

ANNX-B | 43/B

No. 14(12)/2018-D(Q&C)
Government of India
Ministry of Defence

New Delhi, dated the 23 December, 2019.

To,

Director General, Defence Estates

Sub: Devolution of powers to Vice Presidents of Cantonment Boards & constitution of three Committees – Reg.

The Government had constituted a Committee to study the Working of Cantonment Boards vide its OM No. 14(12)/2018-D(Q&C) dated 31.07.2018. The Committee was chaired by Shri Sumit Bose, Ex-Revenue Secretary and had 7 Members. The Sumit Bose Committee submitted its report to the Government on 13.02.2019.

2. The Government has examined the recommendations of the Sumit Bose Committee and held discussions with stakeholders including AHQ & DGDE.

3. One of the recommendations of the Sumit Bose Committee relates to devolution of more responsibilities to Vice-President of Cantonment Boards & constitute three more Committees. The relevant extracts of these recommendation are at **Annexure-A**. This recommendation has been discussed in detail and after due consideration, the Government is pleased to suggest the following for implementation in all Cantonment Boards:

(i) To constitute three more Committees viz., the Finance Committee, the Education Committee and the Health & Environment Committee under section 48 (e) of the Cantonments Act, 2006 and also advise all the Cantonment Boards to suitably amend their business regulations for constitution of said Committees consistent with the Composition, and delegate roles & responsibilities and functions suggested by the Government. The roles and responsibilities assigned should include those indicated in **Annexure-B**. In addition, any other suitable roles and responsibilities may be assigned, if felt necessary.

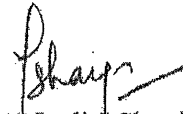
-In the event of Boards having a Committee which has overlapping functions as mentioned in **Annexure-B**, the functions & nomenclature of those Committees may be suitably amended to align with the above said Committees.

(ii) Civil Area Committee may be empowered to exercise the powers, duties and functions of the Board as required under Section 137(2) (the Board to take such measures as are necessary in its opinion for prevention of breeding of mosquitoes, insects or any bacterial or viral carriers of disease in public places under the control or management of the Board), Section 151 (Permission for use of new burial or burning ground), Section 168 (Disinfection of building or articles therein), Section 169 (Destruction of infectious hut or shed) & Section 170 (Temporary shelter for inmates of disinfected or destroyed building or shed).

(iii) Cantonment Boards may through a resolution, delegate the functions provided under Section 353 of the Cantonments Act, 2006 to the Vice-President of the respective Boards, as deemed appropriate.

4. In Class I, II & III Cantonment Boards, except the Vice-President, no other Elected Member should be nominated to more than two of the Committees.

5. Further, Cantonment Boards may be advised to forward their amended business regulations to the Central Government, through DGDE, for approval by the Central Government and thereafter its notification in the Gazette within 3 months of issuance of this letter.



(Nazli J Shayin)

Joint Secretary (Land & Works)

011-23792043

Copy to:

Quarter Master General

ADG (M&C)

9. SUMMARY OF RECOMMENDATIONS

CHAPTER 3 - DEMOCRATIZING THE GOVERNANCE STRUCTURE
OF CANTONMENT BOARDS

1. The Vice-President of Cantonment Board should be directly elected.
(para 3.8.3)
2. The Civil Area Committee may be empowered to exercise the powers, duties and functions of the Board, in addition to what has already been delegated, under Sections 83, 137(2), 151, 168, 169 and 170 of the Cantonments Act, 2006.
(para 3.10.4)
3. Civil areas be notified in Almora, Babina, Badamibagh, Clement Town, Dehradun, Jammu, Morar and Ramgarh Cantonments.
(para 3.10.7)
4. Clause (b) of sub-section (1) of Section 13 of the Cantonments Act, 2006 regarding power of Central Government to vary constitution of the Board for the administration of Cantonments, should be done away with.
(para 3.11.3)
5. (a) Cantonment Boards should switch over from the present system of calculating Annual Rateable Value as enunciated in Section 73 of the Cantonments Act to the more scientific and objective Unit Area Rate method for assessment of properties.
(para 3.12.6)
- (b) The Cantonment Valuation Committee should consist of five members, including three independent experts, one each in the field of valuation, taxation or law and municipal management, the Executive Engineer/GE (member of the Board) and the CEO (as its Member-Secretary).
(para 3.12.8)
- (c) Objections to the Assessment List prepared by the Cantonment Valuation Committee should be heard by a 5-member Appellate Committee consisting of the President, Cantonment Board as Chairman, the Vice-President of the Board, the CEO and two independent experts who are not members of the Cantonment Valuation Committee.
(para 3.12.9)

6. The DGDE and Ministry of Defence should work out legally tenable modalities for transferring Cantonment Board employees within a State or within a Command.

(para 3.13.5)

7. On the issue of disenfranchisement of certain class of voters in Cantonments in pursuance of Hon'ble Supreme Court Order in Pachmarhi Cantonment case, either of the following two alternatives may be followed, after obtaining the advice of Ld. Attorney General of India:

(i) Sub-Section (1) of Section 28 of the Act should be suitably amended to bring it in line with the corresponding provisions of various State Municipal Laws; or

(ii) In the alternative, an encroacher of defence land should be specifically disentitled from being enrolled as an elector/voter under sub-section (2) of Section 28.

(para 3.14.6)

8. (a) Every Board should be mandated to constitute three more Statutory Committees, namely, the Finance Committee, the Education Committee and the Health & Environment Committee under the Cantonments Act.

(para 3.16.2)

(b) Three new Sections may be inserted in the Cantonments Act to provide for Finance Committee (Section 47A), Education Committee (Section 47B) and Health and Environment Committee (Section 47C)

(para 3.16.7)

9. Reservation of seats for OBCs should be made in Cantonment Board elections where the States, in which those CBs are situated, have made such provisions with regard to Municipal elections. The manner of such reservation may also be followed mutatis mutandis.

(para 3.17.3)

10. The words occurring after "the Central Government" in the second proviso to sub-section (2) of Section 66 may be deleted; and the same may be inserted below sub-section (1)(b) of Section 66.

(para 3.18.2)

Annexure-B

(A) Finance Committee – (in every Cantonment)

Composition:

- Category I - consisting of 07 members to be elected by the Board of whom 04 shall be elected members and 03 nominated members, one of which shall be Executive Engineer.
- Category II - consisting of five members to be elected by the Board of whom three shall be elected members and two nominated members, one of which shall be Executive Engineer.
- Category III - consisting of four members of which two shall be elected members and two shall be nominated members, one of which shall be Garrison Engineer.
- Category IV - consisting of two members of which one shall be elected member and one nominated member.

Vice-President shall be the Chairman of Finance Committee. CEO of the Cantonment Board shall be the Member Secretary of the Committee.

Duties & Responsibilities:

The Finance Committee shall deal with all matters and proposals affecting:-

- (a) To prepare and recommend to the Board, the annual budget in accordance with the directions contained in the Cantonment Board Account Rule 2019;
- (b) To scrutinize the monthly accounts and report on them to the Board;
- (c) To see that the requirements of the Cantonment Board Account Rule 2019 and the Cantonment Fund Servant and Provident Fund rules are complied with;
- (d) To make recommendations on the matters effecting collection and expenditure of revenue;
- (e) Repairs and other public works and receipts and finalization of tenders etc.;
- (f) Purchase and proper utilization of stores and receipt and disposal of tenders quotations etc;
- (g) Imposition, collection and remission or refund of taxes, rates, fees, and other levies;
- (h) Disposal of Audit Note & other observations from Audit;
- (i) To perform duties and functions as contained in Section 83 of the Cantonments Act, 2006, and
- (j) Any other matter that may be entrusted by the Board.

(B) Health & Environment Committee – (in every Cantonment)

Composition:

- Category I - consisting of 07 members to be elected by the Board of whom 04 shall be elected members and 03 nominated members amongst whom one shall be Health Officer and one Executive Engineer.
- Category II - consisting of 07 members to be elected by the Board of whom 04 shall be elected member and 03 nominated members amongst whom one shall be Health Officer and one Executive Engineer.
- Category III - consisting of 05 members of which 03 shall be elected members, one nominated member and one Health Officer.
- Category IV - consisting of two members of which one will be elected member and one nominated member.

CEO of the Cantonment Board shall be the Member Secretary of the Committee.

Duties & Responsibilities:

The Health & Environment Committee shall deal with all matters and proposals affecting:-

- (a) To monitor implementation of all Govt. Schemes related to Health/Sanitation/Environment/Waste Conservation etc. & submit quarterly report to the Board to ensure its proper implementation.
- (b) To liaise with State/District authorities for ensuring implementation of Centrally/State Schemes related to Health in the Cantonments.
- (c) General Supervision over the health, sanitation, environment and proposed works to be undertaken by public works department in this regard.
- (d) To supervise the water supply of the Board, its quality control and proper distribution as per laid down norms.
- (e) To supervise the Cantonment General Hospital/Dispensary and recommending the improvements in their functioning. To ensure proper utilization of available resources, a report on the medical parameters viz. OPD intake, bed occupancy rate, immunization services, distribution of free medicines & laboratory tests provided may be submitted to the Board quarterly to evaluate the performance of Hospital/Dispensary.
- (f) Ensuring action and supervising under Sections 130, 131(1), 145, 148, 155, 156, 157, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 285, 286 & 287 of the Cantonments Act, 2006 and make recommendations to the Board thereon.
- (g) Monitoring and implementation of SWM Rules and other rules as notified by the Central Government for protection of environment.

- (h) Monitoring and implementation under Section 185 of the Cantonments Act, 2006.
- (i) Suspension of licenses under Section 280 of the Cantonments Act, 2006 for definite period.
- (j) Recommending action under Section 289 of the Cantonments Act, 2006 as penalty for causing nuisances.
- (k) Any other matter that may be entrusted by the Board.

(C) Education Committee – (in Cantonments where there are Schools)

Composition:

- Category I - consisting of five members to be elected by the Board of whom three shall be elected members and two nominated members.
- Category II - consisting of five members of which 02 be nominated members and 03 elected members.
- Category III - consisting of four members of which 02 shall be elected members and 02 nominated members.
- Category IV - consisting of two members of which one elected members and one nominated member.

CEO of the Cantonment Board shall be the Member Secretary of the Committee.

Duties & Responsibilities:

The Education Committee shall deal with all matters and proposals affecting:-

- (a) To liaise with State/District authorities for ensuring implementation of Centrally/State Schemes related to Primary Education in the Cantonments.
- (b) Ensuring implementation of provisions of RTE Act in the Cantonment Area.
- (c) To evaluate the performance of students studying in and the teachers and staff working in the educational institutions of the Board and make recommendations to the Board.
- (d) To evaluate the performance of the educational institutions/vocational centers/school for special children, a quarterly report on the parameters viz. Students dropout rate, student teacher ratio, mid-day meal scheme quality, pass percentage rate, sports facilities available, cultural activities etc. may be submitted to the Board.
- (e) To make recommendations to the Board on transition from vernacular to English medium and in exploring ways towards introducing 'Happiness classes' & 'Smart classes' in schools to improve concentration skills of students
- (f) Furthering educational objects by measures other than the establishment and maintenance of primary schools;

- (g) Setting up or supporting higher schools, colleges and vocational and professional and special education;
- (h) Monitoring functioning SMCs (School Management Committees) in all schools run by the Board and examining reports of SMCs for recommendations to the Board.
- (i) Monitoring Libraries, museums and other Study Circles being run by the Board, and
- (j) Any other matter that may be entrusted by the Board.
