

# Cantonments Act, 1924

UNION OF INDIA

India

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### Act 2 of 1924

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Cantonments Act, 1924 Act No. 2 of 1924

### 1466.

Object and Reasons.- A committee which was appointed by the Government of India in January 1921 to consider what changes were necessary in order to introduce into the administration of cantonments the spirit of the reformed scheme of Government. recommended a complete revision and amalgamation of the Cantonments Act (Act 15 of 1910) and the Cantonment Code, 1912, in order to bring into conformity with ordinary municipal law the system under which military cantonments are administered. The recommendations of the committee have now been examined by the Government of India and the conclusions arrived at are embodied in the Bill. The main features of the Bill are as follows : (a) It is proposed to take power to municipalize the government of those cantonments which contain a substantial civil population having no essential connection with or dependence upon the military administration. In other cantonments where these circumstances do not fully exist the administration of cantonment affairs will be vested in the hands of the commanding officer of the cantonment, who, for the purpose of the Act, will be constituted a corporation sole. The general effect will be that the Government authority will cease to be the purely executive agency as at present. In the larger cantonments the existing cantonment committee will be replaced by a cantonment Board which will be municipal in character and an essentially local self-Government body. (b) The reformed cantonment authorities will have a separate legal person, will be capable of suing and being sued in their own name and of making contracts. They will also be empowered to make bye-laws to govern local matters of administration which require different treatment in different cantonments. (c) The cantonment fund under the reformed system will be a local fund vested in the cantonment authority. (d) In the reformed cantonments where a Board is constituted a proportion of the cantonment Board will be elected representatives of the civil inhabitants of the cantonment. An official majority will, however, be maintained. (e) The cantonment Magistrate, as such, will be eliminated. In his place an "executive officer" will be appointed. He will be paid by Government. He will perform, amongst other things, the duties of

Secretary of the Board and he will have no judicial powers or functions.(f) The Local Government will exercise certain larger powers of superintendence and control over cantonment affairs than they do at present.(g) The military authorities will retain certain special powers in matters affecting the health, welfare and discipline of troops" - Gazette of India, 1923, Part V, p. 220. Select Committee Report<sup>3</sup>. The non-official members of the Select Committee desire to express the following opinion on two questions of administration connected with the policy which the Bill seeks to introduce. They hold very strongly that the ultimate control of cantonment administration under the reformed system should be exercised by the Government of India in the Army Department, and not by any executive military authority. They also hold that the executive officer, though he may be a military officer subordinate to the Army Department, should be like the Cantonment Magistrate of the present, be an officer in civil employ. It is recognized that it would be inappropriate to embody in the Bill provisions on these two points : but they desire it to be recorded that in agreeing to the Bill as amended, they hope that the further administrative arrangements to be made will conform to the views here expressed. - Gazette of India, 1923, Part V, p. 270. Act 53 of 1950.- Although, armed forces of the Union are stationed in cantonments within Part B States, the Cantonments Act, 1924 and the Cantonments (House Accommodation) Act, 1923 do not apply to those States, and this has given rise to serious administrative difficulties. It is, therefore, necessary to extend both the Acts to Part B States.

2. Elections to Cantonment Boards in Part A States and Part C States were last held between July and September, 1946 and were due to be held during the same period in 1949. As the preparation of electoral rolls for Cantonment Board was linked with that of the electoral rolls for the State Legislatures and Parliament in the cantonment areas and as extensive changes in the latter rolls were expected in view of the introduction of adult franchise, it was decided to hold in abeyance the elections in cantonments for a period of one year.

3. The life of the existing Board which was extended for a year will expire on various dates during the period between the 6th July and 30th September, 1950. While the electoral rolls in respect of the State Legislatures and Parliament are not likely to be completed before that time and the life of the Boards cannot be extended by more than one year under the existing provisions (section 15) of the Cantonments Act, 1924, it has, therefore, become necessary to promote legislation for (i) the preparation of electoral rolls for all Cantonment Boards on the basis of adult franchise, independently of those for the State Legislatures and Parliament; and (ii) the extension of the life of the existing Boards for a further short period until the next ordinary elections can be held on the basis of the new rolls.

4. Since the necessary legislation could not be introduced in the last session of Parliament, and in view of its urgency, an Ordinance, namely, the Cantonment Laws (Extension and Amendment) Ordinance, 1950 was promulgated on the 19th June, 1950.

5. The amendments made in the said Ordinance are of a permanent nature, except the provision for the extension of the term of the office of elected members of every Cantonment Board up to the end of November, 1950, or until the election of their successors is notified under sub-section (7) of section 13 of the Cantonments Act, 1924, whichever is earlier. It is, therefore, essential to replace the Ordinance by an Act in the next session of Parliament. - Gazette of India, 5-8-1950. Pt. II, Section 2, p. 240. Act 15 of 1983. - The Cantonments Act, 1924 provides for the administration of cantonments. The Act, for the first time, allowed representation of the civil population in the administration of the cantonments. Amendments to the Act were made from time to time and the last such amendment was made in 1954. The existence and the growth of a large population inside cantonments necessitate the organisation of local self-government institutions side by side with different kinds of control. The governance of a large civil population involves civic

responsibilities. A balance has to be struck between the interests of the Armed Forces from health, welfare and security point of view and the aspirations of the local population for participation in the administration of the cantonments.<sup>2</sup> Taking into consideration representations and suggestions made from various quarters and also other related matters like changes in the concept of municipal administration consistent with the necessity to ensure discipline, security, sanitation and health of the troops, the question as to what amendments should be made to the Act was referred to a Task Force which made a number of recommendations in this behalf.<sup>3</sup> Government has taken into consideration the recommendations made by the Task Force coupled with the need for streamlining and strengthening local administration of the Cantonment Board and proposes to make exhaustive amendments to the Cantonments Act. Some of the important amendments to the Act are (a) to provide for declaration of naval stations also as cantonments under the Cantonments Act, when necessary; (b) to extend the term of office of the members of the Board from three to five years; (c) to reduce the term of office of the Vice-President from three years to two and a half years which amounts to one-half of the tenure of a member in order to facilitate more than one elected member to hold the office of Vice-President and to provide for his removal through a noconfidence motion; (d) to empower the Executive Officer to discharge certain routine day-to-day functions of the administration of Cantonment Board; (e) to provide that the Cantonment Board acts as an appellate authority against the orders of the Executive Officer; (f) to confer on the civil area committee some of the powers of the Cantonment Board in so far as the administration of civil areas is concerned; (g) to enlarge or modify the list of obligatory duties and discretionary functions of the Cantonment Board; (h) to remove lacunae in the Act in regard to recovery of property tax in respect of private buildings occupied by the Government and recovery of rent on account of leases; (i) to enhance the amount of fines, fees and financial powers as provided in the Act, keeping in view the present day rise in prices; (j) to add to the list of orders issued under the Act against which an appeal would lie to the prescribed appellate authority and also provide that the stay of any orders appealed against would not be automatic but would be at the discretion of the appellate authority; (k) to remove certain difficulties experienced in the administration of the Act; (l) to amend obsolete provisions, bring the Act up-to-date and rearrange some of the sections consistent with the subject-matter of the sections; (m) to introduce order and clarity; (n) to make consequential amendments in the Act for giving effect to the above proposals.<sup>4</sup> The notes on clauses explain in detail the various provisions contained in the Bill. - Gazette of India, 9-7-1982, Pt. II, Section 2, Ext., p. 44 (No. 6). [16th February, 1924.] An Act to consolidate and amend law relating to the administration of cantonments. WHEREAS it is expedient to consolidate and amend the law relating to the administration of cantonments; It is hereby enacted as follows:-

## Chapter I

### Preliminary

#### 1. Short title, extent and commencement.-

(1) This Act may be called the Cantonments Act, 1924. (2) It extends to the whole of India [\* \* \*] [The words "except Part B States" were omitted by Act 53 of 1950, s.4] [\* \* \*] [The words "including British Baluchistan" were rep. by the A.O. 1948.]. (3) The Central Government may, by notification in

the Official Gazette, direct that this Act, or any provisions thereof which it may specify, shall come into force on such [date] [1st May, 1924; see Gazette of India, 1924, Pt.I. p.217.] as it may appoint in this behalf.

## 2. Definitions.-

In this Act, unless there is anything repugnant in the subject or context, -(i)"Assistant Health Officer" means the medical officer appointed by the [Officer Commanding-in-Chief, the Command,] [Substituted by Act 35 of 1926, s.2, for "Officer Commanding the District"] to be the Assistant Health Officer for a cantonment;(ii)"Board" means a Cantonment Board constituted under this Act;(iia)[ "boundary wall" means a wall which abuts on a street and which does not exceed eight feet in height;] [Inserted by Act 2 of 1954, s.2. ](iii)"brigade area" means one of the brigade areas, whether occupied by a brigade or not, into which India is for military purposes for the time being divided, and includes for all or any of the purposes of this Act any area which the Central Government may, by notification in the Official Gazette, declare to be a brigade area for such purpose or purposes;(iv)[ "building "means a house, outhouse, stable, latrine, shed, hut or other roofed structure whether of masonry, bricks, wood, mud, metal or other material, and any part thereof, and includes a well and a wall [(other than a boundary wall)] [Substituted by Act 24 of 1936, s.2, for the original clause.] but does not include a tent or other portable and temporary shelter;](v)[ \* \* \* \* ] [Cl. (v) was rep. by Act 24 of 1936, s.2.](vi)"casual election" means an election held to fill a casual vacancy;(vii)"casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of an elected member of a Board;(viii)"Command" means one of the Commands into which India is for military purposes for the time being divided, and includes any area which the Central Government may, by notification in the Official Gazette, declare to be a Command for all or any of the purposes of this Act;(ix)[ \* \* \* \* ] [Cl. (ix) was rep. By Act 12 of 1935, s.2 and Sch. I.](x)"dairy" includes any farm, cattle-shed, milk-store, milk shop or other place from which milk is supplied or in which milk is kept for purposes of sale or is manufactured for sale into butter, ghee, cheese or curds, and, in relation to a dairyman who does not occupy any premises for the sale of milk, includes any place in which he keeps the vessels used by him for the storage or sale of milk;(xi)"dairyman" includes the keeper of a cow, buffalo, goat, ass or other animal, the milk of which is offered or is intended to be offered for sale for human consumption, and any purveyor of milk and any occupier of a dairy;(xia)[ "entitled consumer" means a person in a cantonment who is paid from the Defence Services Estimates and is authorised by general or special order of the Central Government to receive a supply of water for domestic purposes from the Military Engineer Services or the Public Works Department on such terms and conditions as may be specified in the order.] [Inserted by Act 24 of 1936, s.2.](xii)"Executive Engineer" means the Public Works officer of that grade, or the [Officer of the Military Engineer Services] [Substituted by Act 7 of 1925, s.2, for "Military Works Officer"] of the corresponding grade, having charge of the military works in a cantonment [or where more than one such officer has charge of the military works in a cantonment such one of those officers as the Officer Commanding the station may designate in this behalf] [Inserted by Act 24 of 1936, s.2. ], and includes the officer of whatever grade in immediate executive engineering charge of a cantonment;(xiii)"Executive Officer" means the person appointed under this Act to be the Executive Officer of a cantonment;(xiv)"Health Officer" means the senior executive medical officer in military employ on duty in a cantonment;(xv)[ \* \* \* \* ] [Cl.(xv) was rep. by Act 24

of 1936, s.2](xvi)"hut" means any building, no material portion of which above the plinth level is constructed of masonry or of squared timber framing or of iron framing;(xvii)"infectious or contagious disease" means cholera, leprosy, enteric fever, small-pox, tuberculosis, diphtheria, plague, influenza, venereal disease, and any other epidemic, endemic or infectious disease which the [Central Government] [Substituted by the A.O.1937, for "L.G." ] may, by notification in the Official Gazette, declare to be, an infectious or contagious disease for the purposes of this Act;(xviii)"inhabitant", in relation to a cantonment, or local area, means any person ordinarily residing or carrying on business or owning or occupying immovable property therein, and in case of a dispute means any person declared by the District Magistrate to be an inhabitant;(xix)"intoxicating drug" means opium; ganja, bhang, charas and any preparation or admixture thereof, and includes any other intoxicating substance, or liquid which the [Central Government] [ Substituted by the A.O. 1937, for "L.G." ] [\* \* \* \*] [The words "with the previous sanction of the G.G. in C." were rep. by Act 7 of 1925, s.2 ] may by notification in the Official Gazette, declare to be an intoxicating drug for the purposes of this Act;(xx)"market" includes any place where persons assemble for the purpose of selling meat, fish, fruit, vegetable, livestock or any other article of food;(xxa)[ "Military Estates Officer"means the officer appointed by the Central Government to perform the duties of the Military Estates Officer under rules made under clauses (a) and (b) of sub-section (2) of section 280 ;] [Inserted by Act 24 of 1936, s.2.](xxi)"Military officer" means-(a)a person who, being an officer within the meaning of [\* \* \*] [The words "the Army Act or" were omitted by the A.O. 1950.] the Army Act, 1950 (46 of 1950 is commissioned and in pay as an officer doing military or air force duty with [\* \* \*] [The words "His Majesty's" were omitted by the A.O. 1950.] military or air forces, or is an officer doing such duty in any arm, branch or part of those forces; or(b)a person doing military or air force duty as a warrant officer with either or those forces or with any arm, branch, or part thereof, whether he is or is not an officer within the meaning of [\* \* \*] [The words "the Army Act or" were omitted by the A.O. 1950. ] the Indian Army Act, 1911, [or the Indian Air Force Act, 1932;] [Inserted by Act 24 of 1936, s.2.](xxii)"nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;(xxiii)"occupier" includes an owner in occupation of, or otherwise using his own land or building;(xxiv)"Officer Commanding the District" means the Officer Commanding any one of the districts into which India is for military purposes for the time being divided, or any brigade area which does not form part of any such district, or any area which the Central Government may, by notification in the Official Gazette, declare to be such a district for all or any of the purposes of this Act;(xxiva)[ "Officer Commanding the station" means the military officer for the time being in command of the forces in a cantonment, or, if that officer is the Officer Commanding the District or Officer Commanding-in-Chief, the Command, the military officer who would be in command of those forces in the absence of the Officer Commanding the District and Officer Commanding-in-Chief, the Command;] [Inserted by Act 12 of 1935, s.2 and Sch. I. ](xxv)"ordinary election" means an election held to fill a vacancy in the office of: an elected member of a Board arising by efflux of time;(xxvi)"owner" includes any person who is receiving or is entitled to receive the rent of any building or land whether on his own account or on behalf of himself and others or an agent or trustee, or who would so receive the rent or be entitled to receive it if the building or land were let to a tenant;(xxvii)"party wall" means a wall forming part of a building and used or constructed to be used for the support or separation of adjoining buildings belonging to different

owners, or constructed or adapted to be occupied by different persons;(xxviii)"private market" means a market which is not maintained by a [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] and which is licensed by a [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] under the provisions of this Act;(xxix)"private slaughter-house" means a slaughter-house which is not maintained by a [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] and which is licensed by a [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] under the provisions of this Act;(xxx)"public market" means a market maintained by a [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"];(xxxi)"public place" means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not;(xxxii)"public slaughter-house" means a slaughter-house maintained by a [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"];(xxxiiia)[ a person is deemed to reside in a cantonment if he maintains therein a house or a portion of a house which is at all times available for occupation by himself or his family even though he may himself reside elsewhere, provided that he has not abandoned all intention of again occupying such house either by himself or his family;] [Inserted by Act 24 of 1936, s.2](xxxiii)"shed" means a slight or temporary structure for shade or shelter;(xxxiv)"slaughter-house" means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;(xxxv)"soldier" means a person who is a soldier or airman within the meaning of the Army Act or the Air Force Act, or is subject to the Indian Army Act, 1911 and who is not a military officer;(xxxvi)"spirituous liquor" means any fermented liquor, any wine, or any alcoholic liquid obtained by distillation or the sap of any kind of palm tree, and includes any other liquid containing alcohol which the [Central Government] [Substituted by the A.O.1937, for "L.G."] [\* \* \*] [The words "with the previous sanction of the G.G.in C." were rep. by Act 7 of 1925, s.2.] may by notification in the Official Gazette, declare to be a spirituous liquor for the purposes of this Act;(xxxvii)"street" includes any way, road, lane, square, court, alley [or passage] [Substituted by Act 24 of 1936, s.2, for "passage or open space"] in a cantonment, whether a thoroughfare or not and whether built upon or not, over which the public have a right-of-way and also the road-way or footway over any bridge or causeway;(xxxviii)"vehicle" means a wheeled conveyance of any description which is capable of being used on a street, and includes a motor-car, motor lorry, motor omnibus, cart, locomotive, tram-car, hand-cart, truck, motor-cycle, bicycle, tricycle and rickshaw; [\* \* \*] [The word "and" was rep. by Act 24 of 1936, s.2].(xxxix)"water-works" includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, water-trucks, sluices, mains, pipes, culverts, hydrants, stand-pipes, and conduits, and all machinery, lands, buildings, bridges and things, used for, or intended for the purpose of, supplying water to a cantonment, [and [Inserted by Act 24 of 1936, s.2](xi)"year" means the year commencing on the first day of April.]

## **2A. Rule of construction.-**

Rep. by the Cantonments (Amendment) Act, 1954 (2 of 1954), s.3.

## Chapter II

### Definition And Delimitation Of Cantonments

#### 3. Definition of cantonments.-

(1)The [Central Government] [Substituted by the A.O. 1937, for "L.G."] [\* \* \*] [The words "with the previous sanction of the G.G. in C." were rep.by the A.O. 1937.] may, by notification in the Official Gazette, declare any place or places in which any part of [the Indian Army or the Indian Air Force] [Substituted by the A.O. 1950, for "His Majesty's regular forces or regular air force"] is quartered or which, being in the vicinity of any such place or places, is or are required for the service of such forces to be a cantonment for the purposes of this Act and of all other enactments for the time being in force, and [\* \* \*] [The words "with the like sanction" were rep. by the A.O. 1937. ] may, by a like notification, declare that any.cantonment shall cease to be a cantonment.(2)The [Central Government] [Substituted by the A.O. 1937, for "L.G."] [\* \* \*] [The words "with the like sanction" were rep. by the A.O. 1937. ] may, by a like notification, define the limits of any cantonment for the aforesaid purposes.(3)[ When any place is declared a cantonment for the first time, the Central Government may, until a Board is constituted in accordance with the provisions of this Act, by order make any provision which appears necessary to it either for the administration of the cantonment or for the constitution of the Board.] [Inserted by Act 24 of 1936, s.3. ](4)[ The Central Government may, by notification in the Official Gazette, direct that in any place declared a cantonment under subsection (1) the provisions of any enactment relating to local self-government other than this Act shall have effect only to such extent or subject to such modifications, or that any authority constituted under any such enactment shall exercise authority only to such extent, as may be specified in the notification.] [Inserted by Act 8 of 1944, s.2.]

#### 4. Alteration of limits of cantonments.-

(1)The [Central Government] [Substituted by the A.O. 1937, for "L.G."] may [after consulting the State Government and the Board concerned] [Inserted by Act 2 of 1954, s.4. ], by notification in the Official Gazette, declare its intention to include within [the cantonment] [Substituted by Act 2 of 1954, section 4 for "a cantonment". ] any local area situated in the [the cantonment] [Substituted by Act 2 of 1954, section 4 for "a cantonment". ] vicinity thereof or to exclude from [the cantonment] [Substituted by Act 2 of 1954, section 4 for "a cantonment". ] any local area comprised therein(2)Any inhabitant of a cantonment or local area in respect of which a notification has been published under sub-section (1) may within six weeks from the date of the notification, submit in writing to the [Central Government] [Substituted by the A.O. 1937, for "L.G."] through the Official Commanding-in-Chief, the Command, an objection to the notification, and the [Central Government] [Substituted by the A.O. 1937, for "L.G."] shall take such objection into consideration.(3)On the expiry of six weeks from the date of the notification, the [Central Government] [Substituted by the A.O. 1937, for "L.G."] may after considering the objections, if any, which have been submitted under sub-section (2), by notification in the Official Gazette, include the local area in respect of which the notification was published under sub-section (1), or any part thereof, in the cantonment or, as the case may be, exclude such area or any part thereof from the

cantonment.

## **5. The effect of including area in cantonment.-**

When, by a notification under section 4, any local area is included in a cantonment such area shall thereupon become subject to this Act and to all other enactments for the time being in force throughout the cantonment and to all notifications, rules, regulations, bye-laws, orders and directions issued or made thereunder.

## **6. Disposal of cantonment fund when area ceases to be a cantonment.-**

(1)When, by a notification under section 3, any cantonment ceases to be a cantonment and the local area comprised therein is immediately placed under the control of a local authority, the balance of the cantonment fund and other property vesting in the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] shall vest in such local authority, and the liabilities of the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] shall be transferred to such local authority.(2)When, in like manner, any cantonment ceases to be a cantonment and the local area comprised therein is not immediately placed under the control of a local authority, the balance of the cantonment fund and other property vesting in the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] shall vest in Government, and the liabilities of the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] shall be transferred to the [Central Government] [Substituted by the A.O. 1937, for "L.G. "].

## **7. Disposal of cantonment fund when area ceases to be included in a cantonment.-**

(1)When, by a notification under section 4, any local area forming part of a cantonment ceases to be under the control of particular [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] and is immediately placed under the control of some other local authority, such portion of the cantonment fund and other property vesting in the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] and such portion of the liabilities of the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"], as the Central Government may, by general or special order, direct, shall be transferred to that other local authority.(2)When, in like manner, any local area forming part of a cantonment ceases to be under the control of a particular [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority "] and is not immediately placed under the control of some other local authority, such portion of the cantonment fund and other property vesting in the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] shall vest in Government, and such portion of the liabilities of the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] shall be transferred to the [Central Government] [Substituted by the A.O. 1937, for "L.G."], as the Central Government may, by general or specific order, direct.



## **8. Application of funds and property transferred under sections 6 and 7.-**

Any cantonment fund or portion of a cantonment fund or other property of a [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] vesting in Government under the provision of section 6 or section 7 shall be applied in the first place to satisfy any liabilities of the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] transferred under such provisions to the [Central Government] [Substituted by the A.O. 1937, for "L.G."], and in the second place for the benefit of the inhabitants of the local area which has ceased to be a cantonment or, as the case may be, part of a cantonment.

## **9. Limitation of operation of Act.-**

The [Central Government] [Substituted by the A.O. 1937, for "L.G."] may, [\* \* \*] [The words "with the previous sanction of the G.G. in C." were rep. by the A.O. 1937 ] by notification in the Official Gazette, exclude from the operation of any part of this Act the whole or any part of a cantonment, or direct that any provision of this Act shall, in the case of any cantonment-(a)[ situated within the limits of a Presidency-town; or [Substituted by Act 24 of 1936, s.4, for "specified in the notification in which there is no Board"] (b) in which the Board is superseded under section 54.] apply with such modifications as may be so specified.

## **Chapter III**

### **[CANTONMENT BOARDS] [Substituted by Act 34 of 1939, s.2 and Sch.I, for "Boards and Cantonment Board"]**

Boards

## **10. Cantonment Board and Executive Officer.-**

For every cantonment there shall be a Cantonment Board and an Executive Officer.

## **11. [ Incorporation of Cantonment Board.- [Substituted by Act 24 of 1936, s.5, for the original section. ]**

Every Board shall, by the name of the place by reference to which the cantonment is known, be a body corporate having perpetual succession and a common seal with power to acquire and hold property both movable and immovable and to contract and shall, by the said name, sue and be sued.]

## **12. [ Appointment of Executive Officer.- [Substituted by Act 24 of 1936, s.5, for the original section.]**

(1)The Executive Officer of every cantonment shall be appointed by the Central Government, or by such Person as the Central Government may authorise in this behalf, from the [Military Lands and Cantonments Service] constituted by rules made under section 280:[Provided that where a member of the Military Lands and Cantonments Service is not readily available for such appointment, a Military Officer may be appointed as the Executive Officer for a period not exceeding three months:Provided further that] [Substituted by Act 2 of 1954, s.5, for "Provided that" ] an Executive Officer appointed before the commencement of the Cantonments (Amendment) Act, 1936, shall, unless the Central Government otherwise directs in any case, be deemed to have been duly appointed in accordance with this sub-section.(24 of 1936.)(2)Not less than half the cost of the salary of the Executive Officer shall be paid [by the Central Government] [Substituted by the A.O. 1937, for "by Government" ] and the balance from the cantonment fund:Provided that the salary of an Executive Officer appointed before the commencement of the Cantonments (Amendment) Act, 1936, 2 shall, until the Central Government otherwise directs, continue to be paid from the source from which it was being paid at the commencement of the said Act.(3)The Executive Officer shall be the Secretary of the Board and of every committee of the Board, but shall not be a member of the Board or of any such committee.]

### **13. [ Constitution of Cantonment Boards.- [Substituted by Act 24 of 1936, s.5, for the original section.]**

(1)Cantonments shall be divided into three classes, namely:-(i)Class I Cantonments, in which the civil population exceeds ten thousand;(ii)Class II Cantonments, in which the civil population exceeds two thousand five hundred, but does not exceed ten thousand; and(iii)Class III Cantonments, in which the civil population does not exceed two thousand five hundred:[\* \* \* \* \*](2)For the purposes of sub-section (1), the civil population shall be calculated in accordance with the latest official census, or, if the Central Government, by general or special order, so directs, in accordance with a special census taken for the purpose.(3)In Class I Cantonments, the Board shall consist of the following members, namely:-(a)the Officer Commanding the station or, if the Central Government so directs in respect of any cantonment, such other military officer as may be nominated in his place by the Officer Commanding-in-Chief, the Command;(b)a Magistrate of the first class nominated by the District Magistrate;(c)the Health Officer;(d)the Executive Engineer;(e)four military officers nominated by name by the Officer Commanding the station by order in writing;(f)seven members elected under this Act.(4)In Class II Cantonments, the Board shall consist of the following members, namely:-(a)the Officer Commanding the station, or, if the Central Government so directs in respect of any cantonment, such other military officer as may be nominated in his place by the Officer Commanding-in-Chief, the Command(b)a Magistrate of the first class nominated by the District Magistrate;(c)the Health Officer;(d)the Executive Engineer;(e)(i)in cantonments of which the civil population exceeds seven thousand five hundred, three military officers,(ii)in cantonments of which the civil population exceeds five thousand, but does not exceed seven thousand five hundred, two military officers,(iii)[ in cantonments of which the civil population does not exceed five thousand, one military officer,] [Substituted by the A.O.1950, for the former clause.] nominated by name by the Officer Commanding the station by order in writing;(f)such number of members elected under this Act as is equal to the number of members constituted or nominated by or under clauses (b) to (e).(5)In Class III Cantonments, the

Board shall consist of the following members, namely:-(a)the Officer Commanding the station, or if the Central Government so directs in respect of any cantonment, such other military officer as may be nominated in his place by the Officer Commanding-in-Chief, the Command;(b)one military officer nominated by name by the Officer Commanding the station by order in writing;(c)one member elected under this Act.(6)The Officer Commanding the station may, if he thinks fit, with the sanction of the Officer Commanding-in-Chief, the Command, nominate in place of any military officer whom he is empowered to nominate under clause (e) of sub-section (3), clause (e) of sub-section (4) or clause (b) of sub-section (5), any person, whether in the service of the Government or not, who is ordinarily resident in the cantonment or in the vicinity thereof.(7)Every election or nomination of a member of a Board and every vacancy in the membership thereof shall be notified by the [Central Government] [Substituted by the A.O. 1937, for "L.G."] in the Official Gazette.]

#### **14. [ Power to vary constitution of Boards in special circumstances.- [Substituted by Act 24 of 1936, s.5, for the former section.]**

(1)Notwithstanding anything contained in section 13, if the Central Government is satisfied -(a)that, by reason of military operations it is necessary, or(b)[\* \* \*] that, for the administration of the cantonment, it is desirable, to vary the constitution of the Board in any cantonment under this section, the Central Government may, by notification in the Official Gazette, make a declaration to that effect.(2)Upon the making of a declaration under sub-section (1), the Board in the cantonment shall consist of the following members, namely :-(a)the Officer Commanding the station;(b)one military officer nominated by name by the Officer Commanding the station by order in writing;(c)one member, not being a person in the service of the Government, nominated by the Officer Commanding the station.(3)Every nomination of a member of a Board constituted under this section, and every vacancy in the membership thereof, shall be notified by the [by the Central Government] [Substituted by the A.O. 1937, for "by Government" ] in the Official Gazette.(4)The term of office of a Board constituted by a declaration under sub-section (1) shall not ordinarily extend beyond one yearProvided that the Central Government may from time to time by a like declaration, extend the term of office of such a Board by an period not exceeding one year at a time:Provided also that the Central Government shall forthwith direct that the term of office of such a Board shall cease if, in the opinion of the Central Government, the reasons stated in the declaration whereby such Board was constituted, or its term of office was extended, have ceased to exist.(5)When the term of office of a Board constituted under this section has expired or ceased, the Board shall be replaced by the former Board which, but for the declaration under sub-section (1), would have continued to hold office, or, if the term of office of such former Board has expired, by a Board constituted under section 13.]

#### **15. Term of office of members.-**

(1)Save as otherwise provided in this section, the term of office of a member of a Board shall be three years and shall commence from the date of the notification of his election or nomination under [sub-section (7) of section 13] [Substituted by Act 24 of 1936, s.6, for "sub-section (2) of section 14"], or from the date on which the vacancy has occurred in which he is elected or nominated, whichever

date is later:[Provided that the Central Government may, when satisfied that it is necessary in order to avoid administrative difficulty, extend the term of office of all the elected members of a Board by such period not exceeding one year, as it thinks fit.] [Inserted by Act 24 of 1936, s.6][\* \* \*] [The proviso which had been inserted by Act 8 of 1944, s.3, was rep. by Act 2 of 1948, s.2 and Sch.](2)The term of office of an ex-officio member of a Board shall continue so long as he holds the office in virtue of which he is such member.(3)The term of office of a member elected to fill a casual vacancy shall commence from the date of election and shall continue so long only as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.(4)An outgoing member shall, unless the [Central Government] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] otherwise directs, continue in office until the election or nomination of his successor is notified under [sub-section (7) of section 13] [Substituted by Act 24 of 1936, s.6, for "sub-section (2) of section 14"].

## 5.

) Any outgoing member may, if qualified, be re-elected or renominated.

## 16. Filling of vacancies.-

(1)Vacancies arising by efflux of time in the office of an elected member of a Board shall be filled by an ordinary election to be held on such date as the [Central Government] [Substituted by the A.O.1937, for "L.G."] may, by notification in the Official Gazette, direct.(2)A casual vacancy shall be filled by a casual election the date of which shall be fixed by the [Central Government] [Substituted by the A.O.1937, for "L.G."] by notification in the Official Gazette, and shall be, as soon as may be, after the occurrence of the vacancy :Provided that no casual election shall be held to fill a vacancy occurring within three months of any date on which the vacancy will occur by efflux of time, but such vacancy shall be filled at the next ordinary election.

## 17. Vacancies in special cases.-

(1)If from any cause at an ordinary election no member is elected, or if the elected member is unwilling to serve on the Board, the outgoing member shall, if qualified and willing to serve, be deemed to have been re-elected:[Provided that where there are more outgoing members qualified and willing to serve than there are vacancies to be filled under this sub-section, the outgoing members so deemed to have been re-elected shall, failing agreement amongst such members, be determined by lot under the supervision of the President of the Board and in such manner as he may decide.] [Inserted by Act 15 of 1942, s.2.](2)[ Vacancies arising in any of the following cases shall be filled by nomination by the Central Government after consultation with the Officer Commanding-in-Chief, the Command, namely :-(a)where at a casual election no member is elected;(b)where at an ordinary election no member or an insufficient number of members is elected, or an elected member is unwilling to serve on the Board and the outgoing member is not qualified or is not willing to serve or is dead or cannot be found within a reasonable time;(c)where at an election held when a Board is constituted for the first time no member or an insufficient number of members is elected or an elected member is unwilling to serve on the Board.](3)[ For the

purposes of sub-section (2) of section 16, a member nominated in pursuance of sub-section (2) of this section shall, where there has been a division of the cantonment into wards or of the inhabitants thereof into classes, be deemed to have been elected by such ward or class, as the case may be, as the Central Government may at the time of making the nomination or at any time thereafter declare.] [Sub-section (3) has inserted and the original sub-section (3) re-numbered (4) by s.2, Act 15 of 1942 ](4)[ ] [Sub-section (3) has inserted and the original sub-section (3) re-numbered (4) by s.2, Act 15 of 1942. ] The term of office of a member nominated or deemed to have been re-elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

## **18. Oath or affirmation.-**

(1)Every person who is by virtue of his office, or who nominated or elected to be, a member of a Board shall, before taking his seat, make at a meeting of the Board an oath or affirmation of his allegiance to the [Constitution of India] [Substituted by the A.O. 1948, for "Crown". ] in the following form namely :-"I, A.B., having become/been elected/been nominated a member of this Board, do solemnly swear (or affirm) that I will be faithful and bear true allegiance to [the Constitution of India as by law established] [Substituted by the A.O. 1948, for "His Majesty the King Emperor of India, his heirs and successors"]], and that I will faithfully discharge the duty upon which I am about to enter".(2)If any such person fails to make the oath or affirmation within such time as the [Central Government] [Substituted by the A.O.1937, for "L.G." ] considers reasonable, the [Central Government] [Substituted by the A.O.1937, for "L.G." ] shall, by notification in the Official Gazette declare his seat to be vacant.

## **19. Resignation.-**

(1)Any nominated or elected member of a Board who wishes to resign his office may forward his resignation in writing through the President of the Board to the Officer Commanding-in-Chief, the Command who shall forward it for orders to the [Central Government] [Substituted by the A.O.1937, for "L.G." ].(2)If the [Central Government] [Substituted by the A.O. 1937, for "L.G." ] accepts the resignation, such acceptance shall be communicated to the Board, and thereupon the seat of the member resigning shall become vacant.

## **20. President and Vice-President.-**

(1)The [Officer Commanding the station] [Substituted by Act 7 of 1925 s.14, for "Commanding Officer of the Cantonment"] [if a member of the Board] [Inserted by Act 24 of 1936, s.7. ] shall be the President of the Board:[Provided that when a military officer holding the office of President ceases to be the Officer Commanding the station merely by reason of a temporary absence from the station on duty or on station leave, or during the transfer of his headquarters to a hill station, he shall not vacate the office of President.] [Inserted by Act 26 of 1927, s.3.](2)[ Where the Officer Commanding the station is not a member of the Board, the military officer nominated in his place under clause (a) of sub-section (3), sub-section (4) or sub-section (5) of section 13 shall be President of the Board.(3)In every Board in which there is more than one elected member, there shall be a

Vice-President elected by the elected members only and from among their number [in accordance with such procedure as the Central Government may by rule prescribe] [Substituted by Act 24 of 1936, s.7, for the original sub-section.].] [Substituted by Act 15 of 1942, for the former sub-section (2). ]

## **21. Term of office of Vice-President.-**

[(1) The term of office of a Vice-President shall be three years or the residue of his term of office as a member, whichever is less.] [Substituted by Act 15 of 1942, s.8, for the original sub-section.](2)A Vice-President may resign his office by notice in writing to the President and, on the resignation being accepted by the Board, the office shall become vacant.

## **22. Duties of President.-**

(1)It shall be the duty of the President of every Board -(a)unless prevented by reasonable cause, to convene and preside at all meetings of the Board and to regulate the conduct of business thereat;(b)to exercise supervision and control over the financial and executive administration of the Board;(c)to perform all the duties and exercise all the powers specifically imposed or conferred on the President by or under this Act ; and(d)subject to any restrictions, limitations and conditions imposed by this Act, to exercise executive power for the purpose of carrying out the provisions of this Act and to be directly responsible for the fulfillment of the purposes of this Act.(2)The President may, by order in writing, empower the Vice-President to exercise all or any of the powers and duties referred to in clause (c) of sub-section (1) other than any power, duty or function which he is by resolution of the Board expressly forbidden to delegate.(3)The exercise or discharge of any powers, duties or functions delegated by the President under this section shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the President and to the control of, and to revision by, the President.(4)Every order made under sub-section (2) shall forthwith be communicated to the Board and to the [Officer Commanding-in-Chief, the Command] [Substituted by Act 35 of 1926, s.2, for "Officer Commanding the District" ].

## **23. Duties of Vice-President.-**

It shall be the duty of the Vice-President of every Board -(a)in the absence of the President and unless prevented by reasonable cause, to preside at meetings of the Board and when so presiding to exercise the authority of the President under sub-section (1) of section 22;(b)during the incapacity or temporary absence of the President or pending his appointment or succession, to perform any other duty and exercise any other power of the President; and(c)to exercise any power and perform any duty of the President which may be delegated to him under subsection (2) of section 22.

## **24. Duties of the Executive Officer.-**

The Executive Officer shall perform all the duties imposed upon him by or under this Act, and shall be responsible for the; custody of all the records of the [Board] [Substituted by Act 24 of 1936, s.69,

for "Cantonment Authority"], and shall arrange for the performance of such duties relative to the proceedings of the Board or of any Committee of the Board or of any Committee of Arbitration constituted under this Act, as those bodies may respectively impose on him, and shall comply with every requisition of the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"], on any matter pertaining to the administration of the cantonment.

## **25. Special Power of the Executive Officer.-**

The Executive Officer may, in cases of emergency, direct the execution of any work or the doing of any Act which would ordinarily require the sanction of the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the cantonment fund :-Provided that -(a)[\* \* \*] [The words "where there is a Board" was rep. by Act 24 of 1936 s.9] he shall not act under this section without the previous sanction of the President or, in his absence, of the Vice-President ;(b)he shall not act under this section in contravention of any order of the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] prohibiting the execution of any particular work or the doing of any particular act; and(c)he shall report forthwith the action taken under this section and the reasons therefor to the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"].Elections

## **26. Electoral rolls.-**

(1)[\* \* \*] [The words "Where a Board is to be constituted in any cantonment otherwise than in accordance with the proviso to sub-section (1) of section 14" rep. by Act 24 of 1936, s.10] [The Board or, where a Board is not constituted in any place declared by notification under sub-section (1) of section 3 to be a cantonment, the Officer Commanding the station] [Substituted by Act 24 of 1936, s.10 for "the Cantonment Authority"], shall prepare and publish an electoral roll showing the names of persons qualified to vote at elections to the Board. Such roll shall be prepared, revised and finally published in such manner and on such date in each year as the [Central Government] [Substituted by the A.O. 1937, for "L.G."] may by rule prescribe.(2)Every person whose name appears in the final electoral roll shall, so long as the roll remains in force, be entitled to vote at an election to the Board, and no other person shall be so entitled.(3)When a cantonment has been divided into wards, [\* \* \*] [The words "or the inhabitants into classes" omitted by Act 2 of 1954, s.6.] the electoral roll shall be divided into separate lists for each ward [\* \* \*] [The words "or class, as the case may be" omitted, by Act 2 of 1954, section 6].(4)If a new electoral roll is not published in any year on the date prescribed, the [Central Government] [Substituted by the A.O. 1937, for "L.G."] may direct that the old electoral roll shall continue in operation until the new roll is published.

## **27. Qualification of electors.-**

[(1) Every person who, on such date as may be fixed by the Central Government in this behalf by notification in the Official Gazette (hereinafter in this section referred to as "the qualifying date"), is not less than twenty-one years of age and who has resides in the cantonment for a period of not less

than six months immediately preceding the qualifying date shall, if not otherwise disqualified, be entitled to be enrolled as an elector. Explanation.- When any place is declared a cantonment for the first time, or when any local area is first included in a cantonment residence in the place or area comprising the cantonment on the said date shall be deemed to be residence in the cantonment for the purposes of this sub-section.] [Substituted by Act 53 of 1950, s.6, for the former sub-section (1).](2)A person, notwithstanding that he is otherwise qualified, shall not be entitled to be enrolled as an elector if he on the [qualifying date [Substituted by Act 53 of 1950, s.6.]-](i)[ is not a citizen of India;] [Substituted by the A.O. 1950, for the former clause. ] or(ii)[ \* \* \*] [Clause (ii) omitted by Act 53 of 1950, s.6.](iii)has been adjudged by a competent court to be of unsound mind, or(iv)is an undischarged insolvent or(v)has been sentenced by a Criminal Court to imprisonment for a term exceeding [two years] [Substituted by Act 24 of 1936, s.11, for "six months"] or to transportation [for an offence which is declared by the Central Government to be such as to unfit him to become an elector] [Inserted by Act 24 of 1936, s.11 ] [ \* \* \*] [ The words "or has been ordered to find security for good behaviour under the Code of Criminal Procedure, 1898" rep. by Act 24 of 1936, s.11.] or has been sentenced by a Criminal Court for any offence under Chapter IXA of the Indian Penal Code : (45 of 1860.)Provided that the [Central Government] [Substituted by the A.O. 1937, for "L.G."] may, by order in writing, remove any disqualification incurred by a person under clause (v):[Provided further that any disqualification incurred by a person under clause (v) shall terminate on the lapse of three years from the expiry of the sentence or order.] [Inserted by Act 24 of 1936, s.11](3)If any person having been enrolled as an elector in any electoral roll subsequently becomes subject to any of the disqualification referred to in clauses (i), (iii), (iv) and (v) of sub-section (2), his name shall be removed from the electoral roll unless, in the case referred to in clause (v), the disqualification is removed by the [Central Government] [Substituted by the A.O. 1937, for "L.G."]

## 28. Qualification for being a member of the Board.-

(1)Save as hereinafter provided, every person, not being [a person [in receipt of pay] [Substituted by Act 24 of 1936, s.12, for "a stipendiary Magistrate or a military officer or soldier." ] in the military or civil service of [Government] [Substituted by the A.O. 1950, for "the Crown in India"]], whose name is entered on the electoral roll of a cantonment shall be qualified for election as a member of the Board in that cantonment.(1A)[ No person shall be qualified for nomination as a member of a Board if he is subject to any of the disqualifications specified in sub-section (2) of section 27.] [Inserted by Act 15 of 1942, s.5.](2)No person shall be qualified for election or nomination as a member of a Board, if he-(a)has been dismissed from [the service of the Government] [Substituted by the A.O. 1937, for "Govt. service"] and is debarred from re-employment therein, or is a dismissed servant of [a Board or an authority which, before the commencement of the Cantonments (Amendment) Act, 1936, exercised and performed the powers 24 and duties of a Cantonment Authority under this Act] [Substituted by Act 24 of 1936, s.12, for "the Cantonment Authority"];(b)is debarred from practising as a legal practitioner by order of any competent authority;(c)holds any place of profit in the gift or at the disposal of the Board, or is a [ \* \* \*] [The words "stipendiary Magistrate or" were rep. by Act 7 of 1925, s.4.] police officer, or is the servant or employer of a member of the Board; or(d)is interested in a subsisting contract made with, or in work being done for, the Board except as a shareholder (other than a director) in an incorporated company; or(dd)[ is an officer or servant, permanent or temporary, of a Board; or] [Inserted by Act 24 of 1936, s.12.](ddd)[ is a member of



any other local authority; or] [Inserted by Act 2 of 1954, s.7. ](e)is disqualified under any other provision of this Act:Provided that-(i)any of the disqualifications referred to in clauses (a) and (b) may be removed by an order of the [Central Government] [Substituted by the A.O. 1937, for "L.G." ] in this behalf, and(ii)a person shall not be deemed to have any interest in such a contract or work as is referred to in clause (d) by reason only of his having a share or interest in-(a)any lease or sale or purchase of immovable property or any agreement for the same; or(b)any agreement for the loan of money or any security for the payment of money only; or(c)any newspaper in which any advertisement relating to the affairs of the Board is inserted; or(d)the sale to the Board of any articles in which he regularly trades or the purchase from the Board of an articles, to a value in either case not exceeding Rs.1,500 in the aggregate in any year during the period of the contract or work.

## **29. Interpretation.-**

For the purposes of sections 26, 27 and 28-(a)"person "means an individual human being, and[\* \* \*] [Cl.(b) omitted by Act 53 of 1950, s.7.]

## **30. Joint families, etc.-**

Rep. by the Cantonments (Amendment) Act, 1954 (2 of 1954), s.8.

## **31. Power to make rules regulating elections.-**

The [Central Government] [Substituted by the A.O. 1937, for "L.G." ] may, either generally or specially for any cantonment or group of cantonments, after previous publication, make rules consistent with this Act to regulate all or any of the following matters for the purpose of the holding of elections under this Act, namely:- (a)the division of a cantonment into wards, [\* \* \*] [The words "or of the inhabitants of a cantonment into classes or both" omitted by Act 2 of 1954, s.9.](b)the determination of the number of members to be elected by each ward [\* \* \*] [The words "or class of persons" were omitted, by Act 2 of 1954, s.9.];(c)[ \* \* \*] [Cl.(c) was omitted by Act 53 of 1950, s.8] (d)the preparation, revision and final publication of electoral rolls;(e)the registration of electors, the nomination of candidates, the time and manner of holding elections and the method by which votes shall be recorded;(f)the authority [(which may be an officer of the State Government)] [ Ins. by Act 8 of 1944, s.5.] by which and the manner in which disputes relating to electoral rolls or arising out of elections shall be decided, and the powers and duties of such authority and the circumstances in which such authority may declare a casual vacancy to have been created or any candidate to have been elected;(g)any other matter relating to elections or election disputes in respect of which the [Central Government] [Substituted by the A.O. 1937, for "L.G." ] is empowered to make rules under this Chapter or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the [Central Government] [Substituted by the A.O. 1937, for "L.G." ], necessary.Members

### **32. Member not to vote on matter in which he is interested.-**

No member of a Board shall vote at a meeting of the Board [or of any Committee of the Board] [Inserted by Act 31 of 1940, s.3.] on any question relating to his own conduct or on any matter, other than a matter affecting generally the inhabitants of the cantonment, which affects his own pecuniary interest or the valuation of any property in respect of which he is directly or indirectly interested, or of any property of or for which he is a manager or agent.

### **33. Liability of members.-**

Every member of a Board shall be liable for the loss, waste or misapplication of any money or other property belonging to the Board if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while such member; and a suit for compensation for the same may be instituted against him either by the Board or by the [Central Government] [Substituted by the A.O. 1937, for "Secretary of State for India in Council"].

### **34. Removal of members.-**

[(1) The [Central Government] [ Substituted by Act 26 of 1927, s.4, for the original sub-section.] may remove from a Board any member thereof who-(a)becomes [or is found to have been at the time of his election or nomination] [Inserted by Act 15 of 1942, s; 6] subject to any of the disqualifications specified in sub-section (2) of section 27 [or in section 28] [Substituted by Act 31 of 1940 ,s.4 for "or in sub-section (2) of section 28"]; or(b)has absented himself for more than three consecutive months from the meetings of the Board and is unable to explain such absence to the satisfaction of the Board:[Explanation.- [Inserted by Act 2 of 1954 , s.10. ] In computing the aforesaid period of three consecutive months, no account shall be taken of any period of absence with the leave of the Board]; or(c)has knowingly contravened the provisions of section 32; or(d)being a legal practitioner, acts or appears on behalf of any other person against the Board in any legal proceeding or against the Government in any such proceeding relating to any matter in which the Board is or has been concerned, or acts or appears on behalf of any person in any criminal proceeding instituted by or on behalf of the Board against such person.](2)The [Central Government] [Substituted by the A.O.1937, for "L.G."] may remove from a Board any member who, in the opinion of the [Central Government] [Substituted by the A.O.1937, for "L.G."], has so flagrantly abused in any manner his position as a member of the Board as to render his continuance as a member detrimental to the public interests.(2A)[ The Central Government may, on receipt of a report from the Officer Commanding the station, through the Officer Commanding-in-Chief, the Command, remove from a Board any military officer nominated a member of the Board who is, in the opinion of the Officer Commanding the station, unable to discharge his duties as member of the Board and has failed to resign his office.] [Inserted by Act 31 of 1940, s.4.](3)No member shall be removed from a Board under [sub-section (1) or sub-section (2) of] [Inserted by Act 15 of 1942, s.6 ] this section unless he has been given a reasonable opportunity of showing cause against his removal.

### **35. [ Consequences of removal.- [Substituted by Act 26 of 1927, s.5, for the original s.35]**

(1)A member removed under clause (b) of sub-section (1) [or under sub-section (2A)] of section 34 shall, if otherwise qualified, be eligible for re-election or re-nomination.(2)A member removed under clause (c) or clause (d) of subsection (1) of section 34 shall not be eligible for re-election or nomination for the period during which, but for such removal, he would have continued in office.(3)A member removed under sub-section (2) of section 34 shall not be eligible for re-election or nomination until the expiry of three years from the date of his removal.]Servants

### **36. Disqualification of person as servant of Board.-**

(1)No person who has directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of a [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] or in any employment under, by or on behalf of a [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] otherwise than as a servant of the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"], shall become or remain] a servant of such [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"].(2)A servant of a [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] who knowingly acquires or continues to have directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] or, in any employment under, by or on behalf of the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"], otherwise than as a servant of the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"], shall be deemed to have committed an offence under section 168 of the Indian Penal Code.(3)Nothing in this section shall apply to any share or interest in any contract with, by or on behalf of, or employment under, by or on behalf of a [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"], if the same is a share in a company contracting with, or employed by, or on behalf of, the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"]] or is a share or interest acquired or retained with the permission of the [Officer Commanding-in-Chief, the Command,] [Substituted by Act 35 of 1926, s.2, for "Officer Commanding the District" ] in any lease or sale to, or purchase by, the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] of land or buildings or in any agreement for the same.(4)[ Every person applying for employment as a servant of a Board shall, if he is related by blood or marriage to any member of the Board or to any person, not being a menial servant, in receipt of remuneration from the Board, notify the fact and the nature of such relationship to the appointing authority before the appointment is made, and if he has failed to do so, his appointment shall be invalid but without prejudice to the validity of anything previously done by him.] [Inserted by Act 24 of 1936, 5, 13.]

### **36A. [ Cantonment servant to be deemed a public servant.- [Inserted by Act 7 of 1925, s.5.]**

Every officer or servant, permanent or temporary, of a [Board] shall be deemed to be a public servant within the meaning of the Indian Penal Code, and in the definition of "legal remuneration" in section 161 of that Code the word Government "shall, for the purposes of this section, be deemed to include a [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"].]Procedure

### **37. Meetings.-**

(1)Every Board shall ordinarily hold at least one meeting in every month on such day as may be fixed, and of which notice shall be given in such manner as may be provided, by regulations made by the Board under this Chapter.(2)The President may, whenever he thinks fit, and shall, upon a requisition in writing by not less than one-fourth of the members of the Board, convene a special meeting.(3)Any meeting may be adjourned until the next or any subsequent day, and an adjourned meeting may be further adjourned in like manner.

### **38. Business to transacted.-**

Subject to any regulation made by the Board under this Chapter, any business may be transacted at any meeting:Provided that no business relating to the imposition, abolition or modification of any tax shall be transacted at a meeting unless notice of the same and of the date fixed therefor has been sent to each member not less than seven days before that date.

### **39. Quorum.-**

(1)The quorum necessary for the transaction of business at a meeting of a Board [in which there is more than one elected member] [Inserted by Act 24 of 1936, s.14.] shall be five or one-half of the number of members of the Board actually holding office at the time, whichever is the greater number:[\* \* \* \*] [The proviso was rep. by Act 24 of 1936, s.14](1A)[ The quorum necessary for the transaction of business at a meeting of a Board constituted under sub-section (5) of section 13 or under sub-section (1) of section 14, shall be two.] [Inserted Act 24 of 1936, s.14.](2)If a quorum is not present, the President shall adjourn the meeting and the business which would have been brought before the original meeting if there had been a quorum present thereat shall be brought before, and may be transacted at.an adjourned meeting whether there is a quorum present or not.

### **40. [ Presiding Officer.- [Substituted by Act 24 of 1936, s.15, for the original section]**

In the absence of-(a)both the President and the Vice-President from any meeting of a Board in which there is more than one elected member,(b)the President from a meeting of a Board constituted under sub-section (5) of section 13 or sub-section (1) of section 14, the members present shall elect one from among their own mamba to preside.]

#### **41. Minutes.-**

(1) Minutes of the proceedings of each meeting shall be recorded in a book and shall be signed by the President before the close of the meeting, and shall, at such times and in such place, as may be fixed by the Board, be open to inspection free of charge by any inhabitant of the cantonment. (2) Copies of the minutes shall, as soon as possible after each meeting be forwarded for information to [the Officer Commanding in-chief the Command,] [Inserted by Act 35 of 1926, s.3. ] the Officer Commanding the District, the Officer Commanding the brigade area, [the District Magistrate and the Military Estates Officer] [Substituted by Act 24 of 1936, s.16, for "and the District Magistrate"].

#### **42. Meeting to be public.-**

Every meeting of a Board shall be open to the public unless in any case the President, for reasons to be recorded in the minutes, otherwise directs.

#### **43. Method of deciding questions.-**

(1) All questions coming before a meeting shall be decided by the majority of the votes of the members present and voting. (2) In the case of an equality of votes, the President shall have a second or casting vote. (3) The dissent of any member from any decision of the Board shall, if the member so requests, be entered in the minutes, together with a short statement of the grounds for such dissent.

#### **43A. [ Committees for civil areas.- [Inserted by s.17, Act 24 of 1936]**

(1) Every Board constituted under section 13 in a Class I Cantonment or Class II Cantonment shall appoint a committee consisting of the elected members of the Board, the Health Officer and the Executive Engineer for the administration of such areas in the cantonment as the Central Government may, by notification in the Official Gazette declare to be [civil areas], and may delegate its powers and duties to such committee in the manner provided in clause (e) of sub-section (1) of section 44. (2) The Vice-President of the Board shall be the Chairman of the committee appointed under sub-section (1).]

#### **44. Power to make regulations.-**

(1) A Board may make regulations consistent with this Act and with the rules made thereunder to provide for all or any of the following matters, namely:-(a) the time and place of its meetings; (b) the manner in which notice of the meeting shall be given; (c) the conduct of proceedings at meetings and the adjournment of meetings; (d) the custody of the common seal of the Board and the purposes for which it shall be used; and (e) the appointment of committees for any purpose and the determination of all matters relating to the constitution and procedure of such committees, and the delegation to such committees, subject to any conditions which the Board thinks fit to impose, of any of the powers or duties of the Board under this Act other than a power to make regulations or bye-laws. (2) No regulation made under clause (e) of sub-section (1) shall take effect until it has been

approved by the [Central Government] [Substituted by the A.O. 1937, for "L.G."].(3)No regulation made under this section shall take effect until it has been published in such anner as the [Central Government] [Substituted by the A.O. 1937, for "L.G."] may direct.-

#### **45. Join action with other local authority.-**

(1)A [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] may-(a)join with any other local authority-(i)in appointing a joint committee for any purpose in which they are jointly interested and in appointing a chairman of such committee;(ii)in delegating to such committee power to frame terms binding on the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] and such other local authority as to the construction and future maintenance of any joint work or to exercise any power which might be exercised by [the Board or by such other local authority] [Subs.by Act 24 of 1936, s.18 for "either of the said authorities"]; and(iii)in making rules for regulating the proceedings of any such committee relating to the purposes for which it has been appointed; or(b)with the previous sanction of [the Officer Commanding in-Chief, the Command and] [Inserted by Act 24 of 1936, s.18] the [State Government concerned] [Substituted by the A.O. 1937, for "L.G."], enter into an agreement with any other local authority regarding the levy of any tax or toll whereby the said tax or toll respectively leviable by the [Board and such other local authority] [Substituted by Act 24 of 1936, s.18 for "said authorities"] may be levied together instead of separately within the limits of the aggregate area comprising the areas subject to the control of the [Board and such other local authority] [Substituted by Act 24 of 1936, s.18 for "said authorities"].(2)If any difference of opinion arises between any [Board and such other local authority] [Substituted by Act 24 of 1936, s.18 for "said authorities"] acting together under this section, the decision thereon of the [Central Government] [Substituted by the A.O. 1937, for "L.G."] or of an officer appointed by the [Central Government] [Substituted by the A.O. 1937, for "L.G."] in this behalf shall be final.(3)When any agreement such as is referred to in clause (b) of sub-section (1) has been entered into, then-(a)where the agreement relates to an octroi or terminal tax or toll, the other local authority with which the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] has made such agreement shall have the same powers to establish octroi limits and octroi stations and places for the collection of the terminal tax and terminal toll within the cantonment, as it has within the area ordinarily subject to its control;(b)such other local authority shall have the same power of collecting such tax or toll in the cantonment, and the provisions of any enactment in force relating to the levy of such tax or toll by such other local authority shall apply in the same manner, as if the cantonment were comprised within the area ordinarily subject to its control; and(c)the total of the collection of such tax and toll made in the cantonment and in the area ordinarily subject to the control of such other local authority and the costs thereby incurred shall be divided between the cantonment fund and the fund subject to the control of such other local authority, in such proportion as may have been determined by the agreement.

#### **45A. [ Report on administration.- [Inserted by Act 24 of 1936, s.19 ]**

Every board shall, as soon as may be after the close of the year and not later than the date fixed in this behalf by the Central Government, submit to the Central Government through the Officer

Commanding-in-Chief, the Command, a report on the administration of the cantonment during the preceding financial year, in such for and containing such details as the Central Government may direct. The comments, if any, of the Officer Commanding-in-Chief, the Command, on such report shall be communicated by him to the Board which shall be allowed a reasonable time to furnish a reply thereat and the comments together with the reply, if any, shall be forwarded to the Central Government along with the report.] Control

#### **46. Power of Central Government to require production of documents.-**

The Central Government [\* \* \*] [The words "or the L.G." were rep. by the A.O. 1937.] may at any time require a [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] (a) to produce any record, correspondence, plan or other documents in its possession or under its control, (b) to furnish any return, plan, estimate, statement, account or statistics relating to its proceedings, duties or work (c) to furnish or obtain and furnish any report.

#### **47. Inspection.-**

The [Central Government or the Officer Commanding-in-Chief, the Command] [Substituted by Act 35 of 1926, s.4, for "Officer Commanding the District"], may depute any person in the service of the Government to inspect or examine any department of the office of or any service or work undertaken by, or thing belonging to, a [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"], and to report thereon, and the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] and its officers and servants shall be bound to afford the person so deputed access at all reasonable times to the premises and property of the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties.

#### **48. Power to call for documents.-**

[The Officer Commanding-in-Chief, the Command] [The words "G.G. in C. or the Officer Commanding-in-Chief, the Command," were substituted for the words "Officer Commanding the District", by Act 35 of 1926, s.4, and the words "The G.G. in C. or" were rep. by Act 24 of 1936 s.24.], may, by order in writing, (a) call for any book or document in the possession or under the control of the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"]; (b) require the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] to furnish such statements, accounts, reports and copies of documents relating to its proceedings, duties or works as he thinks fit.

#### **49. Power to require execution of work, etc.-**

If, on receipt of any information or report obtained [under section 46 or section 47] [Substituted by Act 24 of 1936, s.21, for "under section 47"] or section 48, the [Central Government or the Officer Commanding-in-Chief, the Command,] [Substituted by Act 35 of 1926, s.5, for the words "Officer

Commanding the District"] is of opinion-(a)that any duty imposed on a [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner, or(b)that adequate financial provision has not been made for the performance of any such duty, [it or] [Inserted by the A.O. 1937] he may [\* \* \*] [The words "after consultation with the L.G." were rep. by the A.O. 1937.] direct the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"], within such period as [it or] [Inserted by the A.O. 1937] he thinks fit, to make arrangements to [its or] [Inserted by the A.O. 1937] his satisfaction for the proper performance of the duty, or, as the case may be, to make financial provision to [its or] [Inserted by the A.O. 1937] his satisfaction for the performance of the duty: Provided that, unless in the opinion of the [Central Government or the Officer Commanding-in-Chief, the Command, as the case may be,] [ Substituted by Act 35 of 1926, s.5, for the words "Officer Commanding the District"] the immediate execution of such order is necessary, [its or] [Inserted by the A.O. 1937] he shall, before making any direction under this section, give the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] an opportunity of showing cause why such direction should not be made.

## **50. Power to provide for enforcement of direction under section 49.-**

If, within the period fixed by a direction made under section 49, any action the taking of which has been directed under that section has not been duly taken, the [Central Government or the Officer Commanding-in-Chief, the Command, as the case may be,] [Substituted by Act 35 of 1926, ss.5 and 6, for "Officer Commanding the District"] may make arrangements for the taking of such action, and may direct that all expenses connected therewith shall be defrayed out of the cantonment fund.

## **51. Power to override decision of Board.-**

(1)If the President dissents from any decision of the Board, which he considers prejudicial to the health, welfare or discipline of the troops in the cantonment, he may, for reasons to be recorded in the minutes, by order in writing, direct the suspension of action thereon for any period not exceeding one month and, if he does so, shall forthwith refer the matter to the Officer Commanding-in-Chief, the Command, [the reference being made, save in cases where the Officer Commanding the District is himself the Officer Commanding in-Chief, the Command, for the purposes of this Act] [ Ins. by Act 10 of 1927, s.2 and Sch.I.], through the Officer Commanding the District, who may make such recommendations thereon as he thinks fit.(2)If the District Magistrate considers any decision of a [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] to be prejudicial to the public health, safety or convenience, he may, after giving notice in writing of his intention to the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"], refer the matter to the [Central Government] [Substituted by the A.O.1937, for "L.G."]; and, pending the disposal of the reference to the [Central Government] [Substituted by the A.O.1937, for "L.G."], no action shall be taken on the decision.(3)If any Magistrate who is a member of a Board, being present at a meeting, dissents from any decision which he considers prejudicial to the public health, safety or convenience, he may, for reasons to be recorded in the minutes and after giving notice in writing of his intention to the President, report the matter to the District Magistrate; and the President shall, on receipt of such notice, direct the suspension of action on the decision for



a period sufficient to allow of a communication being made to the District Magistrate and of his taking proceedings as provided by sub-section (2).

## **52. Power of Officer Commanding-in-Chief, the Command, on reference under section 51 or other wise.-**

(1)The Officer Commanding-in-Chief, the Command, may at any time [\* \* \*] [Certain words were rep. by Act 7 of 1931, s.3 ](a)direct that any matter or any specific proposal other than one which has been referred to the [Central Government] [ Substituted by the A.O. 1937, for "L.G."] under sub-section (2) of section 51 be considered or reconsidered by the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"]; or(b)direct the suspension, for such period as may be stated in the order, of action on any decision of a [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"], other than a decision which has been referred to him under sub-section (1) of section 51, and thereafter cancel the suspension or [after giving the Board a reasonable opportunity of showing cause why such direction should not be made] [Inserted by Act 24 of 1936, s.22 ], direct that the decision shall not be carried into effect or that it shall be carried into effect with such modifications as he may specify.(2)When any decision of a Board has been referred to him under sub-section (1) of section 51, the Officer Commanding-in-Chief, the Command, may, by order in writing,-(a)cancel the order given by the President directing the suspension of action; or(b)extend the duration of the order for such period as Sle thinks fit; or(c)[ after giving the Board a reasonable opportunity of showing cause why such direction should not be made, direct that the decision shall not be carried into effect or that it shall be carried into effect by the Board with such modifications as he may specify.] [Substituted by Act 24 of 1936, s.22 for the original clause. ]

## **53. Power of Central Government on a reference made under section 51.-**

When any decision of a [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] has been referred to the [Central Government] [ Substituted by the A.O. 1937, for "L.G."] under sub-section (2) of section 51, the [Central Government] [ Substituted by the A.O. 1937, for "L.G."] may, after consulting the Officer Commanding-m-chief the Command, by order in writing,-(a)direct that no action be taken on the decision; or(b)direct that the decision be carried into effect either without modification or with such modifications as it may specify.

## **54. Supersession of Board.-**

(1)If, in the opinion of the [Central Government] [ Substituted by the A.O. 1937, for "L.G."], any Board is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act or otherwise by law, or exceeds or abuses its powers.the [Central Government] [ Substituted by the A.O. 1937, for "L.G."] may [\* \* \*] [The words "with the previous sanction of the G.G. in C." were rep. by A.O. 1937] by an order published, together with the statement of the reasons therefor, in the Official Gazette, declare the Board to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for such period as may be specified in the order:Provided that no Board shall be superseded unless a

reasonable opportunity has been given to it to show cause against the supersession.(2)When a Board is superseded by an order under sub-section (1)-(a)all members of the Board shall, on such date as may be specified in the order, vacate their offices as such members but without prejudice to their eligibility for election or nomination under clause (c);(b)during the supersession of the Board, all powers and duties conferred and imposed upon the Board by or under this Act or otherwise by law shall be exercised and performed by the [officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Commanding Officer of the Cantonment"] subject to such reservation, if any, as the [Central Government] [ Substituted by the A.O. 1937, for "L.G."] may prescribe in this behalf; and(c)before the expiry of the period of supersession elections shall be held and nominations made for the purpose of reconstituting the Board.Validity Of Proceedings

## **55. Validity of proceedings, etc.-**

(1)No act or proceeding of a Board or of any committee of a Board shall be invalid by reason only of the existence of a vacancy in the Board or committee.(2)No disqualification or defect in the election, nomination or appointment of a person acting as the President or a member of a Board or of any such committee shall vitiate any act or proceeding of the Board or committee if the majority of the persons present at the time of the act being done or the proceeding being taken were duly qualified members thereof.(3)Any document or minutes which purport to be the record of the proceedings of a Board or of any committee of a Board shall, if made and signed substantially in the manner prescribed for the making and signing of the record of such proceedings, be presumed to be a correct record of the proceedings of a duly convened meeting, held by a duly constituted Board or committee, as the case may be.whereof all the members were duly qualified.

## **Chapter IV**

### **Spirituos Liqueurs And Intoxicating Drugs**

## **56. Unauthorised sale of spirituous liquor or intoxicating drug.-**

If within a cantonment, or within such limits adjoining a cantonment as the [Central Government] [ Substituted by the A.O. 1937, for "L.G."] may, by notification in the Official Gazette define, any person not subject to military or air-force law or any person subject to military or air-force law otherwise than as a military officer or a soldier knowingly barter, sells or supplies, or offers or attempts to barter, sell or supply, any spirituous liquor or intoxicating drug to or for the use of any soldier or follower or soldier's wife or minor child without the written Permission of the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14 for "Commanding Officer of the Cantonment" ] or of some person authorised by the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14 for "Commanding Officer of the Cantonment" ] to grant such permission, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

## **57. Unauthorised possession of spirituous liquor.-**

If within a cantonment, or within any limits defined under section 56, -(a) any person subject to military or air-force law otherwise than as a military officer or a soldier, or (b) the wife or servant of any such person or of a soldier, has in his or her possession, except on behalf of the [Central Government] [Substituted by the A.O. 1937, for "L.G."] or for the private use of a military officer, more than one quart of any spirituous liquor, other than fermented malt-liquor, without the written permission of the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14 for "Commanding Officer of the Cantonment"] or of some person authorised by the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14 for "Commanding Officer of the Cantonment"] to grant such permission, he or she shall be punishable, in the case of a first offence, with fine which may extend to fifty rupees and, in the case of a subsequent offence, with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees.

## **58. Arrest of persons and Seizure and confiscation of things for offences against the two last foregoing sections.-**

(1) Any police officer or excise officer may, without an order from a Magistrate and without a warrant, arrest any person whom he finds committing an offence under section 56 or section 57, and may seize and detain any spirituous liquor or intoxicating drug in respect of which such an offence has been committed and any vessels or coverings in which the liquor or drug is contained. (2) Where a person accused of an offence under section 56 has been previously convicted of an offence under that section, an officer in charge of a police station may, with the written permission of a Magistrate, seize and detain any spirituous liquor or intoxicating drug within the cantonment or within any limits defined under that section which, at the time of the alleged commission of the subsequent offence, belonged to, or was in the possession of, such person. (3) The court convicting a person of an offence under section 56 or section 57 may order the confiscation of the whole or any part of any thing seized under sub-section (1) or sub-section (2). (4) Subject to the provisions of Chapter XLIII of the Code of Criminal Procedure, 1898, anything, seized under sub-section (1) or sub-section (2) and not confiscated under sub-section (3) shall be restored to the person from whom it was taken.

## **59. Saving of articles sold or supplied for medicinal purposes.-**

The foregoing provisions of this Chapter shall not apply to the sale or supply of any article in good faith for medicinal purposes by a medical practitioner, chemist or druggist authorised in this behalf by a general or special order of the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Commanding Officer of the Cantonment"]].

## **Chapter V**

### **Taxation**

## Imposition of taxation

**60. [ General power of taxation.- [Substituted by Act 24 of 1936, s.23, for the original section.]**

(1)The Board may, with the previous sanction of the [Central Government], impose in any cantonment any tax which, under any enactment for the time being in force, may be imposed in any municipality in the State wherein such cantonment is situated:[\* \* \*] [The proviso to sub-section (1) was rep. by the A.O. 1937.](2)Any tax imposed under this section shall take effect from the date of its notification in the Official Gazette.]

**61. [ Framing of preliminary proposals.- [sub. by Act 24 of 1936, s.24, for the original section.]**

When a resolution has been passed by the Board proposing to impose a tax under section 60, the Board shall in the manner prescribed in section 255 publish a notice specifying-(a)the tax which it is proposed to impose;(b)the persons or classes of persons to be made liable and the description of the property or other taxable thing circumstance in respect of which they are to be made liable; and(c)the rate at which the tax is to be levied.]

**62. [ Objections and disposal thereof.- [sub. by Act 24 of 1936, s.24, for the original section.]**

(1)Any inhabitant of the cantonment may, within thirty days from the publication of the notice under section 61, submit to the Board an objection in writing to all or any of the proposals contained therein and the Board shall take any objection into consideration and pass orders thereon by special resolution.(2)If the Board decides to modify its proposals or any of the it shall re-publish the modified proposals in the manner provided by section 61 indicating that the proposals are in modification of the proposals previously published; and the provisions of sub-section of this section shall apply to such modified proposals.(3)When the Board has finally settled the proposals, it shall submit them along with the objections, if any, made in connection there with to the [Central Government] through the Officer Commanding in-Chief, the Command.]

**63. [ Imposition of tax.- [sub. by Act 24 of 1936, s.24, for the original section.]**

The [Central Government] may authorise the Board to impose the tax either in the original form or, if any objection has been submitted, in that form or any such modified form as it thinks fit.]

**64. Definition of annual value.-**

For the purposes of this Chapter, "annual value" means(a)in the case of railway stations, hotels, colleges, school hospitals, factories and any other buildings which [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] decides to assess under this clause, one twentieth of the

sum obtained by adding the estimate present cost of erecting the building to the estimate value of the land appertaining thereto, and(b)in the case of a building or land not assessed under clause (a), the gross annual rent for which such building (exclusive of furniture or machinery therein) or such land is actually let or, where the building or land is not let or in the opinion of the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] is let for a sum less than its fair letting value, might reasonably be expected to let from year to year:Provided that, where the annual value of any building is by reason of exceptional circumstances, in the opinion of the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] excessive if calculated in the aforesaid manner, the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] may fix the annual value at any less amount which appears to it to be just.

## **65. Incidence of taxation.-**

(1)Save as otherwise expressly provided in the notification imposing the tax, every tax [assessed] [Inserted by Act 26; of 1927, s.7.] on the annual value of buildings or lands or of both shall be leviable primarily upon the actual occupier of the property upon which the said tax is assessed, if he is the owner of the buildings or lands or holds them on a building or other lease [granted] [Substituted by Act 24 of 1936, s.25, for "from the Secretary of State in Council or from". ] by or on behalf of the Government or the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] or on a building lease from any person.(2)In any other case, the tax shall be primarily leviable as follows, namely:-(a)if the property is let, upon the lessor;(b)if the property is sub-let, upon the superior lessor;(c)if the property is unlet.upon the person in whom the right to let the same vests.(3)On failure to recover any sum due on account of such tax from the person primarily liable, there may be recovered from the occupier of any part of the buildings or lands in respect of which the tax is due such portion of the sum due as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list.(4)An occupier who makes any payment for which he is not primarily liable under this section shall, in the absence of any contract to the contrary, be entitled to be reimbursed by the person primarily liable for the payment, and, if so entitled, may deduct the amount paid from the amount of any rent from time to time becoming due from him to such person.Assessment List

## **66. Assessment list.-**

When a tax [assessed] [Inserted by Act 26; of 1927, s.7.] on the annual value of buildings or lands or both is imposed, the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] shall cause an assessment list of all buildings or lands in the cantonment, or of both, as the case may be to be prepared in such form as the [Central Government] [Substituted by the A O.193., for "L.G."] may by rule prescribe Assessment list.

## **67. Publication of assessment list.-**

When the assessment list has been prepared, the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority "] shall give public notice thereof, and of the place where the list or a copy thereof may be inspected and every person lessee or occupier of any property included in the list, and any authorised agent of such person, shall be at liberty to inspect the list and to make extracts therefrom free of charge.

## **68. Revision of assessment list.-**

(1)The [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] shall, at the same time, give public notice of a date not less than one month thereafter when it will proceed to consider the valuations and assessments entered in the assessment list, and in all cases in which any property is for the first time assessed or the assessment is increased, it shall also give written notice thereof to the owner and to any lessee or occupier of the property.(2)Any objection to a valuation or assessment shall be made in writing to the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] before the date fixed in the notice, and shall state in what respect the valuation or assessment is disputed and all objections so made shall be recorded in a register to be kept for the purpose by the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"].(3)The objections shall be inquired into and investigated, and the persons making them shall be allowed an opportunity of being heard either in person or by authorised agent, by an Assessment Committee appointed by the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"].(4)The Assessment Committee shall consist of not less than three persons.and, [\* \* \*] [The words "where there is a Board" were rep. by Act 24 of 1936, s.26] it shall not be necessary to appoint to the Assessment Committee any member [of the Board] [Subs.by Act 24 of 1936, s.26, for "thereof"].

## **69. Authentication of assessment list.-**

(1)When all objections made under section 68 have been disposed of and the revision of the valuation and assessment has been completed, the assessment list shall be authenticated by the signature of the members of the Assessment Committee who shall, at the same time, certify that they have considered all objections duly made and have amended the list so far as is required by their decisions on such objections.(2)The assessment list so authenticated shall be deposited in the office of the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"], and shall there be open, free of charge, during office hours to all owners, lessees and occupiers of property comprised therein or the authorised agents of such persons, and a public notice that it is so open shall forthwith be published.

## **70. Evidential value of assessment list.-**

Subject to such alterations as may thereafter be made in the assessment list under the provisions of this Chapter and to the result of any appeal made thereunder, the entries in the assessment list

authenticated and deposited as provided in section 69 shall be accepted as conclusive evidence-(i)for the purpose of assessing any tax imposed under this Act, of the annual value or other valuation of all buildings and lands to which such entries respectively refer, and(ii)for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon during the year to which such list relates.Amendment of assessment.

## **71. Amendment of assessment list.-**

[(1) The Board may amend the assessment list at any time-(a)by inserting or omitting the name of any person whose name ought to have been or ought to be inserted or omitted, or(b)by inserting or omitting any property which ought to have been or ought to be inserted or omitted; or(c)by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, whether on the part of the Board or of the Assessment Committee or of the assessee, or(d)by revaluing or re-assessing any property the value of which has been increased, or(e)in the case of a tax payable by an occupier, by changing the name of the occupier:Provided that no person shall by reason of any such amendment become liable to pay any tax or increase of tax in respect of any period prior to the commencement of the year in which the assessment is made.] [Substituted by Act 24 of 1936, s.27, for the original sub-section.](1A)[ Before making any amendment under sub-section (1) the Board shall give to any person affected by the amendment notice of not less than one month that it proposes to make the amendment.] [Inserted by Act 24 of 1936, s.27](2)Any person interested in any such amendment may tender an objection to the {Subs.by s.69, *ibid.*, for "Canontment Authority". [Board] in writing before the time fixed in the notice, and shall be allowed an opportunity of being heard in support of the same in person or by authorised agent.

## **72. Preparation of new assessment list.-**

The [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] shall prepare a new assessment list at least once in every three years, and for this purpose the provisions of sections 66 to 71 shall apply in like manner as they apply for the purpose of the preparation of an assessment list for the first time.

## **73. Notice of transfers.-**

(1)Whenever the title of any person primarily liable for the payment of a tax on the annual value of any building or land to or over such building or land is transferred, the person whose title is transferred and the person to whom the same is transferred shall, within three months after the execution of the instrument of transfer or after its registration, if it is registered, or after the transfer is affected, if no instrument is executed, give notice of such transfer to the Executive Officer.(2)In the event of the death of any person primarily liable as aforesaid, the person on whom the title of the deceased devolves shall give notice of such devolution to the Executive Officer within six months from the death of the deceased.(3)The notice to be given under this section shall be in such form [as may be determined by rules made under section 280,] [Substituted by Act 2 of 1954, s.12.for "as the Executive Officer may direct"] and the transferee or other person on whom the title devolves shall, if

so required, be bound to produce before the Executive Officer any documents evidencing the transfer or devolution.(4)Every person who makes a transfer as aforesaid without giving such notice to the Executive Officer shall continue liable for the payment of all taxes assessed on the property transferred until he gives notice or until the transfer has been recorded in the registers of the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"], but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax.(5)[ The Executive Officer shall record [every transfer or devolution] [Inserted by Act 24 of 1936, s.28] of title notified to him under sub-section (1) or subsection (2) in the assessment list and other tax registers of the Board.]

#### **74. Notice of erection of buildings.-**

(1)If any building is erected or re-erected within the meaning of section 179, the owner shall give notice thereof to the Executive Officer within thirty days from the date of its completion or occupation, whichever is earlier.(2)Any person failing to give the notice required by sub-section (1) shall be punishable with fine which may extend to fifty rupees or ten times the amount of the tax payable on the said buildings, as erected or re-erected, as the case may be, in respect of a period of three months, whichever is greater.

#### **75. Demolition etc., of buildings.-**

If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] may, on the application [in writing] [Ins by Act 7 of 1931, s.4. ] of the owner [or occupier] [Inserted by Act 24 of 1936, s.29. ], remit or refund such portion of [any tax assessed on the annual value thereof] [ Substituted by Act 26 of 1927, s.9; for "the tax payable thereon"] as it thinks fit.

#### **76. Remission of tax.-**

In a cantonment [\* \* \*] [The words "other than a hill cantonment" omitted by Act 24 of 1936, s.30 ] when any building or land has remained vacant and unproductive of rent for [sixty] [ Substituted by Act 24 of 1936, s.30, for "ninety"] or more consecutive days [\* \* \*] [The words "during any year" were omitted by Act 24 of 1936, s.30] the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] shall remit or refund, as the case may be, such portion of [any tax assessed on the annual value thereof [\* \* \*] [Substituted by Act 26 of 1927, s.10, for "the tax-payable thereon" of 1936, s.30.]] [\* \* \*] [The words "and payable in respect of that year" were omitted by Act 24 of 1936, s.30.] as may be proportionate to the number of days during which the said building or land has remained vacant and unproductive of rent.[Provided that in any cantonment which the Central Government, by notification in the Official Gazette, has declared to be a hill cantonment and in respect of which the Central Government by the same or a like notification has declared a portion of the year to be the season for the cantonment, when any building or land is leased for occupation through the season only, but the rent charged is the full annual rent no remission of or refund shall be admissible under this selection in respect of any time outside the season during which the building or land remains vacant, but in respect of any time, not being less than sixty consecutive



days during which within the season such building or land has remained vacant and unproductive of rent, the Board shall remit or refund such portion of any tax assessed on the annual value thereof as bears to the whole of the tax so assessed the same proportion as the remainder vacant and unproductive of rent bears to the total length of the season.] [Inserted by Act 15 of 1942, s.7.]

## **77. Power to require entry in assessment list of details of buildings.-**

For the purpose of obtaining a partial remission or refund of tax the owner of a building composed of separate tenements may request the [Board] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"], at the time of the assessment of the building, to enter in the assessment list, in addition to the annual value of the whole building, a note recording in detail the annual value of each separate tenement. When any tenement, the annual value of which has been thus separately recorded, has remained vacant and unproductive of rent for [sixty] [Substituted by Act 24 of 1936 s. 36 for "ninety"] or more consecutive days [\* \* \*] [The words "during any year" were omitted by Act 24 of 1936, Section 36] portion of [any tax assessed on the annual value of the whole building] [Substituted by Act 26 of 1927 s.11 for "the tax payable in respect of that year on the whole building" ] [\* \* \*] [The words "and payable in respect of that year" were omitted by Act 24 of 1936 s.30. ] shall be remitted or refunded as would have been remitted or refunded if the tenement had been separately assessed.

## **77A. [] [Proviso to s.77 was renumbered as s.77A by Act 26 of 1927, s.11. ] Notice to be given of the circumstances in which remission or refund is claimed.-**

[No remission or refund under [\* \* \*] [Substituted by Act 26 of 1927, Section 11 for the word "Provided that no such remission"] section 76 or section 77] shall be made unless notice in writing of the [fact that the building land or tenement has become vacant and unproductive or rent] [Substituted by Act 26 of 1927, Section 11 for word "circumstances in which it is claimed"] has been given to the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], and no remission or refund shall take effect in respect of any period commencing more than fifteen days before delivery of such notice.

## **78. What buildings., etc are to be deemed vacant.-**

(1)for the purpose of sections 76 and 77 no building, tenement or land shall be deemed vacant if maintained as a pleasure resort or town or country house, or be deemed unproductive of rent, if let to a tenant who has a continuing right of occupation thereof, whether he is in actual occupation or not.(2)The burden of proving all facts entitling any person to claim relief under section 75, or section 76 or section 77, shall be upon him.

## **79. Notice to be given of every occupation of vacant building or house.-**

(1)The owner of any building, tenement or land in respect of which remission or refund of tax has been given under section 76 or section 77 shall give notice of the re-occupation of such building [tenement] [Inserted by Act 24 of 1934, s.2 and sch.I.] or land within fifteen days of such re-occupation.(2)Any owner failing to give the notice required by sub-section (1) shall be punishable with fine which shall not be less than twice the amount of the tax payable on such building, tenement or land in respect of the period during which it has been re-occupied and which may extend to fifty rupees, or to ten times the amount of the said tax, whichever sum is greater.Charge On Immovable Property

## **80. Tax on buildings and land to be a charge thereon.-**

A tax assessed on the annual value of any building or land shall, subject to the prior payment of the land-revenue, if any, due to the Government thereon, be a first charge upon the building or land.Octroi, Terminal Tax And Toll

## **81. Inspection of imported goods, etc.-**

Every person bringing or receiving any goods, vehicles or animals within the limits of any cantonment in which octroi or terminal tax or toll is leviable, shall, when so required by an officer duly authorised by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] in this behalf, so far as may be necessary for ascertaining the amount of tax chargeable-(a)permit that officer to inspect, examine or weigh such goods, vehicles or animals; and(b)communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which such person may possess relating to such goods, vehicles or animals.

## **82. Evasion of octroi or terminal tax.-**

(1)Any person who takes or attempts to take past any octroi station or any other place appointed within a cantonment for collection of octroi, terminal tax or toll any goods, vehicle animals, on account of which octroi, terminal tax or toll is leviable and thereby evades, or attempts to evade, the payment of such octroi terminal tax or toll, and any person who abets any such evasion or attempt at evasion, shall be punishable with fine which may extend either to ten times the value of such octroi, terminal tax or to toll, fifty rupees, whichever is greater and which shall not be less than twice the value of such octroi, terminal tax or toll, as the case may be.(2)In case of non-payment of any octroi or terminal tax toll or on demand, the officer empowered to collect the same may seize any goods, vehicles or animals on which the octroi, terminal tax or toll is chargeable or any part or number thereof which is of sufficient value to satisfy the demand [and shall give a receipt specifying the items seized] [Added by Act 24 of 1936, s.31.](3)The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], after the lapse of five days from the seizure and after the issue of a notice in writing to the person in whose possession the goods, vehicles or animals were at the time of seizure, fixing the time and place of sale, may cause the property so seized, or so much thereof as

may be necessary, to be sold by auction to, satisfy the demand and any expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid: Provided that the Executive Officer may, in any case, order that any article of a perishable nature which cannot be kept for five days without serious risk of damage, or which cannot be kept save at a cost which, together with the amount of octroi, terminal tax toll is likely to exceed its value, shall be sold after the lapse of such shorter time as he may, having regard to the nature of the article, think proper. (4) If, at any time before the sale has begun, the person whose property has been seized tenders to the Executive Officer the amount of all expenses incurred and of the octroi, terminal tax or toll the Executive Officer shall release the property seized. (5) The surplus, if any, of the sale-proceeds shall be credited to the cantonment fund, and shall, on application made to the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] within one year after the sale, be paid to the person in whose possession the property was at the time of seizure, and, if no such application is made, shall be the property of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].

### **83. Lease of octroi terminal tax or toll.-**

It shall be lawful for the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], with the previous sanction of the [Officer Commanding-in-Chief, the Command,] [Substituted by Act 25 of 1926, s.2, for "Officer Commanding the District" ] to lease the collection of any octroi, terminal tax or toll for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of the octroi, terminal tax or toll shall, in respect thereof, - (a) be bound by any orders made by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] for their guidance; (b) have such powers exercisable by officers or servants of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] under this Act as the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may confer upon them; and (c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] for the management and collection of the octroi, terminal tax or toll, as the case may be: Provided that no article distrained may be sold except under the orders of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] Appeals

### **84. Appeals against assessment.-**

(1) An appeal against the assessment or levy of, or against the refusal to refund, any tax under this Act shall lie to the District Magistrate or to such other officer as may be empowered by the [Central Government] [Substituted by the A.O. 1937, for "L.G."] in this behalf: Provided that, where [ \* \* \* ] [The words "there is a Board and" were omitted by Act 24 of 1936, s.32.] the person to whom the appeal would ordinarily lie is, or was when the tax was imposed, a member of the Board, the appeal shall lie to the Commissioner of the Division, or, in a State where there are no Commissioners, to the District Judge. (2) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of, a tax arises on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of the appellant, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the

statement with his own opinion on the point for the decision of the High Court.(3)On a reference being made under sub-section (2), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in Order XLVI of the First Schedule to the Code of Civil Procedure, 1908.

## **85. Costs of appeal.-**

.In every appeal the costs shall be in the discretion of the officer hearing the appeal.

## **86. Recovery of costs from Board.-**

If the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] fails to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the officer awarding the costs may order the person having the custody of the balance of the cantonment fund to pay the amount.

## **87. Conditions of rights to appeal.-**

No appeal shall be heard or determined under this Chapter unless-(a)the appeal is, in the case of a tax assessed on the annual value of buildings or lands or both, brought within thirty days next after the date of the authentication of the assessment list under section 69 (exclusive of the time requisite for obtaining a copy of the relevant entries therein), or, as the case may be, within thirty days of the date on which an amendment is finally made under section 71, and, in the case of any other tax, within thirty days next after the date of the receipt of the notice of assessment or of alteration of assessment or, if no notice has been given, within thirty days next after the date of the presentation of the first bill in respect thereof:Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the court before whom the appeal is preferred that he had sufficient cause for not preferring it within that period;(b)the amount, if any, in dispute in the appeal has been deposited by the appellant in the office of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].

## **88. Finality of appellate orders.-**

The order of an appellate authority confirming, setting aside or modifying an order in respect of any valuation or assessment or liability to assessment or taxation shall be final:Provided that it shall be lawful for the appellate authority, upon application or on its own motion, to review any order passed by it in appeal if application in this behalf is made within three months from the date of the original order.  
Payment And Recovery Of Taxes

## **89. Time and manner of payment of taxes.-**

Save as otherwise expressly provided under this Act, any tax imposed under the provisions of this Act shall be payable on such dates and in such installments, if any, as the [Board] [Substituted by

Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by public notice, direct.

## **90. Presentation of bill.-**

(1)When any tax has become due, the Executive Officer shall cause to be presented to the person liable for the payment thereof a bill for the amount due.(2)Every such bill shall specify the particulars of the tax and the period for which the charge is made.

## **91. Notice of demand.-**

(1)If the amount of the tax for which any bill has been presented is not paid to the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] within thirty days from the presentation thereof, the Executive Officer may cause to be served upon the person liable for the payment of the same a notice of demand in the form set forth in Schedule I.(2)For every notice of demand which the Executive Officer causes to be served on any person under this section, a fee of such amount not exceeding one rupee, as shall in each case be fixed by the Executive Officer, shall be payable by the said person and shall be included in the costs of recovery.

## **92. Recovery of tax.-**

(1)If the person liable for the payment of any tax does not within thirty days from the service of the notice of demand, pay the amount due, or show sufficient cause for non-payment of the same to the satisfaction of the Executive Officer, such sum, with all cost of recovery, may be recovered under a warrant, issued in the form set forth in Schedule II, by distress and sale of the movable property of the defaulter:Provided that the Executive Officer shall not recover any sum the liability for which has been remitted on appeal under this Chapter.(2)Every warrant issued under this section shall be signed by the Executive Officer.

## **93. Distress.-**

(1)It shall be lawful for any servant of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] to whom a warrant issued under section 92 is addressed to distrain, wherever it may be found [in the cantonment] [Inserted by Act 24 of 1936, s.33. ], any movable property of [or standing timber, growing crops or grass belonging to] [Inserted by Act 24 of 1936, s.33. ] the person therein named as defaulter, subject to the following conditions, exceptions and exemptions, namely:-(a)the following property shall not be distrained:-(i)the necessary wearing apparel and bedding of the defaulter, his wife and children,(ii)tools of artisans,(iii)books of account, or(iv)when the defaulter is an agriculturist, his implements of husbandry, seed-grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood;(b)the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which, in the opinion of the Executive Officer, should not have been distrained, it shall forthwith be returned.(2)The person charged with the execution of a warrant of distress shall forthwith make an

inventory of the property which he seizes under such warrant, and shall, at the same time, give a written notice in the form set forth in Schedule III to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

#### **94. Disposal of distrained property.-**

(1)When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is, when added to the amount to be recovered, likely to exceed its value, the Executive Officer shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.(2)If the warrant is not in the meantime suspended by the Executive Officer, or discharged, the property seized shall, after the expiry of the period named in the notice served under sub-section (2) of section 93, be sold by public auction by order of the Executive Officer.(3)The surplus of the sale-proceeds, if any, shall forthwith be credited to the cantonment fund, and notice of such credit shall be given at the same time to the person from whose possession the property was taken, and, if the same is claimed by written application to the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] within one year from the date of the notice, a refund thereof shall be made to such person. Any surplus not claimed within one year as aforesaid shall be the property of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].(4)For every distraint made under this Chapter a fee of such amount, not exceeding one rupee, as shall in each case be fixed by the Executive Officer shall be charged, and the said fee shall be included in the costs of recovery.

#### **95. Recovery from a person about to leave cantonment.-**

(1)If the Executive Officer has reason to believe that any person from whom any sum is due [or is about to become due] [Inserted by Act 8 of 1930, s.2 and Sch.I. ] on account of any tax is about to remove from the cantonment, he may direct the immediate payment by such person of the sum so due or about to become due, and cause a bill for the same to be served on such person.(2)If, on the service of such bill, such person does not forthwith pay the sum so due or about to become due, the amount shall be leviable by distress and sale in the manner hereinbefore provided in this Chapter, except that it shall not be necessary to serve upon the defaulter any notice of demand and the warrant for distress and sale may be issued and executed without any delay.

#### **96. Power to institute suit for recovery.-**

Instead of proceeding against a defaulter by distress and sale as herein-before provided in this Chapter, or after a defaulter has been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, from such defaulter on account of a tax may be recovered from him by a suit in any court of competent jurisdiction.Special Provisions Relating To Taxation.

**97. Power to prohibit or exempt from taxation.-**

Every [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall be deemed to be a Municipal Committee for the purposes of the Municipal Taxation Act, 1881.

**98. Power to make special provision for conservancy in certain cases.-**

A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may make special provision for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, and may fix a special rate and the dates and other conditions for periodical payment thereof which shall be determined by a written agreement with the person liable for the payment of the conservancy or scavenging tax in respect of such factory, hotel, club or group of buildings or lands: Provided that, in fixing the amount, proper regard shall be had to the probable cost to the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] of the services to be rendered.

**99. Exemption in the case of buildings.-**

(1) When, in pursuance of section 98, a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] has fixed a Special rate for the cleansing of any factory, hotel, club or group of, buildings or lands, such premises shall be exempted from the payment of any conservancy or scavenging tax imposed in the cantonment. (2) The following buildings and lands shall be exempt from any tax on property [other than a tax imposed to cover the cost of specific services rendered by the Board] [Inserted by Act 15 of 1942, s.8.], namely:- (a) places set apart for public worship and either actually so used or used for no other purpose; (b) buildings used for educational purposes and public libraries play-grounds and dharamsalas which are open to the public and from which no income is derived; (c) hospitals and dispensaries maintained wholly by charitable contributions; (d) burning and burial grounds, not being the property of the Government or a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], which are controlled under the provisions of this Act; (e) buildings or lands vested in a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ]; and (f) any buildings or lands, used or acquired for the public service or for any public purpose, which are the property of [the Government] [Inserted by the A.O. 1937.] or in the occupation of [the Central or any State Government] [Substituted by the A.O. 1937., for "the Govt."].

**99A. [ General power of exemption.- [Inserted by Act 35 of 1926, s.7. ]**

The [Central Government] may, by notification in the Official Gazette, exempt, either wholly or in part from the payment of any tax imposed under this Act, any person or class of persons of any property or goods or class of property or goods [ \* \* \* ] [The words "belonging to the Secretary of State for India in Council" were rep by Act 7 of 1931, s.6.].]

## **100. Exemption of poor persons.-**

A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may exempt, for a period not exceeding one year at a time from the payment of any tax or any portion of a tax imposed under this Act, any person who is in its opinion by reason of poverty unable to pay the same.

## **101. Composition.-**

(1)A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, with the previous sanction of [Officer Commanding-in-Chief, the Command,] [Substituted by Act 35 of 1926, s.2, for "Officer Commanding the District"] allow any person to compound for any tax.(2)Every sum due by reason of the composition of a tax under sub section (1) shall be recoverable as if it were a tax.

## **102. Irrecoverable debts.-**

A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may write off any sum due on account of any tax [or rate] [Inserted by Act 24 of 1936, Section 34.] or of the costs of recovering any tax [or rate] [Inserted by Act 24 of 1936, Section 34.] if such sum is, in its opinion, irrecoverable:[Provided that, where the sum written off in favour of any one person exceeds fifty rupees, the sanction of the Officer Commanding in-Chief, the Command, shall be first obtained.] [Inserted by Act 24 of 1936, Section 34.]

## **103. Obligation to disclose liability.-**

(1)The Executive Officer may, by written notice, call upon any inhabitant of the cantonment to furnish such information as maybe necessary for the purpose of ascertaining(a)whether such inhabitant is liable to pay any tax imposed under this Act;(b)at what amount he should be assessed; or(c)the annual value of the building or land which he occupies and the name and address of the owner or lessee thereof.(2)[ If any person, when called upon under sub-section (1) to furnish information, neglects to furnish it within the period specified in this behalf by the Executive Officer or furnishes information which is not true to the best of his knowledge or belief, he shall be punishable with fine which may extend to one hundred rupees and shall also be liable to be assessed at such amount on account of tax as the Board may deem proper, and the assessment so made shall, subject to the provisions of this Act, be final.] [Substituted by Act 2 of 1954, s.13, for the original.sub-section (2).]

## **104. Immaterial error not to affect liability.-**

No assessment and no charge or demand on account of any tax or fee shall be impeached or affected by reason only of any mistake in the name of any person liable to pay such tax or fee, or in the description of any property or thing, or any mistake in the amount of the assessment, charge or demand, if the directions contained in this Act and the rules and bye-laws made thereunder have in



substance and effect been complied with; but any person who sustains any special damage by reason of any such mistake shall be entitled to recover compensation for the same by suit in a court of competent jurisdiction.

### **105. Distraint not to be invalid by reason of immaterial defect.-**

No distress levied under this Chapter shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account only of any defect of form in the notice of demand, warrant of reason of distress or other proceeding relating thereto; nor shall any such person be deemed a trespasser ab initio on account of any irregularity afterwards committed by him; but any person who sustains any special damage by reason of any such irregularity shall be entitled to recover compensation for the same by suit in a court of competent jurisdiction.

## **Chapter VI**

### **Cantonment Fund And Property**

Cantonment fund

### **106. Cantonment fund.-**

There shall be formed for every cantonment a cantonment fund and there shall be placed to the credit thereof the following fund sums, namely:-(a)the balance, if any, of the cantonment fund formed for the cantonment under the Cantonments Act, 1910(b)all sums received by or on behalf of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].[\* \* \* \*] [The word "and"and cl.(c) were rep. by the A.O. 1937.]

### **107. Custody of cantonment fund.-**

(1)Where in or near a cantonment there is a Government treasury or sub-treasury, or a branch of the Imperial Bank of India, the cantonment fund shall be kept in such treasury, sub-treasury or bank, as the case may be.(2)Where there is no such treasury, sub-treasury or bank, the cantonment fund may be deposited with any bank to which the Government treasury business has been entrusted, and, in the absence of such a bank, with any banker or person acting as a banker who has given such security for the safe custody of the fund and the payment on demand of the funds so deposited as the [Central Government] [ Substituted by the A.O. 1937, for "L.G." ] may in each case direct.(3)[ A [Board] [Substituted by Act 26 of 1927, s.12, for the original sub-section.] may, from time to time, with the previous sanction of the [Officer Commanding-in-Chief, the Command] [Substituted by Act 24 of 1936, s.35, for "L.G."], invest any portion of its cantonment fund in securities of the Central Government or in such other securities, including fixed deposits in banks, as the [Officer Commanding-in-Chief, the Command] [Substituted by Act 24 of 1936, s.35, for "L.G." ] may approve in this behalf, and may dispose of such investments or vary them for others of a like nature.](4)The income resulting from any fixed deposit or from any such security as is referred to in sub-section (3) or from the proceeds of the sale of any such security shall be credited to the cantonment

fund. Property

## 108. Property.-

Subject to any special reservation made by the Central Government, all property of the nature hereinafter in this section specified which has been acquired or provided or is maintained by a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall vest in and belong to that {Subs.by Act 24 of 1936, s.69, for "Cantonment Authority" . [Board] and shall be under its direction, management and control, that is to say, -(a)all markets, slaughter-houses, manure and night-soil depots, and buildings of every description;(b)all water-works for the supply, storage or distribution of water for public purposes and all bridges, buildings, engines, materials, and things connected therewith or appertaining thereto;(c)all sewers, drains, culverts and water-courses, and all works materials and things appertaining thereto;(d)all dust, dirt, dung, ashes, refuse, animal matter, filth and rubbish of every kind, and dead bodies of animals collected by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] from the streets, houses, privies, sewers cesspools or elsewhere, or deposited in places appointed by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] for such purpose;(e)all lamps and lamp-posts and apparatus connected therewith or appertaining thereto;(f)all land or other property transferred to the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] [by the Central or a State Government] [Substituted by the A.O. 1937, for "by His Majesty"], or by gift, purchase or otherwise for local public purposes; and(g)all streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements, and things existing on or appertaining to streets.

## 109. Application of cantonment fund and property.-

The cantonment fund and all property vested in a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall be applied for the purposes, whether express or implied, for which, by or under this Act or any other law for the time being in force, powers are conferred or duties or obligations are imposed upon the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ]:Provided that the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall not incur any expenditure for acquiring or renting land beyond the limits of the cantonment or for constructing any work beyond such limits except-(a)with the sanction of the [Central Government] [ Substituted by the A.O. 1937, for "L.G."], and(b)on such terms and conditions as the [Central Government] [ Substituted by the A.O. 1937, for "L.G."] may impose:Provided, further, that priority shall be given in the order hereinafter set forth to the following liabilities and obligations of a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], that is to say, -(a)to the liabilities and obligations arising from a trust legally imposed upon or accepted by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ];(b)to the repayment of, and the payment of interest on, any loan incurred under the provisions of the Local Authorities Loans Act, 1914;(c)to the payment of establishment charges;(d)to the payment of such expenses on account of pauper lunatics sent from the cantonment to public lunatic asylums and mental hospitals as the [Central Government] [ Substituted by the A.O. 1937, for "L.G."] directs the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment

Authority" ] to pay; and(e)to the payment of any sum the payment of which is expressly required by the provisions of this Act or any rule or bye-law made thereunder.

### **110. Acquisition of immovable property.-**

When there is any hindrance to the permanent or temporary acquisition upon payment of any land required by a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] for the purposes of this Act, the [Central Government] [ Substituted by the A.O. 1937, for "L.G." ] may, at the request of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], [procure the acquisition thereof] [Substituted by Act 24 of 1936, S.69, for "proceed to acquire it"] under the provisions of the Land Acquisition Act, 1894, and on payment by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].

### **111. Power to make rules regarding cantonment fund and property.-**

The Central Government may make rules {For the Cantonment Property Rules, 1925, made under this section, see Gazette of India, 1925, Pt.I, p.578. consistent with this Act to provide for all or any of the following matters, namely:-(a)the conditions on which property may be acquired by [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] or on which property vested in a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may be transferred by sale, mortgage, lease, exchange or otherwise; and(b)any other matter relating to the cantonment fund or cantonment property in respect of which no provision or insufficient provision is made by or under this Act, and provision is, in the opinion of the Central Government, necessary.

## **Chapter VII**

### **Contracts**

### **112. Contracts by whom to be executed.-**

Subject to the provisions of this Chapter, every [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall be competent to enter into and perform any contract necessary for the purposes of this Act.

### **113. Sanction.-**

(1)Every contract-(a)for which budget provision does not exist, or(b)which involves a value or amount exceeding [two hundred rupees] [Substituted by Act 2 of 1954, s.14, for "one hundred rupees"], shall require the sanction of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].(2)Every contract other than a contract such as is referred to in sub-section (1) shall be sanctioned by the [Board] [Substituted by Act 24 of 1936, S.69, for

"Cantonment Authority" ] or by the Executive Officer on behalf of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ]].

#### **114. Execution of contracts.-**

(1)Every contract made by or on behalf of a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] the value or amount of which exceeds [one hundred rupees] [Substituted by Act 2 of 1954, s.15, for "fifty rupees"], shall be in writing, and every such contract shall, [\* \* \*] [The words "where there is a Board" were rep. by Act 24 of 1936, s.36.] be signed by two members, of whom the President or the Vice-President shall be one, and be countersigned by the Executive Officer and be sealed with the common seal of the Board, [\* \* \*] [The words "or, where there is no Board, be signed by the Officer Commanding the station and be sealed with the official seal of the Cantonment Authority" were rep. by Act 24 of 1936, s.36]:Provided that [\* \* \*] [The words "where there is a Board" were rep. by Act 24 of 1936, s.36.] the Executive Officer may in a case of urgency, with the previous sanction of the President of the Board, execute on behalf of the Board any contract the value or amount of which does not exceed [five hundred rupees] [ Substituted by Act 2 of 1954, s.15, for "two hundred rupees"].(2)Where an Executive Officer executes a contract on behalf of a Board under sub-section (1), he shall submit a report of his action and of the reasons therefor to the Board at its next meeting.

#### **115. Contracts improperly executed not to be binding on a Board.-**

If any contract is executed by or on behalf of a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] otherwise than in conformity with the provisions of this Chapter, it shall not be binding on the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].

### **Chapter VIII**

#### **Duties And Discretionary Functions Of [Board] [Substituted By Act 24 Of 1936, S.69, For &Quot;cantonment Authority&Quot; ]**

#### **116. Duties of Board.-**

It shall be the duty of every [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], so far as the funds at its disposal permit, to make reasonable provision within the cantonment for-(a)lighting streets and other public places;(b)watering streets and other public places;(c)cleansing streets, public places and drains, abating nuisances and removing noxious vegetation;(d)regulating offensive, dangerous or obnoxious trades, calling.and practices;(e)removing, on the ground of public safety, health or convenience, undesirable obstructions and projections in streets and other public places;(f)securing or removing dangerous buildings and places;(g)acquiring, maintaining, changing and regulating places for the disposal of the dead;(h)constructing, altering and maintaining streets, culverts markets, slaughter-houses, latrines, privies, urinals, drains drainage works and sewerage works;(i)planting and maintaining

trees on roadsides and other public places;(j)providing or arranging for a sufficient supply of pure and wholesome water, where such supply does not exist guarding from pollution water used for human consumption, and preventing polluted water from being so used;(k)registering births and deaths;(l)establishing and maintaining a system of public vaccination(m)establishing and maintaining or supporting public hospital and dispensaries, and providing public medical relief;(n)establishing and maintaining [or assisting] [Inserted by Act 24 of 1936, s.37.] primary schools;(o)rendering assistance in extinguishing fires, and protecting life and property when fires occur;(p)maintaining and developing the value of property vested in or entrusted to the management of, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ]; and(q)fulfilling any other obligation imposed upon it by or under this Act or any other law for the time being in force.

### **116A. [ Power to manage property.- [Inserted by Act 7 of 1925, s.6.]**

A [Board] may, subject to any conditions imposed by the Central Government, manage any property entrusted to its management by the Central Government on such terms as to the sharing on rents and profits accruing from such property as may be determined by rule made under section 280.]

### **117. Discretionary functions of Board.-**

[ (1) ] [S. 117 was re-numbered as such-section (1) thereof by Act 15 of 1942, s.9. ] A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, within the cantonment, make proviso for-(a)laying out in areas, whether previously built upon or no new streets, and acquiring land for that purpose and for the construction of buildings, and compounds of buildings, to abut on such streets;(b)constructing, establishing or maintaining public parks, gardens, offices, dairies, bathing or washing places, drinking fountains, tanks, wells and other works of public utility;(c)reclaiming unhealthy localities;(d)furthering educational objects by measures other than the establishment and maintenance of primary schools;(e)taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics;(f)making a survey;(g)giving relief on the occurrence of local epidemics by the establishment or maintenance of relief works or otherwise;(h)securing or assisting to secure suitable places for the carrying on of any offensive, dangerous or obnoxious trade, calling or occupation;(i)establishing and maintaining a farm or other place for the disposal of sewage;(j)constructing, subsidising or guaranteeing tramways or other means of locomotion, and electric lighting or electric power works; [or] [Inserted by Act 15 of 1942, s.9.](k)adopting any measure, other than a measure specified in section 116 or in the foregoing provisions of this section, likely to promote the safety, health or convenience of the inhabitants of the cantonment ; [ \* \* \* ] [The word "or" was repealed by Act 15 of 1942, s.9.](l) [ \* \* \* ] [Cl.(l) was omitted by Act 15 of 1942, s.9.](2)[ A Board may, either within or outside the cantonment, make provision for the doing of anything on which expenditure is declared by the Central Government, or by the Board with the sanction of the Central Government, to be an appropriate charge on the cantonment fund.] [Inserted by Act 15 of 1942, s.9.]

## **117A. [ Power of expenditure for educational purposes outside the cantonment.- [Ins by Act 85 of 1926, s.86.]**

A [Board] may make provision for educational objects outside the cantonment if it is satisfied that the interests of the residents of the cantonment will be served thereby.]

## **Chapter IX**

### **Public Safety And Suppression Of Nuisances**

General nuisances

### **118. Penalty for causing nuisances.-**

(1)Whoever-(a)in any street or other public place within a cantonment,-(i)is drunk and disorderly or drunk and incapable of taking care of himself; or(ii)uses any threatening, abusive or insulting words, or behaves in a threatening or insulting manner with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned; or(iii)cases himself, or willfully or indecently exposes his person; or(iv)loiters or begs importunately, for alms; or(v)exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound; or(vi)carries meat exposed to public view; or(vii)is found gaming; or(viii)pickets animals, or collects carts; or(ix)being engaged in the removal of night-soil or other offensive matter or rubbish, willfully or negligently permits any portion thereof to spill or fall, or neglects to sweep away or otherwise effectually to remove any portion thereof which may spill or fall in such street or place; or(x)without proper authority affixes upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document; or(xi)without proper authority defaces or writes upon or otherwise marks any buildings monument, post.wall, fence, tree or other thing; or(xii)without proper authority removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Act; or(xiii)without proper authority displaces, damages, or makes any alteration in, or otherwise interferes with, the pavement, gutter, stormwater-drain, flags or other materials of any such street, or any lamp, bracket, direction-post, hydrant or water-pipe maintained by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] in any such street or public place, or extinguishes a public light; or(xiv)carries any corpse not decently covered or without taking due precautions to prevent risk of infection or injury to the public health or annoyance to passers-by or to persons dwelling in the neighborhood; or(xv)carries night-soil or other offensive matter or rubbish at any hour prohibited by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] by public notice , or in any pattern of cart or receptacle which has not been approved for the purpose by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"], or fails to close such cart or receptacle when in use; or(b)carries night-soil or other offensive matter or rubbish along any route in contravention of any prohibition made in this behalf by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] by public notice; or(c)deposits, or causes or permits to be deposited, earth or materials of any description, or any offensive matter or rubbish, in any place not intended for the purpose in any street or other public place or waste or unoccupied land under the management of the [Board]

[Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ]; or(d)having charge of a corpse fails to bury, burn or otherwise lawfully dispose of the same within twenty-four hours after death; or(e)makes any grave or buries or burns any corpse in any place not set apart for such purpose; or(f)keeps or uses, or knowingly permits to be kept or used, any place as a common gaming house, or assists in conducting the business of any common gaming house; or(g)at any time or place at which the same has been prohibited by the {Subs.by Act 24 of 1936, s.69, for "Cantonment Authority". [Board] by public notice, beats a drum or tom-tom, or blows a horn or trumpet, or beats any utensil, or sounds any brass or other instrument, or plays any music; or(h)disturbs the public peace or order by singing, screaming or shouting; or(i)lets loose any animal so as to cause, or negligently allows any animal to cause, injury, danger, alarm or annoyance to any person; or(j)being the occupier of any building or land in or upon which an animal dies, neglects within three hours of the death of the animal, or, if the death occurs at night, within three hours after sunrise, either-(i)to report the occurrence to the Executive Officer or to an officer, if any, appointed by him in this behalf with a view to securing the removal and disposal of the carcass by the public conservancy establishment; or(ii)to remove and dispose of the carcass in accordance with any general directions given by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] by public notice or any special directions given by the Executive Officer on receipt of such report as aforesaid; or(k)save with the written permission of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] and in such manner as it may authorise, stores or uses night-soil, manure, rubbish or any other substance emitting an offensive smell; or(l)uses or permits to be used as a latrine any place not intended for that purpose;shall be punishable with fine which may extend to fifty rupees.(2)Whoever does not take reasonable means to prevent any child under the age of twelve years being in his charge from easing himself in any street or other public place within the cantonment shall be punishable with fine which may extend to twenty-five rupees.(3)The owner or keeper of any animal found picketed or straying without a keeper in a street or other public place in a cantonment shall be punishable with fine which may extend to twenty rupees.(4)Any animal found picketed [or straying] [Inserted by Act 2 of 1954, s.16. ] as aforesaid may be removed by any officer or servant of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] or by any police officer to a pound [ \* \* \* ] [The words "as if the animal had been found straying" were omitted by Act 24 of 1936, S.69.]Dogs

## 119. Registration and control of dogs.-

(1)A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may make bye-laws to provide for the registration of all dogs kept within the cantonment.(2)Such bye-laws shall-(a)require the registration, by the Officer Commanding each military unit, of all dogs kept in the lines occupied by that unit;(b)require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the registration authority, and fix the fee payable for the issue thereof;(c)require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose; and(d)fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week;and may provide for such other matters as the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] thinks fit.(3)A [Board] [Substituted by Act 24 of 1936, S.69, for

"Cantonment Authority" ] may-(a)cause to be destroyed, or to be confined for such period as [it] [Substituted by Act 34 of 1939, s.2 and Sch.I, for "that Authority"] may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies;(b)by public direct that, after such date as may be specified in the notice, dogs which are without collars or without marks distinguishing them as private property and are found straying on the owners, it any, may be destroyed, and cause them to be destroyed accordingly.(4)No damages shall be payable in respect of any dog or other animal destroyed or therewith disposed of under this section.(5)Whoever, being the owner or person in charge of any dog, neglects to restrain it so that it shall not be at large in any street without being muzzled and without being secured by a chain lead in any case in which-(a)he knows that the dog is likely to annoy or intimidate any person, or(b)the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] has, by public notice during the prevalence of rabies, directed that dogs shall not be at large without muzzles and chain leads, shall be punishable with fine which may extend to one hundred rupees.(6)Whoever in a cantonment-(a)allows any ferocious dog which belongs to him or is in his charge to be at large without being muzzled, or(b)sets on or urges any dog or other animal to attack, worry or intimidate any person, or(c)knowing or having reason to believe that any dog or animal belonging to him or in his charge has been bitten by an animal suffering or reasonably suspected to be suffering from rabies, neglects to give immediate information of the fact to the Executive Officer or gives information which is false, shall be punishable with fine which may extend to two hundred rupees.Traffic

## **120. Rule of the road.-**

Whoever in driving, leading or propelling a vehicle along a street fails, except in a case of actual necessity,-(a)to keep to the left when passing a vehicle coming from the opposite direction, or(b)to keep to the right when passing a vehicle going in the same direction as himself, shall be punishable with fine which may extend to fifty rupees.Prevention of fire, etc.

## **121. Use of inflammable materials for building purposes.-**

(1)A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by public notice, direct that within such limits I the cantonment as may be specified in the notice, the roofs and external walls of huts or other buildings shall not, without the permission I writing of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], be made or renewed of grass, mats, leaves or other inflammable materials, and may, by notice I writing, require any person who has disobeyed any such direction as aforesaid to remove or alter the roofs or walls so made or renewed.(2)A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by notice in writing, require the owner of any building in the cantonment which has an external roof or wall made of any such material as aforesaid to remove such roof or wall within such time as may be specified in the notice, notwithstanding that a public notice under sub-section (1) has not been issued or that such roof or wall was made with the consent of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] or before the issue of such public notice:Provided that, in the case of any such roof or wall in existence before the issue of such a public notice or made with the consent of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] that



Authority shall make compensation, not exceeding the original cost of constructing the roof or wall, for any damage caused by the removal.

## **122. Stacking or collecting inflammable materials.-**

A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by public notice, prohibit in any case where such prohibition appears to it to be necessary for the prevention of danger to life or property, the stacking or collecting of wood, dry grass, straw or other inflammable materials, or the placing of mats or thatched huts or the lighting of fires in any place in the cantonment, or within any limits therein, which may be specified in the notice.

## **123. Care of naked lights.-**

No person shall set a naked light on or near any building in any street or other public place in a cantonment in such manner as to cause danger of fire: Provided that nothing in this section shall be deemed to prohibit the use, subject to the permission in writing of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], of lights for purposes of illumination on the occasion of a festival or public or private entertainment.

## **124. Regulation of cinematographer and dramatic performances.-**

(1) Notwithstanding anything contained in the Cinematograph Act, 1918, no exhibition of pictures or other optical effects by means of a cinematograph or other like apparatus for the purpose of which inflammable films are used, and no public dramatic performance or pantomime, shall be given in any cantonment, elsewhere than in premises for which a licence has been granted by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] under this section. (2) If the owner of a cinematograph or other apparatus uses the apparatus or allows it to be used, or if any person takes any part in any public dramatic performance or pantomime, in contravention of the provisions of this section, or if the occupier of any premises allows them to be used in contravention of the provisions of this section or of any condition of any licence granted under this section, he shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing offence, with an additional fine which may extend to fifty rupees for each day after the first during which the offence continues. (3) Nothing in this section shall be deemed to prohibit the giving of any exhibition or any dramatic performance or pantomime in any theater or institute which is the property of the Government where the exhibition, performance or pantomime is held with the permission and under the control of the military authorities.

## **125. Discharging fire-works.-**

Whoever in a cantonment discharges any fire-arm or lets off fire-works or fire-balloons, or engages in any game in such manner as to cause or to be likely to cause danger to persons passing by or dwelling or working in the neighborhood or risk of injury to property shall be liable to fine which may extend to fifty rupees.

## **126. Power to require buildings, wells, etc., to be tendered safe.-**

Where in a cantonment any building, or wall, or anything affixed thereto, or any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is in the opinion of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], [in a ruinous state or] [Inserted by Act 7 of 1925, s.7], for want of sufficient repairs, protection or enclosure, [a nuisance or] [ Ins. by Act 7 of 1925, s.7] dangerous to persons passing by or dwelling or working in the neighborhood, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] [by notice in writing may] [Substituted by Act 8 of 1944, s.6, for "may, by notice in writing" ], require the owner [or part-owner or person claiming to be the owner or part owner thereof, or, failing any of them, the occupier] [ Ins. by Act 24 of 1936, s.38.] thereof [to remove the same or may require him to repair] [Substituted by Act 8 of 1944, s.6, for "either to remove the same or to repair"], [or to protect or to enclose] [Substituted by Act 24, of 1936, s.38, for "protect or enclose"] the same in such manner as it thinks necessary; and if the danger is, in the opinion of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], imminent, it shall forthwith take such steps as it thinks necessary to avert the same.

## **127. Enclosure of waste land used for improper purposes.-**

A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by notice in writing, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land in the cantonment, or the lessee or the person claiming to be the lessee of any such land, which by reason of disuse or disputed ownership or other cause, has remained unoccupied and has become the resort of idle and disorderly persons or of persons who have no ostensible means of subsistence or cannot give a satisfactory account of themselves, or is used for gaming or immoral purposes, or otherwise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be specified in the notice.

## **Chapter X**

## **Sanitation And The Prevention And Treatment Of Disease**

Sanitary authorities

## **128. Responsibility for sanitation.-**

The following officers shall, for the purposes of sanitation, have control over, and be responsible for maintaining in a sanitary condition, those parts of a cantonment, respectively, which are specified in the case of each, that is to say:-(a)the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Commanding Officer of he Cantonment"] all buildings and lands which are occupied or used for military purposes;(b)the Officer Commanding the air forces in the cantonment-all buildings and lands which are occupied or used for air-force purposes;(c)the head of any civil department or railway administration occupying as such any part of the cantonment all buildings and lands in his charge as head of that department or administration.

## **129. General duties of Health Officer.-**

(1)The Health Officer shall exercise a general sanitary supervision over the whole cantonment, and shall submit monthly to the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] a report as to the sanitary condition of the cantonment, together with such recommendations in connection therewith as he thinks fit.(2)The Assistant Health Officer shall perform such duties in connection with the sanitation of the cantonment as are, subject to the control of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], allotted to him by the Health Officer.Conservancy And Sanitation

## **130. Public latrines, urinals and conservancy establishments.-**

All public latrines and urinals provided or maintain by a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall be so constructed as to provide separate compartments for each sex and not to be a nuisance, and shall be provided with all necessary conservancy establishments, and shall regularly be cleansed and kept in proper order.

## **131. Power of Board to undertake private conservancy arrangements.-**

(1)On the application or with the consent of the occupier of any building or land, or where the occupier of any building or land fails to make arrangements to the satisfaction of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] for the matters referred to in this section, without such consent, and after giving notice in writing to the occupier, a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may undertake the house scavenging of any building or land in the cantonment for such period as it thinks fit on such terms as it may prescribe in this behalf.(2)Where the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] has undertaken the duties referred to in this section, all matter removed in the performance of such duties shall be the property of [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].(3)For the purposes of this section, "house scavenging" means the removal of fifth or rubbish or other offensive matter from a privy, latrine, urinal, drain, cesspool, or other common receptacle for such matter.

## **132. Deposit and disposal of rubbish, etc.-**

(1)Every [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall provide or appoint, in proper and convenient situations, public receptacles, depots or places for the temporary deposit or disposal of household rubbish, offensive matter, carcasses of dead animals and sewage.(2)The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by public notice, issue directions as to the time at which, the manner in which, and the conditions subject to which, any matter referred to in sub-section (1) may be removed along a street or may be deposited or otherwise disposed of.(3)All matter deposited in receptacles, depots or places provided or appointed under this section shall be the property of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].

### 133. Cesspools, receptacles for filth, etc.-

The Executive Officer of any cantonment may, by notice in writing, -(a) require any person having the control whether as owner, lessee or occupier of any land or building in the cantonment -(i) to close any cesspool appertaining to the land or building which is, in the opinion of the Executive Officer, a nuisance, or (ii) to keep in a clean condition, in such manner as may be prescribed by the notice, any receptacle for filth or sewage accumulating on the land or in the building, or (iii) to prevent the water of any private latrine, urinal, sink or bathroom or any other offensive matter, from soaking, draining or flowing, or being put, from the land or building upon any street or other public place, or into any water-course or into any drain not intended for the purpose; or (iv) to collect and deposit for removal by the conservancy establishment of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], within such time and in such time and in such receptacle or place, situate at not more than one hundred feet from the nearest boundary of the premises, as may be specified in the notice, any offensive matter or rubbish which such person has allowed to accumulate or remain under, in or on such building or land; or (b) require any person to desist from making or altering any drain leading into a public drain; or (c) require any person having the control of a drain in the cantonment to cleanse, purify, repair or alter the same, or otherwise put it in good order, within such time as may be specified in the notice.

### 134. Filling up of tank, etc.-

(1) Where any well, tank, cistern, reservoir, receptacle, or other place in the cantonment where water is stored or accumulates, whether within any private enclosure or not, is in such a condition as to create a nuisance or, in the opinion of the Health Officer, or the Assistant Health Officer, is or is likely to be a breeding place for mosquitoes, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by notice in writing, require the owner, lessee or occupier thereof, within such period as may be specified in the notice, to fill up or cover the well, cistern, reservoir or receptacle, or to fill up the tank, or to drain off or remove the water, as the case may be. (2) The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, if it thinks fit, with the previous sanction of the [Officer Commanding-in-Chief, the Command,] [Substituted by Act 35 of 1926, s.2, for "Officer Commanding the District" ] meet the whole or any portion of the expenses incurred in complying with a requisition under sub-section (1).

### 135. Provision of latrines, etc.-

A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by notice in writing require the owner or lessee of any building or land in the cantonment to provide, in such manner as may be specified in the notice, any latrine, urinal, cesspool, dust-bin or other receptacle for filth, sewage, or rubbish, or any additional latrine, urinal, cesspool or other receptacle as aforesaid, which should, in its opinion, be provided for the building or land.

### **136. Sanitation in factories, etc.-**

Every person employing, whether on behalf of the Government or otherwise, more than ten workmen or labourers, and every person managing or having control of a market, school, theater or other place of public resort, in a cantonment shall give notice of the fact to the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], and shall provide such latrine, and urinals, and shall employ such number of sweepers, as the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] thinks fit, and shall cause the latrines and urinals to be kept clean and in proper order: Provided that nothing in this section shall apply in the case of a factory to which the Indian Factories Act, 1911, applies.

### **137. Private latrines.-**

A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by notice in writing, -(a) require the owner or other person having the control of any private latrine or urinal in the cantonment not to put the same to public use; or (b) where any plan for the construction of private latrines or urinals has been approved by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], and copies thereof may be obtained free of charge on application, -(i) require any person appearing or constructing any private latrine or urinal not to allow the same to be used until it has been inspected by or under the direction of the Health Officer and approved by him as conforming with such plan; or (ii) require any person having control of any private latrine or urinal to re-build or alter the same in accordance with such plan; or (c) require the owner or other person having the control of any such private latrine or urinal which, in the opinion of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], constitutes a nuisance, to remove the latrine or urinal; or (d) require any person having the control whether as owner, lessee or occupier of any land or building in the cantonment -(i) to have any latrines provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighborhood, or (ii) to cleanse in such manner as the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may specify in the notice any latrine or urinal belonging to the land or building; (e) require any person being the owner and having the control of any drain in the cantonment to provide, within ten days from the service of the notice, such covering as may be specified in the notice.

### **138. Removal of congested buildings.-**

(1) Where it appears to a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] that any block of buildings in the cantonment is in an unhealthy condition by reason of the manner in which the buildings are crowded together, or of the narrowness or closeness of the street, or of the want of proper drainage or ventilation, or of the impracticability of cleaning the buildings or other similar cause, it may cause the block to be inspected by a committee consisting of -(a) the Health Officer, (b) the Civil Surgeon of the district, or, if the services are not available, some other medical officer [in the service of the Government] [Substituted by the A.O. 1937, for "of the Govt."], (c) the Executive Engineer or a person deputed by the Executive Engineer in this behalf, and (d) [Where the cantonment is a Class I or Class II cantonment, two non-official members of the Board, or where the

cantonment is a Class III cantonment, one non-official member of the Board.] [Substituted by Act 24 of 1936, s.39, for the original clause.](2)The committee shall make a report in writing to the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] regarding the sanitary condition of the block, and if it considers that the condition thereof is likely to cause risk of disease to the inhabitants of the building or of the neighborhood or otherwise to endanger the public health, it shall clearly indicate on a plan verified by the Executive Engineer or the person deputed by him to serve on the committee, the buildings which should in its opinion wholly or in part be removed in order to abate the unhealthy condition of the block.(3)If, upon receipt of such report, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] is of opinion that all or any buildings indicated should be removed, it may, by notice in writing, require the owners thereof to remove them:Provided that, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall make compensation to the owners for any buildings so removed which may have been erected under proper authority:Provided, further, that the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, if it considers it equitable in the circumstances so to do, pay to the owners such sum as it thinks fit as compensation for any buildings so removed which have not been erected under proper authority.(4)For the purposes of this section "buildings"includes enclosure walls and fences appertaining to buildings.

### **139. Overcrowding of dwelling houses.-**

(1)Where it appears to a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] that any building or part of a building in the cantonment which is used as a dwelling house is so overcrowded as to endanger the health of the inmates thereof, it may, after such inquiry as it thinks fit, by notice in writing require the owner or occupier of the building or part thereof, as the case may be, within such time not being less than one month as may be specified in the notice, to abate the overcrowding of the same by reducing the number of lodgers, tenants, or other inmates to such number as may be specified in the notice.(2)Any person who fails, without reasonable cause, to comply with a requisition made upon him under sub-section (1) shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing offence, to an additional fine which may extend to five rupees for every day after the first during which the failure has continued.

### **140. Power to require repair or alteration of building.-**

(1)Where any building in a cantonment is so ill-constructed or dilapidated as to be, in the opinion of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], in an insanitary state, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by notice in writing, require the owner, within such time as may be specified in the notice, to execute such repairs or to make such alterations as it thinks necessary for the purpose or removing such defects.(2)A copy of every notice issued under sub-section (1) shall be conspicuously posted on the building to which it relates.(3)A notice issued under sub-section (1) shall be deemed to have been complied with if the owner of the building to which it relates has, instead of executing the repairs or making the alterations directed by the notice, removed the building.

**141. Power to require land or building to be cleansed.-**

(1)The Executive Officer, may, by notice in writing, require the owner, lessee or occupier of any building or land in the cantonment, which appears to him to be in filthy or insanitary state, within twenty-four hours to cleanse the same or otherwise put it in a proper state, in such manner as may be specified in the notice.(2)If, within three months from the date of the service of a notice under sub-section (1), any building or land in respect of which the notice was issued is again in a filthy or insanitary state, the owner, lessee or occupier, as the case may be, shall be punishable with fine which may extend to two hundred rupees.

**142. Power to order disuse of house.-**

If a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] is satisfied that any building or part of a building in the cantonment which is intended for or used as a dwelling place is unfit for human habitation, it may cause a notice to be posted on some conspicuous part of the building prohibiting the owner or occupier thereof from using the building or room for human habitation, or allowing it to be so used, until it has been rendered fit for such use to the satisfaction of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].

**143. Removal of noxious vegetation.-**

A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by notice in writing, require the owner, lessee, or occupier of any land in the cantonment to clear away and remove any thick or noxious vegetation or undergrowth, which appears to it to be injurious to health or offensive to person residing in the neighborhood.

**144. Agriculture and irrigation.-**

Where, in the opinion of a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], the cultivation in the cantonment of any description or crop or the use therein of any kind of manure or the irrigation of any land therein in any specified manner is likely to be injurious to the health of persons dwelling in the neighborhood, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by public notice, prohibit such cultivation, use or irrigation after such date as may be specified in the notice, or may, by a like notice, direct that it shall be carried not subject to such conditions as the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] thinks fit; Provided that if, when a notice is issued under this section, any land to which it relates has been lawfully prepared for cultivation or any crop is sown therein or is standing thereon, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall, if it directs that the notice is to take effect on a date earlier than that by which the crop would ordinarily be sown or reaped, as the case may be, make compensation to all persons interested in the land or crop for the loss, if any, incurred by them respectively by reason of compliance without he notice.

Burial And Burning Grounds

**145. Power to call for information regarding burial and burning grounds.-**

A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by notice in writing require the owner of person in charge of any burial or burning ground in the cantonment is supply such information as may be specified in the notice concerning the condition, management or position of such ground.

**146. Permission for use of new burial or burning ground.-**

(1)No place in a cantonment which has not been used as a burial or burning ground before the commencement of this Act shall be so used without the permission in writing of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].(2)Such permission may be granted subject to any conditions which the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] thinks fit to impose for the purpose of preventing annoyance to, or danger to the health of, persons residing in the neighborhood.

**147. Power to require closing of burial or burning ground.-**

(1)Where a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], after making or causing to be made local inquiry, is of opinion that any burial or burning ground in the cantonment has become offensive to, or dangerous to the health of, persons living in the neighborhood, it may, with the previous sanction of the [Central Government] [Substituted by the A.O. 1937, for "L.G."], by notice in writing, require the owner or person in charge of such ground to close the same from such date as may be specified in the notice.(2)Where the [Central Government] [Substituted by the A.O. 1937, for "L.G."] sanctions the issue of any notice under sub-section (1), it shall declare the conditions on which the burial or burning ground may be re-opened, and a copy of such declaration shall be annexed to the notice.(3)Where the [Central Government] [Substituted by the A.O. 1937, for "L.G."] sanctions the issue of any such notice, it shall require a new burial or burning ground to be provided at the expense of the cantonment fund, or, if the community concerned is willing to provide a new burial or burning ground, the [Central Government] [Substituted by the A.O. 1937, for "L.G."] shall require a grant to be made from the cantonment fund towards the cost of the same.(4)No corpse shall be buried or burnt in any burial or burning ground in respect of which a notice issued under this section is for the time being in force.

**148. Exemption from operation of sections 145 to 147.-**

The provisions of section 145, 146 and 147 shall not apply in the case of any burial ground which is for the time being managed by or on behalf of the Government.

**149. Removal of corpses.-**

A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by public notice, prescribe routes in the cantonment by which alone corpses may be removed to burial or burning



grounds.Prevention Of Infectious Or Contagious Diseases

### **150. Obligation to give information of infectious or contagious diseases.-**

[Any person] [Substituted by Act 8 of 1930, s.2 and Sch.I, for "Whoever"], being in charge of, or in attendance, whether as a medical practitioner or otherwise, upon any person in a cantonment whom he knows or has reason to believe to be suffering from a contagious or infectious disease, or being the owner, lessee or occupier of any building in a cantonment in which he knows that any such person is so suffering, shall, if he fails to give information, or if he gives false information, to the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] respecting the existence of such disease, be punishable with fine which may extend to one hundred rupees:Provided that no person shall be punishable under this section for failure to give information if he had reasonable cause to believe that the information had already been duly given:Provided, further, that this section shall not apply in the case of venereal disease where the person suffering therefrom is under specific and adequate medical treatment and is, by reason of his habits and conditions of life and residence, unlikely to spread the disease.

### **151. Special measures in case of outbreak of infectious or epidemic diseases.-**

(1)In the event of a cantonment being or threatened by an outbreak of any infectious or contagious disease among the inhabitants thereof or any epidemic disease among any animals therein, the [Officer Commanding-in-Chief, the Command] [Substituted by Act 35 of 1926, s.2, for "Officer Commanding the District"], if he thinks that the provisions of this Act or of any law for the time being in force in the cantonment are insufficient for the purpose, may, with the previous sanction of the [Central Government] [Substituted by the A.O. 1937, for "L.G."].-(a)take such special measures, and(b)by public notice, make such temporary regulations to be observed by the public or by any class or section of the public, as he thinks necessary to prevent the outbreak or the spread of the disease:Provided that, where in the opinion of the [Central Government] [Substituted by the A.O. 1937, for "L.G."], immediate measure are necessary, he may take action without such sanction as aforesaid and, if he does so, shall forthwith report such action to the [Central Government] [Substituted by the A.O. 1937, for "L.G."].(2)Whoever commits a breach of any temporary regulation made under sub-section (1) shall be deemed to have committed an offence under section 188 of the Indian Penal Code.

### **152. Power to require names of dairymans customers.-**

Where it is certified to the Executive Officer by a medical practitioner that the outbreak or spread of any infectious or contagious disease in the cantonment is, in the opinion of such medical practitioner, attributable to the milk supplied by any dairyman, the Executive Officer may, by notice in writing, require the dairyman, within such time as may be specified in the notice, to furnish him with a full and complete list of the names and addresses of all his customers within the cantonment, or to give him such information as will enable him to trace the persons to whom the

dairyman has sold milk.

### **153. Power to require names of a washermans customers.-**

Where it is certified to the Executive Officer by the Health Officer that it is desirable, with a view to prevent the spread of any infectious or contagious disease in the cantonment, that the Health Officer should be furnished with a list of the customers of any washerman, the Executive Officer may, by notice in writing, require the washerman, within a time to be specified in the notice, to furnish the Health Officer with a full and complete list of the names and addresses of all owners within the cantonment of clothes and other articles which the washerman washes or has washed during the six weeks immediately preceding the date of the notice.

### **154. Report after inspection of dairy or washermans place of business.-**

Where, after inspection, the Health Officer is of opinion that any infectious or contagious disease is caused or is likely to arise in the cantonment from the consumption of the milk supplied from a dairy or from the washing of clothes or other articles in any place, or from any process employed by a washerman, he shall report the matter to the Executive Officer.

### **155. Action on report submitted by Health Officer.-**

Upon receipt of a report submitted by the Health Officer under section 154, the Executive Officer may, by notice in writing, -(a) prohibit the supply of milk from the dairy until the notice has been withdrawn; or (b) prohibit the washerman from washing clothes or other articles in any such place or by any such process as aforesaid until the notice has been withdrawn or unless he uses such place in such manner, or washes by such process, as the Executive Officer may direct in the notice.

### **156. Examination of milk or washed clothes.-**

The Health Officer may take possession of any milk, clothes or other articles which are or have recently been in the possession of any dairyman on whom a notice has been served under section 152, or of any clothes or other articles which are or have recently been in the possession of any washerman, on whom a notice has been served under section 153, and may subject the same or cause the same to be subjected to such chemical or other process as he may think necessary; and the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall pay from the cantonment fund all the costs of the process and shall also pay to the owner of the milk, clothes or [other] [Substituted by Act 8 of 1930, s.2 and Sch. I for "their"] articles such sum as compensation for any loss occasioned by such process as may appear to it to be reasonable.

### **157. Contamination of public conveyance.-**

Whoever in a cantonment -(a) uses a public conveyance while suffering from an infectious or contagious disease, or (b) uses a public conveyance for the carriage of a person who is suffering from

any such disease, or(c)uses a public conveyance for the carriage of the corpse of a person who has died from any such disease, shall be bound to take proper precautions against the communication of the disease to other persons using or who may thereafter use the conveyance and to notify such use to the owner, driver or person in charge of the conveyance, and further to report without delay to the Executive Office the number of the conveyance and the and of the person so notified.

### **158. Disinfection of public conveyance.-**

(1)Where any person suffering from, or the corpse of any person who has died from, an infectious or contagious disease has been carried in a public conveyance which ordinarily plies in a cantonment, the driver thereof shall forthwith report the fact to the Executive Officer who shall forthwith cause the conveyance to be disinfected if that has not already been done.(2)No such conveyance shall be brought again into use until the Executive Officer has granted a certificate stating that it can be used without causing risk of infection.

### **159. Penalty for failure to report.-**

Whoever fails to make to the Executive Officer any report which he is required to make by section 157 or section 158, shall be punishable with fine which may extend to one hundred rupees.

### **160. Driver of conveyance not bound to carry person suffering from infectious or contagious disease.-**

Notwithstanding anything contained in any law for the time being in force, no owner, driver or person in charge of a public conveyance shall be bound to convey or to allow to be conveyed in such conveyance in or in the vicinity of a cantonment any person suffering from an infectious or contagious disease or the corpse of any person who has died from such disease unless and until such person pays or tenders a sum sufficient to cover any loss and expense which would ordinarily be incurred in disinfecting the conveyance.

### **161. Disinfection of building or articles therein.-**

Where a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] is, upon the advise of the Health Officer, of opinion that the cleansing and disinfection of any building or part of a building in the cantonment or of any articles in any such building or part which are likely to retain infection, or the renewal of the flooring of any such building or part of such building, would tend to prevent or check the spread of any infectious or contagious disease, he may, by notice in writing, require the owner or occupier to cleanse and disinfect the said building, part or articles, as the case may be, or to renew the said flooring, within such time as may be specified in the notice;Provided that where, in the opinion of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], the owner or occupier is from poverty or any other cause unable effectually to carry out any such requisition, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, at the expense of the cantonment fund, cleanse and disinfect the building, part or articles, or,

as the case may be, renew the flooring.

## **162. Destruction of infectious hut or shed.-**

(1)Where the destruction of any hut or shed in a cantonment is, in the opinion of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], necessary to prevent the spread of any infectious or contagious disease, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by notice in writing, require the owner to destroy the hut, or shed and the materials thereof within such time as may be specified in the notice.(2)Where the President of a Board [\* \* \*] [The words "or, where there is no Board, the Officer Commanding the station" were omitted by Act 24 of 1936 s.41.] is satisfied that the destruction of any hut or shed in the cantonment is immediately necessary for the purpose of preventing the spread of any infectious or contagious disease, he may order the owner or occupier of the hut or shed to destroy the same forthwith, or may himself cause it to be destroyed after giving not less than two hours' notice to the owner or occupier thereof.(3)The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall pay compensation to the owner of any hut or shed destroyed under this section.

## **163. Temporary shelter for inmates of disinfected or destroyed building or shed.-**

The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall provide free of charge temporary shelter or house accommodation for the members of any family in which an infectious or contagious disease has appeared who have been compelled to leave their dwelling by reason of any proceedings taken under section 161 or section 162, and who desire such shelter or accommodation as aforesaid to be provided for them.

## **164. Disinfection of building before letting the same.-**

(1)Where in a cantonment any building or part of a building is intended to be let in which any person has, within the six weeks immediately proceeding, been suffering from an infectious or contagious disease, the person letting the building or part shall before doing so disinfect the same in such manner as the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by public or special notice, direct, together with all articles therein liable to retain infection.(2)For the purposes of this section, the keeper of an hotel, lodging house or sarai shall be deemed to let to any person who is admitted as a guest therein that part of the building in which such person is permitted to reside.

## **165. Disposal of infected article without disinfection.-**

No person shall, without previous disinfection of the same, give lend, sell, transmit or otherwise dispose of to another person any article or thing which he knows or has reason to believe has been exposed to contamination by any infections or contagious disease and is likely to be used in, or taken, a cantonment.

**166. Means of disinfection.-**

(1)Every [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall-(a)provide proper places with necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection;(b)cause conveyances, clothing or other articles brought fro disinfection to be disinfected either free of charge or on payment of such charges as it may fix.(2)A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may notify places at which articles of clothing, bedding, conveyances or other articles which have been exposed to infection shall be washed, and, of it does so, no person shall wash any such thing at any place not so notified without having previously disinfected such thing,(3)The President of a Board [\* \* \*] [The words "or, where there is no Board, the Officer Commanding the station"were omitted by Act 24 of 1936, s.41] may direct the destruction of any clothing, bedding or other articles in the cantonment likely to retain infection, and may give such compensation as he thinks fit for any article so destroyed.

**167. Making or selling of food, etc., or washing clothes by infected person.-**

Whoever, while suffering from, or in circumstances, in which he is likely to spread, any infectious or contagious disease,-(a)makes, carries or offers for sale in a cantonment or takes any part in the business of making, carrying or offering for sale therein any article of food or drink or any medicine or drug for human consumption, or any article of clothing or bedding, for personal use or wear, or(b)takes any part in the business of the washing or carrying of clothes, shall be punishable with fine which may extend to one hundred rupees.

**168. Power to restrict or prohibit sale of food or drink.-**

When a cantonment is visited or threatened by an outbreak of any infectious or contagious disease, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by public notice, restrict in such manner or prohibit for such period, as may be specified in the notice, the sale or preparation of any article of food or think for human consumption specified in the notice or the sale of any flesh of any description of animals so specified.

**169. control over wells, tanks, etc.-**

(1)If a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] is of opinion that the water in any well, tank or other place is likely, if used for drinking, to endanger, or cause the spread of, any disease, it may,-(a)by public notice, prohibit the removal or use of such water for drinking;(b)by notice in writing, require the owner or person having control of such well, tank or place to take such steps as may be directed by the notice to prevent the public from having access to or using such water; or(c)take such other steps as it may consider expedient to prevent the outbreak or spread of any such disease.(2)In the event of a cantonment or any part of a cantonment being visited or threatened by an outbreak of any infectious or contagious disease, the Health Officer or any person authorised by him in this behalf may, without notice and at any time, inspect and

disinfect any well, tank or other place from which water is, or is likely to be, taken for the purposes of drinking, and may further take such steps as he thinks fit to ensure the purity of the water or to prevent the use of the same for drinking purposes.

### **170. Disposal of infectious corpse.-**

Where any person has died in a cantonment from any infectious or contagious disease, the Executive Officer may, by notice in writing, -(a) require any person having charge of the corpse to convey the same to a mortuary, thereafter to be disposed of in accordance with law; or (b) prohibit the removal of the corpse from the place where death occurred except for the purpose of being buried or burned or of being conveyed to a mortuary.

### **171. Maintenance or a aiding of hospitals or dispensaries.-**

(1) A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may -(a) provide and maintain either within or without the cantonment as may hospitals and dispensaries as it thinks fit; or (b) make, upon such terms as it thinks fit to impose, a grant-in-aid, to any hospitals or dispensary [or veterinary hospitals] [Inserted by Act 24 of 1936, s.42.], whether within or without the cantonment, not maintained by it. (2) Every hospital or dispensary maintained or aided under subsection (1) shall have attached to it a ward or wards for the treatment of persons suffering from infectious or contagious disease. (3) A medical officer, appointed in such manner as the [Central Government] [Substituted by the A.O. 1937, for "L.G."] may direct, shall be in charge of every hospital or dispensary maintained or aided under this section.

### **172. Medical supplies, appliances, etc.-**

(1) Every hospital or dispensary maintained or aided under section 171 shall be maintained in accordance with any general or special orders of the [Central Government] [Substituted by the A.O. 1937, for "L.G."] for the conduct of hospitals and dispensaries or in accordance with the said orders modified in such manner as the [Central Government] [Substituted by the A.O. 1937, for "L.G."] think fit. (2) The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall cause every such hospital or dispensary to be provided with all requisite drugs, instruments, apparatus, furniture and appliances and with sufficient cots, bedding and clothing for in-patients.

### **173. Free patients.-**

At every hospital or dispensary maintained or aided under section 171, the sick poor of the cantonment and other inhabitants of the cantonment suffering from infectious or contagious diseases, and with the sanction of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], any other sick persons, may receive medical {Ins.by s.43, ibid. [or surgical] treatment free of cost, and, if treated as in patients, shall be either dieted gratuitously or, if the medical officer in charge so directs, shall be granted subsistence allowance on such scale as the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may fix: Provided that the substance allowance

shall not be less than the lowest allowance for the time being fixed for the subsistence of judgment debtors by the State Government under section 57 of the Code of Civil Procedure, 1908.

#### **174. Paying patients.-**

Any sick person who is ineligible to receive medical [or surgical] [Inserted by Act 24 of 1936 s.44] treatment free of cost in any hospital or dispensary under section 173 may be admitted to treatment therein upon such terms as the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] thinks fit.

#### **175. Power to order person to attend hospital or dispensary.-**

(1) If the Health Officer or the medical officer-in-charge of a hospital or dispensary maintained or aided under section 171 has reason to believe that any person living in the cantonment is suffering from an infectious or contagious disease, he may, by notice in writing, call upon such person to attend for examination at any such hospital or dispensary at such time as may be specified in the notice and not to quit it without the permission of the medical officer-in-charge; and, on the arrival of such person at the hospital or dispensary, the medical officer-in-charge thereof may examine him for the purpose of satisfying himself whether or not such person is suffering from an infectious or contagious disease: Provided that, if, having regard to the nature of the disease or the condition of the person suffering therefrom, or the general environment and circumstances of such person, the Health Officer or medical officer, as the case may be, considers that the attendance of such person at a hospital or dispensary is likely to provide unnecessary or inexpedient, he shall examine such person at such person's own residence. (2) If any person, on examination under sub-section (1), is found to be suffering from an infectious or contagious disease, the Health Officer or medical officer, as the case may be, may cause him to be detained in hospital until he is free from the infection or contagion; Provided that, if having regard to the nature of the disease or the condition of the person suffering therefrom, or the general environment and circumstances of such person, he considers that the detention of such person at a hospital or dispensary is unnecessary or inexpedient, he shall discharge such person and take such measures or give such directions in the matter as he thinks necessary.

#### **176. Power to exclude from cantonment persons refusing to attend hospital or dispensary.-**

(1) If the Health Officer or the medical officer-in-charge of a hospital or dispensary maintained or aided under section 171 reports in writing to the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Commanding Officer of the Cantonment"] that any person having received a notice under section 175 has refused or omitted to attend at the hospital or dispensary, specified in the notice, or that such person, having attended the hospital or dispensary, has quitted it without the permission of such medical officer, or that any person has failed to comply with any direction given to him under section 175, the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Commanding Officer of the Cantonment"] may, by order in writing, direct such person to

remove from the cantonment within twenty-four hours and not to re-enter it without his permission in writing.(2)No person who has under sub-section (1) been ordered to remove from and not to re-enter a cantonment shall enter any other cantonment [\* \* \*] [The words "in the Provinces" were omitted by the A.O.1950.] without the written permission of the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Commanding Officer of the Cantonment"].Control Of Traffic For Hygienic Purposes

### **177. Routes for pilgrims and others.-**

(1)A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may provide or prescribe suitable routes for the use of persons passing through the cantonment-(a)on their way to or from fairs or places of pilgrimage or other places of public resort; or(b)during times when an infectious or contagious disease is prevalent;and may, by public notice, require such persons as aforesaid to use such routes and no others.(2)All routes provided or prescribed under sub-section (1) shall be clearly and sufficiently indicated by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].Special conditions regarding essential services

### **178. Conditions of service of sweepers.-**

(1)Whoever, being a sweeper employed by a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].in the absence of a written contract authorising him so to do and without reasonable cause, resigns his employment or absents himself from his duty without having given one month's notice to the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], or neglects or refuses to perform his duties, or any of them, shall be punishable with imprisonment which may extend to one month.(2)The [Central Government] [Substituted by the A.O. 1937, for "L.G."] may, by notification in the Official Gazette, direct that on and from such date as may be specified in the notification, the provisions of this section shall apply in the case of any specified class of servants employed by a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].whose functions intimately concern the public health or safety.(3)For the purpose of this section, "sweepers"includes any menial servant employed by a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] in the removal or disposal of filth or rubbish.

## **Chapter XI**

### **Control Over Buildings, Streets, Boundaries, Trees, Etc.**

#### **Buildings**

#### **178A. [ Sanction for building.- [Inserted by Act 24 of 1936, s.45 ]**

No person shall erect or re-erect a building on any land in a cantonment, except with the previous sanction of the Board, nor otherwise than in accordance with the provisions of this Chapter and of the rules and bye-laws made under this Act relating to the erection and re-erection of buildings].



## 179. Notice of new buildings.-

Whoever intends to erect or re-erect any building in a cantonment shall [apply for sanction by giving notice] [Substituted by Act 24 of 1936, s.46 for "give notice"] in writing of his intention to the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].(2)For the purposes of this Act, a person shall be deemed to erect or re-erect a building who-(a)makes any material alteration or enlargement of any building, or(b)converts into a place for human habitation any building not originally constructed for that purpose, or(c)converts into more than one place for human habitation a building originally constructed as one such place, or(d)converts two or more places of human habitation into a greater number of such places, or(e)converts into a stable, cattle-shed or cowhides any building originally constructed for human habitation, or(f)makes any alteration which there is reason to believe is likely to affect prejudicial the stability or safety of any building or the condition of any building in respect of drainage, sanitation or hygiene, or(g)makes any alteration to any building which increases or diminishes the height of, or area covered by, or the cubic capacity of, the building, or which reduces the cubic capacity of any room in the building below the minimum prescribed by any bye-law made under this Act.

## 180. Conditions of valid notice.-

(1)A person giving the notice required by section 179 shall specify the purpose for which it is intended to use the building to which such notice relates.(2)No notice shall be valid until the information required under sub-section (1) and any further information and plans which may be required under bye-laws made under this Act have been furnished to the satisfaction of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].along with the notice.

## 181. Power of Board to sanction of refuse.-

(1)The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may either refuse to sanction the erection or re-erection, as the case may be, of the building, or may sanction it either absolutely or subject to such directions as it thinks fit to make in writing in respect of all or any of the following matters, namely:-(a)the free passage or way to be left in front of the building;(b)the space to be left about the building to secure free circulation of air and facilitate scavenging and the prevention of fire;(c)the ventilation of the building, the minimum cubic area of the rooms and the number and height of the storyes of which the building may consist;(d)the provision and position of drains, latrines, urinals, cesspools or other receptacles for filth;(e)the level and width of the foundation, the level of the lowest floor and the stability of the structure;(f)the line of frontage with neighbouring buildings if the building abuts on a street;(g)the means to be provided for agrees from the building in case of fire;(h)the materials and method of construction to be used for external and party walls for rooms, floors, fire-places and chimneys;(i)the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on; and(j)any other matter affecting the ventilation and sanitation of the buildings;and the person erecting or re-erecting the building shall obey all such written directions in every particular.(2)[ The Board may refuse to sanction the erection or re-erection of any building, either on grounds sufficient in the opinion of the Board affecting the particular building, or in pursuance of a general scheme

sanctioned by the Officer Commanding-in-Chief, the Command, restricting the erection or re-erection of buildings within specified limits for the prevention of over-crowding or in the interests of persons residing within such limits or for any other public purpose.(3)The Board, before sanctioning the erection or re-erection of a building on land which is under the management of the Military Estates Officer, shall refer the application to the Military Estates Officer for ascertaining whether there is any objection on the part of Government to such erection or re-erection; and the Military Estates Officer shall return the application together with his report thereon to the Board within thirty days after it has been received by him.(4)The Board may refuse to sanction the erection or re-erection of any building-(a)when the land on which it is proposed to erect or re-erect the building is held on a lease from the Government, if the erection or re-erection constitutes a breach of the terms of the lease, or(b)when the land on which it is proposed to erect on re-erect the building is not held on a lease from the Government, if the right to build on such land is in dispute between the person applying for sanction and the Government.(5)If the Board decides to refuse to sanction the erection or re-erection of the building, it shall communicate in writing the reason for such refusal to the person by whom notice was given.(6)Where the Board neglects or omits, for one month after the receipt of a valid notice, to make and to deliver to the person who has given the notice any order of any nature specified in this section, and such person thereafter by a written communication sent by registered post to the Board calls the attention of the Board to the neglect or omission, then, if such neglect or omission continues for a further period of fifteen days from the date of such communication the Board shall be deemed to have given sanction to the erection or re-erection, as the case may be, unconditionally:Provided that, in any case to which the provisions of sub-section (3) apply, the period of one month herein specified shall be reckoned from the date on which the Board has received the report referred to in that sub-section.] [Sub-sections (2) to (6) were substituted by Act 24 of 1936, s.47, for the original sub-sections (2), (3) and (4). ]

## **182. Compensation.-**

(1)No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of the refusal of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] of sanction to the erection of any building or in respect of any direction issued by it under sub-section (1) of section 181.(2)The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall make compensation to the owner of any building for any actual damage or loss sustained by him in consequence of the prohibition of the re-erection of any building or of its requiring any land belonging to him to be added to the street:Provided that the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].shall not be liable to make any compensation in respect of the prohibition of the re-erection of any building which for a period of three years or more immediately preceding such refusal has not been in existence or has been unfit for human habitation.

## **183. Lapse of sanction.-**

Every sanction for the erection or re-erection of a building given or deemed to have been given by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] as hereinbefore provided shall be available for one year from the date on which it is given, and, if the building so

sanctioned is not begun by the person who has obtained the sanction or some one lawfully claiming under him within that period, it shall not thereafter be begun [unless the Board on application made therefor has allowed an extension of that period] [ Substituted by Act 24 of 1936, s.48 for "without fresh sanction obtained in the manner hereinbefore provided"].

### **183A. [ Period for completion of building.- [Inserted by Act 24 of 1936, section 49]**

A Board, when sanctioning the erection or re-erection of a building as hereinbefore provided, shall specify a reasonable period after the work has commenced within which the erection or re-erection is to be completed, and, if the erection or re-erection is not completed within the period so fixed, it shall not be continued thereafter without fresh sanction obtained in the manner hereinbefore provided, unless the Board on application made therefor has allowed an extension of that period: Provided that not more than two such extensions shall be allowed by the Board in any case.]

### **184. Illegal erection and re-erection.-**

Whoever begins, continues or completes the erection or re-erection of a building-(a)without having given a valid notice as required by sections 179 and 180, or before the building has been sanctioned or is deemed to have been sanctioned, or(b)without complying with any direction made under sub-section (1) of section 181, or(c)when sanction has been refused, or has ceased to be available, [or has been suspended by the Officer Commanding-in-Chief, the Command, under clause (b) of sub-section (1) of section 52.] [Inserted by Act 24 of 1936, s.50]shall be punishable with fine which may extend to five hundred rupees.

### **185. Power stop erection or re-erection or to demolish.-**

[(1)] [The original s.185 was re-numbered as sub-section (1) of that section by Act 24 of 1936, s.51.] A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, at any time, by notice in writing, direct the owner, lessee or occupier of any land in the cantonment to stop the erection or re-erection of a building in any case in which the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], considers that such erection or re-erection is an offence under section 184, and may in any such case [or in any other case in which the Board considers that the erection or re-erection of a building is an offence under section 184, within [twelve months] [Inserted by Act 24 of 1936, s.51 ] of the completion of such erection or re-erection] in like manner direct the alteration or demolition as it thinks necessary, of the building or any part thereof, so erected or re-erected: Provided that the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, instead of requiring the alteration or demolition of any such building or part thereof, accept by way of composition such sum as it thinks reasonable: [Provided further that the Board shall not, without the previous concurrence of the Officer Commanding-in-Chief, the Command, accept any sum by way of composition under the foregoing proviso in respect of any building on land which is not under the management of the Board.] (2) A Board shall by notice in writing direct the owner, lessee or occupier of any land in the cantonment to

stop the erection or re-erection of a building in any case in which the order under section 181 sanctioning the erection or re-erection has been suspended by the Officer Commanding-in-Chief, the Command, under clause (b) of sub-section (1) of section 52, and shall in any such case in like manner direct the demolition or alteration, as the case may be, of the building or any part thereof so erected or re-erected where the Officer Commanding-in-Chief, the Command, thereafter directs that the order of the Board sanctioning the erection or re-erection of the building shall not be carried into effect or shall be carried into effect with modifications specified by him: Provided that the Board shall pay to the owner of the building compensation for any loss actually incurred by him in consequence of the demolition or alteration of any building which has been erected or re-erected prior to the date on which the order of the Officer Commanding-in-Chief, the Command, has been communicated to him.] [Inserted by Act 24 of 1936, s.51]

### **186. Power to make bylaws.-**

A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may make bye-laws prescribing-(a)the manner in which notice of the intention to erect or re-erect a building in the cantonment shall be given to the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].and the information and plans to be furnished with the notice;(b)the type of description of buildings which may or may not, and the purpose for which a building may or may not, be erected or re-erected [in the cantonment or any part thereof] [Substituted by Act 31 of 1940, s.6, for "in any specified area or areas"]; (c)the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected; [\* \* \*] [The word "and" was rep. by Act 24 of 1936, s.52.](d)the fees payable on provision by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] of plans or specifications of the type of buildings which may be erected in the cantonment or any part thereof;(e)[ the circumstances in which a mosque, temple or church or other secured building may be erected or re-erected; and [Cls. (e) and (f) were ins. by Act 24 of 1936, s.52](f)with reference to the erection or re-erection of buildings, or of any class of building, all or any of the following matters, namely:-(i)the line of frontage where the building abuts on a street;(ii)the space to be left about the building to secure free circulation of air and facilities for scavenging and for the prevention of fire;(iii)the materials and method of construction to be used for external and party-walls, roofs and floors;(iv)the position, the material and the method of construction of fire-places, chimneys, drains, latrines, privies, urinals and cesspools;(v)height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;(vi)the level and width of the foundation, the level of the lowest floor and the stability of the structure;(vii)the number and height of the stoeys of which the building may consist;(viii)the means to be provided for egress from the building in case of fire;(ix)the safeguarding of wells from pollution; or(x)the materials and method of construction to be used for goodness intended for the storage of foodgrains in excess of fifty maunds in order to render them rat proof.]

### **187. Projections and obstructions.-**

(1)No owner or occupier of any building in a cantonment shall, without the permission in writing of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] add to or place

against or in front of the building any projection or structure overhanging, projecting into, or encroaching on, any street or any drain, sewer or aqueduct therein.(2)The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by notice in writing, require the owner or occupier of any such building to alter or remove any such projection or encroachment as aforesaid:Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Act, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall make compensation for any damage caused by the removal or alteration.(3)The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by order in writing, give permission to the owners or occupiers of buildings in any particular street to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement wall at such height from the level ground or street as may be specified in the order.

### **188. Unauthorised buildings over drains, etc.-**

A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by notice in writing, require any person who has; without its permission in writing, newly erected or re-erected any [structure] [Substituted by Act 31 of 1940, s.7, for "building"] over any public sewer, drain, culvert, water-course or water-pipe in the cantonment to pull down or otherwise deal with the same as it thinks fit.

### **189. Drainage and sewer connections.-**

(1)A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by notice in writing, require the owner or lessee of any building or land in any treat, at his own expense and in such manner as the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] thinks fit, to put up and keep in good condition proper troughs and pipes for receiving and carrying rain water from the building or land and for discharging the same or to establish and maintain any other connection or communication between such building or land and any drain or sewer.(2)For the purpose of efficiently draining any building or land in the cantonment, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by notice in writing, require the owner or lessee of the building or land-(a)to pave, with such materials and in such manner as it thinks fit, any courtyard, alleys or passage between two or more buildings, or(b)to keep any such paving in proper repair.

### **190. Power to attach brackets for lamps.-**

A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may attach to the outside of any building, or to any tree in the cantonment, brackets for lamps in such manner as not to occasion injury thereto or inconvenience.Streets

## **191. Temporary occupation of street, land etc.-**

A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by order in writing, permit the temporary occupation of any street, or of any land vested in the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of the public, and may charge a fee for such permission and may in its discretion withdraw such permission.

## **192. Closing and opening of streets.-**

(1)A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall not permanently close any street or open any new street without the previous sanction of the [Officer Commanding-in-Chief, the Command] [Substituted by Act 35 of 1926, s.2, for "Officer Commanding the District"].(2)A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by public notice, temporarily close any street or any part of a street for repair or for the purpose of carrying out any work connected with drainage, water-supply or lighting or any other work which it is by or under this Act required or permitted to carry out:Provided that where, owing to any works or repairs or from any other cause, the condition of any street or of any water-works, drain, culvert or premises vested in the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], is such as to be likely to cause danger to the public, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall-(a)take all reasonable means for the protection of the adjacent buildings and land and provide reasonable means of access thereto;(b)cause sufficient barriers or fences to be erected for the security of life and property, and cause such barriers or fences to be sufficiently lighted from sunset to sunrise.

## **193. Names of streets and numbers of buildings.-**

(1)A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may cause a name to be given to any street and to be affixed on any building in the cantonment in such place as it thinks fit, and may also cause a number to be affixed to any such building.(2)Whoever destroys, pulls down, defaces or alters any such name or number or puts up any name or number differing from that put up by the order of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall be punishable with fine which may extend to twenty rupees.(3)[ When a number has been affixed to any building under sub-section (1), the owner of the building shall maintain the number in order, and shall replace it if removed or defaced, and if he fails to do so the Board may by notice in writing require him to replace it.] [Inserted by Act 24 of 1936, s.53.]Boundaries And Trees

## **194. Boundary walls, hedges and fences.-**

(1)No boundary wall, hedge or fence of any material or description shall be erected in a cantonment without the permission in writing of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].(2)A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment

Authority" ] may, by notice in writing, require the owner or lessee of any land in the cantonment.(a)to remove from the land any boundary walls, hedge or fence which is in its opinion unsuitable, unsightly or otherwise objectionable; or(b)to construct on the land sufficient boundary walls, hedges or fences of such material, description or dimensions as may be specified in the notice; or(c)to maintain the boundary walls, hedges or fences of such lands in good order:Provided that, in the case of any such boundary wall, hedge or fence which was erected with the consent or under the orders of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], or which was in existence at the commencement of this Act, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall make compensation for any damage caused by the removal thereof.(3)The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by notice in writing, require the owner, lessee or occupier of any such land to cut or trim any hedge on the land in such manner and within such time as may be specified in the notice.

### **195. Felling, lopping and trimming of trees.-**

(1)Where, in the opinion of a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], the felling of any tree of mature growth standing in a private enclosure in the cantonment is necessary for any reason, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by notice in writing, require the owner, lessee or occupier of the land to fell the tree within such time as may be specified in the notice.(2)A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may-(a)cause to be lopped or trimmed any tree standing on land in the cantonment which belongs to Government; or(b)by public notice require all owners, lessees or occupiers of land in the cantonment, or by notice in writing require the owner, lessee or occupier of any such land, to lop or trim, in such manner as may be specified in the notice, all or any trees standing on such land or to remove any dead trees from such land.

### **196. Digging of public land.-**

Whoever, without the permission in writing of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], digs up the surface of any open space in the cantonment, which is not private property, shall be punishable with fine which may extend to twenty rupees, and in the case of a continuing offence, [with an additional fine] [ Substituted by Act 8 of 1930, s.2 and Sch. I for "to an additional fine"] which may extend to five rupees for every day after the first during which the offence continues.

### **197. Improper use of land.-**

(1)If, in the opinion of a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], the working of a quarry in the cantonment, or the removal of stone, earth or other material from the soil in any place in the cantonment, is dangerous to persons residing in or frequenting the neighborhood of such quarry or place, or creates, or is likely to create, a nuisance, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by notice in writing, prohibit the owner, lessee or occupier of such quarry or place or the person responsible for such [working] [Substituted by Act 24 of 1936, s.2 and Sch.I for "making" ] or removal, from continuing

or permitting the working of such quarry or the moving of such material, or require him to take such steps in the matter as the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may direct for the purpose of preventing danger or abating the nuisance arising or likely to arise therefrom.(2)If, in any case referred to in sub-section (1), the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] is of opinion that such a course is necessary in order to prevent imminent danger, it may, by order in writing, require a proper hoarding or fence to be put up for the protection of passers-by.

## **Chapter XII**

### **Markets, Slaughter-Houses, Trades And Occupations**

#### **198. Public markets and slaughter-houses.-**

(1)A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may provide and maintain, either within or without the cantonment, public markets and public slaughter-houses, to such number as it thinks fit, together with stalls, shops, sheds, pens and other buildings or conveniences for the use of persons carrying on trade or business in or frequenting such markets or slaughter-houses, and may provide and maintain in any such market buildings, places, machines, weights, scales and measures for the weighing or measurement of goods sold therein.(2)When such market or slaughter-house is situated beyond cantonment limits, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall have the same power for the inspection and proper regulation of the same as if it were situated within those limits.(3)The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may at any time, by public notice, close any public market or public slaughter-house or any part thereof.(4)Nothing in this section shall be deemed to authorise the establishment of a public market or public slaughter-house within the limits of any area administered by any local authority other than the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], without the permission of such local authority or otherwise than on such conditions as such local authority may approve.

#### **199. Use of public market.-**

(1)No person shall, without the general or special permission in writing of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], sell or expose for sale any animal or article in any public market.(2)Any person contravening the provisions of this section, and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the Executive Officer or any officer or servant of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] authorised by it in this behalf.

#### **200. [ Power to transfer by public auction, etc.- [Substituted by Act 2 of 1954, s.18, for the former section.]**

The Board may transfer by public auction, for any period not exceeding three years at a time, the



right to occupy or use any stall, shop, standing, shed or pen in a public market, or public slaughter-houses, or the right to expose goods for sale in a public market or the right to weigh or measure goods sold therein, or the right to slaughter animals in any public slaughter-house: Provided that where the Board is of opinion that such transfer of the aforesaid rights by public auction is not considered desirable or expedient, it may, with the previous sanction of the General Officer Commanding-in-Chief of the Command, -(a) either levy such stallages, rents or fees as it thinks fit; or (b) farm the stallages, rents and fees leviable under clause (a) for any period not exceeding one year at a time.]

## **201. Stallages, rents, etc., to be published.-**

A copy of the table of stallages, rents and fees, if any, leviable in any public market or public slaughter-house, and of the bye-laws made under this Act for the purpose of regulating the use of such market or slaughter-house, printed in the English language and in such other language or languages as the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may direct shall be affixed in some conspicuous place in the market or slaughter-house.

## **202. Private markets and slaughter-houses.-**

(1) No place in a cantonment other than a public market shall be used as a market, and no place in a cantonment other than a public slaughter-house shall be used as a slaughter-house, unless such place has been licensed as a market or slaughter-house, as the case may be, by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ]: Provided that nothing in this sub-section shall apply in the case of a slaughter-house established and maintained by the Government. (2) Nothing in sub-section (1) shall be deemed- (a) to restrict the slaughter of any animal in any place on the occasion of any festival or ceremony, subject to such conditions as to prior or subsequent notice as the Executive Officer with the previous sanction of the District Magistrate may, by public or special notice, impose in this behalf, or (b) to prevent the Executive Officer, with the sanction of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], from setting apart places for the slaughter of animals in accordance with religious custom, when such animal are slaughtered for consumption by the troops or for the purpose of the sale of the flesh thereof to the troops. (3) whoever omits to comply with any condition imposed by the Executive Officer under clause (a) of sub-section (2) shall be punishable with fine which may extend to fifty rupees and, in the case of a continuing offence, with an additional fine which may extend to ten rupees for every day after the first during which the offence is continued.

## **203. Conditions of grant of license for private market or slaughterhouse.-**

(1) A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may charge such fees as it thinks fit to impose for the grant of a licence to any person to open a private market or private slaughter-house in the cantonment, and may grant such licence subject to such conditions, consistent with this Act and any bye-laws made thereunder, as it thinks fit to impose. (2) The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may refuse to grant any such licence without giving reasons for such refusal.

## **204. Penalty for keeping market or slaughter house open without licence, etc.-**

(1) Any person who keeps open for public use any market or slaughter-house in respect of which a licence is required by or under this Act, without obtaining licence therefor, or while the licence therefore is suspended, or after the same has been cancelled, shall be punishable with fine which may extend to fifty rupees and, in the case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence is continued. (2) When a licence to open a private market or private slaughter-house is granted or refused or is suspended or cancelled, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall cause a notice of the grant, refusal, suspension or cancellation to be posted in English, and in such other language or languages as it thinks necessary, in some conspicuous place by or near the entrance to the place to which the notice relates.

## **205. Penalty for using unlicensed market or slaughter-house.-**

Whoever, knowing that any market or slaughter-house has been opened to the public without a licence having been obtained therefor when such licence is required by or under this Act, or that the licence granted therefor is for the time being suspended or that it has been cancelled, sells or exposes for sale any article in such market, or slaughters any animal in such slaughter-house, shall be punishable with fine which may extend to fifty rupees and, in the case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence is continued.

## **206. Prohibition and restriction of use of slaughter-houses.-**

(1) Where, in the opinion of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], it is necessary on sanitary grounds so to do, it may, by public notice, prohibit for such period, not exceeding one month, as may be specified in the notice, or for such further period, not exceeding one month, as it may specify by a like notice, the use of any private slaughter-house specified in the notice, or the slaughter therein of any animal of any description so specified. (2) A copy of every notice issued under sub-section (1) shall be conspicuously posted in the slaughter-house to which it relates.

## **207. Power to inspect slaughter-houses.-**

(1) Any servant of a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], authorised by order in writing in this behalf by the President of the Board or the Health Officer, may if he has reason to believe that any animal has been, is being, or is about to be slaughtered in any place in contravention of the provisions of this Chapter, enter into and inspect any such place at any time, whether by day or by night. (2) Every such order shall specify the place to be entered and the locality in which the same is situated and the period, which shall not exceed seven days, for which the order is to remain in force.

## 208. Power to make bye-laws.-

A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, with the approval of the [Central Government] [Substituted by the A.O. 1937, for "L.G."], make bye-laws consistent with this Act to provide for all or any of the following matters, namely:-(a)the days on, and the hours during, which any private market or private slaughter-house may be kept open for use;(b)the regulation of the design, ventilation and drainage of such markets and slaughter-houses, and the material to be used in the construction thereof;(c)the keeping of such markets and slaughter-houses and lands and buildings appertaining thereto in a clean and sanitary condition, the removal of filth and refuse therefrom, and the supply therein of pure water and of a sufficient number of latrines and urinals for the use of persons using or frequenting the same;(d)the manner in which animals shall be stalled at a slaughter-house;(e)the manner in which animals may be slaughtered;(f)the disposal or destruction of animals offered for slaughter which are, from disease or any other cause, unfit for human consumption ; and(g)the destruction of carcasses which from disease or any other cause are found after slaughter to be unfit for human consumption.Trades And Occupations

## 209. Provision of washing places.-

(1)A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may provide suitable places for the exercise by washerman of their calling, and may require payment of such fees for the use thereof as it thinks fit.(2)Where the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] has provided such places as aforesaid it may, by public notice, prohibit the washing of clothes by washermen at any other place in the cantonment;Provided that such prohibition shall not be deemed to apply to the washing by a washerman of his own clothes or of the clothes of any other person who is an occupier of the place at which they are washed.(3)Whoever contravenes any prohibition contained in a notice issued under sub-section (2) shall be punishable with fine which may extend to twenty rupees.

## 210. Licences required for carrying on of certain occupations.-

(1)No person of any of the following classes, namely:-(a)butchers and vendors of poultry, game or fish;(b)persons keeping pigs for profit, and dealers in the flesh of pigs which have been slaughtered in India;(c)persons keeping milch cattle or milch goats for profit;(d)persons keeping for profit any animals other than pigs, milch cattle or milch goats;(e)dairymen, buttermen and markers and vendors of ghee;(f)makers of bread, biscuits or cake, and vendors of bread, biscuits or cake made in India;(g)vendors of fruit or vegetables;(h)manufacturers of aerated or other potable waters or of ice or ice-cream, and vendors of the same;(i)[ ] [The original cls. (j) to (r) were re-lettered (i) to (q) by Act 24 of 1934, s.2 and Sch. I.] Vendors of any medicines, drugs or articles of food or drink for human consumption (other than the flesh of pigs, milk, butter, bread, biscuits, cake, fruit, vegetables, aerated or other potable waters or ice or ice-cream) which are of a perishable nature;(j)vendors of water to be used for drinking purposes;(k)washermen;(l)dealers in hay, straw, wood, charcoal or other inflammable material;(m)dealers in fire-works, kerosene oil, petroleum or any other inflammable oil or spirit;(n)tanners and dyers;(o)persons carrying on any trade or occupation from which offensive or unwholesome smells arise;(p)vendors of wheat, rice and other

grain or of flour; [\* \* \*] [The word "and" was rep. by Act 24 of 1936, s.55].(q)makers and vendors of sugar or sweetmeats; [and [Inserted by Act 24 of 1936, section 55](r)barbers and keepers of shaving saloons];shall carry on his trade, calling or occupation in any part of a cantonment unless he has applied for and obtained a licence in this behalf from the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"].(2)A licence granted under sub-section (1) shall be valid [until the end of the year in which it is issued] [Substituted by Act 24 of 1936 s.55, for "for one year"] and the grant of such licence shall not be withheld by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] unless it has reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to the public [or that the premises in which the business is intended to be established or maintained are unsuitable for the purpose] [Added by Act 2 of 1954, s.19.].(3)Notwithstanding anything contained in sub-section (1).-(a)no person who was, at the commencement of this Act, carrying on his trade, calling or occupation on any part or a cantonment shall be bound to apply for a licence for carrying on such trade or occupation in that part until he has received from the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] not less than three months' notice in writing of his obligation to do so, and if the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] refuses to grant him a licence, it shall pay compensation for any loss, incurred by reason of such refusal;(b)no person shall be required to take out a licence for the sale or storage or petroleum or for the sale or possession for sale of poisons or white arsenic in any case in which he is required to take out a licence for such sale, storage or possession for sale by or under the Indian Petroleum Act, 1899 {See now the Petroleum Act, 1934 (30 of 1934 , or the Poisons Act, 1919.(4)The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] may charge for the grant of licences, under this section such fees [not exceeding the cost of granting the licences,] [Inserted by s.55 of Act 24 of 1936.] as it may fix with the previous sanction of the [Central Government] [Substituted by the A.O. 1937, for "L.G."].

## **211. Conditions which may be attached to licences.-**

A licence granted to any person under section 210 shall specify the part of the cantonment in which the licensee may carry on his trade, calling or occupation, and may regulate the hours and manner of transport within the cantonment of any specified articles intended for human consumption, and may contain any other conditions which the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] thinks fit to impose in accordance with bye-laws made under this Act.General Provisions

## **212. Power to vary licence.-**

If a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] is satisfied that any place used under a license granted under this Chapter is a nuisance or is likely to be dangerous to life, health or property, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] may, by notice in writing, require the owner, lessee or occupier thereof to discontinue the use of such place or to effect such alterations, additions, or improvements as will, in the opinion of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"], render it no longer a nuisance or dangerous.

## **213. Carrying on trade, etc., without licence or in contravention of section 212.-**

Whoever carries on any trade, calling or occupation for which a licence is required without obtaining a licence therefor or while the licence therefor is suspended or after the same has been cancelled, and whoever, after receiving a notice under section 212, uses or allows to be used any building or place in contravention thereof, shall be punishable with fine which may extend to two hundred rupees and, in the case of a continuing offence, with an additional fine which may extend to forty rupees for every day after the first during which the offence is continued.

## **214. Feeding animals on dirt, etc.-**

Whoever feeds or allows to be fed on filthy or deleterious substance any animal, animal, which is kept for the purpose of supplying milk to, or which is intended to be used as food for, the inhabitants of a cantonment or allows it to graze in any place in which grazing has, for sanitary reasons, been prohibited by public notice by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] shall be punishable with fine which may extend to fifty rupees. Entry, Inspection And Seizure

## **215. Power of entry and seizure.-**

(1)The President or the Vice-President [\* \* \*] [The words "of a Board"were rep. by Act 24 of 1936, s.56], the Executive Officer, the Health Officer, the Assistant Health Officer, or any other officer or servant of a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] authorised by it in writing in this behalf, -(a) may at any time enter into any market, building shop, stall or other place in the cantonment for the purpose of inspecting, and may inspect, any animals, article or thing intended for human food or drink or for medicine, whether exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale, or of preparation for sale, or any utensil or vessel for preparing, manufacturing or containing any such article, or thing, and may enter into and inspect any place used as a slaughter-house and may examine any animal or article therein; (b) may seize any such animal, article or thing which appears to him to be diseased, or unwholesome or unfit for human food or drink or medicine, as the case may be, or to be adulterated or to be not what it is represented to be, or any such utensil or vessel which is of such a kind or in such a state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be. (2) Any article seized under sub-section (1) which is of a perishable nature may, under the orders of the Health Officer or the Assistant Health Officer, forthwith be destroyed if, in his opinion, it is diseased, unwholesome or unfit for human food, drink or medicine, as the case may be. (3) Every animal, article, utensil, vessel or other thing seized under sub-section (1) shall, if it is not destroyed under sub-section (2), be taken before a Magistrate [who shall give orders as to its disposal] [Added by Act 8 of 1944, s.7.]. (4) The owner or person in possession, at the time of seizure under sub-section (1), of any animal or carcass which is diseased or of any article or thing which is unwholesome or unfit for human food, drink or medicine as the case may be, or in adulterated or is not what it is represented to be, or of any utensil or vessel

which is of such kind or in such state as is described in clause (b) of sub-section (1), shall be punishable with fine which may extend to one hundred rupees, and the animal, article, utensil, vessel or other thing shall be liable to be forfeited to the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] or to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for the preparation of food, drink or medicine, as the case may be.

Explanation I.- If any such article, having been exposed or stored in, or brought to, any place mentioned in sub-section (1) for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed, for the purposes of this section, to be an article which is not what it is represented to be.

Explanation II.- Meat subjected to the process of blowing shall be deemed to be unfit for human food.

Explanation III.- The article of food or drink shall not be deemed to be other than what it is represented to be merely by reason of the fact that there has been added to it some substance not injurious to health: Provided that-

(a) such substance has been added to the article because the same is required for the preparation or production thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or drink or conceal the inferior quality thereof, or

(b) in the process of production, preparation or conveyance of such article of food or drink, the extraneous substance has unavoidably become intermixed therewith, or

(c) the owner or person in possession of the article has given sufficient notice by means of a label distinctly and legibly written or printed thereon or therewith, or by other means of a public description, that such substance has been added, or

(d) such owner or person has purchased the article with a written warranty that it was of a certain nature, substance and quality and had no reason to believe that it was not of such nature, substance and quality, and has exposed it or hawked it about or brought it for sale in the same state and by the same description as that in and by which he purchased it.

**Import Of Cattle And Flesh**

## 216. Import of cattle and flesh.-

(1) No person shall, without the permission in writing of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], bring into a cantonment any animal intended for human consumption, or the flesh of any animal slaughtered outside the cantonment otherwise than in a slaughter-house maintained by the Government or the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].

(2) Any animal or flesh brought into a cantonment in contravention of sub-section (1) may be seized by the Executive Officer or by any servant of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], and sold or otherwise disposed of as the [President of the Board] [Substituted by Act 8 of 1944, s.8, for "Board"] may direct, and, if it is sold, the sale proceeds may be credited to the cantonment fund.

(3) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to fifty rupees.

(4) Nothing in this section shall be deemed to apply to cured or preserved meat or to animals driven or meat carried through a cantonment for consumption outside thereof, or to meat brought into a cantonment by any person for his immediate domestic consumption: Provided that the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], may, by public notice, that the provisions of this section shall apply to cured or preserved meat of any specified description place.

## Chapter XIII

### Water-Supply, Drainage And Lighting

Water-supply

#### **217. Maintenance of water supply.-**

(1) In every cantonment where a sufficient supply of pure water for domestic use does not already exist, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] shall provide or arrange for the provision of such a supply. (2) The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] shall, as far as possible, make adequate provision that such supply shall be continuous throughout the year, and that the water shall be at all times pure and fit for human consumption.

#### **218. Control over sources of public water-supply.-**

(1) The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] may, with the previous sanction of the [Central Government] [Substituted by the A.O. 1937, for "L.G."], by public notice, declare any lake, stream, spring, well, tank, reservoir or other source, whether within or without the limits of the cantonment (other than a source of water-supply under the control of the [Military Engineer] [Substituted by Act 7 of 1925, s.9, for "Military Works"] Services or the public Works Department) from which water is or may be made available for the use of the public in the cantonment to be a source of public water-supply. (2) Every such source shall be under the control of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"].

#### **219. Power to require maintenance or closing of private source of public drinking water-supply.-**

The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] may, by notice in writing, require the owner of any person having the control of any source of public water-supply which is used for drinking purposes-(a) to keep the same in good order and to clear it from time to time of silt, refuse and decaying vegetation, or (b) to protect the same from contamination in such manner as the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] may direct, or (c) if the water therein is proved to the satisfaction of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the public from having access to or using such water: Provided that, in the case of a well, such person as aforesaid may, instead of complying with the notice, signify in writing his desire to be relieved of all responsibility for the proper maintenance of the well and his readiness to place it under the control and supervision of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] for the use of the public, and, if he does so, he shall not be bound to carry out the requisition, and the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] shall undertake the control and supervision of the well.

## **220. Supply of water.-**

(1)The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] may permit the owner, lessee or occupier of any building or land to connect the building or land with a source of public water-supply by means of communication pipes of such size and description as it may prescribe for the purpose of obtaining water for domestic use.(2)The occupier of every building to connected with the water-supply shall be entitled to have for domestic use, in return for the water tax, if any, such quantity of water as the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] may determine.(3)All water supplied in excess of the quantity to which such supply is limited under sub-section (2) and, in a cantonment in which a water tax is not imposed, all water supplied under this section shall be paid for at such rate as the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] may fix.(4)The supply of water for domestic use shall not be deemed to include any supply-(a)for animals or for washing vehicles where such animals or vehicles are kept for sale or hire;(b)for any trade, manufacture or business;(c)for fountains, swimming baths or any ornamental or mechanical purpose;(d)for gardens or for purposes of irrigation;(e)for making or watering roads or paths; or(f)for building purposes.

## **221. Power to require water-supply to be taken.-**

If it appears to the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] that any building or land in the cantonment is without a proper supply of pure water, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] may, by notice in writing, require the owner, lessee or occupier of the building or land to obtain from a source of public water-supply such quantity of water as is, adequate to the requirements of the persons usually occupying or employed upon the building or land, and to provide communication pipes of the prescribed size and description, and to take all necessary steps for the above purposes.

## **222. Supply of water under agreement.-**

(1)The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] may, by agreement, supply, from any source of public water-supply, the owner, lessee or occupier of any building or land in the cantonment with any water for any purpose, other than a domestic purpose, on such terms and conditions, consistent with this Act and the rules and bye-laws made thereunder, as may be agreed upon between the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] and such owner, lessee or occupier.(2)The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] may withdraw such supply or curtail the quantity thereof at any time if it should appear necessary to do so for the purpose of maintaining sufficient supply of water for domestic use by inhabitants of the cantonment.

## **223. Board not liable for failure of supply.-**

Notwithstanding any obligation imposed on [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] under this Act a [Board] [Substituted by Act 24 of 1936, S.69, for



"Cantonment Authority"] shall not be liable to any forfeiture, penalty or damages for failure to supply water or for curtailing the quantity thereof if the failure or curtailment, as the case may be, arises from accident or from drought or other unavoidable cause unless in the case of an agreement for the supply of water under section 222, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] has made express provision for forfeiture, penalty or damages in the event of such failure or curtailment.

## **224. Conditions of universal application.-**

Notwithstanding anything hereinbefore contained or contained in any agreement under section 222, the supply of water by a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] to any building or land shall be, and shall be deemed to have been, granted subject to the following conditions, namely:-(a)the owner, lessee or occupier of any building or land in or on which water supplied by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] is wasted by reason of the pipes, drains or other works being out of repair shall, if he has knowledge thereof, give notice of the same to such officer as the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] may appoint in this behalf;(b)the Executive Officer or any other officer or servant of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] authorised by it in writing in this behalf may enter into or on any premises supplied with water by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] , for the purpose of examining all pipes, tapes, works and fittings connected with the supply of water and of ascertaining whether there is any waste or misuse of such water;(c)the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] may, after giving notice in writing, cut off the connection between any source of public water-supply and any building or land to which water is supplied for any purpose therefrom, or turn off such supply if-(i)the owner or occupier of the building or land neglects to pay the water tax or other charges connected with the water-supply within one month from the date on which such tax or charge falls due for payment;(ii)the occupier refuses to admit the Executive Officer or other authorised officer or servant of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] into the building or land for the purpose of making any examination or inquiry authorised by clause (b) or prevents the making of such examination or inquiry;(iii)the occupier willfully or negligently misuses or causes waste of water;(iv)the occupier willfully or negligently injures or damages his meter or any pipe or tap conveying water from the water-works;(v)any pipes, taps, works or fittings connected with the supply of water to the building or land are found, on examination by the Executive Officer, to be out of repair to such an extent as to cause a waste of water;(d)the expense of cutting off the connection or of turning off the water in any case referred to in clause (c) shall be paid by the owner or occupier of the building or land;(e)no action taken under or in pursuance of clause (c) shall relieve any person from any penalty or liability which he may otherwise have incurred.

## **225. Supply to persons outside cantonment.-**

A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] may allow any person not residing within the limits of the cantonment to take or be supplied with water for any purpose from any source of public water-supply on such terms as it purpose from any source of public

water-supply on such terms as it may prescribe, and may at any time withdraw or curtail such supply.

## **226. Penalty.-**

Whoever-(a)uses for other than domestic purposes any water supplied by a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] for domestic use, or(b)where water is supplied by agreement with a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] for a specified purpose, uses that water for any other purpose, shall be punishable with fine which may extend to fifty rupees, and the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] shall be entitled to recover from him the price of the water misused. Water, Drainage And Other Connections

## **227. Power of Board to lay wires, connections, etc.-**

A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] may carry any cable, wire, pipe drain, sewer or channel of any kind,-(a)for the purpose of carrying out, establishing or maintaining any system of water-supply, lighting, drainage, or sewerage, through, across, under or over any road or street, or any place laid out or intended as a road or street, or, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or up the side of any building, situated within the cantonment, or(b)for the purpose of supplying water or of the introduction or distribution of outsell of water or for the removal or outsell of sewage, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or up the side of any building, situated outside the cantonment;and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, sewer or channel in an effective state for the purpose for which the same may be used or is intended to be used:Provided that no nuisance shall be caused in excess of what is reasonably necessary for the proper execution of the work:Provided further, that compensation shall be payable to the owner or occupier for any damage sustained by him which is directly occasioned by the carrying out of any such operation.

## **228. Wires, etc., laid above surface of ground.-**

In the event of any cable, wire, pipe, drain, sewer or channel being laid or carried above the surface of any land or through, over or put the side of any building, such cable, wire, pipe, drain, sewer or channel shall be so laid or carried as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building, and compensation shall be payable by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] in respect of any substantial interface with the right to any such enjoyment.

## **229. Connection with main not to be made without permission.-**

No person shall for any purpose whatsoever, without the permission of the [Board] [Substituted by

Act 24 of 1936, S.69, for "Cantonment Authority"] at any time make or cause to be made any connection or communication with any cable, wire, pipe, drain, sewer or channel constructed or maintained by, or vested in, a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"].

### **230. Power to prescribe ferrules and to establish meters, etc.-**

A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] may prescribe the size of the ferrules to be used for the supply of gas, if any, and may establish meters or other appliances for the purpose of testing the quantity of any water, or the quantity or quality of any gas supplied to any premises by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"].

### **231. Power of inspection.-**

The ferrules, communication pipes, connections, meters, standpipes and all fittings thereon or connected therewith leading from water mains or from pipes, drains, sewers or channels into any house or land, to which water or gas is supplied by a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"], and the pipes fittings, and works inside any such house or within the limits of any such land, shall in all cases be [installed or] [Inserted by Act 8 of 1930, s.2 and Sch.I.] executed subject to the inspection and to the satisfaction of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"].

### **232. Power to fix rates and charges.-**

A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] may fix the charges to be made for the establishment by them or through their agency of communications from, and connections with, mains, or pipes for the supply of water, or gas, or for meters or other appliances for testing the quantity or quality thereof supplied, and may levy such charges accordingly.

Application Of This Chapter To Government Water-Supplies

### **233. Government water-supply.-**

(1) Where in any cantonment there is a water-supply under the control of the [Military Engineer] [Substituted by Act 7 of 1925, s.9, for "Military Works"] Services or the Public Works Department, the Officer of the [Military Engineer] [Substituted by Act 7 of 1925, s.9, for "Military Works"] Services or of the Public Works Department, as the case may be, in charge of such water-supply (hereinafter in [this Chapter] [Substituted by Act 24 of 1936, s.57, for "this section and in section 234"] referred to as the Officer may publish in the cantonment in such manner as he thinks fit a notice declaring that any lake, stream, spring, well, tank, reservoir or other source, whether within or without the limits of the cantonment (other than a source of public water-supply) under the control of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] is a source of public water-supply and may, for the purpose of keeping any such source in good order or of protecting it from contamination or from use, require the [Board] [Substituted by Act 24 of 1936,

S.69, for "Cantonment Authority"] to exercise any power conferred upon [it] [Substituted by Act 34 of 1939, s.2 and Sch.I, for "that Authority"] by section 219.(2)In the case of any water-supply such as is referred to in sub-section (1), the following provisions of this Chapter, namely, the provisions of sections 220, 223, 224, 226, 227, 228, 229, 230, 231, and 232 shall, as far as may be, be applicable in respect of the supply of water to the cantonment, and for the purpose of such application references to the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] shall be construed as references to the Officer, and references to the Executive Officer or other officer or servant of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] shall be construed as reference to such person as may be authorised in this behalf by the Officer.(3)[ The provisions of section 222 shall be applicable in respect of the supply of water by agreement to the Board by the Officer for use for any purpose three than a domestic purpose in like manner as they are applicable to such supply to the owner, lessee or occupier of any building or land in the cantonment.] [Inserted by Act 15 of 1942, s.10. ]

### **234. Recovery of charges.-**

In any case in which the provisions of section 233 apply [and in which the Board is not receiving a bulk supply of water under section 234A,] [Inserted by Act 24 of 1936, s.58.] the water-tax, if any, imposed in the cantonment and all other charges arising out of the supply of water which may be imposed under the provisions of this Chapter as applied by section 233 shall be recovered by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"], and all Moines so recovered, or such proportion thereof as the [Central Government] [Substituted by the A.O.1937, for "L.G."] may in each case determine, shall be paid by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority"] to the Officer.

### **234A. [ Supply of water from Government water-supply to the Board.- [Inserted by Act 24 of 1936, Section 59]**

(1)Where in any cantonment there is a water-supply such as is referred to in sub-section (1) of section 233, the Board may [and so long as the Board is unable to provide a water-supply of its own, it shall] receive from the Military Engineer Services or the Public Works Department, as the case may be, at such point or points as may be agreed upon between the Board and the Officer, a supply of water adequate to the requirements for domestic use of all persons in the cantonment other than entitled consumers.(2)Any supply of water received under sub-section (1) shall be a bulk supply and the Board shall make such payments to the Officer for all water so received as may be agreed upon between the Board and the Officer, or, in default of such agreement, as may be determined by the Central Government to be reasonable having regard to the actual cost of supplying the water in the cantonment and the rate charged for water in any adjacent municipality:Provided that, notwithstanding anything contained in this Act the Board shall not charge for the supply to persons in the cantonment of water received by the Board under this section a rate calculated to produce more than the sum of the payments made to the Officer for water received and the actual cost of the supply thereof by the Board to consumers.(3)If any dispute arises between the Board and the Officer regarding the amount of water adequate to the requirements of person in the cantonment other than entitled consumers, the dispute shall be referred to the Central Government whose decision shall be

final].

### **234B. Function of the Board in relation to distribution of bulk supply:- [Inserted by Act 24 of 1936, Section 59]**

Where under the provisions of sub-section (1) of section 234A a bulk supply of water is received by the Board, the Board shall be solely responsible for the supply of water to all persons in the cantonment other than entitled consumers; and the provisions of this Act shall apply as if such bulk supply were a source of public water-supply under the control of the Board and as if the communications from and connections with such bulk supply for the purpose of supplying water to such persons were a system of water-supply established and maintained by the Board.]

## **Chapter XIV**

### **Removal And Exclusion From Cantonment And Suppression Of Sexual Immorality**

#### **235. Power to remove brothels and prostitutes.-**

The [Officer Commanding the station] [Substituted by Act 7 of 1925, s.10, for "Commanding Officer of a Cantonment"] [or the Board] [Inserted by Act 2 of 1954, s.20. ] may, on receiving information that any building in the cantonment is used as a brothel or for purposes of prostitution, by order in writing setting forth the substance of the information received, summon the owner, lessee, tenant or occupier of the building to appear before him [or the Board, as the case may be] [Inserted by Act 2 of 1954, s.20.] either in person or by an authorised agent, and, if the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Commanding Officer of the Cantonment"] [the Officer Commanding the station or, as the case may be, the Board may] [Inserted by Act 2 of 1954, s.20. ], by order in writing, direct the owner, lessee, tenant or occupier, as the case may be, to discontinue such use of the building within such period as may be specified in the order.

#### **236. Penalty for loitering and importuning for purposes of prostitution.-**

(1)Whoever in a cantonment loiters for the purpose of prostitution or importunes any person to the commission of sexual immorality, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees.(2)No prosecution for an offence under this section shall be instituted except on the complaint of the person importuned, or of a military officer in whose presence the offence was committed, or of a member of the Military or Air Force Police, being employed in the cantonment and authorised in this behalf by the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Commanding Officer of the Cantonment"], in whose presence the offence was committed, or of a police officer not below the rank of a sub-inspector [with the concurrence of the District Magistrate] [Inserted by Act 7 of 1931, s.7.].

**237. Removal of lewd persons from cantonment.-**

If the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Commanding Officer of the Cantonment"] [or the Board] [Inserted by Act 2 of 1954, s.21.] is, after such inquiry [as he or it thinks necessary] [Substituted by Act 2 of 1954, s.21, for "as he thinks necessary"], satisfied that any person residing in or frequenting the cantonment is a prostitute or has been convicted of an offence under section 236, or of the abetment of such an offence, [he or, as the case may be, the Board may] [Substituted by Act 2 of 1954, s.21, for "he may" ] cause to be served on such person an order in writing requiring such person to remove from the cantonment within such time as may be specified in the order, and prohibiting such person from re-entering it without the permission in writing of the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Commanding Officer of the Cantonment"] [or the Board] [Inserted by Act 2 of 1954, s.21.].

**238. Removal and exclusion from cantonment of disorderly persons.-**

(1)A Magistrate of the first class having jurisdiction in a cantonment, on receiving information that any person residing in or frequenting the cantonment-(a)is a disorderly person who has been convicted more than once of gaming or who keeps or frequents a common gaming house, a disorderly drinking shop or a disorderly house of any other description, or(b)has been convicted more than once, either within the cantonment or elsewhere, of an offence punishable under Chapter XVII of the Indian Penal Code, or(c)has been convicted, either within the cantonment or elsewhere, of any offence punishable under section 156 of the Army Act, or(d)has been ordered under Chapter VIII of the Code of Criminal Procedure, 1898, either within the cantonment or elsewhere, to execute a bond for his good behaviour, may record in writing the substance of the information received, and may issue a summons to such person requiring such person to appear and show cause why he should not be required to remove from the cantonment and he prohibited from re-entering it.(2)Every summons issued under sub-section (1) shall be accompanied by a copy of the record aforesaid, and the copy shall be served along with the summons on the person against whom the summons is issued.(3)The Magistrate shall, when the person so summoned appears before him, proceed to inquire into the truth of the information received and take such further evidence as he thinks fit, and if upon such inquiry, it appears to him that such person is a person of any kind described in sub-section (1) and that it is necessary for the maintenance of good order in the cantonment that such person should be required to remove therefrom and he prohibited from re-entering the cantonment, the Magistrate shall report the matter to the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Commanding Officer of the Cantonment"] and, if the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Commanding Officer of the Cantonment"] so directs, shall cause to be served on such person an order in writing requiring him to remove from the cantonment within such time as may be specified in the order and prohibiting him from reentering it without the permission in writing of the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Commanding Officer of the Cantonment"].

## 239. Removal and exclusion from cantonment of seditious persons.-

(1) If any person in a cantonment causes or attempts to cause or does any act which he knows is likely to cause disloyalty, disaffection or breaches of discipline amongst any portion of the Armed Forces of the Union or is a person who the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Commanding Officer of the Cantonment"] has reason to believe, is likely to do any such act, the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Commanding Officer of the Cantonment"] may make an order in writing setting forth the reason for the making of the same and requiring such person to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Commanding Officer of the Cantonment"] : Provided that no order shall be made under this section against any person unless he has had a reasonable opportunity of being informed of the grounds on which it is proposed to make the order and of showing cause why the order should be made. (2) Every order made under sub-section (1) shall be sent to the Superintendent of Police of the district, who shall cause a copy thereof to be served on the person concerned. (3) Upon the making of any order under sub-section (1), the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Commanding Officer of the Cantonment"] shall forthwith send a copy of the same to the [Central Government] [Substituted by A.O. 1937, for "L.G."]. (4) The [Central Government] [Substituted by A.O. 1937, for "L.G."] may, of its own motion, and shall, on application, made to it in this behalf within one month of the date of the order by the person against whom the order has been made call upon the District Magistrate to make, after such inquiry as the [Central Government] [Substituted by A.O. 1937, for "L.G."] may prescribe, a report regarding the justice of the order and the necessity therefor. At every such inquiry the person against whom the order has been made shall be given an opportunity of being heard in his own defence. (5) The [Central Government] [Substituted by A.O. 1937, for "L.G."] may, at any time after the receipt of a copy of an order sent under sub-section (3), or where a report has been called for under sub-section (4), on receipt of that report, if it is of opinion that the order should be varied or rescinded, [make such order thereon as it thinks fit] [Substituted by the A.O. 1937, for "refer the case to the G.G.in C., who shall pass such orders thereon as he thinks fit"]. (6) Any person who has been excluded from a cantonment by an order made under this section may, at any time after the expiry of one month from the date thereof, apply to the Officer Commanding-in-Chief, the Command, for the rescission of the same and, on such application being made, the said officer may, after making such inquiry, if any, as he thinks necessary, either reject the application or rescind the order.

## 240. Penalty.-

Whoever-(a) fails to comply with an order issued under the Chapter within the period specified therein, or, whilst an order prohibiting him from re-entering a cantonment without permission is in force, re-enters the cantonment without such permission, or (b) knowing that any person has under this Chapter, been required to remove from the cantonment and has not obtained the requisite permission to re-enter it, harbours or conceals such person in the cantonment, shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing offence, with an additional fine which may extend to twenty rupees for every day after the first during which he has

persisted in the offence.

## **Chapter XV**

### **Powers, Procedure, Penalties And Appeals**

#### **Entry and Inspection**

#### **241. Powers of entry.-**

It shall be lawful for the President or the Vice-President of a Board, or the Executive Officer, or the Health Officer or Assistant Health Officer, or any person specially authorised by the Health Officer or the Assistant Health Officer, or for any other person authorised by general or special order of a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] in this behalf, to enter into or upon any building or land with or without assistant or workmen in order to make any inquiry, inspection, measurement, valuation or survey, or to execute any work, which is authorised by or under this Act or which it is necessary to make or execute for any of the purposes or in pursuance of any of the provisions of this Act or of any rule, bye-law or order made thereunder: Provided that nothing in this section shall be deemed to confer upon any person any power such as is referred to in section 207 or section 215 or to authorise the conferment upon any person of any such power.

#### **242. Powers of inspection by member of a Board.-**

With the previous sanction of the President, any member of a Board may inspect any work or institution constructed or maintained, in whole or part, at the expense of the Board, and any register, book, accounts or other document belonging to, or in the possession of, the Board.

#### **243. Power of inspection, etc.-**

(1) A [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by general or special order, authorise any person-(a) to inspect any drain, privy, latrine, urinal, cesspool, pipe, sewer or channel in or on any building or land in the cantonment, and, in his discretion, to cause the ground to be opened for the purpose of preventing or removing any nuisance arising from the drain, privy, latrine, urinal, cesspool, pipe, sewer or channel, as the case may be; (b) to examine works under construction in the cantonment, to take levels or to remove, test, examine, replace or read any meter. (2) If, on such inspection, the opening of the ground is found to be necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists or but for such opening would have arisen the ground or portion of any building, drain, or other work opened, injured or removed for the purpose of such inspection shall be filled in, reinstated, or made good, as the case may be, by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].



**244. Power to enter land adjoining land where work is in progress.-**

(1)The Executive Officer of a cantonment may, with or without assistants or workmen, enter or any land within fifty yards of any work authorised by or under this Act for the purpose of depositing thereon any soil, gravel, stone or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on of the same.(2)The Executive Officer shall, before entering on any land under sub-section (1), give the occupier, or, if there is no occupier, the owner not less than three days' previous notice in writing of his intention to make such entry, and shall state the purpose thereof, and shall, if so required by the occupier or owner, fence off so much of the land as may required for such purpose.(3)The Executive Officer shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] to the owner or occupier of such land, or to both, for any such damage whether permanent or temporary.

**245. Breaking into premises.-**

It shall be lawful for any person, authorised by or under this Act to make any entry into any place, to open or cause to be opened any door, gate or other barrier-(a)if he considers the opening thereof necessary for the purpose of such entry; and(b)if the owner or occupier is absent, or being present refuses to open such door, gate or barrier.

**246. Entry to be made in the day time.-**

Save as otherwise expressly provided in this Act, no entry authorised by or under this Act shall be made except between the hours of sunrise and sunset.

**247. Owners consent ordinarily to be obtained.-**

Save as otherwise expressly provided in this At, no building or land shall be entered without the consent of the occupier, or if there is no occupier, of the owner thereof, and no such entry shall be made without giving the said occupier or owner, as the case may be not less than four hours' written notice of the intention to make such entry:Provided that no such notice shall be necessary if the place to be inspected is a stable for horses or a shed for cattle, or a latrine, privy or urinal, or a work under construction.

**248. Regard to be had to social and religious usages.-**

When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

**249. Penalty for obstruction.-**

Whoever obstructs or molests any person employed by a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], who is not a public servant within the meaning of section 21 of the Indian Penal Code or any person with whom the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] has lawfully contracted, in the execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of any of the provisions of this Act or of any rule, bye-law or order made thereunder, or in fulfillment of his contract, as the case may be, shall be punishable with fine which may extend to one hundred rupees. Powers and duties of police officers.

**250. Arrest without warrant.-**

Any member of the police force employed in a cantonment may, without a warrant, arrest any person committing in his view a breach of any of the provisions of this Act which are specified in Schedule IV: Provided that-(a) in the case of the breach of any such provision as is specified in Part B of Schedule IV, no person shall be so arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall lie on the arresting officer, and no person so arrested shall be detained after his name and address have been ascertained; and (b) no person shall be so arrested for an offence under section 236 except-(i) at the request of the person importuned or of a military officer in whose presence the offence was committed; or (ii) by or at the request of a member of the Military or Air Force Police, who is employed in the cantonment and authorised in this behalf by the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Commanding Officer of the Cantonment"], and in whose presence the offence was committed or by or at the request of any police officer not below the rank of a sub-inspector who is employed in the cantonment and authorised in this behalf by the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Commanding Officer of the Cantonment"].

**251. Duties of police officers.-**

It shall be the duty of all police officers to give immediate information to the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] of the commission of any offence against the provisions of this Act or of any rule or bye-law made thereunder, and to assist all cantonment officers and servants in the exercise of their lawful authority. Notices

**252. Notices to fix reasonable time.-**

Where any notice, order or requisition made under this Act or any rule or bye-law made thereunder requires anything to be done for the doing of which no time is fixed in this Act or in the rule or bye-law, the notice, order or requisition shall specify a reasonable time for doing the same.

### **253. Authentication and validity of notices issued by Board.-**

Every notice, order or requisition issued by a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] under this Act or any rule or bye-law made thereunder shall be signed-(a)[\* \* \*] [The words "where there is a Board" were rep. by Act 24 of 1936, s.60] either by the President of the Board or by the Executive Officer, or, [\* \* \*]. [The words "where there is a Board" were rep. by Act 24 of 1936, s.60](b)by the members of any committee especially authorized by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] in this behalf.

### **254. Service of notice, etc.-**

(1)Every notice, order or requisition issued under this Act or any rule or bye-law made thereunder shall, save as otherwise expressly provided, be served or presented-(a)by giving or tendering the notice, order or requisition, or sending it by post, to the person for whom it is intended; or,(b)If such person cannot be found, by affixing the notice, order or requisition on some conspicuous part of his last known place of abode or business, it within the cantonment, or by giving or tendering the notice, order or requisition to some adult male member or servant of his family, or by causing it to be affixed on some conspicuous part of the building or land, if any, to which it relates.(2)When any such notice, order or requisition is required or permitted to be served upon an owner, lessee or occupier of any building or land, it shall not be necessary to name the owner, lessee or occupier therein, and the service thereof shall, save as otherwise expressly provided, be effected either-(a)by giving or tendering the notice, order or requisition, or sending it by post, to the owner, lessee or occupier, or, if there are more owners, lessees or occupiers than one, [to any one of them] [Substituted by Act 32 of 1940, s.3 and Sch.II, for "on anyone of them"]; or(b)if not such owner, lessee or occupier can be found, by giving or tendering the notice, order or requisition to the authorised agent, if any, of any such owner, lessee or occupier, or to an adult male member or servant of the family of any such owner, lessee or occupier, or by causing it to be affixed on some conspicuous part of the building or land to which it relates.(3)When the person on whom a notice, order or requisition is to be served is a minor, service upon his guardian or upon an adult male member or servant of his family shall be deemed to be service upon the minor.

### **255. Method of giving notice.-**

Every notice which, by or under this Act, is to be given or served as a public notice or as a notice which is not required to be given to any individual therein specified shall, save as otherwise expressly provided, be deemed to have been sufficiently given or served if a copy thereof is affixed in such conspicuous part of the office of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] or in such other public place, during such period, or is published in such local newspaper or in such manner, as the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may direct.

## **256. Powers of Board in case of non-compliance with notice etc.-**

In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Act, or any rule or bye-law made thereunder, requiring such person to execute any work or to do any act, it shall be lawful for the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punishment therefor, after giving notice in writing to such person, to take such action of such steps as may be necessary for the completion of the act or work required to be done or executed by him, and all the expenses incurred on such account shall be recoverable by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ].

Recovery Of Money

## **257. Liability of occupier to pay in default of owner.-**

(1) If any such notice as is referred to in section 256 has been given to any person in respect of property of which he is the owner, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may require any occupier of such property or of any part thereof to pay to it, instead of to the owner, any rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under section 256: Provided that, if the occupier, on application made to him by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], refuses truly to disclose the amount of his rent or the name or address of the person to whom it is payable, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may recover from the occupier the whole amount recoverable under section 256. (2) Any amount recovered from an occupier instead of from an owner under sub-section (1) shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been paid to the owner.

## **258. Relief to agents and trustees.-**

(1) Where any person, by reason of his receiving the rent of immovable property as an agent or trustee, or of his being as an agent or trustee the person who would receive the rent if the property were let to a tenant, would under this Act be bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, funds in his hands belonging to the owner sufficient for the purpose. (2) The burden of proving any fact entitling an agent or trustee to relief under sub-section (1) shall lie upon him. (3) Where any agent or trustee has claimed and established his right to relief under this section, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, by notice in writing, require him, to apply to the discharge of such obligation as aforesaid the first Moines which may come to his hands on behalf, or for the use, of the owner, and, on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

## **259. [ Method of recovery.- [Substituted by Act 24 of 1936, s.61, for the original section.]**

(1)Notwithstanding anything elsewhere contained in this Act, [arrears of any tax, rent on land and buildings and any other money recoverable by a Board or a Military Estates Officer under this Act or the rules made thereunder] may be recovered together with the cost of recovery either by suit or, on application to a Magistrate having jurisdiction in the cantonment or in any place where the person from whom such [tax, rent or money] [Substituted by Act 2 of 1954, s.22, for "tax or money" ] is recoverable may for the time being be residing, by the distress and sale of any movable property of, or standing timber, [or growing crops] [Subs.by Act 2 of 1954, s.22 for "growing crops or grass"] belonging to, such person which is within the limits of such Magistrate's jurisdiction, and shall, if payable by the owner of any property as such, be a charge on the property as such, be a charge on the property until paid:Provided that the tools of artisans, [growing crops up to the value of five hundred rupees and implements and cattle used for the purposes of agriculture] [Inserted by Act 2 of 1954, s.22] shall be exempt from such distress or sale.(2)An application to a Magistrate under sub-section (1) shall be in writing and shall be signed by the President or Vice-President of the Board or by the Executive Officer [or the Military Estates Officer] [Inserted by Act 2 of 1954, s.22], but shall not require to be personally presented.]Committees Of Arbitration

## **260. Application for a Committee of Arbitration.-**

In the event of any disagreement as to the liability of a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] to pay any compensation under this Act, or as to the amount of any compensation so payable, the person claiming such compensation may apply to the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] for the reference of the matter to a Committee of Arbitration, and the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall forthwith proceed to convene a Committee or Arbitration To Determine The Matter In Dispute.

## **261. Procedure for contenting Committee of Arbitration.-**

When a Committee of Arbitration is to be convened, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall cause a public notice to be published stating the matter to be determined, and shall forthwith send copies of the order to the District Magistrate, and to the other party concerned, and shall, as soon as may be, nominate such members of the Committee, as it is entitled to nominate under section 262, and, by notice in writing, call upon the other persons who are entitled to nominate a member or members of the Committee to nominate such member or members in accordance with the provisions of that section.

## **262. Constitution of Committee of Arbitration.-**

(1)Every Committee or Arbitration shall consist of five members, namely:(a)a Chairman who shall be a person not in the service of the Government or the [Board] [Substituted by Act 24 of 1936, S.69,

for "Cantonment Authority" ], and who shall be nominated by the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Cantonment Officer of the Cantonment"]; (b) two persons nominated by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ]; and (c) two persons nominated by the other party concerned. [ \* \* \* ] [The words " who shall be persons liable to pay taxes in the cantonment and ordinarily resident therein or in the immediate vicinity thereof" were rep. by Act 24 of 1936, s.62.] (2) If the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] or the other party concerned or the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Cantonment Officer of the Cantonment"] fails within seven days of the date of issue of the notice referred to in section 261 to make any nomination which it or he is entitled to make or, if any member who has been so nominated neglects or refuses to act and the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] or other person by whom such member was nominated fails to nominate another member in his place within seven days from the date on which it or he may be called upon to do so by the District Magistrate, the District Magistrate shall forthwith appoint a member or members, as the case may be, to fill the vacancy or vacancies.

### **263. No person to be nominated who has direct interest or whose services are not immediately available.-**

(1) No person who has a direct interest in the matter under reference, or whose services are not immediately available for the purposes of the Committee, shall be nominated a member of a Committee of Arbitration. (2) If, in the opinion of the District Magistrate, any person who has been nominated has a direct interest in the matter under reference, or is otherwise disqualified for nomination, or if the services of any such person are not immediately available as aforesaid, and if the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] or other person by whom any such person was nominated fails to nominate another member within seven days from the date on which it or he may be called upon to do so by the District Magistrate, such failure shall be deemed to constitute a failure to make a nomination within the meaning of section 262.

### **264. Meetings and powers of Committees of Arbitration.-**

(1) When a Committee of Arbitration has been duly constituted, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall, by notice in writing, inform each of the members of the fact, and the Committee shall meet as soon as may be thereafter. (2) The Chairman of the Committee shall fix the time and place of meetings, and shall have power to adjourn any meeting from time to time as may be necessary. (3) The Committee shall receive and record evidence and shall have power to administer oaths to witnesses, and, on requisition in writing signed by the Chairman of the Committee, the District Magistrate shall issue the necessary processes for the attendance of witnesses and the production of documents required by the Committee, and may enforce the said processes as if they were processes for attendance or production before himself.

## 265. Decision of Committees of Arbitration.-

(1)The decision of every Committee or Arbitration shall be in accordance with the majority of votes taken at a meeting at which the Chairman and at least three of the other members are present.(2)If there is not a majority of votes in favour of any proposed decision, the opinion of the Chairman shall prevail.(3)The decision of a Committee of Arbitration shall be final and shall not be questioned in any Court.Prosecutions

## 266. Prosecutions.-

[(1)] [ S.266 was re-numbered as sub-section (1) of that section by Act 24 of 1936, s.63.] Save as otherwise expressly provided in this Act, no court shall proceed to the trial of any offence made punishable by or under this Act, other than an offence specified in Schedule IV, except on the complaint of, or upon information received from the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] concerned or a person authorised by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] by a general or special order in this behalf.(2)[ [Inserted by Act 24 of 1936, s.63] No offence made punishable under this Act shall be tried by any Magistrate or by any Bench, if such Magistrate or any of the Magistrates composing the Bench is a member of the Board.

## 267. Composition of offence.-

(1)[Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], or any person authorised by it, by general or special order in this behalf, may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act other than an offence under Chapter XIV:Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], unless and until the same has been complied with in so far as compliance is possible.(2)Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings, shall be taken against him in respect of the offence so compounded.

## 268. General penalty.-

Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing failure or contravention, with an additional fine which may extend to twenty rupees for every day the first during which he has persisted in the failure or contravention.

**269. Cancellation and suspension of licenses.-**

Where any person to whom a licence has been granted under this Act or any agent or servant of such person commits a breach of any of the conditions regulating the manner or circumstances in, or the conditions subject to, which anything permitted by such licence is to be or may be done, the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, without prejudice to any other penalty which may have been incurred under this Act, by order in writing, cancel the licence or suspend it for such period as it thinks fit: Provided that no such order shall be made until an opportunity has been given to the holder of the licence to show cause why it should not be made.

**270. Recovery of amount payable of damage to cantonment property.-**

Where any person has incurred a penalty by reason of having caused any damage to the property of a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], he shall be liable to make good such damage, and the amount payable in respect of the damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and, on nonpayment of such amount on demand, the same shall be covered by distress and sale of the movable property of such person, and the Magistrate shall issue a warrant for its recovery accordingly. Limitation

**271. Limitation for prosecution.-**

No court shall try any person for an offence made punishable by or under this Act, after the expiry of six months from the date of the commission of the offence, unless complaint in respect of the offence has been made to a Magistrate within the six months aforesaid. Suits

**272. Prosecution of Board, Executive Officer, etc.-**

No suit or prosecution shall be entertained in any court against any [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] [\* \* \*] [The words "or authority appointed under sub-section (2) of section 10" were rep. by Act 24 of 1936, s.64] or against any [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Cantonment Officer of the Cantonment"], or against any member of a Board, or against any officer or servant of a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], for anything in good faith done, or intended to be done, under this Act or any rule or bye-law made thereunder.

**273. Notice to be given of suits.-**

(1) No suit shall be instituted against any [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] or against any member of a Board, or against any officer or servant of a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], in respect of any act done, or purporting to have been done, in pursuance of this Act or of any rule or bye-law made thereunder, until the expiration of two months after notice in writing has been left at the office of



the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], and, in the case of such member, officer or servant, unless notice in writing has also been delivered to him or left at his office or place of abode, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed, and the name and place of abode of the intending plaintiff, and unless the plaint contains a statement that such notice has been so delivered or left.(2)If the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], member, officer or servant has, before the suit is instituted, tendered sufficient amends to the plaintiff, the plaintiff shall not recover any sum in excess of the amount so tendered, and shall also pay all costs incurred by the defendant after such tender.(3)No suit, such as is described in sub-section (1), shall unless it is an action for the recovery of immovable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises.(4)Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit or proceeding.

## **274. Appeals from executive orders.-**

(1)Any person aggrieved by any order described in the second column of Schedule V may appeal to the authority specified in that behalf in the third column thereof.(2)No such appeal shall be admitted if it is made after the expiry of the period specified in that behalf in the fourth column of the said Schedule.(3)The period specified as aforesaid shall be computed in accordance with the provisions of the Indian Limitation Act, 1908, with respect to the computation of periods of limitation thereunder.

## **275. Petition of appeal.-**

(1)Every appeal under section 274 shall be made by petition in writing accompanied by a copy of the order appealed against.(2)Any such petition may be presented to the authority which made the order against which the appeal is made, and that authority shall be bound to forward it to the appellate authority, and may attach thereto any report which it may desire to make by way of explanation.

## **276. Suspension of action pending appeal.-**

On the admission of an appeal from an order, other than an order contained in a notice issued under [\* \* \*] [The words, brackets and figures "clause (a) of section 137"were omitted by Act 50 of 1948, s.3. ] section 140, section 176, or section 238, all proceedings to enforce the order and all prosecutions for any contravention thereof shall be held in abeyance pending the decision of the appeal, and, if the order is set aside on appeal, disobedience thereto, shall not be deemed to be an offence.

**277. Revision.-**

[(1)] [The original sub-section (1) was omitted and sub-section (2) and (3) were renumbered (1) and (2) by Act 35 of 1926, s.9.] Where an appeal from an order made by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] has been disposed by the District Magistrate, [either party to the proceedings] [ Substituted by Act 35 of 1926, s.65, for "the Cantonment Authority"] may, within thirty days from the date thereof, apply, through the [Officer Commanding the station] [Substituted by Act 7 of 1925, s.14, for "Cantonment Officer of the Cantonment"], to the [Central Government] [Substituted by the A.O. 1937, for "L.G."], or to such authority as the [Central Government] [Substituted by the A.O. 1937, for "L.G."], may appoint in this behalf, for a revision of the decision.(2)[ ] [The original sub-section (1) was omitted and sub-section (2) and (3) were renumbered (1) and (2) by Act 35 of 1926, s.9.] The provisions of this Chapter with respect to appeals shall apply, as far as may be, to applications for revision made under this section.

**278. Finality of appellate orders.-**

Save as otherwise provided in section 277, every order of an appellate authority shall be final.

**279. Right of appellant to be heard.-**

No appeal shall be decided under this Chapter unless the appellant has been heard, or has had a reasonable opportunity of being heard in person or through a legal practitioner.

**Chapter XVI****Rules And Bye-Laws****280. Power to make rules.-**

(1)The Central Government may, after previous publication, make rules to carry out the purposes and objects of this Act.

**Additional Information<sup>6</sup>**

For the Cantonment Account Code, 1924, See Gazette of India, 1924, Pt.I, p.949. For the Cantonment Property Rules, 1925, see the Gazette of India, 1925, Pt.I. p.578. For the Cantonment Fund Servants Rules, 1937; the Cantonment Land Administration Rules, 1937 and the Cantonment Executive Officers Services Rules, 1937, see Gazette of India, 1937, Pt.I. p.1563, 1841, and *ibid.*, 1938, Pt.I, p.968, respectively.

(2)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-(a)the manner in which, and the authority to which, application for permission to occupy land belonging to the Government in a cantonment is to be made;(b)the authority by which such permission may be granted and the conditions to be annexed to the grant of any such permission;(bb)[ the allotment to a [Boards] [Inserted by Act 7 of

1925, s.12.] of a share of the rents and profits accruing from property entrusted to its management under the provisions of section 116a;](c)the appointment, control, supervision, suspension, removal, dismissal and punishment of servants of [Boards] [Subs.by Act 24 of 1936, s.69, for "Cantonment Authority"];](cc)[ the constitution of a [Military Lands and Cantonment Service] [Inserted by Act 24 of 1936, s.66 ] and the appointment, control, supervision, conditions of service, pay and allowances, suspension, removal, dismissal and punishment of the member thereof;](d)the circumstances in which security shall be demanded from servants of [Boards] [Subs.by Act 24 of 1936, s.69, for "Cantonment Authority"] and the amount and nature of such security;](e)the grant of leave, absentee or acting allowance to servants of [Boards] [Subs.by Act 24 of 1936, s.69, for "Cantonment Authority"];](f)the creation and management of Provident Funds, and the circumstances in which, and the conditions subject to which, contributions thereto shall be made from cantonment funds and by servants of [Boards] [Subs.by Act 24 of 1936, s.69, for "Cantonment Authority"];](g)the keeping of accounts by [Boards] [Subs.by Act 24 of 1936, s.69, for "Cantonment Authority"] and the manner in which such accounts shall be audited and published;](h)the definition of the persons by whom, and the manner in which, money may be paid out of a cantonment fund;](hh)[ \* \* \* \* ] [Rep. by Act 24 of 1936, s.66.](i)the preparation of estimates of income and expenditure by [Boards] [Subs.by Act 24 of 1936, s.69, for "Cantonment Authority"] and the definition of the persons by whom, and the conditions subject to which, such estimates may be sanctioned;](j)the regulation of the procedure of Committees or Arbitration; and](k)the prescribing of registers, statements and forms to be used and maintained by any authority for the purposes of this Act;](l)[ the grant of leave to the members of the Board; [Inserted by Act 2 of 1954, s.23. ]](m)the form of notices required to be sent under this Act and the manner of their service.]

## **281. Supplemental provisions respecting rules.-**

(1)A rule under section 280 may be made either generally for all cantonments or for the whole or any part of any one or more cantonments.(2)All rules so made shall be published in the Official Gazette and in such other manner, if any, as the Central Government may direct and, on such publication, shall have effect as if enacted in this Act.

## **282. Power to make bye-laws.-**

Subject to the provisions of this Act and of the rules made thereunder, a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may, in addition to any bye-laws which it is empowered to make by any other provision of this Act, make bylaws to provide for all or any of the following matters in the cantonment, namely:-(1)The registration of births, deaths and marriages, and the taking of a census;(2)the enforcement of compulsory vaccination;(3)the regulation of the collection and recovery of taxes, tolls and fees under this Act and the refund of taxes;(4)the regulation or prohibit of any description of traffic in the streets;(5)the manner in which vehicles standing, driven, led or propelled in the streets between sunset and sunrise shall be lighted;(6)the seizure and confiscation of ownerless animals straying within the limits of the cantonment;(7)the prevention and extinction of fire;(8)the construction of scaffolding for building operations to secure the safety of the general public and of persons working thereon;(9)the regulation in any manner not specifically provided for in this Act of the construction, alteration, maintenance, preservation,

cleaning, and repairs of drains, ventilation-shafts, pipes, water-closets, privies, latrines, urinals, cesspools and other drainage works;(10)the regulation or prohibition of the discharge into, or deposit in, drains of sewage, polluted water and other offensive or obstructive matter;(11)the regulation or prohibition of the stabling or herding of animals, or of any class of animals, so as to prevent danger to public health;(12)the proper disposal of corpses, the regulation and management of burial and burning places and other places for the disposal of corpses, and the fees chargeable for the use of such places where the same are provided or maintained by Government or at the expense of the cantonment fund;(13)the permission, regulation or prohibition of the use of occupation of any street or place by itinerant vendors or by any person for the sale or articles or the exercise of any calling or the setting up of any booths or stall, and the fees chargeable for such use or occupation;(14)the regulation and control of encamping grounds, pounds, washing-places, sears, hotels, dak-bungalows, lodging-houses, boarding-houses, buildings let in tenements, residential clubs, restaurants, eating-houses, cafes, refreshment-rooms and places of public recreation, entertainment or resort;(15)the regulation of the ventilation, lighting cleansing, drainage and water-supply of the building used for the manufacture or sale of aerated or other potable waters and of butter, milk, sweetmeats and other articles of food or drink for human consumption;(16)the matters regarding which conditions may be imposed by licences granted under section 210;(17)the control and supervision of places where dangerous or offensive trades are carried on so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom;(18)the regulation of the erection of any enclosure, fence, tent, awning or other temporary structure of whatsoever material or nature on any land situated within the cantonment;(19)the laying out of streets, and the regulation and prohibition of the erection of buildings without adequate provision being made for the laying out and location of streets;(20)the regulation of the use of public parks and gardens and other public places, and the protection of avenues, trees, grass and other appurtenances of streets and other public places;(21)the regulation of the gazing of animals;(22)the fixing and regulation of the use of public bathing and washing places;(23)the regulation of the posting of bills and advertisements, and of the position, size, shape or style of name-boards, sign-boards and sign-posts;(24)the fixation of a method for the sale of articles whether by measure, weight, piece or any other method;(25)the rendering necessary of licences within the cantonment-(a)for persons working as job porters for the conveyance of goods;(b)for animals or vehicles let out on hire;(c)for the proprietors or drivers of vehicles, boats, or other conveyances, or of animals kept or plying for hire; [ \* \* \* ] [The word "or" was rep. by Act 15 of 1942, s.12.](d)for persons impelling or carrying such vehicles or other conveyances; [or] [Inserted by Act 15 of 1942, s.12 ](e)[ for persons practising as nurses, midwives or dais;] [Inserted by Act 15 of 1942, s.12](26)the prescribing of the fee payable for any licence required under clause (25), and of the conditions subject to which such licences may be granted, revised, suspended or withdrawn;(27)the regulation of the charges to be made for the services of such job porters and of the hire of such animals, vehicles or other conveyances, and for the remuneration of persons impelling or carrying such vehicles or conveyances as are referred to in clause (25);(28)the regulation or prohibition for purposes of sanitation or the prevention of disease or the promotion of public safety or convenience, of any act which occasions or is likely to occasion a nuisance, and for the regulation or prohibition of which no provision is made elsewhere by or under this Act;(29)the circumstances and the manner in which owners of buildings or land in the cantonment, who are temporarily absent from, or are not resident in, the cantonment, may be required to appoint as their agent, for all or any of the purposes

of this Act or of any rule or bye-law made thereunder, persons, residing within or near the cantonment;(30)the prevention of the spread of infectious or contagious diseases within the cantonment;(31)the segregation in, or the removal and exclusion from, the cantonment, or the destruction, or animals suffering or reasonably suspected to be suffering from any infectious or contagious disease;(32)the supervision, regulation, conservation and protection from injury, contamination or trespass of sources and means of public water-supply and of appliances for the distribution of water whether within or without the limits of the cantonment;(33)the manner in which connections with water-works may be constructed or maintained, and the agency which shall or may be employed for such construction and maintenance;(34)the regulation of all matters and things relating to the supply and use of water including the collection and recovery of charges therefor and the prevention of evasion of the same;(35)the maintenance of schools, and the furtherance of education generally;(36)the regulation or prohibition of the cutting or destruction of trees or shrubs, or of the making of excavations, or of the removal of soil or quarrying, where such regulation or prohibition appears to the {Subs.by Act 24 of 1936, s.69, for "Cantonment Authority". to be necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of landslips or of the formation of ravines or torrents, or the protection of land against erosion or against the deposit thereon of sand, gravel or stones;(37)the rendering necessary of licences for the use or premises within the cantonment as stables or cowhouses or as accommodation for sheep, goats or fowls;(38)the control of the use in the cantonment of mechanical whistles, syrnies or trumpets; and(39)generally for the regulation of the administration of the cantonment under this Act.

### **283. Penalty for breach of bye-laws.-**

Any bye-law made by a {Subs.by Act 24 of 1936, s.69, for "Cantonment Authority". under this Act may provide that a contravention thereof shall be punishable-(a)with fine which may extend to one hundred rupees; or(b)with fine which may extend to one hundred rupees and, in the case of a continuing contravention, with an additional fine which may extend to twenty rupees for every day during which such contravention continues after conviction for the first such contravention; or(c)with fine which may extend to ten rupees for every day during which the contravention continues after the receipt of a notice from the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] by the person contravening the bye-law requiring such person to discontinue such contravention.

### **284. Supplemental provisions regarding bye-laws.-**

(1)Any power to make bye-laws conferred by this Act is conferred subject to the condition of the bye-laws being made after previous publication and of their not taking effect until they have been approved and confirmed by the [Central Government] [Substituted by the A.O. 1937, for "L.G."] and published in the Official Gazette.(2)The [Central Government] [Substituted by the A.O. 1937, for "L.G."] in confirming a bye-law may make any change therein which appears to it to be necessary.(3)The [Central Government] [Substituted by the A.O. 1937, for "L.G."] may, after previous publication of its intention, cancel any bye-law which it has confirmed, and thereupon the bye-law shall cease to have effect.

**285. Rules and bye-laws to be available for inspection and purchase.-**

(1) A copy of all rules and bye-laws made under this Act shall be kept at the office of the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] and shall, during office hours, be open free of charge to inspection by any inhabitant of the cantonment. (2) Copies of all such rules and bye-laws shall be kept at the office or the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ], [and shall be sold to the public at cost price singly, or in collections at the option of the purchaser] [Substituted by Act 24 of 1936, s.67 for "for sale to the public"].

## **Chapter XVII**

### **Supplemental Provisions**

**286. Extension of certain provisions of the Act and rules to places beyond cantonments.-**

The [Central Government] [ Subs.by the A.O.1937, for "L.G." ] may, by notification in the Official Gazette, and subject to any conditions as to compensation or otherwise which it thinks fit to impose, extend to any area beyond a cantonment and in the vicinity thereof, with or without restriction or modification, any of the provisions of Chapters IX, X, XI, XII, XIII, XIV, and XV or of any rule or bye-law made under this Act for the cantonment which relates to the subject-matter of any of those Chapters, and every enactment, rule or bye-law so extended shall thereupon apply to that area as if the area were included in the cantonment.

**286A. [ Power to delegate functions of Executive Officer.- [Inserted by Act 7 of 1931, s.8.]**

[(1)] The [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] may empower any of its members or officers to exercise or perform in the absence of the Executive Officer from the cantonment all or any of such powers or duties of an Executive Officer under this Act as the Central Government may, by notification in the Official Gazette, specify in this behalf. [(2)] [ The Board may, by a resolution passed in this behalf, delegate to the President, Vice-President, Executive Officer or Health Officer, subject to such conditions, if any, as may be specified in the resolution, all or any of its functions under sub-section (3) of section 82, sub-section (3) or clause (b) sub-section (5) or section 119, section 131, sub-section (2) of section 132, section 143, section 161, section 163, section 164, section 168, section 168, section 169, section 189, section 190, section 191, section 194, section 195, section 196 or section 197.] [Added by Act 2 of 1954, s.24]

**287. Registration.-**

(1) Paragraphs 2 and 3 of section 54, and sections 59, 107 and 123 of the Transfer of Property Act, 1882, with respect to the transfer of property by registered instrument, shall, on and from the commencement of this Act, extend to every cantonment. (2) [ The Registrar or Sub-Registrar of the

district or sub-district formed for the purposes of the Indian Registration Act, 1908, in which any cantonment is situated, shall, [when any document relating to immovable property within the cantonment is registered, send information of the registration] [Subs.by Act 35 of 1926, Section 11 for the original sub-section.] forthwith to the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] or such other authority as the Central Government may prescribe in this behalf.]

## **288. Validity of notices and other documents.-**

No notice, order, requisition, licence, permission in writing or other such document issued under this Act shall be invalid merely by reason of any defect of room.

## **289. Admissibility of document or entry as evidence.-**

A copy of any receipt, application, plan, notice, order or other document or of any entry in a register, in the possession of a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall, if duly certified by the legal keeper thereof or other person authorised by the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] in this behalf, be admissible in evidence of the existence of the document or entry, and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters.

## **290. Evidence by officer or servant of the Board.-**

No officer or servant of a [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] shall, in any legal proceeding to which the [Board] [Substituted by Act 24 of 1936, S.69, for "Cantonment Authority" ] is not a party, be required to produce any register or document the contents of which can be proved under section 289 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein save by order of the court made for special cause.

## **291. Application of Act 4 of 1899.-**

For the purposes of the Government Buildings Act, 1899, cantonments and [Boards] [Substituted by Act 24 of 1936, s.69, for "Cantonment Authority"] shall be deemed to be municipalities and municipal authorities respectively.

## **292. Repeals.-**

Rep. by the Repealing Act, 1927, (12 of 1927).