

LOKPAL OF INDIA
[Plot No. 6, Institutional Area, Phase- II, Vasant Kunj]
New Delhi - 110070

Complaint No. : 202/2023.

Date : February 14 , 2024.

Coram : **Justice Abhilasha Kumari**
Judicial Member

Smt. Archana Ramasundaram
Member

Shri Mahender Singh
Member

ORDER

Perused the complaint.

2. The present complaint is directed against three public servants serving in the Cantonment Board, Jalandhar (Cantonment Board), namely the then Chief Executive Officer (CEO), Engineer and the present CEO, whose names find mention in the complaint.

3. The allegations are to the effect that rampant corruption is taking place in the said Cantonment Board, resulting in the violation of the provisions of the Cantonment Act, 2006 (The Act). Reference is made to Section 235, stating that as per this provision, a written application and previous sanction is required for any kind of erection or re-erection of a building, but the Cantonment Board has permitted the construction of several new



buildings without an application or previous sanction. It is stated that despite bringing this state of affairs to the knowledge of the President, Principal Director and CEO, no action has been taken and the construction of new buildings is still going on. According to the complainant, when he raised the issue before the authorities, the CEO sent him threatening messages and blocked his number. Copies of the screenshots of the messages have been attached to the complaint. The complainant has further alleged that his applications for documents regarding sanction for approval and the sanctions accorded, filed under the Right to Information Act, 2005 (RTI Act), have been rejected on the pretext that the information is being sought by a third party.

4. The complainant has further alleged that the violations of the provisions of the Cantonment Act have been made as a part of a conspiracy, with the complicity and connivance of the concerned public servants, engineers, staff and Board Members, under the guise of repair. In addition, it is stated that the Notification dated 10/12/2019 of the Ministry of Defence (MoD) has also been violated. The complaints made by him on the e-Chhawani portal have been closed. According to the complainant, these deliberate acts of omission and commission point towards high-end corruption. The complainant has requested the intervention of the Lokpal of India and has prayed that strict action be taken against the concerned public servants under the relevant provisions of law and under Section 247 of the Cantonments Act, regarding the illegal construction that has taken place. The complainant has, therefore, requested that the matter be thoroughly probed.



5. After perusal and consideration of the complaint, the Full Bench of the Lokpal of India found that the matter required further scrutiny. By an order dated 21/12/2023, the Full Bench directed the Secretary, MoD, to look into the matter thoroughly and submit a Status Report on, or before, 29/01/2024. Accordingly, the Status Report dated 30/01/2024 has been received from the MoD.

6. A perusal of the Status report indicates that, indeed, certain violations have been committed as regards unauthorized construction under the Cantonment Board. It appears that based upon the complaint:

- (i) 41 cases were analyzed (16 of repairs and 25 of additions), out of which action has been initiated in 23 cases. Follow up action for demolition or composition of unauthorized construction, as the case may be, is pending with the Cantonment Board.
- (ii) It has been found that in respect of 13 cases of unauthorized construction, no action has been taken. Out of these, in 9 cases permissions for repair were given by the CEO but the residents/occupiers violated these permissions with impunity and made unauthorized constructions without the approval of the competent authority. It is recorded that the complainant has stated that he brought these 9 cases to the notice of the CEO, but no action was taken. As per the Status Report, the reasons for not taking any action in these cases is not forthcoming from the records.



- (iii) As regards 5 cases pointed out by the complainant at serial numbers 37-41, the CEO has reported that there is no record of recent constructions and the complainant may submit supporting documents regarding these.
- (iv) Over a period of 4 years, 12 cases of encroachments were reported, which have reportedly been removed/demolished.
- (v) No complaint has been received on the e-Chhawani module from the complainant against unauthorized construction.
- (vi) Insofar as the rejection of the RTI applications of the complainant is concerned, the procedure under the RTI Act can be followed.

7. Certain recommendations have been made by the MoD, in respect of the findings contained in the Status Report. It is clearly stated that the inaction in the 9 cases that were brought to the notice of the Cantonment Board, brings out the fact that **“there has been a clear lapse by concerned officers of the Cantonment Board. DGDE may be asked to enquire and fix responsibility, and initiate case for appropriate action against the erring officials”**.

8. It is further stated in the Report that in 5 cases submitted by the complainant, the cantonment Board has not initiated action due to lack of supporting documents/information. The CEO has been directed to look into these cases and obtain the required

information/documents/details from the complainant. If required, the DGDE may be asked to ensure necessary action as per law. With regard to the Notification dated 10/12/2019 of the MoD, it is stated that since this Notification regarding repairs to buildings enables carrying out repairs without making an application to the Cantonment board, **“the action of the Board officials to grant such permissions is not in order. DGDE may issue a suitable advisory to all field functionaries in this regard”**.

9. The complaint has now been assigned to this Division Bench for consideration and decision. We have perused the complaint and the Status Report and considered their contents. We find that most of the allegations made by the complainant have turned out to be correct. The Status Report vindicates almost all the allegations made by the complainant and paints a sorry picture regarding the manner of functioning of the Cantonment Board. The lapses described in the complaint and found in the Status Report , amount to deliberate acts of omission and commission, which point out to connivance and complicity to cause violations of the statute, probably for ulterior motives of illegal gain, to all those concerned. In our considered view, such a situation should not be permitted to continue either in this Cantonment Board, or any other, so as to prevent and root out corruption and corrupt practices of this nature. Even in those cases where no action has been taken due to the purported lack of documents, it is the duty of the Cantonment Board to examine such cases and find out



whether violations have taken place. If it is so found, remedial action should be taken.

10. Accordingly, we agree with the recommendations made in the Status Report, regarding enquiry by the DGDE, fixing of responsibility for the clear lapses by the concerned public servants of the Cantonment Board and initiation of appropriate action against the erring officials. We also endorse the suggestion that the DGDE may issue suitable advisories to all field functionaries and other concerned officials, not only regarding the Notification dated 10/12/2019, but also on any related aspect of the matter, in order to ensure that all loopholes for potential violations and corruption are closed. We direct that the recommendations be implemented. The DGDE shall submit a report of compliance to the Lokpal of India in this regard, within three months from the date of the receipt of this order.

11. Subject to the above directions, the complaint is closed and disposed of.



COURT MASTER
LOKPAL OF INDIA