

**NATIONAL COMMISSION TO REVIEW THE  
WORKING OF THE CONSTITUTION**

A  
Consultation Paper\*  
on

**EMPOWERING AND STRENGTHENING  
LOCAL SELF-GOVERNMENT IN CANTONMENTS**

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**Advisory Panel**  
on

# **Decentralisation and Devolution; Empowerment and Strengthening of Panchayati Raj Institutions**

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## 1. Introduction

1.1 The Cantonments as local self-government organizations have always remained a puzzle. The army needs it but at the same time would like to be rid of it but for the interest in the land resources. The civilian population wants to be in it but is uncertain about their status and their future. The Cantonments Act, 1924 is a model municipal Act but in its implementation, decentralization and democratic norms are largely compromised because of the status of the citizen who occupies the property only as a licensee of the Government. Land administration and municipal administration overlap and lose their identities as such.

1.2 The history of Cantonments started with land administration for quartering the troops. Housing was the core objective. In due passage of time housing itself attracted the civil population to reside in the Cantonments and the economic spin-offs attracted other activities. The bazaar area was recognized and the anatomy of the Cantonment got clearly defined with military, the bungalow and civil areas clearly defined.

1.3 The peaceful co-existence of an alien army and a ruled civil population brought in hesitatingly local self-government concepts and practices into Cantonment administration. The military's presence being the hallmark brought this under the jurisdiction of the Union even though initially the administration was part of the army headquarters under the QMGs branch.

1.4 With the dawn of independence, aspirations for further democratization and decentralization were aired but the insistence of civil population to live in a Cantonment and yet have the benefits of total local self-government resulted in half-hearted attempts and cosmetic changes. The administration remained bureaucratic and over centralized with a severe hangover of the army's superiority of the British days.

1.5 The changed scenario brought out by the 73<sup>rd</sup> and 74<sup>th</sup> amendments of the Constitution has necessitated a *de-novo* look into the colonial Jurassic park for reforms and updating to satisfy the aspirations of the people which are brought out of necessity before various judicial fora as they could not get their redressals from an over centralized Ministry and the command headquarters who hold the discretion on vital matters on self-government and seldom exercise it in favour of the citizen. The residents of the Cantonments cannot access development funds because the Ministry of Defence and the army are in the non-plan sector. The State Governments do not share their resources even though it is allocated on a population basis.

1.6 A new dimension to the problem is the number of Cantonment stations that have come up whose status is yet undefined. As local self-government is the prerogative of the State Governments and the Constitutional amendments making no exceptions in their favour they have to be delimited under the municipalities or have to choose the Cantonment option. Remaining insulated from the people and local self-government is not advisable in the modern days of human rights, low intensive warfare within our boundaries, cross border terrorism and militancy in which the efficiency and the morale of the army itself depends on the empathy, mutual understanding and respect of the people of India. The rational option seems to be to adopt the Cantonment model.

1.7 The paper attempts to prescribe the outlines of a model after tracing a history of the developments of the Cantonments, the legal lacunae, the necessity for reforms in the constitutional context and prescribe a local self-government model in the plan sector where fund flow may not be restricted, with an administrative structure which will give full scope for decentralization, devolution and development with optimal and adequate safeguards for the health, welfare and discipline of the army. As Peter Drucker said "Governments never abandon but seldom innovate". The attempt here is to innovate without abandoning.

## **2. Cantonments during British period**

2.1 Local self-government in Cantonments is the culmination of the democratic aspirations inherent in the organic growth of any institution in a functional society. But the evolutionary process was fitful shifting and vaporous. Historically, the Cantonments were places where the army of a colonial government had to be exclusively quartered in an effort to keep the armed forces totally insulated from the ruled. The civilian element was totally absent because of the colonial necessity. Cantonment meant quarter assigned for lodging troops, a permanent military station created by the British Government in India for the location of military formation away from the civilian towns insulated from the Indian Nationalist influences.

## **3. Definitions of Cantonment**

3.1 The Commander-in-Chief's general order, dated 31-7-1856 States that no persons except military officers, soldiers and their followers belonging to a force at a station can, of right, occupy houses in a Cantonment but every desire is to be shown to accommodate officers in public service whose duty requires them to live in or near a Cantonment and other persons of irreproachable character and conduct.

3.2 The regulations and orders for the army of the Madras Presidency, 1876 echoes the same in stating "a military Cantonment is as its definition implies a locality set apart primarily for military and

medical officers, Chaplains, soldiers, European and East Indian subordinates and their families for whom houses situated are by priority of right available. This, however, is not to interfere with gentlemen of the covenanted civil service as regards houses usually occupied by them in military Cantonments". In 1880, civil and political officers and PWD and RAILWAY officers were permitted to reside in Cantonments as a matter of 'indulgence' in public interest subject of course to the priority rights of the army.

3.3 In such a situation, occupation and administration of land was of primary importance and rules and regulations were made in the context of allotment and occupation of land, transfer, grant, etc. within the military population located therein.

#### **4. Historical Perspective**

4.1 The first three Cantonments were constituted in the 17th century - Barrackpore in Bengal and Danapore in Bihar in 1765 and St. Thomas Mount in Madras in 1774. The other Cantonments came into being in the 19<sup>th</sup> century when army of the East India Company and later British India troops acquired vast tracts of land by conquest or exchange.

4.2 As housing was the main concern and land was no constraint, but finance was, the lands were allotted on grants freely transferable from one military officer to another for construction of houses. The grants were in today's jurisprudence licences with an interest [in land]. The grants were subject to two essential conditions viz. the land is the property of the Government and they are resumable for military purposes, as and when required. The applications were processed in the QMG's branch and the grant was given by the Government of India.

4.3 Initially, the ownership and thereafter transfers were confined strictly to Army personnel and their camp followers. In course of time, Indian natives were allowed to acquire the grants.

4.4 When the Cantonment code (rule) was enacted, the leases granted thereunder were also on resumable tenures though other salient features of a modern lease also found a place. As the total land in Cantonments is owned by the Government on these resumable tenures with the military having a say on their user, the Cantonment civilians remained first and foremost a licensee and then only civilians. This situation continues so even on date. This status of the Cantonment civilians has far reaching effects on issues of local self-government, especially decentralization and devolution in Cantonments.

#### **5. Evolution of Local Self-Government in Cantonments**

5.1 From the early formation, the civic and municipal administration of these Cantonments was kept the close preserve of imperialist administration. Although in the first half of the 19<sup>th</sup> century, some sort of local government in towns was developed as a measure of decentralization in Cantonment towns which had a big population, the civilians were continued to be treated as army followers and were ruled and administered by military authorities. During the later half of the century, the Municipal Acts were enacted in the Presidencies and Provinces of the then India. Three Cantonments Acts, being Bengal Act XII, 1864, Madras Act I of 1866 and Bombay Act II of 1867, were also enacted vesting the police administration of the Cantonment under the control of the Officer Commanding the Station. The post of the Cantonment Magistrate independent of the District Magistrate and directly under the control of the Officer Commanding the station was the essential feature. He was also the judge of the small causes court and deputy registrar. The Cantonment administration was virtually a total unit of government under the Army.

5.2 With Ribbon Reforms on local self-government, a consolidated Cantonment Act XXX of 1889 was passed for the whole of India which recognized for the first time the necessity of maintaining special laws to replace the military administration. This Act was repealed by the Cantonment Act XV of 1910 which contained only 32 sections. The only municipal subjects it touched were the taxation and Cantonment fund. All other matters were left to be regulated by the rules known as Cantonment Code, 1912. The Cantonment Committees constituted thereunder were dominated by military nominees but for the first

time Indian civilian nominated members were brought into being. This Act and the Code were in force when the First World War ended by the Treaty of Versailles.

## **6. Post War Scenario**

6.1 After the war was over, the pressure of the growing national forces resulted in the passing of the Government of India Act, 1919. On the lines of Montague-Chelmsford Reforms Scheme, local self-government in provinces were passed into the hands of elected ministers. But local self-government in Cantonment areas, the Constitution and power within Cantonment authorities, the regulation of housing accommodation and the delimitation of such areas as Cantonments remained a Central subject. But in the Central Government, the Cantonment administration continued to form part of the Army department and not under the Government as such.

## **7. Civilian unrest and the passing of the Cantonments Act**

7.1 In January 1919, a conference of civilian residents of Cantonments met at Ambala under the chairmanship of one late Diwan Lakshmi Narain of Kamptee which gave birth to the All India Cantonment Association. This new association submitted a memorandum of reforms to the Government of India and the Command-in-Chief. As a result of the popular demand by the representatives of the Cantonment population, a departmental committee was appointed in October, 1920 which submitted its report in December, 1920. On their recommendation, a regular Cantonment reforms committee was constituted in January, 1921 with 4 official and 4 non-official nominees from the association. This committee submitted its report in October, 1921. On the basis of the recommendation, the Cantonment House Accommodation Act dealing with the subject of accommodation of military officers was first enacted as Act IV of 1923. This more or less codified and thereby repeated those portions of GGOS dealing with the preemptive right of the Army to take over private houses by right for accommodating their officers but provided for a more humane approach in depriving private citizens of their houses and procedure for determining the rentals.

7.2 The second and most important Bill, namely, the Cantonment Bill, to introduce local self-government in the Cantonments which contained substantial civil population, was placed before the legislature and the Cantonment Act, 1924 (2 of 1924) was enacted. The Bill at the time of introduction faced with serious objections that it was introducing local self-government only in name but concentrated the powers with the army. The administrative and executive mechanism was fashioned in such a manner to keep the army superiority in Cantonment administration. The objections could not be pressed to realize a full-fledged local self-government structure for Cantonments because of the threat of the withdrawal of the Bill as a whole. Therefore, with certain minor modifications, the Bill was passed.

## **8. Attempts at Democratisation**

8.1 An attempt was made in 1935-36 in the Central Assembly by the Congress Party to bring municipal administration of Cantonments on fully democratic basis but the private amending Bill failed. But, it did achieve some measure of success in removing certain obnoxious features as drafted by the Government and enabled the creation of Cantonment Boards even in smaller Cantonments. Since 1935, no change worth mentioning was made in the Cantonments Act, 1924 except for certain minor concessions towards democratization by bringing a parity in membership between the nominated members and the elected members and giving a certain amount of delegation to the civil area committees. But these concessions were given as policy directions.

## **9. Land Tenures in Cantonments**

9.1 Here, we have to pause and take stock of land tenures in the Cantonment because of their impact on the municipal administration in Cantonments. The Cantonment Magistrates who had lost the position and power by these reforms were absorbed as Military Estates Officers and Inspecting Officers (later on Deputy Directors) in the administrative hierarchy and enacted the land administration rules in such a manner that municipal administration in Cantonments was made secondary and subservient to

land administration. The Cantonments, barring a few in the Southern region, are occupied territories and lands were and still remain the property of the government. Most of them are held on old grants or other resumable tenures. Very few leases have been granted under the Cantonment Land Administration Rules with secured tenures. Majority of the population continue to be just licensees. Local self-government was thus rendered administratively nugatory, as unencumbered residence and owning property in a locale are essential indicators of local self-government in municipal organizations. Earlier even voting rights in municipal areas were linked to ownership of property.

## 10. Post Independence development

10.1 After the dawn of the Independence, no attempt was made to bring the Cantonments in tune with the spirit of the times or the principles of the local self-government. As per entry 3 of the Seventh Schedule to the Constitution of India, Parliament is the competent legislature to make laws for delimitation of Cantonment areas, local self-government in such areas, the constitution and powers in such areas of Cantonment authorities and the regulation of house accommodation including the control of rents in such areas. Thus Cantonments continue to be a Union List subject.

10.2 As a follow up of the resolution of Conference of local self-government Ministers held in August, 1948, Government constituted the Central Committee on Cantonments to examine fresh delimitation of the Cantonment areas and the desirability of amending the Cantonments Act, 1924. This Committee was headed by Shri S.K. Patil as Chairman and was packed with official members. The purpose was mainly to make recommendations for excision of civil areas in Cantonments. As a result of the aforesaid Government decision and the Committee's report, civil areas in six Cantonments namely, Agra, Ahmednagar, Allahabad, Varanasi, Delhi and Jhansi were to be partly cut out. But as popular sentiments were against the excision in respect of Ambala, Kirkee and Pune, the proposal was dropped. There was no delimitation thereafter except for parts of Ambala and Khasyol Cantonments in 1977 and 1986.

## 11. Balwant Rai Mehta Committee recommendations

11.1 The Estimates Committee of Parliament (1956-57) under Balwant Rai Mehta made radical recommendations that the local self-government should be strictly under the State Administration as the subject mainly falls under List II of the Seventh Schedule to the Constitution and the army should be given representation or right to have a say on any decision of the local authority which goes against the health, welfare, discipline and security of the troops. The civic amenities for the troops within the military area can continue to be with the defence authorities and the Cantonments will regain its original connotation of a place where the troops are quartered. The Committee recommended abolition of Cantonments as commonly understood at present and practical steps should be taken in consultation with the State Governments so as to reach it in the minimum possible time. The recommendations were in favour of reverting to purely military stations.

11.2 The Government examined the aforesaid recommendation and reported to Parliament that whatever the antecedents may be, the **Cantonments are serving a useful purpose now**. The general views of the population in Cantonments was also in favour of continuance of Cantonment administration and popular sentiment had to be respected. The State Governments are not in a position to assume the responsibility of local self-governments in Cantonment areas and the predominance of the interest of the troops - the health, welfare and discipline calls for the supervisory role of the Station Commandant. The Cantonment Boards, the Government felt, were local bodies in every sense of the term though they enjoy limited powers. The local governments i.e., GOC-in-C under the Cantonments Act, 1924 directly comes under the control of Government of India and thereby the accountability to the Parliament is ensured. So, the Government decided against the recommendations of the Estimates Committee. This government's above Stated position was noted by the Estimates Committee of 1960-61. No major amendments in Cantonments Act, 1924 were made. Even in the year 1983, when the first attempt was made to overhaul the Act, it ended in making mere cosmetic changes only. The Cantonments Act, 1924, therefore, as on date remains substantially as it was in the year 1924.



## 12. Cantonments – certain facts

12.1 On date, there are 62 Cantonments in the country distributed among 5 Army Commands as under:-

Central Command	29
Southern Command	15
Western Command	09
Northern Command	05
Eastern Command	04

12.2 Section 13 of the Cantonments Act, 1924 deals with Constitution of Cantonment Boards. The Cantonments are categorized as Class I, Class II and Class III, on the basis of the civil population as per the latest Census. Class II Cantonments are, for administrative purposes, sub-classified as A, B and C. the general classification is given below:-

<u>Class</u>	<u>Civil Population</u>
Class I	Above 10,000.
Class II	(A) Above 7500 but not exceeding 10,000. (B) Above 5000 but not exceeding 7500. (C) Above 2500 but not exceeding 5000.
Class III	2500 and below.

12.3 Cantonment Boards have been constituted in respect of every Cantonment under the Cantonments Act, 1924. The Boards are statutory bodies – a body corporate having perpetual succession and a common seal with power to acquire and hold property. Their main functions are, more or less, the same as those of municipal bodies. The Station Commander is the Ex-officio President of Cantonment Board. The legislated composition in respect of the Cantonment Boards is as under:

Category of Member	Classification of Cantonment and Number of Members				
	I	II(A)	II(B)	II(C)	III
Ex-Officio	3	3	3	3	1
Nominated	5	4	3	2	1
Elected	7	6	5	4	1
<b>Total</b>	<b>15</b>	<b>13</b>	<b>11</b>	<b>9</b>	<b>3</b>

12.4 The Officer Commanding the Station, the Senior Executive Medical Officer (Officer Commanding the Military Hospital) and the Garrison Engineer are the ex-officio Members of the Board. The nominated Members consist of Service Officers and a Magistrate of First Class nominated by the District Magistrate. The elected Members elect one amongst them as the Vice-President of the Board.

12.5 Elections to the Cantonment Board are held on expiry of term of the elected members every five years. In exercise of the powers conferred by Section 31 of the Cantonments Act, 1924, Central Government has framed certain rules called the Cantonment Electoral Rules, 1945 for the purpose. Cantonment area is divided into wards and the boundaries are notified by the Central Government under the Ward Rules for each Cantonment separately. Each year, the Cantonment Boards prepare the Electoral rolls as prescribed under the Cantonment Electoral Rules, 1945. On or before the expiry of the term of elected members of a Cantonment, the Central Government notifies the date for holding elections in each Cantonment. Thereafter, the procedure laid down under the Cantonment Electoral Rules, 1945 is followed. The President of the Cantonment Board appoints the Returning officer and polling is held in such wards where there are more than one candidate contesting. Reservation for the Scheduled Castes and the Scheduled Tribes is done based on the population of SC/ST in the Cantonment and which is notified in the Ward Rules of the particular Cantonment. The results of the elections are notified by the Central Government in the Official Gazette.

12.6 The term of office of an elected member of a Cantonment Board is five years.

12.7 Certain basic data regarding Cantonments in India are placed as Annexure-I and Annexure-II to this paper.

### **13. Attempts at Democratisation**

13.1 In deference to the demand for more democratization of the administration of the Cantonment Boards, parity was introduced, in 1954, between the total number of official and elected Members, by keeping the seat of one nominated Member vacant in Class I and Class II Cantonments. In Class I and Class II Cantonments, the area populated mainly by the civilian population is notified as the Civil Area. Many aspects of the administration of such areas are delegated to the Civil Area Committee of the Board by the Cantonment Board which consists of all the elected Members with the Vice-President as the Chairman of the Committee and the Health Officer and the Executive Engineers as the other two members. Despite its nomenclature, it is a sub-committee of the Cantonment Board. When the Act was amended in 1983, certain powers of the Board were delegated to the Civil Area Committee.

13.2 The Cantonments Act, 1924, lays down the duties and discretionary functions of the Board and the manner in which these are to be performed. But the duties can be performed only subject to the availability of funds at its disposal (section 116 of the Act). The Boards are also empowered to frame regulations relating to the administration of the Boards and bye-laws controlling various spheres of activities such as erection/re-erection of buildings, sanitation, hygiene, etc., with the prior approval of the Central Government.

### **14. The role of GOC-in-C, the Command**

14.1 The constitutional responsibility of ensuring that the Cantonment Boards carry out their functions in accordance with the law vests in the Government of India. It is the duty of the Government of India to ensure not only delimitation but also the functioning of local self-government in such areas. This constitutional responsibility is discharged through the Officers of the Indian Defence Estate Service (and its predecessor services), the Cantonment Officer at the Board level and the Director (Defence Estates) at the command level and the Ministry of Defence at the Government level.

14.2 But by a historical accident as formations and stations were for military purposes brought under the geographical jurisdiction of the GOC-in-C command, the Cantonments were also grouped under commands for no valid rational reason. The Cantonments are not formations of the army but are local self-government institutions under the accountability of the Government of India. This historical accident has resulted in certain avoidable anomalies like GOC-in-C command functioning as a second government and some times parallel to Government of India which is against the spirit of the Constitution. It also had rendered the Cantonment administration being confused with an army administration and not a local self-government administration.

14.3 The GOC-in-C of the Command continues to be in enigma in the administrative set up of Cantonment Administration. He exercises certain powers of control under the provisions of the Cantonments Act, 1924, the Cantonment Account Code, 1924, the Cantonment Land Administration Rules, 1937, the Cantonment Fund Servants Rules, 1937, etc. The Act does not define him while it has defined the area commander who has no role to play under the Cantonments Act but he has been given sweeping powers not relating to health, welfare and discipline of the army to override the decisions of the Board without any guidelines under Section 52 of the Act.

14.4 As per the provisions contained in section 274 read with Schedule V of the Act, the Officer Commanding-in-Chief, the command or other authority authorized by the Central Government shall be the Appellate Authority in respect of appeals against order under sections 126, 134, 138, 140, 142, 176, 181, 185, 187, 188, 206. All these sections have nothing to do with health, welfare and discipline of the troops but purely with local self-government decisions of the Board. Similarly, under Section 181A, he can sanction the general scheme to restrict building activity for prevention of overcrowding. Again, under Section 185(2), he has power to stop erection or re-erection or to demolish a building on land not under the management of the Board. Also, the Board cannot compound any building offence not violating a bye-law without the prior approval of the office of the GOC-in-C. Section 192 (I) gives him powers to close and open streets in the Cantonment.

14.5 Under the Cantonment Account Code, he controls the budget, expenses, losses, reappropriation, revision of establishment, etc. Similarly, under Cantonment Fund Servants Rules, he has the appellate and original powers.

14.6 All these powers have no relevance to the interest of the army stationed in the Cantonment. This historical accident had far-reaching effects against the democratization, decentralization and devolution under the Cantonments Act. Because of this historical accident, the Government's administrative machinery, the Director of Defence Estates at the command level had been made accountable to the GOC-in-C and not to the Government of India which is against the constitutional intention or design.

14.7 The role of the GOC-in-C needs a *de-novo* look as much of the powers are concentrated in him which can be decentralized and these being the purely local self-government matters, it can be left to the civil administration i.e., the Director (Defence Estates) and through him establish the accountability of the Central Government to the Parliament.

## 15. Taxation and Revenue

15.1 Cantonment Boards have powers to raise resources through taxation, fees, lease rent in respect of lands under their management and rentals in respect of properties belonging to and vested in the Board. Under Section 60 of the Cantonments Act, 1924, a Cantonment Board is empowered to levy within the Cantonment area, with the prior sanction of the Central Government, any tax **which may be levied by a municipality in the State in which the Cantonment is situated**. The main sources of income of a Cantonment Board are local taxes such as house tax (property tax), conservancy tax, water tax, lighting tax, trade and profession tax. Expenditure is mostly on establishment and contingencies connected with rendering civic services including maintenance of hospitals and schools.

15.2 The resources of the Cantonment Boards are limited as the bulk of the property in the Cantonment is government-owned on which no tax can be levied. The nature of the Cantonments is such that there is only limited trade and business activity and practically no industry. Thus, the Cantonment Boards are devoid of the resources which are normally available to any municipality of comparable size. Because of the restrictive nature of the land policy regarding the redevelopment of the old properties there has been very little building activity in the Cantonments. This has, further, reduced the possible income from property taxes, which, normally, constitutes the major source of income for local bodies. Cantonments are spread over large areas and the cost of providing civic amenities is, therefore, significantly more than in the municipal areas.

15.3 The Central Government provides financial assistance to Cantonment Boards in the shape of ordinary Grants-in-Aid to balance their budgets. Besides, since certain Cantonment Boards do not have adequate resources to improve the civic amenities, subject to the availability of funds in the Defence budget, limited Special Grants-in-Aid are made available to them for meeting the capital expenditure on this account.

15.4 Because of the financial constraints Government has not been able to provide adequate grants to the Cantonment Boards to improve their civic facilities to the desirable levels.

15.5 The annual consolidated accounts for the year 1998-99 showing the actual expenditure and income are placed as Annexure-III and Annexure-IV to this paper.

## **16. Article 285 of the Constitution and Service Charges in lieu of Tax**

16.1 Under article 285 of the Constitution, properties of the Union are exempt from the State taxes. The Government of India had, however, agreed in 1954, to pay "service charges" to the local bodies in respect of Central Government properties falling within municipal limits, at rates ranging from 33-1/3% to 75% of the property tax payable to compensate the loss of normal income of local bodies due to the Constitutional ban on the State Government taxing Central Government properties. Though such payments were being made to municipalities, the Cantonment Boards were not being so paid. In 1982, the Ministry of Defence agreed to pay service charges to the Cantonment Boards. The rate of payment, however, was kept at the lowest slab of 33-1/3% of the property tax leviable. Thus, from 1983-84, Cantonment Boards have also been paid service charges. However, due to financial constraints only a part of the amount due to be paid to the Cantonment Boards by way of service charges could be released.

## **17. Administration of Cantonments**

17.1 It will be seen from the above that in the administration of Cantonments there are four major constituents viz., the Government of India, the GOC-In-C the Command, the local military authorities in the Cantonment Board and the elected representatives of the residents. As the ultimate accountability to the Parliament at the apex level and to the people of the Cantonment at the cutting edge is that of the Government of India, the executive mechanism and the management information and control channel have by perforce to be a civil service under the Government of India. Therefore, the executive authority at the Cantonment level is an officer from the civil services under the control of the Ministry of Defence independent of the Army. He is the executive officer of the Cantonment Board ensuring the visible presence of the Government of India at the cutting edge and acts as the much needed balancing factor between the interests of the people and the army quartered therein. He is the secretary and advisor to the Board and the civil executive interface of the civil population. He reports to the Government of India through his channel i.e., the Director, Defence Estates at the command level and the Director General at Government of India level.

17.2 The public resentment that the Cantonment magistrates have *en bloc* become military estates officers and thereby control the Cantonment administration on behalf of the army also abated when these functions were assigned to the defence estates service [and its predecessor civil services] reassuring the citizen that he, like his peers elsewhere, is under the civil administration and not under the Army.

## **18. Current scenario and status of purely military stations**

18.1 While major changes have taken place on the basic concept and methodology of warfare, and the role of the army in a developing society, the need for exposing the Army to local self-government philosophy and principles becomes all the more relevant. Even though the Cantonments were a historical necessity in the colonial context where the armed forces had to be insulated from the civil population, in the current day context there is a need for Cantonments for the very opposite reason not to insulate them from the civil population. In a national scenario where militancy, insurgency, low intensive conflicts

bordering on war fought within the national frontiers and cross border terrorism, the army cannot operate in a sterile atmosphere without the support and empathy of the civil population. Evidence on record shows that during the turmoil in Punjab, the Cantonments were comparatively peaceful. In the Badamibagh Cantonment, the military areas were not attacked till they were walled off insulating them from the Cantonment population and the Cantonment Board's Constitution was varied dispensing with elected representatives.

18.2 The number of Cantonments has remained static at 62. But the growth of military stations has become prolific spread over the length and breadth of India. Barring a few areas which need high security, the other military stations remain the same as the military areas within the Cantonments i.e., an area where military were quartered on training while not on operation duties. Another feature that has to be taken into consideration is that the majority of military stations are family stations where the army persons are allowed to keep their family with them. This calls for a structured local self-government environment and ambience to enable the family to have normal social intercourse with society and have the facilities of education, health, recreations and other amenities as are available to the civilian counterparts elsewhere. The civil military osmosis which is natural in the Cantonment stations in view of the close but controlled coexistence of civil and military population in a delimited area where the health, welfare and discipline of the military personnel are the prime concern of the local self-government institutions may not be available in other local self-government areas like municipalities and Panchayat. Again, a military station creates scope for any number of economic activities or opportunities by way of providing trade, services, entertainment and other necessities of social and economic life. The peripheral growth around the military station by way of encroachments and uncontrolled settlements cannot be wished away. Also, the need for insulating the Indian Army from Indian citizen is not desirable either in peacetime or in period of internal militancy or even war. The empathy of the citizen is a great source of strength and morale for the troops and their families. The question of social and other costs – is an important factor to be taken into consideration in any decision to keep the army and the families insulated in a military station. The expenditure on providing facilities like education, medicare, shopping facilities, entertainment, transportation and other service facilities will have to be met from the Defence expenditure in an insulated military station whereas in Cantonments where civil population coexist with the military, these facilities are provided for by the civil population thereby reducing the overall costs on the Defence expenditure. The children and family of the soldier are not forced to live in an artificial, unnatural habitat.

18.3 Another issue that may crop up is that even though the Constitution has envisaged the union of States with a strong central pull, in reality we have come to recognize a federal polity with a centrifugal State pull. The Defence forces will however continue to be a Union subject under central control. In this evolutionary context, the need for Cantonments as a local self-government institution has to be anxiously examined.

18.4 Another important aspect is the necessity for the defence services to understand and respect Human Rights as their very roll exposes them to suspicion in any human right violation. Constant interaction with the civil population in a controlled environment of a Cantonment enable them to understand and get sensitized to respect human rights.

## **19. The other view**

19.1 The contrary view is that it is not advisable to expose the army to civil population and allow them to mingle freely with them. Also, if the Cantonments should have a civil component, purely military stations cannot be covered under the Cantonments Act. Thirdly, from the security point, it is advisable to stick to military stations. It is also felt by some that there will be better control, uniform homogenous management of a purely military station strictly under army control. The army officers also do not want to get involved in the politics of the local self-government without proper background and adequate training. Therefore, they feel that the civil area should be excised and the Cantonments should either be purely military stations or with minimum civil population.

19.2 In 1980, the Committee under the then Financial Advisor, Nakra went into the issue of future of purely military stations. He advised that the military stations should have three components, the purely military area, a buffer zone for purely commercial and service activity and civil area. This will introduce economies in scale and cost reduction in running military stations where much of the non-military expenditure can be absorbed by the civil component. In a sense, Nakra was for a forerunner of disinvestment in the Cantonment sector.

19.3 Cantonments, by customary definition, are places where the troops are quartered. If this is so, purely military stations are also, by definition, Cantonments. The Cantonment Act has accepted this definition. Section 13 (1) (iii) dealing with the constitution of Cantonments states that the Cantonments will be divided into the 3 classes. In Class III Cantonments, civil population does not exceed 2500. So, the military stations by popular definition as well as for the purpose of the Cantonments Act have to be grouped under Class III Cantonments as they any case contain certain civilian component. But, Section 3 dealing with definition of Cantonments requires the Central Government to declare it as such for the purposes of this Act.

19.4 Therefore, under the existing legislative framework, the purely military stations do constitute Cantonments but the Central Government has to make a declaration so that the Cantonments Act becomes operative in such stations.

## **20. Certain basic issues**

20.1 The first question that needs to be addressed is (i) whether the Cantonments should be continued as a local self-government institution, and whether it should be restricted to 62 Cantonments as on date or whether it should be extended to cover all the military stations which are family stations and are non-operational.

20.2 The Cantonment Board itself has two components as local self-government institution. One part consists of ex-officio and nominated members including the State Government nominees. The other part consists of purely elected representatives from the various wards of the Cantonment including the military area. The elected component is supposed to be the voice of the people in the local self-government institution. The nominated members are supposed to look after the army interest. The law and order component and the interest of the State Government in this area are looked after by the District Magistrate representative. The mechanism has been so delicately fashioned that a fair and perfect equilibrium between the army, the State Government and the people are maintained. The Defence Ministry has no nominee in the deliberative body even though they are the propriety owners of total land in the Cantonment. However, Ministry of Defence is represented by the executive officer who is an officer of the Ministry of Defence, from the civil services recruited through the Union Public Service Commission, trained for the special job of the local self-government in an environment where the equilibrium between the civil population, State Government and the army people has to be constantly maintained.

20.3 The second question that arises is should there be a change in the existing structure and administrative set up and if so, in which areas the structure should change for improvement in the concept of local self-government as such. In this context, the definition of "local authority" under clause (31) of section 3 of the General Clauses Act, 1897 and the decision of the Supreme Court in the Municipal Corporation of Delhi Vs. Birla Cotton Spinning and Weaving Mills, Delhi and another (AIR 1968 SC 1232 at p.1254), are relevant. The General Clauses Act defines a local authority as one which is legally entitled to or entrusted by the Government with the control or management of municipal or local fund. The fund becomes an important condition. But the Supreme Court has in the far reaching judgement quoted above has encapsulated the essence of local self-government and states "local bodies are subordinate branches of governmental activity. They are democratic institutions managed by the representatives of the people. They function for public purposes and take away a part of the government affairs in local areas. They are political sub-divisions and agencies which exercise a part of State functions. As they are intended to carry on local self-government, the power of taxation is a necessary adjunct to their other powers. They function under the supervision of the Government".

20.4 The Cantonments are like Union territories, a political sub-division and agency of the Central Government and exercise the state function. But, the fact that most of the Cantonments are situated in the territorial jurisdiction of respective State Governments cannot also be overlooked. The aspiration of the people of the Cantonments will be on par with the aspirations of the people of the State in which the Cantonments are situated. Hence, there should be harmony in the laws that are applicable to the people of the Cantonment and the laws that are applicable to the people of the State, of course, without jeopardizing the interests of the army quartered therein. Therefore, the administration of the Cantonment should be further democratized and decentralization becomes a core issue.

20.5 The Supreme Court in *Union of India and others Vs. R.C. Jain and Others* (AIR 1981 S.C. 951) has identified the important ingredients of local self-government: (i) It cannot be merely a governmental agency but must be legally independent agency, (ii) The representatives must be elected by the inhabitants of the area, (iii) It must enjoy a certain degree of autonomy, the freedom to decide for itself, questions of policy affecting the areas administered by it, the autonomy may not be complete and the degree of dependency may vary considerably but the appreciable measure of autonomy there must be, (iv) It must be entrusted by the statute the governmental functions and the duties as are usually entrusted to municipal bodies and (v) It must have the power to raise the funds for the furtherance of their activities and the fulfillment of the projects by levying taxes, rates, charges and fees.

## **21. Existing anomalies**

21.1 The general view that the Cantonments are local self-government only in form and not in fact arise from the following:-

- (i) that the Cantonments even by constitution under Section 13(3) of the Cantonments Act, 1924 tilts more towards bureaucratic character with military dominance. The Cantonment Boards cannot exercise complete autonomy as the elected members can be easily voted out with the casting vote lying with the President. It is also pointed out that the ex-officio President cannot be removed or suspended like elected Vice-President because there is no provision for his removal or suspension and his accountability is not spelt out.
- (ii) Section 51 of the Act gives drastic over riding powers to the President of the Board to suspend any resolution, refer the matter to the GOC-in-C;
- (iii) The role of the GOC-in-C is irrelevant in the context of the local self-government. Its continuation as a functionary does not serve any military purpose but forms the basis of the criticism that the Cantonments are not administered by the civil Government but by the military.
- (iv) So, while the Cantonments are *de jure* autonomous local self-governments *de facto* the autonomy and therefore local self-government itself is illusory. In view of the structure as well as the powers that makes them more bureaucratic institution without any accountability. It is also contented that these statutory provisions suffer from "excessive delegation" for want of guidelines.
- (v) Similarly, in case of certain appeals from the executive orders, section 274 read with Schedule V of the Act vests the powers with the Officer Commanding-in-Chief, the commander or the other authority authorized in that behalf by the Central Government. It is pointed out that when the Act is read as a whole, the Cantonment Boards are neither local self-governments in a strict sense of the term nor are they democratic. The questions of decentralization and devolution can come only after this basic intrinsic anomalies are resolved and necessary autonomy and democratic decentralization is provided for under the Act. The repeated demands of the elected representatives emanate from these restrictive clauses.
- (vi) The Cantonments Act like any other municipal Act has provisions conferring powers of taxation, control powers in the interest of public safety, provisions relating to sanitation, prevention of disease, building activities, markets, licensing, etc. It has positive roles to play in running hospitals and dispensaries and institutions providing water supply, drainage and lighting, etc.

## 22. Centralization and control

22.1 One of the control areas which has impact on the citizen is the control of building activity. These activities are regulated by the local bodies under their bye-laws, rules and regulations. In view of the fact that most of the lands historically belong to army, and were given on grants or leases to civil population, the restrictive covenants especially in the so called old grants have rendered the Cantonment Boards role in building sanctions totally nugatory. While the Board has got the powers to approve the building plans according to building bye-laws, the GOC-in-C has been given powers to put embargo to prevent construction. The old grants because of the shifting policy of the GOI disable any citizen from carrying on building activities even according to the bye-laws. With the result, the authorized building activities are very limited and the bungalow areas in the Cantonment have become ghost towns.

22.2 For e.g., the GOC-in-C command, Pune has enforced an Floor Stage Index of one and point five in the civil area and bungalow area respectively of all the Cantonments in the Command without any assessment of the density, zonal plans, the available FSI in the neighbouring municipalities and the metropolitans. This embargo has stopped nearly all growth in many Cantonments where the private lands could not be developed. The complete absence of building activity in most of the Cantonments is one of the reasons for comparative low population growth in the Cantonment. Similarly, the shifting policies on the administration of old grants has resulted in the displacing persons by unplanned resumptions vast acres of lands which were not put to any military use. In the pre-independence era, military lands were managed under the Cantonment Land Administration Rules provided for leasing out lands for various tenures depending upon the surplus and availability of land. In the post-independence era, no lease has been sanctioned and the lands that have been resumed in 1970s, have only proliferated litigation and waste of land resumed which could have been gone for a more planned building activity even for military benefit through private capital.

22.3 The citizens main grouse against Cantonments mainly center around his inability to carry on normal building activity despite the availability of land vis-à-vis his counterpart in the municipalities.

22.4 The anatomy of Cantonment has three clear-cut areas, (i) the civil or bazaar area where residential, business and other service activities take place. (ii) bungalow area which is purely residential area where both army officers and the civilian gentry reside. This area contains maximum vacant land with maximum restrictions on building activity. (iii) the purely military area, the operational and soldiers' lines, residence, etc. The bungalow area can be utilized only for residential purposes. It contains mostly of old grants and other resumable tenures.

22.5 The British never envisaged total ban on constructions at any stage. They were interested in encouraging construction as additional house-stock will be available for the use of the army. Instruction of the army department dated 30<sup>th</sup> April, 1930 clearly States that in cases where the holder wishes to construct additional building on old grants sites or a shop or an outline part of the site by which the purpose of the grant is substantially altered there is no injustice or hardship involved by demanding a corresponding alteration of the conditions of the grants. In 1944, by another instruction, it was stated that no construction should be objected to just because they did not serve the military interest and the refusal shall be based on the positive injury to the military interest. But the post-independent scenario shows the total inability of the government to grasp the need for better land management and utilization of Cantonment lands. Initially, in 1968, it was decided to resume all sites and in the civil area if they are not converted to leases to resume the same. This being directly in violation of the grant condition of military necessity as a precondition for resumption was abandoned in favour of the resumption on the basis of actual military requirement and the manner in which buildings will be resumed without restricting the occupants. In 1976, it was decided to permit conversion of old grants to freehold in the civil area. With a result, the bungalow area which has maximum area with minimum density started developing the symptoms of urban decay. You will find dilapidated building with minimum amenities dotting the whole of bungalow area where civilians reside. The bungalows resumed were also not put to use as the army did not actually need them.



22.6 The solution may be to divide the Cantonments scientifically as military areas and residential areas and allow modification and amendments of land tenures or more liberal permission to erect and re-erect buildings. This will also help to carry on zonalisation plans for development activities. The existing division of the Cantonments and restrictions imposed on construction will continue as one of the sources of discontent among the Cantonment population.

### **23. Finances and development – structural constraints**

23.1 Once the building activity function is removed from the local self-government functions, what remains is the taxation and development activities. Property tax being the primary tax of local bodies has failed as income source even where normal building activity takes place. In Cantonments with negative growth, the triennial assessment does not show much of a potential for income growth. The Cantonments, therefore, depend mainly on central grants or service charges in lieu of Central Government properties. Because of the increase in the building activity in the military and the government area, the service taxes as a proportion of the total taxes is high. But as the service charges is not tax but bounty. The Boards could not depend on this as a regular source of income. For more than a decade, the developmental activity compare to the neighbouring municipality were at a low ebb. There is no scope for getting any money or grants from State Governments even in certain common tax like entertainment tax, octroi, entry tax, etc.

23.2 To redeem the situation, the government relaxed land policy to permit resumable sites to be converted into freeholds so as to trigger building activity in the civil area under the bye-laws without any restrictions and also to mobilize additional income by way of tax and other economic spin offs. But the permission to convert resumable sites to freeholds has to be given by the Government of India in the Ministry of Defence. Also, a No Objection Certificate has to be taken from the military even though in the civil area for the conversion. The over centralization and unnecessary condition for No objection from the military in the civil area has made the policy not take off. This has again resulted in unnecessary litigation.

23.3 The Ministry of Defence is not entitled to development funds in any financial distribution. Till 1996, Cantonments were under the budget of QMG. The effect was that the Cantonments therefore were effectively denied access to various development funds earmarked for specific local self-government areas by the GOI and other world organizations like UNICEF, UNDP, etc. even for schemes like water supply, housing, drainage and other amenities. Therefore all planning for economic and social development, urban forestry, protection of the environment and promotion of ecological aspects, safeguarding the interest of weaker sections, slum improvement and upgradation, urban poverty alleviation, etc. could not be undertaken in the Cantonment areas.

23.4 Despite the constitutional provision for the devolution of funds, which are largely population based, from the Centre and the States, the Cantonment Boards were not included in the ultimate distribution vis-à-vis other local self-government organizations of the State Government. This created the avoidable disparities between the Cantonment and the Municipalities especially near the metropolitan towns. The Cantonments being under the Ministry of Defence suffered in the process in the field of revenue assignment. Unlike the municipalities, they do not have access to non-agricultural assessment tax, entertainment tax, surcharge and stamp duties, surcharge and sales tax, duty on transfer of properties which are shared municipal taxes in India. The Cantonments depend only on their own municipal taxes. They are not entitled to many of the grants given by the State Government which are available to the municipalities for development purposes. The MOD do not have any provision for development oriented revenue distribution from their budget to Cantonment Boards. They have to depend mainly on the service charges that too at a lower rate compared to the State Government instrumentalities.

23.5 With the result, an analysis of the structure of municipal finance – mix of taxes, user charges and fee, transfers and loan - there is a large vertical imbalance due to inadequate own resources and horizontal imbalance within the State because of uneven access to resources, lack of high yielding and buoyant sources of revenue which seldom assigned to local government. The Cantonments above all

suffer from systemic inefficiency because of centralized control over powers on land management which has resulted evenly in under-exploitation of own resources against high cost.

#### **24. Reforms need for decentralization, etc.**

24.1 The core problem of the Cantonments as local self-government is too much of bureaucratic and military interference even in areas which do not affect health, welfare and discipline of the troops. The military administration believes in Command and control which is anti-thesis of decentralization and devolution. At the Board level, it is the President Cantonment board, the military officer who has got supervisory control over the executive functions. In the deliberative area, the board is loaded with overwhelmingly nominated voice. The GOC-in-C command has assumed the powers of the Government creating thereby a diarchy. In all land matters, the military and the GOI have concentrated the powers in their hands. So, the problem is over centralization at two levels. One, the GOC-in-C and the other, the GOI. Both power centers are not easily accessible to citizens by the inherent features of army and Defence predominate. The only interface is the elected members at the board level and the Defence Estate Service at the administrative level. These interfaces are poor substitutes for decentralization. At best they may make the convey belt move upwards. The solutions perhaps lies in demilitarizing the Cantonment administration at all levels to an extent without disturbing the balance, or affecting the health, welfare and discipline of the troops. And, at the same time, delegation and devolution of powers at the administrative level to the Director (Defence Estates) at the appellate level and the Cantonment boards at the Cantonment level. The local government should be positioned not in the GOC-in-C command but either Ministry of Defence or one of the instrumentalities in the Department, preferably the Principal Director of the Command and all municipal functions should be the responsibility of the Board and Principal director of the Command and the functionaries with accountability to the Ministry of Defence and Parliament.

24.2 While there is a felt necessity for preserving Cantonment in the Indian context, radical reforms are called for if they have to survive as vibrant local self-government instrumentalities. Cantonments have come to stay as historical necessity. It has a positive factor in the military environment in a democratic set up, if purely military stations have to be brought under the Cantonment Act; then there is a need for declaring certain civil areas as part of the Cantonments. This will enable the much needed civil military interaction and inter-se confidence and relevance. The new military stations have their advantage in that the civil areas which will be included in the Cantonment has the advantage of not being shackled by out dated land tenures which will enable the local self-government to take roots faster and in the real sense of the term. As military interests are paramount in the Cantonment environment, the Station Commander and the nominated representative on the Board has to retain the role and position. This by itself will not weaken the democratic functioning of local self-government as the nominated members shall be participating as equals with the elected. This diarchy has to continue in a democratically defined zone. But the nominated members shall not be given over riding powers where it does not concern the military interests. The Nakra plan has to be studied in all seriousness as it has local economic spin offs and overall cost effective management of the military stations.

24.3 The role of the GOC-in-C in the scheme of the Cantonments Act can be dispensed with because the analysis of the various provisions of the Acts and Rules show that he is another focus of centralization in areas of local self-government which do not warrant a military authority of such stature to be bogged with routine problems that concern municipal administration. His role should be defined for effectively ensuring the interests of the military stationed in the Cantonment and he should be relieved of this additional burden of financial controller of Cantonments, control of the municipal staff and unnecessary appellate functioning. Again, it is retrograde step to continue two levels of government in the single organizational structure. The Central Government should continue to be the Government and the executive and administrative service under it for Cantonment administration shall be given the additional duties and responsibilities of the GOC-in-C command.

24.4 The land tenures obtaining in the Cantonment stations need drastic overhauling. Military purpose and public purpose shall advise the deprivation of property but this should be ensured by effective guidelines and in an institutionalized objective manner. The aim should be to see that the citizen does

not suffer by arbitrary deprivation of his right to belly. The old grant conditions which are being interpreted to suit each situation needs to be examined and the regulations which are being more or less repealed by the Cantonment House Accommodation Act should be expressly repealed and a new Act placed for governing grant conditions to permit normal building activity under the Municipal laws, and the ceiling laws without let or hindrance. Surplus land should be taken over and given out on lease so that citizens are encouraged to settle in Cantonments in a planned manner facilitating creation of house stock which can be made available to the armed forces as and when required by strengthening the Cantonment House Accommodation Act.

24.5 The distinction between bungalow and civil area should cease for local self-government purposes and should be replaced by modern town planning strategies like zoning under a master plan, strict adherence to norms of construction of each zone, having the military needs present and future in view. Sufficient vacant land should be allowed inside Cantonment in a planned fashion for enlargement of military area as per laid down scales.

24.6 The Cantonment should be included in the developmental schemes, plans and programmes of the State Governments. The distribution of the funds between the States and Union of all funds that devolve ultimately to local self-government organizations shall devolve on the Cantonments as well.

24.7 The grouping of Cantonments are at present command based. The grouping should be either State based or zone based depending upon the geographical situation of the Cantonments. The Defence Estate Service should be restructured so that the delegation of powers of the Central Government in the interest of better local self-government could be made at different levels with necessary control mechanism. For e.g., the conversion of old grants into free holds could have been managed more effectively if the powers have been delegated with suitable guidelines at the Cantonment level or at the Director's level. Concentrating in the MOD has only defeated very objective of the policy.

24.8 One of the constraints facing the Cantonment was lack of access to plan finance as Ministry of Defence as a whole comes under the non-plan area. The first goal of any revenue reform is to ensure adequacy and growth of revenues, the finances, the basic civic needs of tax payers over a period of time. The Cantonments can source many of the projects from plan finance if they could access them for specific projects. But they are being treated as part of Ministry of Defence and have to face adverse discrimination vis-à-vis the other municipalities and other metropolitans who can negotiate with Asian Bank and World Bank seeking loans for water supply, sewage and other projects which provide the basic municipal necessities to which a citizen is entitled to.

## **25. Suggestions**

25.1 As Cantonments come with the legislative competence of the GOI under Article 246 read with entry 3 of List I of the Seventh Schedule, the solution appears to be to bring the Cantonments under the administrative control of the Ministry which has something to do with the local self-government and can access plan finance and developmental grants and loans. It may be worth while considering that the Ministry of Urban Development and Poverty Alleviation as the most suitable Ministry for Cantonments. The Cantonments could be brought under the Ministry of Urban Development and Poverty Alleviation for planning and budget purposes and the mechanism should be worked out as in the case of Boarder roads and coastal guards which are not under the administrative control of Ministry of Defence but still function in the interest of Defence forces with the Ministry of Defence and army having their say.

25.2 The Cantonments should also be brought under the Part IX-A of the Constitution so that they can take the advantage of the benefits of district planning, metropolitan planning, the finance commission, assignment of taxes, duties, tolls and grants and aids from the State Government, prepare plans for economic development and social justice, etc.

25.3 To sum up, the need for Cantonments in the current scenario cannot be overemphasized. But, urgent reforms are overdue to ensure that the Cantonments are allowed to function as local self-governments *de jure* and *de facto*. The Constitution of the Cantonments should continue with the Station Commander as the ex-officio President and the Vice-President elected from the elective component of the Board. Total democracy with a civilian as a President will not be in the interest of administration which has the objective of protecting the welfare, discipline and health of the troops and related military interest. The demand for democratization is actually the demand for decentralization and powers to decide the development activities of the Cantonments as a whole without let or hindrance. Structural constraints prevent the Cantonment Boards to access plan finance and development funds available for municipal necessities merely because the Cantonments come under the Ministry of Defence, a non-plan area. As any increase in the Defence budget is viewed with suspicion internationally, it may be advisable to work out a mechanism by which the fund flow is not restricted but at the same time the military interests are also protected. Again, local self-government being the last priority of the Ministry of Defence and the armed forces, in situations of budgetary constraints the occum's razor falls on the Cantonments. Because of the external pressures, the Municipalities get larger share of service charges in military stations within their delimitation. If fund flow is assured, the Cantonments can be run as model local self-government organizations because of the expertise available in all areas - be it engineering, public health, education or other municipal functions. The Government of India's accountability is ensured by the presence of Civil Service executive at the cutting edge. What is needed is an enlightened approach to land tenures in the Cantonments which should have a developmental orientation.

25.4 The alternate scenario envisaged by Balwant Rai Mehta Committee will remove the say of the army in the civic matters of the locale in which they are quartered. But, the outgoes of the Defence budget for services provided will not be proportionally reduced. The costs would be higher, services may not be satisfactory. Again, in the context of growing militancy, acts of terrorism and other such conflicts within the borders and deployment of the army becoming a day-to-day necessity, insulating the army from the civil population totally will not be in their interest or in the interest of security of India in as much as the empathy of the civil population is a necessary morale booster and at the same time provides a balanced backdrop for easy and efficient intelligence flow.

25.5 In view of the above circumstances, the balance of convenience appears to lie in mending the institution of Cantonments than ending it.

## **QUESTIONNAIRE ON EMPOWERING AND STRENGTHENING LOCAL SELF-GOVERNMENT IN CANTONMENTS**

[Note: Please attach additional sheets, if necessary]

1. There are 62 Cantonments, which are administered by Ministry of Defence under the Cantonments Act, 1924. There are more than 400 military Cantonments, which neither come under the Cantonments nor under municipalities. With the insertion of Part IX-A by Constitution *vide* the Constitution (73<sup>rd</sup> Amendment) Act, 1992, these military stations have to come under the delimitation of the municipalities. Should these military stations be delimited as Cantonments? Or should they be brought under the municipalities?

As Cantonments       As municipalities

2. (a) The Cantonments are mixed townships for civil and military habitation. Should the army be completely isolated from civil population?

Yes

No

Should the army be allowed interaction with civil population in a controlled surrounding of the Cantonment in the overall national interest?

Yes

No

3. What are the advantages and disadvantages that will accrue to armed force if they are kept insulated from the civil population in the present day context?

(Not more than 200 words)

Views:

4. If purely military Cantonments should continue, then is there a necessity for continuance of 62 Cantonments under the control of the Central Government?

Yes

No

5. If the Cantonments have proved to be a necessary instrumentality of the Central Government in a federal polity, then should it continue in the present form or need any changes?

Present form

Need a change

6. (a) Should local self-government functions of Cantonment areas be handed over to the concerned State Government?

Yes

No

(b) If so, what should be the interface between the concerned state government and the central government for protecting the military interest?

(Not more than 200 words)

Views:

7. (a) Do you suggest purely elected bodies for administration of local self-government functions in Cantonments?

Yes

No

(b) Do you suggest continuation of the existing composition of Cantonment Boards as it is or any modifications in the existing set up?

Yes  No  Modifications

8. What steps are essential to ensure the protection of military interest especially health, welfare and discipline of the troops stationed in the Cantonment if the Board consists of only elected representatives?

(Not more than 200 words)

Suggested steps:
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9. Should the composition and functioning of the Cantonments be further democratized and MPs and MLAs representing the Cantonment constituency be given some say in the functioning of the Cantonment Board?

Yes  No

10. (a) One of the objections to the Cantonments Act, 1924 is that it is overtly democratic while covertly bureaucratic. Do you agree with this?

Yes  No

(b) If so, what corrective measures would you suggest to make the Cantonment boards truly local self-government organizations?

(Not more than 200 words)

Suggested measures:
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11. The Cantonments come under the executive authority of the Government of India and legislative authority of Parliament. But the powers of the local government are centered in the GOC-in-C command giving the impression that Cantonments are not administered by the civil government but by the army. Do you think that the executive power of the GOC-in-C should be dispensed with in the scheme of affairs?

Yes  No

12. (a) If the GOC-in-C is dispensed with, to whom should the existing powers be transferred, the GOI or the Director General (Defence Estates) or any other functionaries of the Defence Estates Department

(Not more than 200 words)

Suggestions:

(b) Will this ensure better delegation and consequent de centralization?

Yes

No

13. On date, the Cantonments are geographically situated within the respective States but organizationally agglomerated under the command structure of the army.

(a) Is this a rational division?

Yes

No

(b) What are the problems that may arise by this structuring?

(Not more than 200 words)

Problems:

(c) What alternate regrouping can be suggested?

(Not more than 200 words)

Suggestions:

14. The station commander's role is very necessary in the Cantonment organization. He represents the military interests as the military head of the station. He has got supervisory authority over the executive. Should the executive officer of the Cantonment board be drawn from the state services or should he be from a civil service under the GOI?

(Not more than 200 words)

Suggestions:

15. There is a feeling that the executive should be under the control of the army and the executive officer of the Cantonment board shall be drawn from the E-in-Cs branch in the army headquarters with the station commander having supervisory control is this proposal relevant. Secondly, constitutionally can the executive authority of the President of India be represented by a functionary in the armed forces in a local self-government organization in the light of the Supreme Courts observations that local bodies are civil governments and form part of the state and are political entities?

(Not more than 200 words)

Suggestions:

16. (a) Should the Cantonment administration be so fashioned that the development and municipal rights of citizen should be on par with the citizens of the State?

Yes

No

- (b) What measures are required for this?

(Not more than 200 words)

Suggestions:

17. (a) Will this enable Cantonment Boards to access resources available to state government for municipal purposes?

Yes

No

- (b) Can Cantonment boards be brought within the dispensation of State Finance Commission?

Yes

No

18. Land tenures in the Cantonments are restrictive and have reduced the rights of the citizen to that of a licensee. Do you agree with this perception?

Yes

No

19. One of the main grievances in the Cantonments is that despite rational building bye-laws, the land tenures prevent the citizen from making constructions according to the bye-laws. Also, this has resulted in the lop-sided development in that the bungalow area cannot have any constructions despite low density and the civil areas get over crowded despite high density. What remedial measures are necessary to correct the situation?

(Not more than 200 words)

Suggestions:

20. Is there a scope for introducing new laws to substitute the old grants to make better use of land and effective land management?

Yes

No



21. The restrictive land tenures and over military intervention in building constructions has resulted in encroachments, growth of slums and unauthorized use of buildings for educational and other social purposes without adequate planning to fulfill the needs of the society? Will permitting constructions under building by-laws and permitting change in the grant conditions on application should solve the problem?

Yes

No

22. Should the distinction between bungalow and civil area be abolished as both are residential areas and for effective local self-government in Cantonments?

Yes

No

23. The development of Cantonments is tardy due to lack of local resources and incapacity to attract plan finance and development grants. What, in your view, are the reasons for the same?

(Not more than 200 words)

Views:

24. The Ministry of Defence by itself is a negative structural factor for attracting plan finance and development funds for the Cantonments Do you think that the Cantonments should be brought under Ministries like Urban Development and Poverty Alleviation instead of Ministry of Defence to strengthen the local self-government and ensure effective devolution of funds and expertise in the Cantonment development?

Yes

No

25. If the Cantonments should be brought under the control of a Ministry other than the Ministry of Defence, what mechanism should be devised to protect the military interests especially health, welfare & discipline of the troops?

(Not more than 200 words)

Views:

26. (a) The classifications of the Cantonments on date are three depending upon the population of the Cantonment and the constitution of the Cantonment Boards is also dependent on the classification. Would you suggest a change in the classification for effective representation of the population after the recent census?

Yes

No

(b) If yes, give detailed suggestions:-

(Not more than 200 words)

Suggestions:

27. (a) The development of future Cantonment to include the civilian population and commonly shared commercial zone will be in the interest of the armed forces quartered in the Cantonment. Do you agree with the view?

Yes

No

(b) Give reasons for your views.

(Not more than 200 words)

Reasons:
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28. The Cantonments because of the size and the population are neither represented in the legislative assemblies nor in the Parliament? Do you think that the accountability of the Central Government to Parliament will be effectively enforced if Cantonments form a constituency by themselves as a whole for election of members to the Rajya Sabha?

Yes

No

29. The need for a trained local self-government civil service for effective administration of the Cantonments keeping the balance of interest of the army as well as civil population in the Cantonment cannot be over emphasized. What steps would you recommend to make the civil service independent of the local pressures and forces and accountable to the people and the Parliament?

(Not more than 200 words)

Suggestions:
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30. What are the additional sources of income that can be locally raised by the local self-government organization like Cantonments?

(Not more than 200 words)

Suggestions:
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31. An analysis of the financial statements of the Cantonment Boards reveal that nearly 35 Cantonments are deficit, and about 10 Cantonments have surfeit funds due to accumulation of service charges for which there is no matching developmental projects available on date. Under the present statutory dispensation, there is no scope for cross-funding. Would you suggest the constitution of a development authority through which the surplus funds can be canalized to the deficit Cantonments for development expenditure?

Yes

No

32. (a) Do you think there is a need for establishing a Cantonment development authority in whom all the lands should be vested and the constructions and developments and management of lands including the constructions (non-operational) for the army in a Cantonment should be established?

Yes

No

(b) Will such a development authority with necessary powers, expertise and directly answerable to the MOD be more cost-effective and ensure uniform development of Cantonments in a planned manner?

Yes

No

33. Will the Cantonment development authority enable to dispense with departmental engineering services for capital works and a more rational downsizing of MOD will be possible if only maintenance role is vested in the department?

Yes

No

34. Do you think that the Cantonment development authority be in a position to raise financial resources from the market on the guarantee of the vast land resources vested in it for construction purposes in the Cantonment for the army and other institutional needs of the Cantonment and thereby reduce considerably the expenditure on such construction from the Defence Budget?

Yes

No

35. Do you agree that the Constitution of Cantonment development authority will ensure optimal use of land, minimize land wastage and convert land into a factor of production than a dead asset as on date?

Yes

No

36. At present the function of the Cantonment Boards are divided into obligatory and discretionary. Should this not be municipal (basic) and developmental and the basic functions should not be made subject to availability of funds?

(Not more than 200 words)

Suggestions:

37. Please give details of any other suggestions/comments which you would like to make on Empowering and Strengthening local self-government in Cantonments.

(Not more than 200 words)

Suggestions:

