt. Boards and by the public residing in the areas proposed to be excised.

[Ministry of Defence O.M. No. 835—G/D (C & L)
dated the 28th March 1959.]

41-42. The recommendations are covered by the reply already given by Government o recommendation

ments as ordinarily understood needs to be reexamined.

42 94 The Committee feel that local government, being a subject relating to State administration, could be safely left to the States. If the army is stationed in areas contiguous to the municipalities it could be provided that the commandant should be given representation in the Municipal Board. The right may also be reserved to refer any particular decision of the local authorities, which affect the health or security of the troops, to the State or the Central Government as the circumstances may require.

44 100

The Committee observe that the process of de-requisitioning or de-hiring the lands has been very slow.

45 104

The Committee consider it essential that the doubts, suspicions, and discontent in the minds of the public regarding requisitioning and de-requisitioning of military lands as also the settlement of compensation cases should be removed.

The Committee feel that any element of arbitrariness should be completely eliminated and strict rules and regulations should be

No. 43 of the Estimates Committee as contained in para 95 of their report.

[Ministry of Defence O.M.No. 835-G/D(C. & L) dated the 28th March, 1959].

44-46

It may first be mentioned that (a) the life of the Requisitioning and Acquisition of Immovable Property Act, 1952 has since been extended by Parliament for six more years (i.e.) upto March 1964 and (b) the Lands, Hirings and Disposals Organisation was wound up with effect from 15th June 1957.

Government are continuously reviewing the necessity for retaining the requisitioned and hired lands and would like to assure the Committee that active steps are being taken from time to time to settle compensation claims. Govern-

laid down to make the de-requisitioning and de-hiring of properties and payment of compensation reasonably prompt, after the emergency is over.

46 104

There is no justification for an organisation like the Lands, Hirings and Disposals Service, which was created specifically for an emergency, to continue to exist so long after the war ended. The Committee feel that unless stringent regulations are made and enforced, such matters have a tendency to drag on indefinitely, adding both to the discontent among the public and to the drain of the exchequer. The Committee, therefore, recommend that a review should be made immediately of the present position and practical steps taken to reach decisions on all outstanding cases. The Lands, Hirings and Disposals Service should be wound up at a very early date and in any case not later than March, 1958, when the Requisitioning and Acquisition of Immovable Property Act, 1952 will expire.

ment would also like to state that the existing laws envisage that where a decision could not be arrived at by mutual agreement in regard to the quantum of compensation the matter should be referred to an Arbitrator for a decision. Consequently there is no element of arbitrariness in deciding compensation claims, the present laws also provide that in cases where delay is expected in determining finally the compensation payable, 'on account' payments upto 80% of the amount of likely claim should be made, particularly to persons of small means.

[Ministry of Defence O.M. No. 4(1)/3276-G/D (C & L) dated the 18th December, 1959].

CHAPTER IV

REPLIES OF GOVERNMENT WHICH HAVE NOT BEEN ACCEPTED BY THE COMMITTEE

S. No. (As in the Appen. XVIII in the 46th Report)	Reference to paragraph No. of the Report	Summary of recommendations/Conclusion	Reply of the Government	Remarks.
1	2	3	4	5
1	14	<p>The Committee consider it strange that even with such a large civil population in the Cantonment areas, the voice of their elected representatives 10 years after India became independent should be of less importance than that of the nominated and ex-officio officials who are in a majority on the Board as at present constituted, in the civic administration and the provision of civic amenities in areas other than those occupied by military personnel.</p>	<p>In reply to the recommendations of the Estimates Committee as contained in paragraphs 22 and 95 of their report, Govt. of India have explained at length that Cantonments are primarily military stations and it is not possible to agree to their abolition in the near future or to the replacement of the Station Commander by an elected member as President of the Cantonment Board.</p>	Please see Chapter I.
2	15	<p>The Committee regret to find that even though the experiment of introducing parity among the elected and nominated members in the Cantonment Board of Poona, St. Thomas</p>	<p>In that note they have also explained the various steps that Govt. had taken in the last few years to ensure that the voice of the elected representatives is effectively felt and given</p>	

Mount, Bareilly, Lucknow, Jullunder and Mhow, has been tried for nearly a year or more and even though its results were stated to have already been assessed, the matter was still under consideration and no fixed decision had yet been taken. The Committee feel that sufficient attention has not been given by the Govt. to the question as also to that of democratisation in the civic administration of Cantonnments.

importance in the civic administration of areas other than those occupied by the military personnel. In this direction the Govt. have taken the following steps :—

- (i) Parity between the official and elected members has been introduced in the composition of all Class I and Class II Cantonnment Boards by issuing orders not to fill up one nominated seat. Class III Cantonnments have already only one elected and one nominated member. Parity has therefore been introduced in all cases.
- (ii) The powers of the Civil Area Committees in the matter of control over buildings, boundaries, issue of trade licences etc. have been enlarged. The Civil Area Committee consists of all the elected members of the Cantt. Board and the Vice-President of the Cantt. Board, who is an elected member, acts as Chairman of the Civil Area Committee.
- (iii) The Assessment Committee dealing with the assessment

of lands and buildings consists of a majority of non-officials. The Vice-President of the Cantt. Board also acts as Chairman of the Assessment Committee.

(iv) It has been laid down that during temporary absence of the Officer Commanding the Station, the Vice-President should preside over the meetings of the Board. A proposal is under consideration to give statutory effect to these measures wherever necessary, when a comprehensive amendment of the Cantonments Act, is undertaken.

[Ministry of Def. O.M. No. 835—G/
D (C & L) dated 28th March,
1959]
43.

The Committee recommend that abolition of Cantonments as commonly understood at present should be the goal and that with this end

The Government have given careful consideration to this recommendation. It is felt that the role and functions of Cantonments have not been fully

Please see Chapter
I.

in view practical steps should be taken in consultation with the State Governments so as to reach it in the minimum possible period. They would like to add, however, that most of the other recommendations in this report are essentially of an interim nature which should be implemented immediately till the main salutory and overdue reform is brought about.

appreciated. While there is no disagreement on the general principles of democracy and local self government quoted by the Estimates Committee, the future of cantonments must be decided on practical considerations. Whatever their antecedents may be they are serving a useful purpose now. The following factors in this connection deserve special mention :—

(i) Cantonments are really military stations where the Army lives and is trained. The civil population in cantonments has sprung up to cater for the needs of the garrison stationed there. It is mainly confined to bazar areas which form only a small part of the total area of the cantonments. The larger part consists of barracks and bungalow areas, parade grounds, recreation grounds etc. Cantonments are, therefore, primarily military stations and the overriding consideration there is the military interest.

(ii) It is an accepted policy in the administration of military stations that the Commander

should be responsible for the health and welfare of the Armed Forces personnel and his authority in this respect should be unquestionable and undivided.

(iii) It is unlikely that State Governments will be in a position to assume responsibility for local administration in Cantonment areas. Their hands are full and it may not be possible for them to undertake any further financial commitments. The Government of Bombay, who were recently requested to establish a municipality in Dehu to look after the civic needs of Dehu military station, have suggested that the Ministry of Defence should form a Cantonment.

(iv) The general view of the civil population resident in Cantonment areas appears to be in favour of continuance of Cantonment administration. It was recently decided to exercise certain civil areas for which

the Army has no use in the Cantonments of Ambala, Poona and Agra. The civil population resident therein objected to such excision and ultimately the proposals had to be dropped.

(v) Cantonment Boards are local bodies in every sense of the term and enjoy limited powers. For the purpose of convenience, the powers of State Government are vested in the General Officer Commanding-in-Chief and the Government of India. It need hardly be emphasized that the G.O.C.-in-C functions under the control of Government of India which in turn, is responsible to Parliament.

In view of the facts mentioned above, the Government of India have come to the conclusion that the abolition of Cantonments in the near future is not possible.

[Ministry of Defence O.M. No. 4(I)/4223 G/D (C & L)/58 dated the 14th October, 1958].

NEW DELHI;
May 12, 1961

Vaisakha 22, 1883 (S.B)

H. C. DASAPPA,
Chairman,
Estimates Committee

APPENDIX I

Comparative Statement showing certain main features of the Cantonnments Act, 1924 and Analogous Provisions of the State Municipal Acts.

Sl. No.	Main features of the Cants. Act, 1924	Analogous provisions of the State Municipal Acts					U.P.	Re-marks
		Assam	Bihar	Bombay	Madras	Punjab		
1	2	3	4	5	6	7	8	9

1 Constitution

Body Corporate Sec. 11, Cantt. Board.	Municipal Board Sec.	Municipal Commis- sioners. Sec. 12.	Municipal Com- missioners. Sec. 12.	Municipal Board Sec. 8	Municipal Council Sec. 6.	Municipal Com- mittee Sec. 11.	Municipal Board Sec. 6.
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2 Strength

Class 1-15 mem- bers of whom 7 are elected & 8 are nominated. Class II-(a) 13 mem- bers of whom 6 are elected and 7 nominated. Class II-(b) 11 mem- bers of whom 5 are elected and 6 are nominated. Class II-(c) 9 members of whom 4 are elect- ed and 5 are no- minated. Class III-3 members	Strength not pre- scribed but deter- mined by notifi- cation between 10 and 30. Four- fifths elected and remainder ap- pointed. Sec. 10.	Between 10 and 40. Not less than four- fifths elected. Re- mainder appoint- ed. Sec. 13.	Not prescribed in the Act but de- termined by the Govt. from time to time. Sec. 10.	Upto population of 20000, 16 Councillors. Not exceeding 30000, 20. Not exceeding 40000, 24. Not exceeding 50000, 28. Not exceeding 1 lakh, 32. Ex- ceeding 1 lakh, 36. All Coun- cillors are elec- ted. Sec. 7.	Not less than 5, the number is fixed by Govt. Govt. may no- minate not ex- ceeding 8 offi- cials to act as advisors. Sec. 11 & 12.	Not less than 5, the number is prescribed in the Act but fixed by Govt. Varies from 7 to 80. Includes nomi- nated members. Sec. 11 & 12.
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of whom 1 is elected and 2 are nominated.

3 *Varied constitution*

By reason of military operations due to special circumstances normal constitution can be varied, to a Board 3 members. Sec. 14.

No such provision. No such provision.

No such provision.

Power to vary constitution of the Committee in the interests of the public or at the request of a majority electors exists. Sec. 14.

Power to vary normal composition of Board in special circumstances exist. Sec. 10.

4 *Authorities*

President (nominated). Vice-President (elected). Executive Officer (appointed by Govt.)

Chairman (elected except at Shillong) Vice-Chairman Sec. 24.

Chairman (elected) and Vice-Chairman Sec. 20.

President and Vice-President (both elected) Sec. 18 Chief officer, Sec. 33. Appointed by the Municipality.

Chairman Vice-Chairman (both elected) and an executive authority, known as Commissioner. Appointed by Govt. from a common cadre. Sec. 6 & 12.

President and Vice President and Executive Officer. Sec. 20

Chairman and Vice-Chairman and Executive Officer. Appointed by the Board, Sec. 43 and 57.

5 *Terms of members*

3 years Sec. 14. 3 or 4 years.

3 years Sec. 29.

3 to 4 years Sec. 25.

3 years. Sec. 8

To be fixed by Govt. by rules made under the Act but it does not exceed 3 years. Sec. 13. 4 years. Sec. 29-A

1 2 3 4 5 6 7 8 9

6 *Electoral rolls*

Election is based on adult franchise. Separate electoral rolls are prepared. Sec. 26 & 27.

Separate electoral rolls are prepared Sec. 12.

Separate electoral rolls are prepared Sec. 15.

Bombay Assembly electoral rolls are adopted in so far as it relates to the Mun. Borough. Sec. 11.

Madras Legislative Assembly rolls are adopted in so far as it relates to the Municipality Sec. 44.

Separate electoral rolls are prepared under Municipal electoral Rules.

Separate electoral rolls are prepared Sec. 15.

7 *Emergency powers*

Executive Officer can order execution of any work or the doing of any act for the service of safety of the public with the previous sanction of the President or Vice-President in times of emergency. Sec. 25.

Similar powers are vested in the Dy. Commissioner Sec. 292.

No provision in the act revised upto 1029.

Similar powers are vested in the Collector *vide* Sec. 215.

Similar powers are vested in the Collector Sec. 37.

Similar provision vested in the Dy. Commissioner Sec. 233.

Similar powers are vested in the Dist. Magistrate Sec. 36.

8 *Controlling authorities and powers.*

Central Govt. Officer Commanding-in-Chief, the Command. President of the Cantonment. Inspection, execution of work, enforcement of direction, override

Similar powers and control are exercised by State Govt. Commissioner and Dy. Commissioner. Sec. 289 to 294.

Similar powers and control are exercised by State Govt. Commissioner and District Magistrate Sec. 282 to 286.

Similar powers are vested in the State Govt. Commissioner & Collector Sec. 213 to 221.

Similar powers are vested in the State Govt. and the Collector. Sec. 34 to 42.

Similar powers are exercised by State Govt. Commissioner & Dy. Commissioner. Sec. 231 to 238.

Similar powers are exercised by State Govt. Commissioner & District Magistrate. Sec. 30 to 35.

decision of Board, suspension of decision and supersession of Board. Sections 46 to 54.

9 *Property and contracts*

Formation of Cantt. Fund, possession of property and application of fund and property together with acquisition of immovable property are laid down in Sec. 106 to 110. Contract exceeding Rs. 200/- requires sanction of the Board and to be executed by two members of whom President should be one and countersigned by the Executive Officer. Sec. 112 to 114.

Similar provisions exist. Sec. 51 to 58. In respect of contract for any sum exceeding Rs. 500/- sanction of Board is required. Two members to sign the contract of whom one should be Chairman or Vice-Chairman. Sec. 39

Similar power regarding municipal fund and property exist. Sec. 63 to 66. As regards contract involving expenditure over Rs. 300/- sanction of the municipality or Standing Committee is required. Contract to be entered into by Chief Officer, and common seal to be witnessed by two members of the Standing Committee. Sec. 48 & 49.

Similar powers regarding property exist. Sec. 61 to 67 contract exceeding Rs. 1,000/- requires the sanction of the municipal council. In respect of contract less than Rs. 1000/- it can be exercised by a Committee consisting of the Chairman one member and the Commissioner. The contracts may be signed by two members or the Commissioner. Sec. 68 & 69.

Similar powers exist. Sec. 51 to 59. As regards contract the powers of entering into contract of value or amount not exceeding Rs. 500/- can be delegated to one or more members of the Committee. Beyond that amount it has to be sanctioned and signed by 2 members of whom one should be Chairman or Vice-Chairman or Sec. 46 & 47.

Similar powers regarding municipal fund and property exist. Contract exceeding Rs. 1000 in the case of a City and 250 rupees in other cases requires sanction of the Board. Contract to be signed by the Chairman or Vice-Chairman and by the Executive Officer or Secretary. If the value of the contract exceeds Rs. 250/- it should be in writing. Sec. 96 and 97.

10 *Taxation*

Previous sanction of Central Govt. is required, any Board may impose taxes, fees & tolls after considering

Sanction of State Govt. is required to impose taxes.

Sanction of Govt. is required. Impostion of tax

Power to impose tax is given to municipal corporation.

Taxes may be imposed at a special meeting.

Special resolution is required for imposition.

tax imposed in the adjoining municipality can be imposed in Cantonment. Special resolution, local publication for objections and submission to Central Govt for publication in the Gazette required. Sec. 60-63.

at a special meeting. Property taxes, service taxes, tax on private markets, fees on vehicles & animals & boats & tolls on bridges and roads. Sec. 59.

Special meeting is to be convened for imposing taxes. Category same as in Assam. Consolidated tax may be levied. Sec. 82.¶

should be considered at a general meeting. Sec. 73 & 75.

Notification should be published in the Distt. Gazette. Sec. 78

ing, and no previous sanction of Govt. or publication in Gazette is required ordinarily. Tax on buildings applicable can be levied besides other Municipal taxes. Sec. 61-62.¶

Confirmation of Govt. is required and notification is published in the Gazette. Sec. 128, 131 & 132.

11 *Duties and functions.*

(a) *Duties—*

Street lighting, watering and cleaning street and public places. Regulation offensive and dangerous trades etc. Removal of undesirable obstructions. Removal of dangerous buildings. Provision of burial grounds and burning ghats. Provision of markets, slaughter houses and

No. separate division of duties and discretionary functions. Similar powers as under the Cantts. Act. exist, plus payment of expenses to poor inhabitants for journeys to and from any hospitals in India. Payment of contributions to any public fund for the relief of human suffering.

Similar powers exist including erection of model dwelling houses, establishment of scholarships. Prov. of relief work in time of scarcity etc. No separate discretionary functions are laid down. Sec. 68.

Separate provisions for obligatory and discretionary functions have been made. Duties are similar to those in the Cantts. Act. Plus provision of special medical aid and accommodation at the outbreak of epidemic diseases and provision of famine relief. Sec. 68.

Duties and discretionary functions are not specifically provided, as in the Cantts. Act. But they are spread over in the entire Act including regulation of industries and factories, construction of huts compulsory registration of vital statistics,

Similar duties are provided for including payment of contribution to local self Govt. Board or Inspectorate and the preparation and maintenance of a record of right, in immovable property. Sec. 52.

Duties are same as in Cantts. Act plus preparing returns, statements and reports as required by State Govt. Minimum percentage of expenditure on primary education is also laid down. Sec. 7.

public conveniences. Provision of water supply. Registration of births and deaths. Hospitals and vaccination. Establishing primary schools. Fire control. Hospitals and dispensaries. Management of properties. Road-side trees. Other obligation imposed under the Act. Sec. 116.

Provision of school hostels, industrial, agricultural and other technical training. Holding of fairs and industrial exhibitions. Payment of advances to the staff for house building and purchase of conveyance. Sec. 52.

provisions regarding execution of work by occupier in default of owner and delegation of powers under the Municipal Act and Nuisances Act to municipal servants.

12 *Discretionary functions.*

Laying out new areas parks, gardens and works of public utility, reclamation of unhealthy locality. Furthering educational objects by methods other than primary education. Taking of census. Making a survey. Relief works. Regulation of offensive trades.

No separate enumeration.

No separate enumeration.

Similar powers exist including providing music for the public. Providing accommodations for employees, establishing bench Magistrates. Providing under ground sewage and grazing grounds. Sec. 71.

No separate enumeration.

No separate enumeration but Board may pay a salary to the President with the sanction of State Govt. Sec. 53.

Similar enumeration of functions exist including holding fairs and exhibitions. Sec. 8.

1	2	3	4	5	6	7	8	9
<p>Provision of sewage farms. Provision of tramways, electric power works, advertising any measure other than that specified in Sec. 116, in the general welfare of inhabitants. Sec. 117.</p>								

APPENDIX II

SUBJECT: *Second Five Year Development Plans in Cantonments—
Raising of Resources.*

Introductory:

While discussing matters relating to urban development in their report on the Second Five Year Plan, the Planning Commission have observed that the programme of development by local bodies should be integrated with the general development programme of the States and the local bodies are to be used as agencies for carrying out the social service programmes indicated in the country's overall Plan. As the Cantts. have been established primarily in the interest of the Armed Forces and as the administration of the Local Self-Government in the Cantonments is the responsibility of the Government of India in the Ministry of Defence, the State Governments did not include within their overall urban development plans, the development of Cantonment areas.

2. Consequently, the Cantonment Boards were requested to prepare Plans for programme of development of their respective areas during the Second Five Year Plan period, especially for the benefits of the civil population. They were further advised that in the preparation of plans, they should keep in view that:—

- (a) the pattern of development plan should follow as nearly as possible the pattern of developments undertaken by the neighbouring municipalities;
- (b) unless there are overwhelming reasons to the contrary, the pace of development should not be slower than that maintained by the adjoining municipalities; and
- (c) in the case of development works, which involve considerable capital outlay, an integrated scheme, wherever possible, should be drawn up with the neighbouring municipalities so that the overhead cost could be shared between the two local bodies.

Outlines of Development Plans:

3. Accordingly, the Military Lands and Cantonments Directorate, in consultation with the Cantonment Boards, prepared development plans costing Rs. 6,07,47,026. The Break-up of the expenditure, in order of priority, is stated below:—

	Rs.
(i) Water Supply and Sanitation	3,08,43,193
(ii) Education	1,17,32,156
(iii) Medical and Public Health.	46,86,524
(iv) Works including electricity	45,15,698
(v) Housing including sweepers housing and slum clearance	71,60,475

	Rs.
(vi) Town Planning	1,00,000
(vii) Other social services, e.g., library, children's park etc.	12,92,580
(viii) Augmentation of Staff	3,98,400
(ix) Seminars and training	18,000
	6,07,47,026

4. Water supply and sanitation programme, which has been given first priority, envisages protected water supply for the civil population in cantonments. The Ministry of Health have made available loans through the State Governments to large municipalities for financing safe water supply schemes. The municipalities, which have secured such assistance, have been persuaded to take into account the needs of the adjacent Cantonment Boards while constructing reservoir, over-head tanks, etc. and also to arrange supply of water in bulk at agreed rate at a fixed point in the cantonments. The Cantonment Boards have undertaken to distribute the water by laying their own distribution system. Allahabad, Kanpur, Kamptee and Belgaum are among some of the cantonments which have undertaken such schemes. There are no arrangements for piped water supply in Faizabad, Clement Town, Ramgarh, Sahjahanpur, Ferozepore and Cannanore Cantonments. These Cantonment Boards have been advised to prepare plans and estimates for water supply projects and submit the same for further consideration.

5. The development plan regarding housing envisages construction of 50 per cent. of the total requirement of houses for the conservancy staff of the Cantonment Boards.

Finance—Raising of Resources:

6. The extent of execution of development programme is largely dependent on resources that could be made available as special grants-in-aid to the Cantonment Boards and the resources that can be raised internally by the Boards themselves. The Government have now accepted, in principle, the necessity for financing, by way of special grant-in-aid, the above mentioned programme of development, subject to availability of funds, on year to year basis. The Directorate of Military Lands and Cantonments also initiated comprehensive Taxation Review in each Cantonment from the middle of 1956 and launched a programme for increase of both tax and non-tax revenue of each Cantonment Board. In this connection, it may be noted that there is ordinarily a deficit to the extent of Rs. 15 to 18 lakhs each year in the budgets of the Cantonment Boards, which is met annually by the Government by way of ordinary grants-in-aid for the purpose of balancing the budget. If the Boards were not precluded from taxing the Central Government's property and from levying profession tax on military personnel, this deficit could have been made up by levying such taxes. It has been, however, our aim to raise resources during the Second

Plan period so that the increased annual revenue should substantially meet a large portion of the annual deficit. The following tabular information would be of interest:—

Name of Command	Annual increase in tax and non-tax revenue already achieved	Annual additional increase in tax and non-tax resources under examination of the Board	Total
Eastern	89,179	2,86,670	3,75,849
Southern	1,64,000	2,87,000	4,51,000
Western	1,90,000	1,76,000	3,66,000
TOTAL	4,43,179	7,49,670	11,92,849

Agency for the execution of development works:

7. Some of the bigger Cantonment Boards have their own Cantonment Engineers, who have been made responsible for the execution of works. In small Cantonments it has been possible to secure the services of the Military Engineering Department|Public Health Department of the State Government Service or the Local Self-Government Engineering Department|Public Health Department of the State Government to execute Engineering works in cantonments on payment of department charges.

Progress of works:

8. Rs. 20,15,000 and Rs. 49,27,921 were paid to the Cantonment Boards during 1956-57 and 1957-58, respectively for execution of development works.

9. During the year 1958-59 the Government allotted an amount of Rs. 80,26,508 for carrying out development works in various cantonments. Out of this an amount of Rs. 78,87,730 was actually sanctioned for this purpose. The break-up of this figure is as follows:—

(i) Water Supply and sanitation	Rs. 46,96,838·36
(ii) Education	Rs. 7,18,227·00
(iii) Medical and Public Health	Rs. 8,04,111·39
(iv) Works including Electricity	Rs. 11,36,576·81
(v) Housing including sweepers' Housing and slum clearance	Rs. 4,86,201·16
(vi) Other social services, e.g., libraries, children's park etc.	Rs. 45,775·43

Rs. 78,87,730·15

10. During the current year *i.e.*, 1959-60 the Government have allotted an amount of Rs. 55,00,000 for undertaking development works in various Cantonments.

11. In order to ensure that the necessary funds are made available to the Cantt. Boards without delay and execution of the works takes place as speedily as possible, the GOs. C-in-C, the Commands have been authorised since last year to sanction the necessary funds for the execution of any project whose total cost does not exceed Rs. 50,000.

APPENDIX III

SUBJECT:—*Primary Schools in Cantonments—Introduction of Compulsory Primary Education.*

Introductory:

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.

2. Out of 60 Cantonments, 18 do not have their own schools but assist privately run primary schools for the benefit of the children in the Cantonments. This arrangement appears to be satisfactory. Although provision of facilities for education, higher than the primary stage is not the responsibility of the Cantonment Boards, 9 Cantonment Boards are maintaining high schools, and 7 Cantonment Boards are maintaining middle schools. In our view primary schooling facilities so far available in the Cantonments compare favourably with similar amenities prevalent in municipal areas.

3. A rough census of the number of school going children residing in Cantonments was taken in 1957 and the following tabular statement will indicate the position:—

	Number of children residing in Cantonments	Number of children attending school	Remarks
Children in the age group of 6—11.	1,11,586	61,770	55.3 per cent children of this age group are attending school.
Children in the age group of 11—14.	39,003	18,853	47.1 per cent children of this age group are attending school.

Views of Planning Commission:

4. While dealing with plans for expansion of primary education during the second Five Year Plan, the Planning Commission have observed in their report, that the overall plan should envisage that

62.7 per cent of the children in the age group of 6—11 and 22.5 per cent in the age group of 11—14 should be studying in primary schools by the time the Second Five Year Plan ends.

5. It will be seen from the statement in para 3 that we have nearly attained the target fixed by the Planning Commission for the age group of 6—11 and have exceeded the target for children in the age group of 11—14.

Compulsory Primary Education—Development Plans

6. The Directive Principles of the State policy as laid down in the Constitution envisage introduction of free and compulsory primary education throughout India within 10 years of the coming into force of the Constitution. Accordingly, Cantonment Boards were requested to prepare education plans for the development of primary education as well as for introduction of free and compulsory primary education. While education plans remained under preparation, consultation was held with the Ministry of Law regarding the suitable legislative measures that will be necessary for enabling the Government to introduce compulsory primary education in the Cantonments. The Ministry of Law advised that it would be safe to resort to Central legislation by way of amending the Cantts. Act, 1924 and thus obtain enabling powers for introduction of compulsion within Cantonment limits rather than request the various State Governments to extend their laws to Cantonment areas. Accordingly, a proposal for amending the Act suitably was prepared in consultation with the Ministry of Law. It was however, later decided that it would be better to take it up along with the other proposed amendments of the Act, which are under active consideration.

7. Meanwhile, Education Plans for each Cantonment Board have been prepared and steps have been taken to construct additional school buildings. The following amounts have been made available so far to the Cantonment Boards during the Second Five year Plan period for construction of additional school buildings or extension of the existing buildings apart from what the Cantonment Boards themselves constructed from their own funds:—

Year

1956-57	Rs. 5,65,260.10
1957-58	Rs. 8,67,885.00
1958-59	Rs. 7,18,227.00
	<hr/>
	Rs. 21,51,372.10

8. It will be of interest to note that the Union Education Ministry have not been able to fulfil the plan for bringing about compulsion within the date envisaged by the framers of the Constitution and it is now expected that the target would be achieved when the third plan comes to an end.

Finances—Raising of Resources: |

9. Apart from the various administrative steps that will be necessary for the enforcement of compulsion e.g. formation of Guardians' Committee to enforce attendance, staggering of school hours for the children in the age group of 11-14 who contribute to the family earning, considerable capital outlay and incurring of recurring expenditure will also become necessary. It has been estimated that Cantonment Boards will have to incur a capital expenditure of approximately, Rs. 83 lakhs mainly for the purpose of construction of school buildings in addition to the incurring of an additional recurring annual expenditure of 15 lakhs. |

APPENDIX IV

Comparative Statement showing Percentage of Collection to Demand obtaining in Cantonments and State Municipalities

Serial No.	Name of State	Name of Cantonment	Percentage of collection to demand	Percentage of collection to demand (average for the State)	Remarks
1	2	3	4	5	6
1	Madras	St. Thomas Mt. cum Pallavaram.	50.1	96.7% (1946-47)	
2	Kerala	Wellington Cannanore	88.92 98.80	"	From 1-1-57 merged with Kerala State, was previously under Madras State.
3	Bombay	Ahmedabad Ahmednagar Aurangabad Deolali Kirkee Kamptee Poona Dehu Road	96.94 67.31 91.00 78.2 74.66 94.04 98.72 80.35	"	Below 20% (1947-48)

4	Myso	.	.	Belgaum	.	.	98.33	''	Since merged from 1-1-57 with Mysore State, previous to which was under Bombay State.
5	Andhra	.	.	Secunderabad	.	.	65.62		Since 1-11-57 merged with Andhra, previous to which was under Hyderabad State.
6	Madhya Pradesh	.	.	Jabalpur	.	.	96.14		Varying from 30 % to 90% average 60% (1946-47)
				Mhow	.	.	98.14	(as on 31-3-60)	
				Morar	.	.	96.14	''	
				Sagar	.	.	97.89	''	
				Pachmarhi	.	.	96.23	''	
7	Delhi (Centrally administered).	.	ad-	Delhi	.	.	90.6	''	Were under Madhya Bharat State, since 1-11-57 under Madhya Pradesh.
8	Rajasthan	.	.	Nasirabad	.	.	83.43	''	
9	Punjab	.	.	Amritsar	.	.	97.21	''	Please see note below.
				Ambala	.	.	82.8	''	
				Bakloh	.	.	99.4	''	
				Dagshai	.	.	85.00	''	
				Dalhousie	.	.	96.84	''	
				Ferozepore	.	.	81.1	''	
				Jullundur	.	.	79.19	''	
				Kasauli	.	.	80.00	''	
				Khas Yol'	.	.	93.5	''	
				Subethu	.	.	93.00	''	

1	2	3	4	5	6
10	Himachal Pradesh	Jutogh . . .	93.48 (as on 31-3-60)		
11	Bihar	Ramgarh . . .	87.48	89.27% (1946-47)	
		Dinspore . . .	88.8		
12	Assam	Shillong . . .	(N.A.)		
13	West Bengal	Barrackpore . . .	87.67		
		Jalapaahar . . .	51.00	79.29% (1947-48)	
		Lebong . . .	77.00		
14	Jammu & Kashmir	Jammu . . .	98.78		
		Badamibagh . . .	60.00		
15	Uttar Pradesh	Almora . . .	51.00		
		Agra . . .	93.88		
		Allahabad . . .	87.84		
		Babina . . .			
		Bareilly . . .	92.05 (as on 31-3-60)		
		Chakrata . . .	95.00		
		Clement Town . . .	25.38		
		Dehra Dun . . .	89.11		
		Faizabad . . .	73.00		
		Fatehgarh . . .	87.39		
		Jhansi . . .	67.29		
		Kanpur . . .	82.30		

Lansdowne	80.45	”
Landour	93.00	”
Lucknow	75.00	”
Mathura	96.94	”
Meerut	89.07	”
Naini Tal	94.00	”
Ranikhet	88.00	”
Roorkee	98.74	”
Shahjahanpur	82.06	”
Varanasi	79.89	”

NOTE.—Average percentage of collection to demand in respect of Punjab, U.P., Assam and Rajasthan States and the centrally administered area of Delhi are not readily available. But in sub-para (f) relating to Punjab, sub-para (h) relating to U.P. and sub-para (k) relating to Assam of para 596 of the Local Finance Enquiry Committee Report it is stated that the position of collection in these States is generally unsatisfactory. In fact in regard to percentage of arrears of taxes to total demand in respect of 12 Dist. Boards in the U.P. State it ranges from 25.4 % to 58 %. The Committee have concluded that with the exception of Madras, the state of collection is generally unsatisfactory and that no effective action is taken to cope with the situation. On the other hand it will be observed that the percentage of collection in Cantonments, as shown above, cannot be regarded so unsatisfactory as to stand in comparison with the adjoining municipality. As a matter of fact the percentage of collection has shown signs of improvement chiefly for the reason that a Cantonment is administered by a superior cadre of Executive Officers. It may also be observed that the fall in percentage of collection can be attributed to non-payment of taxes by Government departments *vis.*, the Evacuee Organisation, the adjoining municipal boards in respect of Octroi/Toll shares and State/Railways departments in regard to other taxes.

While many of the State Municipal enactments provide for distress and sale of not only movable property but also immovable property of the defaulter with regard to the collection of rents of land vested in or managed by municipalities, the local bodies in the U.P., under Section 291 of the U.P. Municipalities Act, 1916, addressed the Collector concerned for the recovery of such rents as arrears of land revenue. It may be mentioned that even in spite of such lack of provision in the Cantonments Act, 1924, the position regarding arrears of taxes appears to be much better comparatively.

APPENDIX V

Analysis of the Action Taken by Government on the recommendations contained in the 46th Report of the Estimates Committee (First Lok Sabha).

1. Total Number of recommendations made	46
2. Recommendations not accepted by Government but replies in respect of which have been generally accepted by the Committee (<i>Vide</i> recommendations Nos. 3 to 42, 44, 45 and 46 in Chapter III)	
Number	43
Percentage to total	93%
3. Recommendations in respect of which replies of Government have not been accepted by the Committee (<i>Vide</i> recommendations in Chapter IV)	
Number	3
Percentage to total	7%