

SIXTY-SECOND REPORT ESTIMATES COMMITTEE (1983-84)

(SEVENTH LOK SABHA)

MINISTRY OF DEFENCE
CANTONMENTS

Action Taken by Government on the Forty-Seventh Report
(Seventh Lok Sabha)



Presented to Lok Sabha on—~~11~~— APR 1984

LOK SABHA SECRETARIAT
NEW DELHI

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CORRIGENDA TO THE
SIXTY-SECOND REPORT OF ESTIMATES COMMITTEE

Page	Para	Line	For	Read
2	1.7	Heading	Devleopment	Development
2	1.8	7	jurisditition	jurisdiction
2	1.8	8	consltation	consultation

CONTENTS

	PAGE.
COMPOSITION OF THE ESTIMATES COMMITTEE.	(iii)
COMPOSITION OF THE STUDY GROUP ON ACTION REPORTS OF ESTIMATES COMMITTEE (1983-84)	(v)
INTRODUCTION.	(vii)
CHAPTER I Report.	1
CHAPTER II Recommendations/Observations that have been accepted by Government.	4
CHAPTER III Recommendations/Observations which the Committee do not desire to pursue in view of Government's replies.	14
CHAPTER IV Recommendations/Observations in respect of which Replies of Government have not been accepted by the Committee.	15
CHAPTER V Recommendations/Observations in respect of which final replies of Government are awaited.	17
APPENDICES	
I. Copy of Letter No. 10(38)/82D(D&C)/ PC-IV dated 20th December, 1983 to the GOC-in-C, All Commands.	21
II. Copy of letter No. 711/1/L/L&C/71/GEN dated 6 July, 1983 to the Directors, DL&IC, etc.	23
III. Copy of letter No. 601/43/C/L&C/83 dated 14 December, 1981 to the Director, DL&C etc.	29
IV. Analysis of Action Taken by Government on the recommendations contained in the 47th Report of the Estimates Committee (7th April 1984)	32

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(1983-84)

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STUDY GROUP
ON ACTION TAKEN REPORTS OF ESTIMATES COMMITTEE
(1983-84)

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INTRODUCTION

I, the Chairman of the Estimates Committee having been authorised by the Committee to submit the Report on their behalf, present, this Sixty-second Report on action taken by Government on the recommendations contained in the Fortyseventh Report of Estimates Committee (7th Lok Sabha) on the Ministry of Defence—Cantonments.

2. The 47th Report was presented to Lok Sabha 22 April, 1983. Government furnished their replies indicating action taken on the recommendations contained in that Report by 3rd January, 1984. The replies were examined by Study Group on Action Taken Reports of Estimates Committee at their sitting held on 8 March, 1984. The draft Report was adopted by the Committee on 13 March, 1984.

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

I. Report.

II. Recommendations/Observations which have been accepted by Government.

III. Recommendations/Observations which the Committee do not desire to pursue in view of Government's replies.

IV. Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee.

V. Recommendations/Observations in respect of which final replies of Government are awaited.

4. An analysis of action taken by Government on the recommendations contained in the 47th Report of Estimates Committee is given in Appendix IV.

It would be observed therefrom that out of 21 recommendations made in the Report, 18 recommendation i. e. 85.7% have been accepted by the Government and the Committee do not desire to pursue 1 recommendation i. e. 4.8% in view of Government's replies. Replies of Government in respect of 2 recommendations i. e. 9.5% have not been accepted by the Committee.

NEW DELHI ;
March 14, 1984.
Phalguna 24, 1905 (Saka).

BANSI LAL,
Chairman,
Estimates Committee.

CHAPTER I

REPORT

1.1 This Report of the Estimates Committee deals with Action Taken by Government on the recommendations contained in their 47th Report (7th Lok Sabha) on the Ministry of Defence (Department of Defence)—Cantonments, presented to the Lok Sabha on 22nd April 1983.

1.2 Action Taken Notes on the recommendations of the Committee have been categorised as follows :—

- (1) Recommendations/Observations that have been accepted by Government :—**

Sl. Nos. 1, 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20 and 21.

(18 Recommendations—Chapter II).

- (2) Recommendations/Observations which the Committee do not desire to pursue in view of Government's reply :—**
Sl. No. 11

(1 Recommendation—Chapter III).

- (3) Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee :—**
Sl. Nos. 3 and 12

(2 Recommendations—Chapter IV).

- (4) Recommendations/Observations in respect of which final replies of Government are awaited :—**

(Nil—Chapter V).

1.3 The Committee will now deal with the action taken by Government on some of their recommendations.

Election to Cantonment Boards
(Recommendation Sl. No. 3—Para 1.31)

1.4 The Estimates Committee had in Paragraph 1.31 of their 47th Report observed that in certain Cantonments no elections to the Boards had been conducted for some years now and that the extended tenure of the Boards having expired, the Boards had been reconstituted with only two members, one official and another non-official and the Station Commander as the President. The Committee felt that in view of considerable civil population in the Cantonments the Boards should not go for long without popular representatives periodically elected.

1.5 The Ministry have in their reply stated that "this was only an interim measure. Government had taken a deliberate policy decision not to hold elections to Cantonment Boards until such time that the Cantonments Act, 1924 was amended. The Cantonments (Amendment) Act, 1983 has become law and is in force from 1.10.1983."

1.6 Now that the Cantonments (Amendment) Act, 1983 has come into force with effect from 1.10.1983 the Committee trust that Government will initiate action to hold elections to the Cantonment Boards wherever due.

Development of Civilian Areas
(Recommendations Sl. No. 7—Para No. 2.12)

1.7 In paragraph No. 2.12 of their Original Report, the Committee had pointed out that the housing problem in the Cantonments had become acute. Recalling the statement in this connection of the Defence Secretary during evidence that Government was thinking of setting up a broad-based high-powered Committee to go into the matter and give suggestions to Government, the Committee desired 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 were relieved of the housing problems.

1.8 In their reply, the Ministry have stated that ;—

"A decision has been taken in principle for the creation of a high powered committee which would go into the matter and offer suggestions to the Government. It has been recommended that the Committee should have quasi-judicial powers which would help in settling old land disputes and would facilitate the disposal of cases. The precise terms of reference as well as its jurisdiction and validity are being examined expeditiously in consultation with the Ministry of Law. It is expected that the proposal would be finalised shortly."

1.9 The Committee desire that the High Powered Committee should be set up without any further delay and directed to submit their report within a specified time limit.

Financial Aid to Primary Schools
(Recommendation Sl. No. 12-Para 3.14)

1.10 The Committee had in Para 3.14 of their 47th Report, observed that although education was the responsibility of the States, the Cantonments Act 1924 imposed the obligation of providing for primary education on the Cantonments Board. However 9 Cantonment Boards were also running middle schools and 14 Cantonment Boards were also running high schools. It was obvious that on account of financial constraints and demands for other essential services it was difficult to run these schools satisfactorily without assistance from the States. The Committee had desired that wherever such assistance was not forthcoming the State Governments should be persuaded to either take these schools over or extend aid as applicable to privately run recognised schools. Further, noting that if the proposed amendment to the Cantonment Act 1924 is carried out it would no longer be the obligatory function of the Cantonment Boards to provide for primary education also the Committee had recommended that assistance for this also should be sought from the states at the appropriate stage.

1.11 The Ministry have, in their reply, stated that "during the discussions in the Lok Sabha on the Cantonments (Amendment) Bill, Government accepted an amendment seeking to maintain the *status quo* regarding the responsibility of the Cantonment Boards to provide primary school education. Accordingly the Cantonment (Amendment) Act, 1983 has been promulgated. The DG (DL & C) are collecting certain data from various Cantonment Boards who are not getting financial assistance from the State Governments in the shape of educational grants for running the middle and high schools. As soon as the same are available, it is proposed to request the State Governments concerned to extend aid to them as applicable to privately run recognised schools in respective States."

1.12 The Committee feel that the Ministry have taken a long time to collect the necessary data from various Cantonment Boards. They trust that the Ministry will act expeditiously and secure assistance/grants from the State Government so as to enable the Cantonment Boards to run these schools satisfactorily.

Implementation of Recommendations

1.13 The Committee would like to emphasise that they attach the greatest importance to the implementation of the recommendations accepted by Government. They would, therefore urge that Government should keep a close watch so as to ensure expeditious implementation of the recommendations accepted by them. In cases where it is not possible to implement the recommendations in letter and spirit for any reasons, the matter should be reported to the Committee in time with reasons for non-implementation.

CHAPTER II

Recommendations/Observations that have been accepted by Government

Recommendation Ser- No. 1 (Para No. 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 Cantonment should be reclassified on the basis of the 1981 census and the composition of the Boards refixed early.

Reply of Government

The Cabinet Sub-Committee which considered in detail the proposed amendments to the Cantonments Act, 1924 decided against the incorporation of the measure of parity as a statutory requirement in the proposed Cantonments so (Amendment) Bill. Subsequently, Parliament considered and passed the Bill in August, 1983 without any changes in the number of elected members. The Cantonments (Amendment) Act 1983 has since been promulgated.

2. The final census figures for 1981 have become available. Instructions have been issued to the Cantonment Boards whose composition requires change to float necessary proposals in the shape of Draft Revised Ward Rules immediately.

[Ministry of Defence O.M.No. 10 (38) 82/D (Q&C)-P C-I dated 3/1/84.]

Recommendation Sr. No. 2 (Para No. 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 prescribed 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.

Reply of Government

Noted.

[Ministry of Defence O.M.No. 10(38)82/D(Q&C)-PC-II dated 3/1/84]

Recommendations Sr. No. 4 (Para No. 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 & Cantonments acts as an adviser to the Ministry on all matters concerning Cantonment administration. The Committee have else-where 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 efficiently and economically and that adequate civic services are provided by them to the people living in the area.

Reply of Government

Noted : Suitable instructions have been issued to the GOC-in-Cs of the Commands *vide* copy of letter No. 10(38)82/D(Q&C)-PC-IV dated 20-12-83. Appendix I.

[Ministry of Defence O.M. No. 10(38)82/D(Q&C)-PC-IV dated 3.1.84.]

Recommendation Sr. No. 5 (Para No. 1.30)

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.

Reply of Government

Accepted.

[Ministry of Defence O.M. No. 10(38)/82/D(Q&C)-P-C-V dated 3.1.84.]

Recommendation Sr. No. 6 (Para No. 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.

Reply of Government

Noted : Suitable action is being taken by the Dte. General, Defence Lands and Cantonments to review, and updated the rules and regulation framed under the Cantonments Act, 1924 as also the Cantonment Accounts Code : 1924.

[Ministry of Defence O.M. No. 10 (8)/83/VI/D (Q&C)/PC-VI dated 3.1.84.]

Recommendation Sr. No. 7 (Para No. 2.12)

During their on-the-spot study of a few Cantonments 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 problems.

Reply of Government

On account of the steady growth in population, the housing problem has increased considerably over the years in civil areas of Cantonments. Whereas it is not the policy of the Government to expand the civil areas of Cantonments, certain measures have been undertaken to optimise the utilization of land so as to provide for additional residential accommodation. As a matter of policy, the Government have permitted the conversion of old grant leases into freehold subject to the prescribed guidelines. This measures would, no doubt, facilitate and foster the growth of additional housing and residential accommodation in civil areas of Cantonments. Depending on the merits of the proposals, land has been exempted under the provisions of the Urban Land Ceiling Act, and has also been allotted to housing co-operatives to cater to the increasing need of providing accommodation.

2. A decision has been taken in principal for the creation of a high powered committee which would go into the matter and offer suggestions to the Government. It has been recommended that the committee should have quasi-judicial powers which would help in settling old land disputes and would facilitate the disposal of cases. The precise terms of reference as well as its jurisdiction and validity are being examined expeditiously in consultation with the Ministry of Law. It is expected that the proposal would be finalised shortly.

[Ministry of Defence O.M. No. 10 (38)/82/D (Q&C)-PC-VIIId ated 3.1.84.]

Recommendation Sr. No. 8(Para No. 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.

Reply of Government

Suitable instructions to prevent encroachments and unauthorised constructions more effectively have since been issued *vide* copy of letter No. 711/1/L&C/71/GEN dated 6.7.1983 (Appendix II). The following new Sub-section which has been inserted in Section 191 of the Cantonments Act will also enable the Executive Officer and the Military Estates Officer (who is now called the Defence Estates Officer) to deal more effectively on the encroachments on streets and Defence lands :—

(2) Where any article or thing is placed on any street or land under the management of the Board or the Defence Estates Officer so as to form an obstruction thereto or any encroachment thereon, the Executive Officer or, as the case may be, the Defence Estates Officer, may cause such article or thing to be removed and recover from the person who placed such article or thing the expenses incurred in that behalf in the same manner as moneys recoverable by the Board under section 259 and may also, if such person fails to offer satisfactory explanation order the confiscation of such article or thing.

[Ministry of Defence O.M.No. 10 (38) 82/D (Q&C) PC-VIII dated 31.1.84.]

Recommendation Sr. No. 9 (Para No. 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 Cantonment 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.

Reply of Government

The Cantonment Boards have been directed to prepare time-bound perspective plans for provision of essential civic amenities and improving the existing amenities with particular emphasis on water supply and sanitation facilities. A copy of letter No. 601/43/C/L&C/83, dated 14.12.1983 is attached (Appendix III). It is also proposed to seek special allocation of funds for provision of adequate drinking water facilities in Cantonments. Based on the perspective plans, a review will be undertaken by the DG DL&C and annual programmes seeking special grant-in-aid will be drawn for sanction of funds, subject to Budgetary constraints. The combination of perspective plans and annual plans, it is hoped, will help plan and improve the civic services in all the Cantonments and bring them on par with the amenities in the adjoining municipalities.

[Ministry of Defence O.M.No. 10 (38)/82/D (Q&C) dated 3.1.84.]

Recommendation Sr. No. 10 (Para 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 Boards, 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.

Reply of Government

According to the definition given in Section 2 (xxxvii) of the Cantonments Act, "street" includes any way, road, lane, square, court alley or passage in a Cantonment, whether a thoroughfare or not and whether built upon or not over which the public have the right of way and also a roadway or footway over any bridge or causeway. According to Section 116 (h) constructing, alter-

ing and maintaining streets and culverts is one of the statutory duties of every Cantt. Board. It has, therefore, been decided that all roads in Cantonments which are "streets" as defined in Section 2 (xxxvii) whether falling in the military or civil areas should be maintained by the Cantonment Board. Roads over which the public have no right of way ; (e.g. inside unit lines), should be maintained by the MES. With this arrangement all roads in the Cantonment over which the public have a right of way will be maintained by a single authority viz. the Cantt. Board.

[Ministry of Defence O.M.No. 10 (38) 82/D (Q&C) PC X dated 3/1/84.]

Recommendation Sr. No. 13 Para 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 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.

Government's Reply

There is not much commercial and industrial activity in any of the Cantonments. In fact, it is the policy of the Central Govt. not to encourage such activities in Cantonments which are primarily meant for housing the troops. Because of this, the scope for raising revenue by Cantt. Boards is limited in comparison with municipalities. A need based grant, both ordinary and special is given to deficit Cantt. Boards, subject to Budgetary constraints. The payment of service charges to be Cantt. Boards in respect of Central Govt. properties belonging to the Defence Ministry at a uniform rate of 33.1/3% of the property tax/house tax will bring about substantial improvement in the financial viability of many of the Cantt. Boards. Apart from this, the Cantonment Boards may undertake commercial ventures like construction of shopping complexes by the Cantt. Boards, which will augment the non-tax revenues of the Cantt. Boards. The question of State Govt.'s paying to Cantonment Boards, a share of sales tax, entertainment tax, motor vehicle tax etc. which they are collecting from the Cantonment area is being taken up with them.

[Ministry of Defence O.M.No. PC XIII 10 (38) 82/D (Q&C) PC XIII
dated 3/1/84.]

Recommendation Sr. No. 14 Para No. 4.18

The procedure 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 Govt. could direct 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.

Government's reply

According to Section 60 of the Cantonments Act, 1924 the Cantonment Board can only levy such taxes as can be levied by municipalities in the State in which the Cantonment is situated. It is, therefore, not possible to issue instructions covering all Cantonment Boards regarding the taxes which they ought to levy. Instructions already exist to the effect that the Cantonment Boards will ordinarily ensure that the extent of taxation of the Cantonment Boards is not less than prevailing in the neighbouring municipalities.

The procedure for the levy of taxes is laid down in detail in the Cantonments Act, 1924 and Govt. are of the view that there is no need for any change in the same. As regards the assessment and recovery of taxes as well as rents the following provisions made in the Cantonments Act, 1924 are designed to bring about an improvement :—

- (1) Preparation of list for taxes under Section 66 of the Act is now the responsibility of the Executive Officer and not of the Board. Government have also assumed powers to prescribe the manner in which the assessment will be prepared.
- (2) Section 92 has been amended so as to enable recovery of taxes by attachment and sale of immovable property in addition to distraint and sale of movable property.
- (3) A new Section 92A has been added making defaulters liable for payment of interest in case of non-payment within 30 days from the service of the notice of demand. Section 259 has been amended to enable recovery of taxes and other money recoverable, including rents on land and buildings by attachment and sale of immovable property by a judicial magistrate in addition to distraint and sale of movable property.

Government will not hesitate to invoke the powers assumed under the newly inserted Section 63A of the Act in cases where they are of the opinion that it is necessary that a Board should impose within the Cantonment any tax for securing adequate financial provision for the efficient discharge of the duties and functions of the Board.

[Ministry of Defence O.M.No. PC XIV 10 (38)/82/D (Q&C) dated 3/1/84.]

Recommendation Sr. No. 15 (Para. 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 also to pay to the Cantonment Boards service charges in lieu of Municipal taxes in respect of State Government properties within the Cantonment areas.

Government's Reply

Accepted :

[Ministry of Defence O.M. No. 10 (38)/82/D (Q&C) dated 3/1/84.]

Recommendation Sr. No. 16 (Para. 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 Minister's Conference.

Government's Reply

Noted :

[Ministry of Defence O.M. No. 10 (38)/82/D (Q&C) dated 3/1/84.]

Recommendation Sr. No. 17 (Para 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.

Government's Reply

Grants-in-aid are already being given to the Cantonment Boards on 'need-based system' subject to budgetary constraints.

[Ministry of Defence O.M. No. 10 (38)82/D (Q&C) PC-XVII dated 3/1/84]

Recommendation Sr. No. 18 (Para 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 existing Civil Areas from the existing Cantonments wherever possible, may also be examined and appropriate action taken.

Government's Reply

Noted. Government is prepared to consider proposals for excision of civil areas subject to the following conditions :—

- (a) There should be no objection from military point of view to the excision.
- (b) It should be geographically feasible to excise the area.
- (c) Excision should not result in any additional financial liability to Central Government.

[Ministry of Defence O.M. No. 10 (38)/82/D(Q&C) XVI dated 3/1/84]

Recommendation Sr. No. 19, (Para 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.

Government's Reply (DG DL's remarks)

Noted :

[Ministry of Defence O.M. No. 10 (38)/82/D(Q&C) dated 3/1/84]

Recommendation Sr. No. 20 (Para 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.

Government's Reply (DG DL&C's remarks)

Noted : The question of speedy acquisition of land required for military purposes is being examined.

[Ministry of Defence O.M. No. 10 (38) 82/D (Q&C)-XIV dated 3/1/84]

Recommendation Serial No. 21 (Paragraph 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 distribution 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".

Government's Reply

Accepted.

[Ministry of Defence O. M. No. 10 (38) 82/D (Q&C)-PC-XV. dated 3/1/84.]

CHAPTER III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF GOVERNMENT'S REPLY

Recommendation Sr. No. 11, Para 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.

Reply of Government

National Highway No. 7 passes through Secunderabad. A stretch measuring approximately 2.6 K. M. is maintained by the Cantonment Board, Secunderabad. The maintenance and repairs to the road involves very heavy expenditure which the Cantonment Board is not able to meet from their meager resources.

Under the provisions of the National Highways Act 1956 the Central Government may enter into an agreement, with the Government of any State in relation to the maintenance of the whole or any part of a highway situated within the State. Accordingly, the Ministry of Transport and Shipping has been requested to transfer the responsibility of maintenance of the 2.6 K.M. stretch of the Highway to the Government of Andhra Pradesh. The Government of Andhra Pradesh has also been requested to agree to take over the responsibility for maintenance of the road.

As regards maintenance of roads within the Cantonment, it is unlikely that the Government of Andhra Pradesh will agree to extend any financial assistance to their maintenance. It is, therefore, not proposed to take up the question of State assistance in this regard with the Government of Andhra Pradesh.

[Ministry of Defence O. M. No. PCNo. 10 (38)/82/D(Q&C) XI dated
3/1/84.]

CHAPTER IV

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH GOVERNMENT'S REPLIES HAVE NOT BEEN ACCEPTED BY THE COMMITTEE

Recommendation Sr.No. 3 (Para No. 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.

Reply of Government

This was only an interim measure. Govt. had taken a deliberate policy decision not to hold elections to Cantonment Boards until such time and the Cantonments Act, 1924 was amended. The Cantonments (Amendment) Act, 1983 has become law and is in force from 1.10.1983.

[Ministry of Defence O. M. No. 10 (38)/82/D (Q&C)/PC-III dated 3/1/84.]

Recommendation Sr. 12, (Para 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.

Government's Reply

During the discussions in the Lok Sabha on the Cantonments (Amendment) Bill, Government accepted an amendment seeking to maintain the *status-quo* regarding the responsibility of the Cantonment Boards to provide primary school education. Accordingly the Cantt. (Amendment) Act 1983 has been promulgated. The DG DL&C are collecting certain data from various Cantonment Boards who are not getting financial assistance from the State Governments in the shape of educational grants for running the middle and high schools. As soon as the same are available, it is proposed to request the State Governments concerned to extend aid to them as applicable to privately run recognised schools in respective States.

[Ministry of Defence O. M. No. 10 (38) 82/D (Q&C) PC-XII dated 3/1/84.]

CHAPTER V
RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF
WHICH FINAL REPLIES OF GOVERNMENT ARE
AWAITED

—NIL—

NEW DELHI ;
March 14, 1984

Phalguna 24, 1905 (Saka)

BANSI LAL,
Chairman,
Estimates Committee.

APPENDICES

APPENDIX I

(Recommendation Sl. No. 4—Para 1.32)

No. 10 (38)/82/D (Q & C)/PC-IV
Government of India
Ministry of Defence,
New Delhi, the 20th December, 1983.

To

The GOC-in-C,
ALL COMMAND

Sub : Estimates Committee (1982-83)—Seventh Lok Sabha Forty-Seventh Report on Ministry of Defence (*Department of Defence*)—*Cantonments*.

Sir,

In para 1.32, the Estimates Committee in its Report observed as under :—

“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.”

3. Under Section 47 of the Cantonments Act, 1924 GOC-in-C of the Command has been vested with the powers to depute any person in the service

of the Govt. to inspect and report on the administration of a particular Cantonment Board under his jurisdiction. Government are aware that annual inspection of the Cantonment Boards are being carried on by the Director, DL & C of the Command and his staff officers under your orders. Thereafter the inspection reports are being sent to the respective Cantt. Boards for compliance of the recommendations made by the Inspecting Officer. However, it is noticed that the Cantonment Boards and the Executive Officers treat these inspection reports in a routine manner and most of the recommendations remain unimplemented for months together. The importance and necessity of implementing the recommendations of the Inspecting Officer by the Cantonment Boards is too obvious to need further emphasis. An effective system of monitoring action taken on the inspection reports may please be devised.

4. Apart from the above the desirability of ordering special inspections and issuing specific directions to ensure that the Cantonment Boards are run efficiently and economically and adequate civic services are provided by them to the residents living in the Cantonment may please be examined. Occasions arise when Members of Parliament, Members of Legislative Assembly Elected Members and Social Workers bring to the notice of the GOC-in-C and to the Government by way of letters and representations certain serious lapses on the part of the Cantt.. Board in not performing its statutory duties. In such cases, the Command may examine whether an officer should be deputed to verify the factual position mentioned in the representation and taking prompt action by giving appropriate directions to certify the lapses and compel the Cantt. Boards to perform the statutory duties without fear or favour.

5. It is therefore, requested that you may kindly take necessary action to comply with the recommendations of the Estimates Committee mentioned above and submit a yearly return showing the number of special directions issued and the inspections, carried out and the result thereof.

Yours faithfully,
Sd/-

(K. SRINIVASAN)

Joint Secretary to the Government of India

Copy to :—

DG DL & C
New Delhi.

APPENDIX II

(Recommendation SI No. 8—Para 2.13)

No. 711/1/L/L&C/71/GEN
Government of India,
Ministry of Defence.
Dte. Gen. Def. L & C,
New Delhi-66 the 6 July 1983.

To
The Directors, DL & C, MINISTRY OF DEFENCE.
Central/Eastern/Western/Northern Southern Command.
Lucknow/Calcutta/Simla/Jammu/Pune cantt.

Subject : Prevention and Removal of Encroachments

Reference the erstwhile ML & C Dte. letter No. 711/1/L/L&C/73 dt. 4.12.76 and this Dte. Gen. letter No. 744/27/L/L & C/77 dt. 23.11.77.

2. Instructions have been issued from time to time on the subject of prevention and removal of encroachments from defence land placed under the management of this Service. It has, however, not been possible to gauge the Precise impact of these instructions in the field primarily because of the intermittant and inadequate feed back of information relevant to implementation of the said instructions. The annual report currently prescribed reveals little except the number of and the area covered by encroachments. They speak nothing of the actual effort that has gone into their prevention and removal more particularly in the wake of the 1980 amendment of the Public Premises Eviction of Unauthorised Occupants Act 1971, which devolves additional responsibilities and confers wider powers on the Estate Officers. It has accordingly, been decided that with immediate effect a quarterly report should be furnished by all MEOs/CEOs with regard to work done by them separately for prevention and for removal of encroachments. These report will be furnished in the forms annexed here to as appendices 'A' 'B' and 'C'. The first quarterly report for the quarter ending 30.6.83 should be on the removal of encroachments alone and should reach this Dte. Gen. by 20.7.83. The quarterly report for the next quarter, namely the one ending 30.9.83 should be both on the prevention as well as the removal efforts.

3. The subject of 'Removal of Encroachments' is covered by a comprehensive and stringent enactment. With a view to consolidating the instructions issued from time to time on the actual application of the said enactment, guidelines are proposed to be issued shortly to regulate the institution, progress and finalisation of eviction proceedings against encroachers.

4. As regards the seemingly abstract proposition of "Prevention of Encroachments" the measures enumerated below are proposed to be introduced with immediate effect. These measures are by no means comprehensive or limiting in nature and having regard to the local circumstances and merits of the case they may be modified, abridged or added to within the general framework of the local law.

(i) All small strings of vacant land in Cantt. areas including those on the sides of the road shall be progressively for need. The Cantt. Board should make a provision in their budget for such fencing in phases; and the MEOs should immediately initiate minor works for this purpose.

(ii) Wherever in civil areas vacant strips of land can be gainfully utilised for a civic or a commercial purpose the Cantt. Board should immediately moot proposals for vesting of such land in them after their reclassification as class 'C'. Where commercial use is proposed the economies of the scheme should be clearly spelt out.

(iii) All the remaining strips of land in Cantts, whether fenced or otherwise, should be used gradually for intensive tree planting. Where the plots of lands are so large that intensive tree planting is not possible without special staff and provision of funds, trees should be planted on the entire exposed periphery of the land to protect it from squatters.

(iv) The measures suggested at (i) & (iii) above should be adopted even in the cases of land in non-Cantt. Stations. Camping Grounds and abandoned Airfields.

(v) Other encroachment-prone areas of defence land in every Cantt. and non-Cantt. Station, should be immediately identified (it is felt that land around and adjacent to Schools, Railway Stations, Cinema Houses, Bus stops and religious places generally attracts encroachers, pre-emptive measures should therefore be adopted for use of such land for purposes compatible with the type of institution to which the land adjoined. Schemes for utilisation of such land should be initiated by the MEOs/CLOs concerned, where necessary, in consultation with the service who control and manage the land proposed to be utilised.

(vi) Wherever a Camping Ground/Abandoned Airfield is located close to a township and on a roadside, the MEOs should initiate proposals for leasing out the narrow strip of such land along the roadside to petrol pumps, garrage, motels and wayside shops.

(vii) Inspection of the entire land under the management must be carried out by the MEOs regularly every year either personally or through their senior technical staff. To ensure this every visit of the MEO or of his technical staff to an out station should hereafter be utilised partly for inspection work. A copy of the tour report in respect of every such inspection clearly indicating details of the area inspected and the latest position of encroachments thereon, shall be furnished by the MEO to this Dte. Gen. in land section. Proposal for the minimum essential additional staff required for this purpose may also be noted by MEOs where absolutely necessary. To enable proper monitoring and regulation of the effort being made to prevent encroachments it has been decided to introduce a separate quarterly report exclusively on this subject. The proforma on which this report is to be rendered is annexed here to as appendix 'C'.

5. While listing encroachments care should be taken to note down the following particulars in relation to each encroachment :

1. Location and Survey Number.
2. Dimensions and area of unauthorisedly occupied land.
3. Name, Father's/husband's name and age of the encroachers.
4. Date of encroachment (approximate date where the exact date is not ascertainable).
5. Nature of encroachment (Whether by way of some construction/ disposal of goods for sale/te thering cattle etc. over Govt. Land).
6. Whether the land is being used for commercial/residential purposes.

6. All encroachments involving (a) unauthorised constructions and (b) unauthorised occupation or construction over Govt. land/public street drain should be taken note of both by the MEOs and the CLOs as they attract action under the Pubic Premises Eviction of unauthorised Occupants Act, 1971 as well as the Cantts. Act 1924. In such cases the CLOs should punctiliously take the undermentioned measures so as to discourage encroachments.

- (i) Prosecution of the offender u/s 184 or 187 (i) of Cantt. Act, 1924;
- (ii) Action u/s. 185, 187 (2) and 256 of the Act;
- (iii) Refusal of trade licence where the unauthorised occupation is for a trade covered by section 210 and prosecution of the offender u/s 202 and 210.

Prosecution of offender under sections 118, 121, 126 and 133 of the Cantt. Act, 1924, wherever applicable.

7. To permit cross verification of the encroachment falling in the catogeries last mentioned, the lists of such encroachments on land under MEOs management inside Cantt. Areas prepared by the CLOs/MEOs shall also be exchanged every month under intimation to Directorate concerned/this Dte. Gen. Finally the CLOs shall render a certificate alongwith every quarterly report to be rendered by them in form 'B' to the effect that action as enumerated in para 6 above has been taken by them in respect of all encroachments which attract such action.

Director General,
Def. Lands & Cantts.

Copy to :
All MEOs
All CLOs.
Additional Director,
National Institute of Management Accounts,
Meerut.

APPENDIX 'A'

QUARTERLY REPORT ON REMOVAL OF ENCROACHMENTS

1. Number of encroachments at the end of last quarter.
2. Number of fresh encroachments detected during the quarter.
3. Number of cases attracting action u/s. 5A/5B of the PPE Act 1971.
4. Number of cases in which reference made to the Estate Officer along-with survey reports/site plans.
5. Number of cases in which notices under section 4(1), 5A(2) and 5B(i) issued.
6. Number of cases in which hearing in each separate category of cases completed.
7. Number of cases in which orders under sections 5(1), 5A(2) and 5(B)1 and 2 issued.
8. Number of cases in which demolition of unauthorised constructions under section 5B (iv) carried out.
9. Number of cases in which seized property auctioned under section 6 (i) and 6 (i) (a) or disposal otherwise under section (1) (b) and
10. Number of cases in which encroachers dispossessed of Govt. land under section 5 (2).
11. Number of cases involving appeals u/s.9.
12. Number of cases otherwise stayed by civil courts/High courts (give separate details).

(B) RECOVERY OF DAMAGES LTC.

1. Number of cases in which cost of demolition/removal etc. recovered under section 5A (ii) and 5B (iv).
2. Number of cases in which notice under section 7 (3) issued and orders under section 7 (3) passed.
3. Number of cases (with amount involved) referred to the Collector for recovery of damages/removal charges.

(C) CASES OF RE-ENTRY

1. Number of cases detected.
2. Number of complaints filed with the Magistrate and
3. Number of convictions secured.

Quarterly report on removal of encroachments.

For Quarter ending.....

(a)

1. Number of encroachments at the end of last quarter.
2. No. of fresh encroachments detected during the quarter under report.
3. Number of cases attracting action under section 5A, 5B of the B.P.E. Act 1971.
4. Number of cases in which reference made to an Estate Officer along-with Survey report/site plans.
5. Number of cases involving (a) unauthorised constructions (b) constructions/projections over drains/streets.
6. Number of cases (separately for each category) in which action under section 184, 185 and 187 of the Cantt. Act, 1924 taken.
7. Number of cases in which notices under sections 4 (i), 5A (ii) and 5(b) issued.
8. Number of cases in which hearing in each separate category of cases completed.
9. Number of cases in which orders under sections 5 (i), 5A (ii), 5 (b) (i) and 5B (iii) issued.
10. Number of cases in which demolition of unauthorised constructions under section 5 (B) (iv) and seizure of property under section 5A (ii) carried out.

11. Number of cases in which seized property auctioned under section 6(1) and 6(1) (a) or disposal otherwise under section 6(1) (b).
12. Number of cases in which encroachers disposed of Govt. land under section 5(2).
13. Number of cases involving appeals under section 9 of P.P.E. Act, 1971.
14. Number of cases in which proceedings under P.P.E. Act 1971 stayed by civil/High Court (Give separate details).

Quarterly report on prevention of encroachments,

(For Quarter ending.....)

1. Number of Plots identified for fencing. (Give details *i.e.* Sy. Ho./Area.
2. No. of plots fenced during the quarter.
3. No. of plots identified or intensive/peripheral tree planting (give details *i.e.* Sy. No./Area).
4. No. of plots in a ground which tree planting done during the quarter.
5. No. of plots identified for civil/commercial use.
6. No. of plots for which proposal for reclassification/vesting in Cantt. Board initiated.
7. No. of plots inspected during the quarter.
8. No. of fresh encroachment seen thereon during the quarter.

APPENDIX III

Recommendation (Sl. No. 9—Para 3.11)

IMMEDIATE

No. 601/43/C/L&C/83

Government of India,

Ministry of Defence, (DTE GEN DL&C),

West Block No. 4, R.K. Puram,

New Delhi-110066, 14 Dec., 1983.

To

The Director, DL&C,

Ministry of Defence,

Central/Western/Northern/Southern/Eastern Command,

Lucknow/Simla/Jammu/Pune/Calcutta.

Subject :—Civic amenities in Cantonments.

The Cantonment Boards have a statutory obligation to provide civic amenities in the Cantonments. During the debate on Cantonments (Amendments) Bill in the Lok Sabha and Rajya Sabha, Members of Parliament were critical of poor state of civic amenities in Cantonments. The state of affairs in this regard also come in for criticism in the Consultative Committee of Parliament attached to the Ministry of Defence, which discussed Cantonments in December, 1982.

2. The Estimates Committee (1982-83) Seven Lok Sabha in this forty-seventh Report in para 3.11 have observed that "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." A comparative study of civic amenities available in the Cantonments with those in the adjoining municipalities has revealed that while municipal administration, town planning development projects, educational and medical facilities have made

considerable progress in municipal areas controlled by various State Governments, the progress in Cantonments is lagging far behind.

3. The Directors and the CEOs should apply their minds to the above comments/criticisms and draw line-plans for each cantonment with the object of bringing the civic amenities on par with the neighbouring municipalities within the next six years 1982 i.e. the last year (1984-85) of the Sixth Plan and Seventh Plan period (1985-90). While preparing the line-plans priority may be given to the following categories of civic amenities :—

- (1) Water supply schemes
- (2) Sanitation which includes improving existing drains and construction of new drains, provision of sewerage system, where ever feasible, conservancy vehicles, trenching grounds and public latrines etc.
- (3) Roads
- (4) Street lighting
- (5) Medical facilities and public health services.
- (6) Education
- (7) Play grounds and miscellaneous public amenities such as provisions of community halls, markets, slaughter houses etc.

In other words, the Cantonment Boards should prepare a list of development projects from which they can choose the plans/projects for implementation during the next six years. The line plans together with their approximate estimated cost should be furnished to us by 15.1.1984 at the latest.

4. The preparation of the line-plans for the six-year period should be preceded by systematic planning and prior assessment of requirements either on the basis of the works to be undertaken or priorities amongst the works to be undertaken. The Executive Officers should also prepare a paper indicating the development programmes on the basis of classification on the projects with explanation for each of such programmes in terms of cost-benefit-analysis. The year-wise programme should also be given.

5. The above line-plans should be thoroughly scrutinised by the Directors who should indicate the total cost of line-plan approved by them for the period of six years so as to enable us to project the figure to the Government for consideration and allocation of funds year-wise. Any lapse in the preparation and submission of the line-plans by the target date will be adversely viewed and reflected suitably while assessing the performance of the officers. They may please be cautioned accordingly, since any delay in this

regard will upset our planning and budgetting for ordinary and special grants-in-aid to Cantonment Boards.

Sd/—
Director General,
Defence Lands & Cantonments
(A. FONSECA)

Copy to :—
All CEOs,

APPENDIX IV

(Vide Introduction)

Analysis of Action Taken by Government on the Recommendations contained in the 47th Report of the Estimates Committee on (7th Lok Sabha) on Cantonments.

I. Total No. of Recommendations.	21
II. Recommendations/Observations which have been accepted by Government. S. Nos. 1, 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20 and 21).	18
Percentage to total	85.7%
III. Recommendations/Observations which the Committee do not desire to pursue in view of Government's reply. (Sl. No. 11)	1
Percentage to total	4.8%
IV. Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee. (Sl. Nos. 3 and 12)	2
Percentage to total	9.5%
V. Recommendations/Observations in respect of which final replies of Government are awaited.	

Nil