

Cantonments Act, 1924

2 of 1924

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Cantonments Act, 1924

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An Act to consolidate and amend the 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 :-- 1. For Statement of Objects and Reasons, see Gazette of India, 1923, Pt. V, p. 220

and for Report by the Select Committee, see *ibid.*, p. 270. The Act came into force in Pondicherry on 1-10-1963, vide Reg. 7 of 1963, Section 3 and Schedule I.

CHAPTER 1 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 1* * 2* * (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 date³ as it may appoint in this behalf. 1. The words "except Part B States" omitted by Act 53 of 1950, Section 4. 2. The words "including British Baluchistan" Repealed by the A. O. 1948. 3. 1st May, 1924; see Gazette of India, 1924, Pt. I, p. 217.

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 1[Officer Commanding-in-Chief, the Command] to be the Assistant Health Officer for a cantonment; (ii) "Board" means a Cantonment Board constituted under this Act; 2[(ii-a) "Boundary wall" means a wall which abuts on a street and which does not exceed 3[two and a half metres in height];] 4* * * * * 5[(iv) "building" means a house, outhouse, stable, latrine, shed, hut or other roofed structure whether of masonry, brick, wood, mud, metal or other material, and any part thereof, and includes a well and a wall⁶[(other than a boundary wall)] but does not include a tent or other portable and temporary shelter;] 7* * * * * (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 8[, and includes a vacancy in such Office, arising under sub-section (1-A) of section 17]; 8[(vii-a) "civil area" means an area declared to be a civil area by the Central Government under section 43A; (vii-b) "civil area committee" means a committee appointed under section 43A;] (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; 9* * * * * (x) "dairy" include 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; 8[(xi-a) "Defence Estates officer" means the officer appointed by the Central Government to perform the duties of the Defence Estates Officer for the purposes of this Act and the rules made thereunder; (xi-b) "Director" means the officer appointed by the Central Government to perform the duties of the Director, Defence Lands and Cantonments, the Command, for the purposes of this Act and the rules made thereunder and includes the Joint Director; 10[11[(xi-c)] "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 of the Public Works Department on such terms and conditions as may be specified in the order;] (xii) "Executive Engineer" means 12[the Officer of the Military Engineer Services of that grade], having charge of the military works in a cantonment 3[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], 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; 8[(xiii-a) "factory" means a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (63 of 1948); (xiii-b) "Forces" means the Army, Navy and Air Force or any part of any one or more of them;] (xiv) "Health Officer" means the senior executive medical officer in military employ on duty in a cantonment; 13[(xv) "hospital" includes family welfare centre, child welfare centre, maternity centre and health centre;] (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, smallpox, tuberculosis, diphtheria, plague, influenza, venereal disease, and any other epidemic, endemic or infectious disease which the 2[Central Government]

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 14[Central Government] 15* * * may, by notification in the Official Gazette, declare to be an intoxicating drug for the purposes of this Act; 8[(xix-a) "lower grade employee" meanss daftary, peon, bhisti, mali, lamp-lighter, chowkidar, mazdoor or safaiwala or any other employee declared by the Central Government to be a lower grade employee for the purposes of this Act;] 16[(xx) "market" includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, meat, fish, fruits, vegetables, animals intended for human food or any other articles of human food whatsoever, with or without the consent of the owner of such place notwithstanding that there may be no common regulation for the concourse of buyers and sellers and whether or not any control is exercised over the business of, or the persons frequenting, the market by the owner of the place or by any other person, but shall not include a single shop or group of shops not being more than six in number and shops within unit lines;] 17* * * * 18[(xxi) "military officer" means a person who, being an officer within the meaning of the Army Act, 1950, (46 of 1950). the Navy Act, 1957, (62 of 1957). or the Air Force Act, 1950, (45 of 1950), is commissioned, gazetted or in pay as an officer doing army, naval or air force duty with the army, navy or air force, or is an officer doing such duty in any arm, branch or part of any of those forces; (xxii) "nuisance" includes any act, omission, place, animal or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep, 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; 19[(xxiv) "Officer Commanding the Area" means the Officer Commanding any one of the areas into which India is for military purposes for the time being divided, or any sub-area which does not form part of any such area, or any area which the Central Government may, by notification in the Official Gazette, declare to be an area for all or any of the purposes of this

Act;] 20[(xxiv-a) "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 21[Area] 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 21[Area] and Officer Commanding-in-Chief, the Command;] (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 22[Board] and which is licensed by a 22[Board] under the provisions of this Act; (xxix) "private slaughter-house" means a slaughter-house which is not maintained by a 22[Board] and which is licensed by a 22[Board] under the provisions of this Act; (xxx) "public market" means a market maintained by a 22[Board]; (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 22[Board]; 23[(xxxii-a) 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;] (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; 24[(xxxv) "soldier" means any person who is a soldier or a sailor or an airman subject to the Army Act, 1950 (46 of 1950) the Navy Act, 1957 (62 of 1957) or the Air Force Act, 1950 (45 of 1950) as the case may be, and who is not a military officer;]s (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 the14[Central Government] 15* * * 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, alley25[or passage] 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 foot-way over any bridge or cause way; 8[(xxxviii) "sub-area" means one of the sub-areas 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 territory which the Central Government may, by notification in the Official Gazette, declare to be a sub-area for such purposes;] (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; 26* * * (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; 10(and (xl) "year" means the year commencing on the first day of April.] 1. Substituted by Act 35 of 1926, Section 2, for "Officer Commanding the District," 2. Inserted by Act 2 of 1954, Section 2. 3. Substituted by Act 15 of 1983, Section 2, for "eight feet in height" (w.e.f. 1-10-1983). 4. Clauses (iii) omitted by Section 2, ibid. (w.e.f. 1-10-1983). 5. Substituted by Act 24 of 1936, Section 2, for the original clause. 6. Substituted by Act 2 of 1954, Section 2, for "(other than a boundary wall not exceeding eight feet in height and not abutting on a street)." 7. Clause (v) Repealed by Act 24 of 1936, Section 2. 8. Inserted by Act 15 of 1983, Section 2 (w. e. f. 1-10-1983). 9. Clause (ix) Repealed by Act 12 of 1935, Section 2 and Schedule I. 10. Inserted by Act 24 of 1936, Section 2. 11. Clause (xia) renumbered as Clause (xic) by Act of 15 of 1983, Section 2 (w.e.f. 1-10-1983). 12. Substituted by Section 2, ibid., for certain words (w.e.f. 1-10-1983). 13. Clause (xv) which was Repealed by Act 24 of 1936, Section 2, Inserted by Act 15 of 1983, Section 2 (w.e.f. 1-10-1983). 14. Substituted by the A.O. 1937 for "L.G." 15. The words "with the previous sanction of the G. G. in C." Repealed by Act 7 of 1925, Section 2. 16. Substituted by Act 15 of 1983, Section 2, for Clause (xx) (w.e.f. 1-10-1983). 17. Clause (xxa) omitted by Act 15 of 1983, Section 2 (w.e.f. 1-10-1983). 18.

Substituted by Section 2, *ibid.*, for clause. (xxi) and (xxii) (w.e.f. 1-10-1983). 19. Substituted by Section 2, *ibid.*, for Clause (xxiv) (w.e.f. 1-10-1983). 20. Inserted by Act 12 of 1935, Section 2 and Schedule I 21. Substituted by Act 15 of 1983, Section 2, for District" (w.e.f. 1-10-1983). 22. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 23. Inserted by Section 2 *ibid.* 24. Substituted by Act 15 of 1983, Section 2, for Clause (xxxv) (w.e.f. 1-10-1983). 25. Substituted by Act 24 of 1936, Section 2, for "passage or open space." 26. The word "and" Repealed by Act 24 of 1936, Section 2. Section 2A - Rule of construction Repealed by the Cantonments (Amendment) Act, 1954 (2 of 1954), Section 3. 11. Clause (xia) renumbered as Clause (xic) by Act of 15 of 1983, Section 2 (w.e.f. 1-10-1983). 12. Substituted by Section 2, *ibid.*, for certain words (w.e.f. 1-10-1983). 13. Clause (xv) which was Repealed by Act 24 of 1936, Section 2, Inserted by Act 15 of 1983, Section 2 (w.e.f. 1-10-1983). 14. Substituted by the A.O. 1937 for "L.G." 15. The words "with the previous sanction of the G. G. in C." Repealed by Act 7 of 1925, Section 2. 16. Substituted by Act 15 of 1983, Section 2, for Clause (xx) (w.e.f. 1-10-1983). 17. Clause (xxa) omitted by Act 15 of 1983, Section 2 (w.e.f. 1-10-1983). 18. Substituted by Section 2, *ibid.*, for clause. (xxi) and (xxii) (w.e.f. 1-10-1983). 19. Substituted by Section 2, *ibid.*, for Clause (xxiv) (w.e.f. 1-10-1983). 20. Inserted by Act 12 of 1935, Section 2 and Schedule I 21. Substituted by Act 15 of 1983, Section 2, for District" (w.e.f. 1-10-1983). 22. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 23. Inserted by Section 2 *ibid.* 24. Substituted by Act 15 of 1983, Section 2, for Clause (xxxv) (w.e.f. 1-10-1983). 25. Substituted by Act 24 of 1936, Section 2, for "passage or open space." 26. The word "and" Repealed by Act 24 of 1936, Section 2. Section 2A - Rule of construction Repealed by the Cantonments (Amendment) Act, 1954 (2 of 1954), Section 3.

4. Alteration Of Limits Of Cantonments :-

(1) The 1[Central Government] 2[xxx] may 3[after consulting the State Government and the Board concerned], by notification in the Official Gazette, declare its intention to include within 4[the cantonment] any local area situated in the 5[* * *] vicinity thereof or to exclude from 4[the 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 1[Central Government] through the Officer Commanding-in-Chief, the Command, an objection to the notification, and the 1[Central Government] shall take such objection into consideration. (3) On the expiry of six weeks from the date of the notification, the 1[Central Government] may 2[* * *] 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. 1. Substituted by the A.O. 1937, for "L.G." 2. The Words "with the previous sanction of the G G in C. Repealed by the A.O. 1937. 3. Inserted by Act 2 of 1954, Section 4. 4. Substituted, *ibid.*, for "a cantonment." 5. The Word "immediate" Repealed by Act 26 of 1927, Section 2.

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 1[Board] shall vest in such local authority, and the liabilities of the 1[Board] 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 1[Board] shall vest in Government, and the liabilities of the 1[Board] shall be transferred to the 1[Central Government]. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

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 a particular 1[Board] and is immediately placed under the control of some other local authority, such portion of the cantonment fund and other property vesting in the 1[Board] and such portion of the liabilities of the 1[Board], 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 1[Board] 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 1[Board] shall vest in Government, and such portion of the liabilities of the 1[Board] shall be transferred to the 2[Central Government], as the 2[Central Government] may, by general or special order, direct. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Substituted by the A. O. 1937, for "L.G."

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 1[Board] vesting in Government under the provisions of section 6 or section 7 shall be applied in the first place to satisfy any liabilities of the 1[Board] transferred under such provisions to the 2[Central Government], 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Substituted by the A. O. 1937, for "L.G."

9. Limitation Of Operation Of Act :-

The 1[Central Government] may, 2[* * *] 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-- 3[(a) situated within the limits of a Presidency-town; or (b) in which the Board is superseded under section 54.]. Apply with such modifications as may be so specified. 1. Substituted by the A. O. 1937, for "L.G." 2. The words "with the previous sanction of the G.G. in C," Repealed *ibid*. 3. Substituted by Act 24 of 1936, Section 4, for "specified in the notification in which there is no Board."

10. Cantonment Board And Executive Officer :-

1[2[For every cantonment there shall be a Cantonment Board 3[* * *]]. 1. Substituted by Act 34 of 1939, Section 2 and Sch, 1, for "Boards and Cantonment Boards." 2. Substituted by Act 24 of 1936, Section 5, for the original section. 3. The words "and an Executive Officer" omitted by Act 15 of 1983, Section 4 (w.e.f. 1-10-1983).

11. Incorporation Of Cantonment Board :-

1[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.] 1. Substituted by Act 24 of 1936, Section 5, for the original section.

12. Appointment Of Executive Officer :-

Repealed by the Cantonments (Amendment) Act, 1983 (15 of 1983), Section 5 (w.e.f. 1-10-1983).

13. Constitution Of Cantonment Boards :-

1[(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[* * * *] (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)3[an Executive Magistrate] 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) 3[an Executive Magistrate] 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, 4[(iii) in cantonments of which the civil population does not exceed five thousand, one military officer,] 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 officers 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 5[Central Government] in the Official Gazette.] 1. Substituted by Act 24 of 1936, Section 5, for the original section. 2. The proviso Repealed by the A. O. 1948. 3. Substituted by Act 15 of 1983, Section 6, for "a Magistrate of the first class" (w.e.f. 1-10-1983). 4. Substituted by the A. O. 1950, for the former clause. 5. Substituted by the A. O. 1937. for "L.G."

14. Power To Vary Constitution Of Boards In Special Circumstances :-

2[(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) 3[* * *] 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; 4[(c) one member, not being a person in the service of the Government, nominated by the Central Government in consultation with the Officer Commanding-in-Chief, the Command.] (3) Every nomination of a member of a Board constituted under this section, and every vacancy in the membership thereof, shall be notified by the1[Central 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 year : Provided that the Central Government may, from time to time, by a like declaration, extend the term of office of such a Board by any 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.] 1. Substituted by the A. O. 1937. for "L.G." 2. Substituted by Act 24 of 1936, Section 5, for the former section. 3. The words "after consultation with the L., G." Repealed by the A. O. 1937 4. Substituted by Act 15 of 1983, Section 7 for Clause (c) (w.e.f. 1-10-1983).

15. Term Of Office Of Members :-

(1) Save as otherwise provided in this section, the term of office of member of a Board shall be 1[five years] and shall commence from the date of the notification of his election or nomination under 2[sub-section (1) of section 13], or from the date on which the vacancy has occurred in which he is elected or nominated, whichever date is later : 3[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:] 4[Provided further that a member whose term of office has been so extended, shall cease to hold office on the date of the notification of the election of his successor under sub-section (1) of section 13.] (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 a member. (3) The term of office of a member elected to fill a casual vacancy shall commence from the 5[date of the notification of his 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 6[Central Government] otherwise directs, continue in office until the election or nomination of his successor is notified under 2[sub-section (7) of section 13.] (5) Any outgoing member may, if qualified, be re-elected or re-nominated. 1. Substituted by Act 15 of 1983, Section 8, for "three years" (w.e.f. 1-10-1983). 2. Substituted by Act 24 of 1936, Section 6, for "sub-section (2) of section 14." 3. Inserted by Section 6, ibid. 4. The proviso which was Inserted by Act 8 of 1944, Section 3, Repealed by Act 2 of 1948. Section 2 and Sch, again Inserted by Act 15 of 1983, Section 8 (w.e.f. 1-10-1983). 5. Substituted by Act 15 of 1983, Section 8, for "date of election" (w.e.f. 1-10-1983). 6. Substituted by the A. O. 1973, or "L.G."

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 1[Central Government] 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 1[Central Government] 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 2[six 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. 1. Substituted by the A. O. 1973, or "L.G." 2. Substituted by Act 15 of 1983, 9, for "three months" (w.e.f. 1-10-1983).

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 reelected : 1[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.] 2[(1-A) If a person is elected to more than one seat in a Board, then, unless he resigns all but one of the seats within fourteen days from the date on which he is declared elected, or where the dates on which he is declared elected are different in respect of different seats, from the last of such dates, all the seats shall become vacant.] 3[(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. 4[(3) For the purposes of sub-section (2) of section 16, a member nominated in pursuance of sub-section (2) of this section shall, 5[where there has been a division of the cantonment into wards, be deemed to have been elected by such ward] as the Central Government may at the time of making the nomination or at any time thereafter declare.] 4[(4) 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. 1. Inserted by Act 15 of 1942, Section 2. 2. Inserted by Act 15 of 1983, Section 10 (w.e.f. 1-10-1983). 3. Substituted by Section 2, *ibid.*, for the former sub-section (2). 4. Sub-section (3) was inserted and the original sub-section (4) re-numbered as sub-section (4) by Act 15 of 1942, Section 2. 5. Substituted by Act 15 of 1983, Section 10, for "certain words" (w.e.f. 1-10-1983).

18. Oath Or Affirmation :-

1[(1) Every person who is by virtue of his office, or who is nominated or elected to be, a member of the Board shall, before

taking his seat, make and subscribe at a meeting of the Board an oath or affirmation of his allegiance to the Constitution of India in the following form, namely :-- become "I., A.B., having been elected a member of this Board, do solemnly swear in the name of God_____ that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter." (2) If any such person fails to make and subscribe the oath or affirmation at one of the first two meetings held after the date of commencement of his term of office, the Central Government shall, by notification in the Official Gazette, declare his seat to be vacant : Provided that a meeting where the member is absent with the leave of the Board shall not be taken into account. 1. Substituted by Section 11, *ibid.*, for "section 18" (w.e.f. 1-10-1983).

19. Resignation :-

1[(1) (a) Any elected member of a Board who wishes to resign his office may give his resignation in writing to the President of the Board who shall forward it for orders to the Central Government under intimation to the Officer Commanding-in-Chief, the Command. (b) Any nominated 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 for orders. (2) If the 2[Central Government or the Officer Commanding-in-Chief, the Command, as the case may be,] accepts the resignation, such acceptance shall be communicated to the Board, and thereupon the seat of the member resigning shall become vacant. 3[(3) Notwithstanding anything contained in sub-section (2), the resignation of any person elected to more than one seat in a Board from all but one of the seats in pursuance of sub-section (1-A) of section 17 shall take effect when such resignation is received by the President of the Board.] 1. Substituted by Act 15 of 1983, Section 12, for sub-section (1) (w.e.f. 1-10-1983). 2. Substituted by Section 12, for "Central Government" (w.e.f. 1-10-1983). 3. Inserted by Act 12 *ibid.*, (w.e.f. 1-10-1983).

20. President And Vice-President :-

(1) The 1[Officer Commanding the station] 2[if a member of the Board] shall be the President of the Board : 3[Provided that when a military officer holding the office of President ceases to be the Officer Commanding the station merely by reason of a 4[temporary absence from station for a period not exceeding thirty consecutive days], he shall not vacate the office of President.] 5[(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 (5), 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 6[in accordance with such procedure as the Central Government may by rule prescribe].] 1. Substituted by Act 7 of 1925, Section 14, for "Commanding Officer of the cantonment." 2. Inserted by Act 24 of 1936, Section 7. 3. Inserted by Act 26 of 1927, Section 3.4. Substituted by Act 15 of 1983, Section 13, for certain words (w.e.f. 1-10-1983). 5. Substituted by Act 24 of 1936, Section 7, for the original sub-section. 6. Inserted by Act 15 of 1942, Section 3.

21. Term Of Office Of Vice-President :-

1[(1) The term of office of a Vice-President shall be 2[five years] or the residue of his term of office as a member, whichever is less.] (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. 3[(3) A Vice-President may be removed from his office, at a special meeting convened for the purpose on a requisition for the same by not less than one-half of the elected members of the Board holding office, by a resolution passed by a majority of not less than two-thirds of the total number of elected members then holding office and attending and no member other than an elected member, shall have the right to vote on the resolution.] 1. Substituted by Act 24 of 1936, Section 8, for the original sub-section. 2. Substituted by Act 15 of 1983, Section 14, for "three years" (w.e.f. 1-10-1983). 3. Inserted by Section 14, ibid, (w.e.f. 1-10-1983).

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 1[control, direct and supervise] 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 fulfilment 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 2[Officer Commanding-in-Chief, the Command]. 1. Substituted by Act 15 of 1983, Section 14. for "exercise supervision and control over" (w.e.f. 1-10-1983). 2. Substituted by Act 35 of 1926, Section 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 sub-section (2) of section 22.

24. Appointment Of Executive Officer :-

1[(1) For every cantonment there shall be an Executive Officer appointed by the Central Government or by such person as the Central Government may authorise in this behalf : Provided that the Board 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. Explanation--In this proviso, the word "officers" shall mean any of the supervisory staff of the Board as may be specified by the Board. (2) Not less than one-half of the cost of the salary of the Executive Officer shall be paid by the Central Government and the balance from the cantonment fund. (3) The Executive Officer shall be the Secretary of the Board and of every Committee of the Board and may participate in every meeting of the Board and of every Committee of the Board but, shall not be a member of the Board or of any such Committee. 1. Substituted by Act 15 of 1983. Section

16, for section 24 (w.e.f. 1-10-1983). Section

24A

- Duties of Executive Officer Subject to the provisions of clause (b) and clause (d) of sub-section (1) of section 22, the Executive Officer shall-- (a) exercise all the powers and perform all the duties conferred or imposed upon him by or under this Act or any other law for the time being in force; (b) prescribe the duties of and exercise supervision and control over the acts and proceedings of, officers and other employees of the Board, other than medical officer in-charge of the cantonment general hospital or dispensary; (c) be responsible for the custody of all records of the Board; (d) 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; (e) comply with every requisition of the Board 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 1[Board] 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) 2[* * *] 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 1[Board] 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 1[Board]. 1. Substituted by Act 24 of 1936. Section 69, for "Cantonment Authority." 2. The words "where there is a Board," Repealed by Section 9, *ibid*.

26. Electoral Rolls :-

(1) 1[* * *] 2[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], 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 3[Central Government] 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, 4[***] the electoral roll shall be divided into separate lists for each ward 5[* * *]. (4) If a new electoral roll is not published in any year on the date prescribed, the 3[Central Government] may direct that the old electoral roll shall continue in operation until the new roll is published. 1. The words "Where a Hoard is to be constituted in any cantonment, otherwise than in accordance with the proviso to sub-section (1) of section 14," Repealed by Section 10, *ibid.* 2. Substituted by Section 10, *ibid.*, for "the Cantonment Authority." 3. Substituted by the A. O. 1937, for "L. G." 4. The words "or the inhabitants into classes," omitted by Act 2 of 1954, Section 6. 5. The words "or class, as the case may be" omitted by Section 6, *ibid.*

27. Qualification Of Electors :-

1[(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 2[*eighteen years*] of age and who has resided 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 aforesaid date shall be deemed to be residence in the cantonment for the purposes of this sub-section.] (2) A person, notwithstanding that he is otherwise qualified, shall not be entitled to be enrolled as an elector if he on the 3[qualifying date]-- 4[(i) is not a citizen of India;] or 5[* * * *] (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 6[two years] or to transportation 7[for an offence which is declared by the Central Government to be such as to unfit him to become an elector] 8* * * 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 9[Central Government] may, by order in writing, remove any disqualification incurred by a person under clause (v) : 7[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.] (3) If any person having been enrolled as an elector in any electoral roll subsequently becomes subject to any of the disqualifications 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 9[Central Government]. 1. Substituted by Act 53 of 1950, Section for the former sub-section (1). 2. Substituted by Act 1 of 1991, vide Section 2, for the words "twenty one years." 3. Substituted by Act 53 of 1950, Section 6, 4. Substituted by the A. O. 1950, for the former clause. 5. Clause (ii) omitted by Act 53 of 1950, Section 6. 6. Substituted by Act 24 of 1936, Section 11, for "six months." 7. Inserted by Section 11. *ibid.* 8. The words "or has been ordered to find security for good behaviour under the Code of Criminal Procedure. 1898" Repealed by Section 9. Substituted by the A. O. 1937, for "L. G." 11. *ibid.*

28. Qualification For Being A Member Of The Board :-

(1) Save as hereinafter provided, every person, not being 1[a person²[holding any office of profit under the Government]], 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. 3[(1-A) 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.] (2) No person shall be qualified for 2[being chosen (whether by election or nomination) as, and for being] a member of a Board, if he-- (a) has been dismissed from 4[the service of the Government] and is debarred from re-employment therein, or is a dismissed servant of 5[a Board or an authority which, before the commencement⁶ of the Cantonments (Amendment) Act, 1936 (24 of 1936), exercised and performed the powers and duties of a Cantonment Authority under this Act]; (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 7[***] 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 8[9[(e)] is an officer or servant, permanent or temporary, of a Board¹⁰[or of any other local authority]; or] 11[8[(f)] is a member of any other local authority; or] 10[(g) has, by the authority referred to in clause (f) of section

31, been found to have been guilty of any of the corrupt practices specified in sub-section (2) of section 29 unless a period of five years has elapsed since the date of the finding or the disqualification has been removed either retrospectively or prospectively by an order of the Central Government; or (h) fails to pay any arrears of any kind due by him otherwise than as an agent, receiver, trustee or an executor, to the Board within thirty days after the notice in this behalf has been served upon him; or] 9[(i) 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 12[Central Government] 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 any articles, to a value in either case not exceeding Rs. 13[3,000] in the aggregate in any year during the period of the contract or work. 1. Substituted by Act 24 of 1936, Section 12, for "a stipendiary Magistrate or a military officer or soldier." 2. Substituted by Act 15 of 1983, Section 17, for certain words (w.e.f. 1-10-1983). 3. Inserted by Act 15 of 1942, Section 5. 4. Substituted by the A. O. 1937, for "Govt. service." 5. Substituted by Act 24 of 1936, Section 12, for "the Cantonment Authority." 6. Act 24 of 1936 came into force on the 31st October, 1936. 7. The words "stipendiary Magistrate or" Repealed by Act 7 of 1925, Section 4. 8. Inserted by Act 24 of 1936, Section 12. 9. Re-lettered as clause (e), (f) and (i) respectively by Act 15 of 1983, Section 17 (w.e.f. 1-10-1983). 10. Inserted by Act Section 17, *ibid*, (w.e.f. 1-10-1983). 11. Inserted by Act 2 of 1954, Section 7. 12. Substituted by the A. O. 1937, for "L. G." 13. Substituted by Act 15 of 1983, Section 17, for "1,500" (w.e.f. 1-10-1983).

29. Interpretation :-

1[For the purposes of sections 26, 27 and 28, "person" means individual human being. (2) The following shall be deemed to be corrupt practices within the meaning of clause (g) of sub-section (2) of section 28 :-- (1) "Bribery", that is to say,-- (a) any gift, offer or promise by a candidate or his agent or by any other person

with the consent of a candidate or his agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing-- (a) a person to stand or not to stand as, or to withdraw or not to withdraw from being, a candidate at an election, or (b) an elector to vote or refrain from voting at an election, or as a reward to-- (i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or (ii) an elector for having voted or refrained from voting; (b) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward-- (a) by a person for standing or not standing as, or for withdrawing or not withdrawing from being a candidate; or (b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature. Explanation.-- For the purposes of this clause, the term "gratification", is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all form of entertainment and all forms of employment for reward but it does not include the payment of any expenses bona fide incurred at, or for the purpose of, any election. (2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his agent, with the free exercise of any electoral right : Provided that-- (a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who-- (i) threatens any candidate or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or (ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause; (b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to interfere within the meaning of this clause. (3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such

as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate. (4) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of a candidate or his agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate. (5) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his agent, or any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidates election. (6) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his agent or the use of such vehicle or vessel for the free conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station or place fixed for the poll : Provided that the hiring of a vehicle or vessel by any elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power : Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause. Explanation.--In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise. (7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidates election, from any person in the service of the Government or the Board : Provided that where any person, in the service of the Government or the Board in the

discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other, or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election. Explanation.--In this section, the expression "agent" includes any person who is held to have acted as an agent in connection with the election with the consent of the candidate.] 1. Substituted by Section 18, *ibid.*, for section 29 (w.e.f. 1-10-1983).

30. Joint Families, Etc. :-

Repealed by the Cantonments (Amendment) Act, 1954 (2 of 1954), Section 8.

31. Power To Make Rules Regulating Elections :-

The 1[Central Government] may, either generally or specially for any cantonment or group of cantonments, after previous publication, make 2rules 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, 3[* * *]; (6) the determination of the number of members to be elected by each ward 4***; 5[xxx] (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 6[which may be an officer of the State Government] 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; 7[(f-a) the fee to be paid for admission and consideration of any application relating to election or election disputes;] (g) any other matter relating to elections or election disputes in respect of which the 1[Central Government] 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 1[Central Government], necessary. 1. Substituted by the A. O. 1937, for "L. G." 2. For the Cantonment Electoral Rules, 1945, see Gazette of India, 1954, Pt, II, Section 4, p. 243. 3. The words "or of the

inhabitants of a cantonment into classes, or both" omitted by Act 2 of 1954, Section 9. 4. The words "or class of persons" omitted by Section 9, *ibid.* 5. Clause (c) omitted by Act 53 of 1950, Section 8. 6. Inserted by Act 8 of 1944, Section 5. 7. Inserted by Act 15 of 1983, Section 19 (w.e.f. 1-10-1983).

32. Member Not To Vote On Matter In Which He Is Interested :-

1[(1)] No member of a Board shall vote at a meeting of the Board 2[or of any Committee of the Board] on any question relating to his own conduct or 3[vote or take part in any discussion] 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. 3[(2) Where any member of the Board present at the meeting of the Board or any committee of the Board believes that the person presiding over such meeting has pecuniary or other interest in any matter under discussion and moves a motion to that effect, the person so presiding-- (a) shall not be entitled to vote on such motion, and (b) shall, if such motion is carried, absent himself from the meeting during such discussion.] 1. Renumbered as sub-section (1) by Act 15 of 1983, Section 20 (w.e.f. 1-10-1-983). 2. Inserted by Act 31 of 1940, Section 3. 3. Inserted by Act 15 of 1983, Section 20 (w.e.f. 1-10-1983).

33. Liability Of Members :-

Every member of a Board shall be liable for the loss, waste or misapplication of any money or other property 1[belonging to, vested in, or entrusted to the management of, 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 2[Central Government]. 1. Substituted by Section 21, *ibid.*, for "belonging to the Hoard" (w.e.f. 1-10-1983). 2. Substituted by the A.O. 1937, for "Secretary of State for India in Council."

34. Removal Of Members :-

1[(1) The 2[Central Government] may remove from a Board any member thereof who-- (a) becomes 3[or is found to have been at the time of his election or nomination] subject to any of the disqualifications specified in sub-section (2) of section 27 4[or in 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; 5[Explanation.--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 2[Central Government] may remove from a Board any member who, in the opinion of the 2[Central Government], 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. 6[(2-A) The 7[Officer Commanding-in-Chief, the Command,] may, on receipt of a report from the Officer Commanding the station, 8[* * *] 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.] (3) No member shall be removed from a Board under 3[sub-section (1) or sub-section (2) of] this section unless he has been given a reasonable opportunity of showing cause against his removal. 1. Substituted by Act 26 of 1927, Section 4, for the original sub-section. 2. Substituted by the A. O. 1937, for "L. G." 3. Inserted by Act 15 of 1942, Section 6. 4. Substituted by Act 31 of 1940, Section 4, for "or in sub-section (2) of section 28." 5. Inserted by Act 2 of 1954, Section 10. 6. Inserted by Act 31 of 1940, Section 4. 7. Substituted by Act 15 of 1983, Section 22, for "Central Government" (w.e.f. 1-10-1983). 8. Certain words omitted by Section 22, ibid, (w.e.f. 1-10-1983).

35. Consequences Of Removal :-

1[(1) A member removed under clause (b) of sub-section (1) 2[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 sub-section (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.] 1. Substituted by Act 26 of 1927, Section 5, for the original Section 35. 2. Inserted by Act 31 of 1940, Section 5. Section

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- Member of the Board to be deemed a public servant 1[Every member of the Board shall be deemed to be a public servant within the meaning of the India Penal Code, (45 of 1860), 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.] 7. Inserted by Act 15 of 1983, Section 23 (w.e.f. 1-10-1983).

36. Disqualification Of Person As Servant Of Board :-

(1) No person who has directly or indirectly be himself or his partner any share or interest in a contract with, by or on behalf of a 1[Board] or in any employment under, by or on behalf of a 1[Board], otherwise than as a servant of the 1[Board], shall become or remain a servant of such 1[Board]. (2) A servant of a 1[Board] 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 1[Board] or, in any employment under, by or on behalf of, the 1[Board], otherwise than as a servant of the 1[Board], shall be deemed to have committed an offence under section 168 of the Indian Penal Code (45 of 1860). (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 1[Board] if the same is a share in a company contracting with, or employed by, or on behalf of, the 1[Board] or is a share or interest acquired or retained with the permission of the 2[Officer Commanding-in-Chief, the Command] in any lease or sale to, or purchase by, the 1[Board] of land or buildings or in any agreement for the same. 3[(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 4[lower grade employee], 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.] 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Substituted by Act 35 of 1926, Section 2, for "Officer Commanding the District,". 3. Inserted by Act 24 of

1936, Section 13. 4. Substituted by Act 15 of 1983, Section 24, for "menial servant" (w.e.f. 1-10-1983). Section 36A - Cantonment servant to be deemed a public servant 1[Every officer or servant, permanent or temporary, of a 2[Board] shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860) 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 2[Board].] 1. Inserted by Act 7 of 1925, Section 5. 2. Substituted by Act 24 of 1936, Section 69 for "Cantonment Authority."

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 Be 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 1[in which there is more than one elected member] 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 : 2[xxx] 1[(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.] (2) If a quorum is not present, the President 3[, or in the absence of the President, the Vice-President, or in the absence of both the President and the Vice-President, the Secretary] 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. 1. Inserted by Act 24 of 1936, Section 14. 2. The proviso Repealed by Section 14, ibid 3. Inserted by Act 15 of 1983. Section 25 (w.e.f. 1-10-1983).

40. Presiding Officer :-

1[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 number to preside.] 1. Substituted by Act 24 of 1936, Section 15, for the original section.

41. Minutes :-

(1) Minutes of the proceedings of each meeting shall be recorded in a book and shall be signed by 1[the person presiding over the meeting] 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 2[the Officer Commanding-in Chief, the Command], 1[the Officer Commanding the Area, the Officer Commanding the sub-area, the District Magistrate and the Defence Estates Officer] and in cantonments where Navy or Air Force stations are located, copies of the minutes shall be forwarded for information to the Command Headquarters of the Navy or, as the case may be, the Air Force]. 1. Substituted by Act 15 of 1983, Section 26, for certain words (w.e.f. 1-10-1983). 2. Inserted by Act 35 of 1926, Section 3.

42. Meetings To Be Public :-

Every meeting of a Board shall be open to the public unless in any case the 1[person presiding over the meeting], for reasons to be recorded in the minutes, otherwise directs. 1. Substituted by Act 15 of 1983, Section 27, for "President" (w.e.f. 1-10-1983).

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 1[person presiding over the meeting] 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. 1. Substituted by Act 15 of 1983, Section 27, for "President" (w.e.f. 1-10-1983). Section

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- Committees for civil areas 1[(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 2[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).] 3[(3) The powers, duties and and functions of the Board under section 126, section 127, sub-section (1) of section 134, section 137, section 139, section 142, section 144, section 189 and section 195 shall be exercised or discharged in respect of a civil area by the civil area committee : Provided that if the Health Officer dissents from any decision arrived at by the committee under sub-section (1) of section 134, section 137, section 139, section 142, section 144 on health grounds, the matter may be referred to the Board by the President for decision.] 1. Inserted by Act 24 of 1936, Section 17. 2. Substituted by Act 2 of 1954, Section 11, for "bazar areas". 3. Inserted by Act 15 of 1983, Section 28 (w.e.f. 1-10-1983).

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 1[Central Government]. (3) No regulation made under this section shall take effect until it has been published in such manner as the 1[Central Government] may direct. 2[(4) Every regulation made under this section shall be laid, as soon as may be after it is made, before

each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.]

1. Substituted by the A. O. 1937, for "L. G." 2. Inserted by Act 15 of 1983, Section 29 (w.e.f. 1-10-1983).

45. Joint Action With Other Local Authority :-

(1) A 1[Board] 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 1[Board] 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 2[the Board or by such other local authority]; 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 3[the Officer Commanding-in-Chief, the Command, and] the 4[State Government concerned], 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 5[Board and by such other local authority] may be levied together instead of separately within the limits of the 6[area subject to the control of the Board and such other local authority (hereafter in this section referred to as the aggregate area)]. (2) If any difference of opinion arises between any 7[Board and other local authority] acting together under this section, the decision thereon of the 4[Central Government] or of an officer appointed by the 4[Central Government] 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-- 8(a) where the agreement relates to octroi or terminal tax or toll, the party to the agreement (the Board or as the case may be such other local authority) which is specified in this behalf in the agreement-- (i) shall have the same powers to establish octroi limits and octroi stations and places for the

collection of, octroi, terminal tax and toll within the aggregate area as it has within the area ordinarily subject to its control; (ii) shall have the same powers of collecting such octroi, tax or toll in the aggregate area and the provisions of any enactment in force relating to the levy of such octroi, tax or toll by it shall apply in the same manner as if the aggregate area were comprised within the area ordinarily subject to its control,] 9[(b) 10the total of the collection of such octroi, tax or toll made in the aggregate area 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.] 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Substituted by Section 18, *ibid.*, for "either of the said authorities". 3. Inserted by Act 24 of 1936, Section 18. 4. Substituted by the A. O. 1937, for "L. G" 5. Substituted by Act 24 of 1936, Section 18, for "authorities so contracting". 6. Substituted by Act 15 of 1983, Section 30, for certain words (w.e.f. 1-10-1983). 7. Substituted by Act 24 of 1936, Section 18, for "authorities". 8. Substituted by Act 15 of 1983, Section 30, for cls. (a) and (b) (w.e.f. 1-10-1983). 9. Re-lettered a s Clause (b), by Section 30, *ibid.*, (w.e.f. 1-10-1983). 10. Substituted by Section 30, *ibid.*, for Clause (b) (w.e.f. 1-10-1983).
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- Report on administration 1[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 form 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 thereto, and the comments together with the reply, if any, shall be forwarded to the Central Government along with the report.] 1. Inserted by Act 24 of 1936, Section 19.

46. Power Of Central Government To Require Production Of Documents :-

The Central Government 1[or such officer or authority as may be authorised by the Central Government in this behalf] 2* * * may at any time require a3[Board]-- (a) to produce any record,

correspondence, plan or other document in its possession or under its control; (b) to furnish any return, plan, estimate, statement, account or statistics relating to its proceedings, duties or works; (c) to furnish or obtain and furnish any report. 1. Inserted by Act 15 of 1983, Section 31 (w.e.f. 1-10-1983). 2. The words "or the L. G." Repealed by the A. O. 1937. 3. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

47. Inspection :-

The 2[Central Government or the Officer Commanding-in-Chief, the Command³[or the Director or such other officer or authority as may be authorised by the Central Government in this behalf]], 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, a¹[Board], and to report thereon, and the 1[Board] 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 1[Board] and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Substituted by Act 35 of 1926, Section 4, for "Officer Commanding the District". 3. Inserted by Act 15 of 1983, Section 32 (w.e.f. 1-10-1983).

48. Power To Call For Documents :-

2[The Officer Commanding-in-Chief, the Command ³for the Director]], may, by order in writing,-- (a) call for any book or document in the possession or under the control of the 1[Board]; (b) require the 1[Board] to furnish such statements, accounts, reports and copies of documents relating to its proceedings, duties or works as he thinks fit. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. The words "G. G. in C. or the Officer Commanding-in-Chief, the Command" Substituted for the words "Officer Commanding the District" by Act 35 of 1926, Section 4, and the words "The G. G. in C. or" Repealed by Act 24 of 1936, Section 24. 3. Inserted by Act 15 of 1983, Section 33 (w.e.f. 1-10-1983).

49. Power To Require Execution Of Work, Etc. :-

If, on receipt of any information or report obtained 2[under section 46 or section 47] or section 48, the 3[Central Government or the Officer Commanding-in-Chief, the Command,] is of opinion-- (a)

that any duty imposed on a 1[Board] 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, 4[it or] he may 5[* * *] direct the 1[Board], within such period as 4[it. or] he thinks fit, to make arrangements to 4[its or] his satisfaction for the proper performance of the duty, or, as the case may be, to make financial provision to 4[its or] his satisfaction for the performance of the duty : Provided that, unless in the opinion of the 6[Central Government or the Officer Commanding-in-Chief, the Command, as the case may be] the immediate execution of such order is necessary, 4[it or] he shall, before making any direction under this section, give the 1[Board] an opportunity of showing cause why such direction should not be made. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Substituted by Act 24 of 1936, s.21, for "under section 47". 3. Substituted by Act 35 of 1926, Section 5, for the words "Officer Commanding the District". 4. Inserted by the A. O. 1937. 5. The words "after consultation with the L. G." Repealed, ibid. 6. Substituted by Act 35 of 1926, Section 5. for "Officer Commanding the District".

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 1[Central Government or the Officer Commanding-in-Chief, the Command, as the case may be,] 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. 1. Substituted by Act 35 of 1926, Section 6, for "Officer Commanding the District."

51. Power To Override Decision Of Board :-

(1) If the President dissents from any decision of the Board, which he considers prejudicial to 1[the health, welfare, discipline or security of the Forces] 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, 2[the reference being made, save in cases where the Officer Commanding the 3[Area] is himself the Officer Commanding-in-Chief, the Command, for the purposes of this Act], through the Officer Commanding the 3[Area],

who may make such recommendations thereon as he thinks fit. (2) If the District Magistrate considers any decision of a 4[Board] to be prejudicial to the public health, safety or convenience, he may, after giving notice in writing of his intention to the 4[Board], refer the matter to the 5[Central Government]; and, pending the disposal of the reference to the 5[Central Government], 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). 1. Substituted by Act 15 of 1983, Section 34, for certain words (w.e.f. 1-10-1983). 2. his. by Act 10 of 1927, Section 2 and Schedule 1. 3. Substituted by Act 15 of 1983, Section 34, for "District" (w.e.f. 1-10-1983). 4. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 5. Substituted by the A. O. 1937, for "L. G." Section

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- Power of Central Government to review 1[The Central Government may, at any time, review any decision or order of the Board or the Officer Commanding-in-Chief, the Command, and pass such orders thereon as it may deem fit : Provided that where it is proposed to modify a decision or order of the Board, reasonable opportunity shall be given to the Board to show cause why the decision or order in question should not be modified. 1. Inserted by Act 15 of 1983, Section 35 (w.e.f. 1-10-1983).

52. Power Of Officer Commanding-In-Chief, The Command, On Reference Under Section 51 Or Otherwise :-

(1) The Officer Commanding-in-Chief, the Command, may at any time 1[* * *] (a) direct that any matter or any specific proposal other than one which has been referred to the 2[Central Government] under sub-section (2) of section 51 be considered or reconsidered by the 3[Board]; or (b) direct the suspension, for such period as may be stated in the order, of action on any decision of a 3[Board], other than a decision which has been referred to him under sub-section (1) of section 51, and thereafter cancel the suspension or 4[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 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 he thinks fit; or 5[(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 modification as he may specify.] 1. Certain words Repealed by Act 15 of 1983, Section 35 (w.e.f. 1-10-1983). 2. Substituted by the A. O. 1937, for "L. G." 3. Substituted by Act 24 of 1936, Section 69, for Cantonment Authority." 4. Inserted by Act 24 of 1936, Section 22 5. Substituted by Section 22, *ibid.*, for the original clause.

53. Powers Of Central Government On A Reference Made Under Section 51 :-

When any decision of a 2[Board] has been referred to the 1[Central Government] under sub-section (2) of section 51, the 1[Central Government] may, after consulting the Officer Commanding-in-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. 1. Substituted by the A. O. 1937, for "L. G." 2. Substituted by Act 24 of 1936, Section 69, for Cantonment Authority."

54. Supersession Of Board :-

(1) If, in the opinion of the 1[Central Government], 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 1[Central Government] may 2* * * 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 3[Officer Commanding the station] subject to such reservation, if any, as the 1[Central Government] 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. 1. Substituted by the A. O. 1937, for "L. G." 2. the words "with the previous sanction of the G. G. in C." Repealed by the A. O. 1937. 3. Substituted by Act 7 of 1925, Section 14, for "Commanding Officer of the Cantonment."

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 4

SPIRITUOUS LIQUORS AND INTOXICATION DRUGS

56. Unauthorised Sale Of Spirituous Liquor Or Intoxicating Drug :-

If within a cantonment, or within such limits adjoining a cantonment as the 2[Central Government] may, by notification in the Official Gazette, define, any person not subject to 3[Army, Navy or Air Force law] or any person subject to 3[Army, Navy 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 1[Officer Commanding the station] or of some person authorised by the 1[Officer Commanding the station] to grant such permission, he shall be punishable with fine which may extend to 4[five hundred rupees], or with imprisonment for a term which may extend to three months, or with both. 1. Substituted by Act 7 of 1925, Section 14, for "Commanding Officer of the Cantonment." 2. Substituted by the A. O. 1937, for "L.G." 3. Substituted by Act 15 of 1983, Section 36, for "military or air force law" (w.e.f. 1-10-1983). 4. Substituted by Act 15 of 1983, Section 36 for "one hundred rupees" (w.e.f. 1-10-1983).

57. Unauthorised Possession Of Spirituous Liquor :-

If within a cantonment, or within any limits defined under section 56,-- (a) any person subject to 1[Army, Navy 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 2[Central Government] 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 1[Officer Commanding the station] or of some person authorised by the 1[Officer Commanding the station] to grant such permission, he or she shall be punishable, in the case of a first offence, with fine which may extend to 3[two hundred and 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 4[five hundred rupees]. 1. Substituted by Act 7 of 1925, Section 14, for "Commanding Officer of the Cantonment." 2. Substituted by the A. O. 1937, for "L. G." 3. Substituted by Act 15 of 1983, Section 37, for "fifty rupees" (w.e.f. 1-10-1983). 4. Substituted by Section 37, *ibid.*, for "one hundred rupees" (w.e.f. 1-1-1983).

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 1[Judicial 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 1[Judicial 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 anything seized under sub-section (1) or sub-section (2). (4) Subject to the provisions of 2[Chapter XXXIV of the Code of Criminal Procedure, 1973] (Act 2 of 1974), 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. 1. Substituted by Act 15 of 1983, Section 38, for "Magistrate" (w.e.f. 1-10-1983). 2. Substituted by Act 15 of 1983, Section 38, for "Chapter XLIII of the Code of Criminal Procedure, 1898" (w.e.f. 1-10-1983).

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 1[Officer Commanding the station]. 1. Substituted by Act 7 of 1925, Section 14, for "Commanding Officer of the Cantonment."

CHAPTER 5 **TAXATION**

60. General Power Of Taxation :-

1[(1) The Board may, with the previous sanction of the 2[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. 3[* * *] (2) Any tax imposed under this section shall take effect from the date of its notification in the Official Gazette 4[or where any later date is specified in this behalf in the notification, from such later date].] 1. Substituted by Act 24 of 1936, Section 23, for the original section. 2. Substituted by the A. O. 1937, for "L. G." 3. The proviso to sub-section (1) Repealed, *ibid.*. 4. Inserted by Act 15 of 1983, Section 39 (w.e.f. 1-10-1983).

61. Framing Of Preliminary Proposals :-

1[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 or circumstance in respect of which they are to be made liable; and (c) the rate at which the tax is to be levied. 1. Sections 61, 62 and 63 Substituted by Act 24 of 1936, Section 24, for the original sections.

62. Objections And Disposal Thereof :-

(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 1[such objection] into consideration and pass orders thereon by special resolution. 2[(2) Unless the Board decides to abandon its proposals contained in the notice published under section 61, it shall submit to the Central Government through the Officer Commanding-in-Chief, the Command, all such proposals along with the objections, if any, received in connection therewith together with its opinion thereon and any modifications proposed in accordance with such opinion and the notice published under the said section.] 1. Substituted by Act 15 of 1983, Section 40, for "any objection" (w.e.f. 1-10-1983). 2. Substituted by Act 15 of 1983, Section 40, for sub-sections (2) and (J) (w.e.f. 1-10-1983).

63. Imposition Of Tax :-

The 1[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.]

1. Substituted by the A. O. 1937, for "L. G Section

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- Power of Central Government to issue directions to the Board 1[(1) Where the Central Government is of opinion that for securing adequate financial provision for the efficient discharge of the duties and functions of a Board it is necessary so to do, it may issue directions to the Board requiring it to impose within the cantonment area any tax specified in the direction which it is empowered under this Act to impose and which is not already imposed within the said area or to enhance any existing tax in such manner or to such extent as the Central Government considers fit and the Board shall, in accordance with the direction, forthwith impose or enhance such tax in accordance with the provisions of this Chapter : Provided that-- (a) no such directions shall be issued

without giving the Board and the inhabitants of the cantonment area, an opportunity of showing cause why such directions should not be issued; (b) the Central Government shall take into consideration any objection which the Board or any inhabitant of the cantonment area may make against the imposition or enhancement of such tax; (c) it shall not be lawful for the Board to modify or abolish such tax when imposed or enhanced without the sanction of the Central Government. (2) The Central Government may, at any time, cancel or modify any direction issued by it under sub-section (1) with effect from such date as may be specified in the direction and on and from the date so specified the imposition or enhancement of such tax, shall cease or be modified accordingly.] 1. Inserted by Act 15 of 1983, Section 41 (w.e.f. 1-10-1983).

64. Definition Of "Annual Value" :-

For the purposes of this Chapter, "annual value" means-- (a) in the case of railway stations, hotels, colleges, hospitals, factories and other buildings which a 1[Board] decides to assess under this clause, one-twentieth of the sum obtained by adding the estimated present cost of erecting the building to the estimated 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 1[Board] 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 1[Board], excessive if calculated in the aforesaid manner, the 1[Board] may fix the annual value at any less amount which appears to it to be just. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

65. Incidence Of Taxation :-

(1) Save as otherwise expressly provided in the notification imposing the tax, every tax 2[assessed] 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 3[granted by or on behalf of the Government or] the 1[Board] 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

in unlet, upon the person in whom the right to let the same vests. 4[(2-A) The liability of the several owners of any building which is, or purports to be, severally owned in parts or flats or rooms or separate tenements for the payment of such tax or any instalment thereof payable during the period of such ownership shall be joint and several.] (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 so paid from the amount of any rent from time to time becoming due from him to such person. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Inserted by Act 26 of 1927, Section 7. 3. Substituted by Act 24 of 1936, Section 25, for "from the Secretary of State in Council or from." 4. Inserted by Act 15 of 1983, 5.42 (w.e.f. 1-10-1983).

66. Assessment List :-

When a tax 1[assessed] on the annual value of buildings or lands or both is imposed, the 2[Executive Officer] shall cause an assessment list of all buildings or lands in the cantonment, or of both, as the case may be, to be prepared 3[in such form and in such manner] as the 4[Central Government] may by rule prescribe. 1. Inserted by Act 26 of 1927, Section 8. 2. Substituted by Act 15 of 1983, Section 43, for "Board" (w.e.f. 1-10-1983). 3. Substituted by Section 43, *ibid.*, for "in such form" (w.e.f. 1-10-1983). 4. Substituted by the A. O. 1937, for "L. G."

67. Publication Of Assessment List :-

When the assessment list has been prepared, the 1[Executive Officer] shall give public notice thereof, and of the place where the list or a copy thereof may be inspected, and every person claiming to be the owner, 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. 1.

Substituted by Act 15 of 1983, Section 44, for "Hoard" (w.e.f. 1-10-1983).

68. Revision Of Assessment List :-

(1) The 1[Executive Officer] shall, at the same time, give public notice of a date, not less than one month thereafter, 2[when the Board 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, 3[the Executive Officer 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 4[Executive Officer] 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 4[Executive Officer]. (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 5[Board]. (4) The Assessment Committee shall consist of not less than three persons, and, 6*** it shall not be necessary to appoint to the Assessment Committee any member 7[of the Board]. 1. Substituted by Section 45, ibid., for "Board" (w.e.f. 1-10-1983). 2. Substituted by Section 45, ibid., for "when it will proceed" (w.e.f. 1-10-1983). 3. Substituted by Section 45, ibid., for "it shall also give" (w.e.f. 1-10-1983). 4. Substituted by Act 15 of 1983, Section 44, for "Hoard" (w.e.f. 1-10-1983). 5. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 6. The words "where there is a Board" Repealed by Section 26, ibid. 7. Substituted by Section 26, ibid., 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 1[Board], 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. 1 Substituted by Act 24 of 1936, Section 69 for "Cantonment Authority."

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.

71. Amendment Of Assessment List :-

1[(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.] 2[(1- A) 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.] (2) Any person interested in any such amendment may tender an objection to the 3[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. 1 Substituted by Act 24 of 1936, Section 27, for the original sub-section. 2 Inserted by Section 27. ibid 3 Substituted by Act 24 of 1936, Section 69 for "Cantonment Authority."

72. Preparation Of New Assessment List :-

The 1[Executive Officer] 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 time. 1 Substituted by Act 15 of 1983, Section 46, for "Board" (w.e.f. 1-10-1983).

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 effected, 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 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 1[as may be determined by rules made under section 280,] 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 2[Board], but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax. 3[(5) The Executive Officer shall record 4[every transfer or devolution] of title notified to him under sub-section (1) or sub-section (2) in the assessment list and other tax registers of the Board.] 1. Substituted by Act 2 of 1954, Section 12, for "as the Executive Officer may direct." 2. Substituted by Act 24 of 1936, Section Section 69, for "Cantonment Authority." 3. Inserted by Section 28, ibid. 4. Substituted by Act 32 of 1940, Section 3 and Schedule II, for "every transfer on devolution."

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 1[two hundred and fifty rupees] or ten times the amount of the tax payable on the said building, as erected or re-erected, as the case may be, in respect of a period of three months, whichever is greater. 1. Substituted by Act 15 of 1983, Section 46, for "fifty rupees" (w.e.f 1-10-1983).

75. Demolition, Etc., Of Buildings :-

If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the 1[Board] may, on the application 2[in writing] of the owner 3[or occupier], remit or refund such portion of 4[any tax assessed on the annual value thereof] as it thinks fit 5[but no remission or refund shall take effect in respect of any period commencing more than two months before the delivery of such application]. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Inserted by Act 7 of 1931, Section 4. 3. Inserted by Act 24 of 1936, Section 29. 4. Substituted by Act 26 of 1927, Section 9, for "the tax payable thereon." 5. Inserted by Act 15 of 1983, Section 48, (w.e.f. 1-10-1983),

76. Remission Of Tax :-

In a cantonment 1[***] when any building or land has remained vacant and unproductive of rent for 2[sixty] or more consecutive days 3[* * *] the 4[Board] shall remit or refund, as the case may be, 5[one-half of such portion of any tax] assessed on the annual value thereof 6[* * *] as may be proportionate to the number of days during which the said building or land has remained vacant and unproductive of rent : 7[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 or refund shall be admissible under this section 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 5[one-half of 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 number of days during which the building or land has remained vacant and unproductive of rent bears to the total length of the season.] 1. The words "other than a hill cantonment." omitted by Act 24 of 1936, Section 30. 2. Substituted by Section 30, *ibid.*, for "ninety." 3. The words "during any year" omitted by Section 30, *ibid.* 4. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 5. Substituted by Act 15 of 1983, Section 49, for "such portion of any tax" (w.e.f. 1-10-1983). 6. The words "and payable in respect of that year" omitted by Act 24 of 1936, Section 30. 7. Inserted by Act 15 of 1942, Section 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 3[Board], 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 1[sixty] or more consecutive days 2[* * *] 4[one-half of such portion of any tax] assessed on the annual value of the whole building 5[* * *] shall be remitted or refunded as would have been remitted or refunded if the tenement had been separately assessed. 1. Substituted by Section 30, *ibid.*, for "ninety." 2. The words "during any year" omitted by Section 30, *ibid.* 3. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 4. Substituted by Act 15 of 1983, Section 49, for "such portion of any tax" (w.e.f. 1-10-1983). 5. The words "and payable in respect of that year" omitted by Act 24 of 1936, Section 30. Section

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- Notice to be given of the circumstances in which remission or refund is claimed 1[2[No remission or refund under 3[* * *] section 76 or section 77] shall be made unless notice in writing of the 4[fact that the building, land or tenement has become vacant and unproductive of rent] has been given to the 5[Executive Officer], and no remission or refund shall take effect in respect of any period commencing more than fifteen days before the delivery of such notice. 1. Proviso to Section 77 was re-numbered as Section 77-A by Act 26 of 1927, Section 11. 2. Substituted, *ibid.*, for "Provided that no such remission." 3. The word and figures "section 75"

omitted by Act 7 of 1931, Section 5. 4. Substituted by Section 5, ibid., for "circumstances in which it is claimed." 5. Substituted by Act 15 of 1983, Section 50, for "Hoard" (w.e.f. 1-10-1983).

78. What Buildings, Etc, Are To Be Deemed Vacant :-

(1) For the purposes 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 :-

(i) The owner of any building, tenement or land in respect of which a remission or refund of tax has been given under section 76 or section 77 shall give notice of the re-occupation of such building 1[tenement] or land within fifteen days of such re-occupauon. (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 2[two hundred and fifty rupees], or to ten times the amount of the said tax, whichever sum is greater. 1. Inserted by Act 24 of 1934, Section 2 and Sen. 1. 2. Substituted by Act 15 of 1983, Section 51, for "fifty rupees" (w.e.f. 1-10-1983).

80. Tax On Building 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.

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 1[Board] 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. 1. Substituted by Act 24 of 1936, Section 69 for "Cantonment Authority."

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 the collection of octroi, terminal tax or toll any goods, vehicles or 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 toll, or to 1[two hundred and 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 or toll 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 2[and shall give a receipt specifying the items seized] (3) The 3[Executive Officer], 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 or 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 4[to the Executive Officer] 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 5[Board]. 1. Substituted by Act 15 of 1983, Section 52, for "fifty rupees" (w.e.f. 1-10-1983). 2. Inserted by Act 24 of 1936, Section 31. 3. Substituted by Act 15 of 1983, Section 52, for "Board" (w.e.f. 1-10-1983). 4. Substituted by Act 15 of 1983, Section 52, for "to the Board" (w.e.f. 1-10-1983). 5. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

83. Lease Of Octroi, Terminal Tax Or Toll :-

It shall be lawful for the 1[Board], with the previous sanction of the 2[Officer Commanding-in-Chief, the Command] 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 1[Board] for their guidance; (b) have such powers exercisable by officers or servants of the 1[Board] under this Act as the 1[Board] 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 2[Board] 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 3[Executive Officer]. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Substituted by Act 35 of 1926, Section 2, for "Officer Commanding the District." 3. Substituted by Act 15 of 1983, Section 53, for "Board" (w.e.f. 1-10-1983).

84. Appeals Against Assessment :-

1[(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 Court. (2) If the District Court, on the hearing of an appeal under this section, entertains reasonable doubt on any question as to the liability to, or the principle of assessment of, a tax, the Court may, either on its 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 its 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, (5 of 1908). 2[Explanation,--For the purposes of this section and section 85, section 86, section 87, section 88 and section 92-A, "District

Court", in relation to a cantonment, means the principal Civil Court of original jurisdiction having jurisdiction over the area in which that cantonment is situated, and includes such other Civil Court having jurisdiction over that area, as the Central Government may, by notification in the Official Gazette, specify in this behalf, in consultation with the High Court having jurisdiction over that area.]

1. Substituted by Section 54, *ibid.*, for sub-sections (1) and (2) (w.e.f. 1-10-1983). 2. Inserted by Act 15 of 1983, Section 54 (w.e.f. 1-10-1983).

85. Costs Of Appeal :-

In every appeal the costs shall be in the 1[discretion of the District Court] hearing the appeal. 1. Substituted by Act 15 of 1983, Section 55, for "discretion of the officer" (w.e.f. 1-10-1983).

86. Recovery Of Costs From Board :-

1[(1)] If the 2[Board] fails to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, 3[the District Court] awarding the costs may order the person having the custody of the balance of the cantonment fund to pay the amount. 4[(2) Where the appellant fails to pay any costs awarded to the Board within ten days after the date of the order for payment thereof, the same shall be recoverable by the Board in the same manner as moneys recoverable by the Board under section 259.] 1. Renumbered as sub-section (1), by Section 56, *ibid.*, (w.e.f. 1-10-1983). 2. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 3 Substituted by Act 15 of 1983, Section 56 for "the officer" (w.e.f. 1-10-1983). 4. Inserted by Section 56, *ibid.*, (w.e.f. 1-10-1983).

87. Conditions Of Right 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 1[District 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 4[Board]. 1. Substituted by Section 57, *ibid.*, for "court" (w.e.f. 1-10-1983).

88. Finality Of Appellate Orders :-

The order of a 1[District Court] 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 1[District Court], 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. 1. Substituted by Act 15 of 1983, Section 58, for "appellate authority" (w.e.f. 1-10-1983).

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 instalments, if any, as the 1[Board] may, by public notice, direct. 1. Substituted by Act 24 of 1936, for "Cantonment Authority."

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 1[Board] 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 2[two rupees], 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. 1. Substituted by Act 24 of 1936, for "Cantonment Authority." 2. Substituted by Act 15 of 1983. Section 59 for "one rupee" (w.e.f. 1-10-1983).

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 costs 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 1[, or attachment and sale of the immovable 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 : "[Provided further that the sale of any Immovable property attached under this sub-section shall not be made, save under the orders of the Board.] (2) Every warrant issued under this section shall be signed by the Executive Officer. 1. Inserted by Section 60, *ibid*, (w.e.f. 1-10-1983). Section

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- Interest payable on taxes due 1[(1) If a person on whom a notice of demand has been served under section 91, docs not, within thirty days from the service of such notice, pay the sum demanded in the notice, he shall be liable to pay by way of interest, in addition to the sum and other charges due,-- (a) one-half per cent, of the sum due for each complete month for the first six months, from the date of the expiry of the period of thirty days aforesaid; and (b) one per cent, of the sum due for each complete month thereafter, during the time he continues to make default in the payment of the sum due. (2) The amount of interest shall be recoverable in the same manner as moneys recoverable by the Board under section 259; Provided that-- (a) where no appeal has been preferred, the Executive Officer with the previous sanction of the Board, and (b) in any other case, the District Court hearing the appeal under section 84, may remit the whole or any part of the interest payable in respect of any period.] 1. Inserted by Act 15 of 1983, Section 61 (w.e.f. 1-10-1983).

93. Distress :-

It shall be lawful for any servant of the 1[Board] to whom a warrant issued under section 92 is addressed to distrain, wherever it may be found 2[in the cantonment], any movable property of 2[or standing timber, growing crops or grass belonging to] the person therein named as defaulter, subject to the following conditions, exeptions and exemptions, namely :-- (a) the following properly 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. 1. Substituted by Act 24 of 1963, Section 69, for "Cantonment Authority." 2. Inserted by Section 33, *ibid*.

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 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 1[whose property has been sold or his legal representative] and, if the same is claimed by written application to the 2[Board] within one year from the date of the notice, a refund thereof shall be made to such person 3[or representative], Any surplus not claimed within one year as aforesaid shall be the property of the 2[Board]. (4) For every distraint made under this Chapter a fee of such amount, not exceeding 4[two rupees], 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, 1. Substituted by Act 15 of 1983, Section 62, for certain words (w.e.f. 1-10-1983). 2. Substituted by Act 24 of 1936, Section 59, for "Cantonment Authority." 3. Inserted by Act 15 of 1983, (w.e.f. 1-10-1983) 4. Substituted by

Section 62, *ibid.*, for "or e rupee" (w.e.f. 1.10.1983). Section

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- Attachment and sale of immovable property 1[(1) When a warrant is issued for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that such property would be sold unless the amount of tax due with all costs of recovery is paid in the office of the Board within fifteen days from the date of attachment. (2) An order under sub-section (1) shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode and a copy of the order shall be fixed on a conspicuous part of the property and upon a conspicuous part of the office of the Board and also, when, the property is land paying revenue to the Government, in the office of the Collector. (3) Any transfer of or charge on the property attached or any interest thereon made without the written permission of the Executive Officer shall be void as against all claims of the Board enforceable under the attachment. (4) Where the sum due to the Board together with the cost incurred by the Board in the sale of the property, and a sum equal to five per cent, of the purchase money for payment to the purchaser is paid by the defaulter, before the confirmation of the sale under sub-section (5), the attachment, if any, of the immovable property shall be deemed to have been removed. (5) After the sale of the property by auction as aforesaid, it shall be confirmed in writing by the Executive Officer who shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers. (6) The Central Government may make rules for-- (a) regulating the manner of execution of warrants for the attachment and sale of immovable property. (b) charging of fees for the attachment and sale of immovable property, to be included in the cost of recovery of the tax due ; (c) summary determination of any claim made by any person other than the person liable for the payment of any tax, in respect of any property attached in execution of warrant under this section.] 1. Inserted by Section 63, *ibid.*, (w.e.f. 1-10-1983).

95. Recovery From A Person About To Leave Cantonment :-

(1) If the Execution Officer has reason to believe that any person from whom any sum is due 1[or is about to become due] on account of any tax is about to 2[move from the cantonment], he may direct the immediate payment by such person of the sum so due or about to become due, and cause 3[a notice of demand] for the same to be served on such person. 4[(2) If, on the service of such notice, such person does not forthwith pay the sum so due or

about to become due, the amount shall be leviable by distress and sale of movable property or attachment and sale of immovable property in the manner hereinbefore provided in this Chapter, and the warrant of such distress and sale or attachment and sale may be issued and executed without any delay.] 1. Inserted by Act 8 of 1930. Section 2 and Schedule I. 2. Substituted by Act 15 of 1983, Section 64, for "remove from the cantonment" (w.e.f. 1-10-1983). 3. Substituted by Section 64, *ibid.*, for "a bill" (w.e.f. 1-10-1983). 4. Substituted by Section 64 *ibid.*, for sub-section (2) (w.e.f. 1-10-1983).

96. Power To Institute Suit For Recovery :-

Instead of proceeding against a defaulter by 1[distress and sale of movable property or attachment and sale of immovable property] as hereinbefore 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. 1. Substituted by Section 65, *ibid.*, for "distress and sale" (w.e.f. 1-10-1983).

97. Power To Prohibit Or Exempt From Taxation :-

Every 1[Board] shall be deemed to be a Municipal Committee for the purposes of the Municipal Taxation Act, 1881 (11 of 1881). 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

98. Power To Make Special Provision For Conservancy In Certain Cases :-

A 1[Board] may make special provision for the cleansing of any factory, hotel, club or group of buildings or land used for any one purpose and under one management, and may fix 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 1[Board] of the services to be rendered. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

99. Exemption In The Case Of Buildings :-

(1) When, in pursuance of section 98, a 1[Board] 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 2[other than a tax imposed to cover the cost of specific services rendered by the Board], 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 1[Board], which are controlled under the provisions of this Act; (e) buildings or lands vested in a 1[Board]; and 3[(f) any buildings or lands, or portion of such buildings or lands, which are the property of the Government.] 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Inserted by Act 15 of 1942, Section S. 3. Substituted by Act 15 of 1983, Section 66, for clause (f) (w.e.f. 1-10-1983).
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- General power of exemption 1[The 2[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 or any property or goods or class of property or goods. 3[* * *]. 1. Inserted by Act 35 of 1926, Section 7. 2. Substituted by the A.O. 1937, for "L.G.". 3. The words "belonging to the Secretary of State of India in Council" Repealed by Act 7 of 1931, Section 6.

100. Exemption Of Poor Persons :-

A 1[Board] 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

101. Composition :-

(1) A 1[Board] may, with the previous sanction of 2[Officer Commanding-in-Chief, the Command,] 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. 1. Substituted by Act 24 of 1936, Section 69, for

"Cantonment Authority". 2. Substituted by Act 35 of 1926, Section 2, for "Officer Commanding the District".

102. Irrecoverable Debts :-

1[Board] may write off any sum due on account of any tax 2[or rate] or of the costs of recovering any tax 2[or rate] if such sum is, in its opinion, irrecoverable : 2[Provided that, where the sum written off in favour of any one person exceeds 3[two hundred and fifty rupees], the sanction of the Officer Commanding-in-Chief, the Command, shall be first obtained.] 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Inserted by Act 24 of 1936, Section 34. 3. Substituted by Act 15 of 1983, Section 67, for "fifty rupees" (w.e.f. -10-1983).

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 may be necessary for the purpose of ascertaining-- (a) whether such inhabitant is liable 1[to pay, or has correctly paid, 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[(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 3[five 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.] 1. Substituted by Act 15 of 1983, Section 68, for "to pay any tax" (w.e.f. 1-10-1983). 2. Substituted by Act 2 of 1954, Section 13, for the original sub-section (2). 3. Substituted by Act 15 of 1983, Section 68, for "one hundred rupees" (w.e.f. 1-10-1983).

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 1[distress levied or attachment made] 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, 2[warrant of distress or attachment and sale] 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. 1. Substituted by Section 69, *ibid.*, for "distress levied" (w.e.f. 1-10-1983). 2 Substituted by Section 69, *ibid.*, for "warrant of distress" (w.e.f. 1-10-1983).

CHAPTER 6

CANTONMENT FUND AND PROPERTY

106. Cantonment Fund :-

There shall be formed for every cantonment a cantonment fund, and there shall be placed to the credit thereof the following sums, namely :-- (a) the balance, if any, of the cantonment fund formed for the cantonment under the Cantonments Act, 1910 (15 of 1910); (b) all sums received by or on behalf of the 1[Board] 2[****] 2[* * * * *] 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. The word "and" and Clause (c) Repealed by the A.O. 1937.

107. Custody Of Cantonment Fund :-

1[(1) Where in or near a cantonment there is a Government treasury or sub-treasury or a branch of the State Bank of India or a subsidiary bank or a nationalised bank, the cantonment fund shall be kept in such treasury, sub-treasury or bank as the Board may deem fit. Explanation.-- In this section,-- (i) "nationalised bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 (5 of 1970) or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980); (ii) "State Bank of India" means the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1959); (iii) "subsidiary bank"

means a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959).] 2[3(2) A 4[Board] may, from time to time, with the previous sanction of the 5[Officer Commanding-in-Chief, the Command], 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 6[Central Government] may approve in this behalf, and may dispose of such investments or vary them for others of a like nature.] 3[(3)] The income resulting from any fixed deposit or from any such security as is referred to in 7[sub-section (2)] or from the proceeds of the sale of any such security shall be credited to the cantonment fund.

1. Substituted by Act 15 of 1983, Section 70, for sub-sections (1) and (2) (w.e.f. 1-10-1983). 2. Substituted by Act 26 of 1927, Section 12, for the original sub-section. 3. Renumbered as sub-sections (2) and (3), respectively by Act 15 of 1983, Section 70 (w.e.f. 1-10-1983). 4. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority" 5. Substituted by Section 35, *ibid.*, for "L.G.". 6. Substituted by the A.O. 1937, for "L.G.". 7. Substituted by Act 15 of 1983, Section 70, for "sub-section (3)" (w.e.f. 1-10-1983).

108. Property :-

Subject to any special reservation made by the Central Government 2[* * * *] all property of the nature hereinafter in this section specified which has been acquired or provided or is maintained by a 1[Board] shall vest in and belong to that 1[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 1[Board] from the streets, houses, privies, sewers, cesspools or elsewhere, or deposited in places appointed by the 1[Board] for such purpose; (e) all lamps and lamp-posts and apparatus connected therewith or appertaining thereto; (f) all lands or other property transferred to the 1[Board] 3[by the Central or a State Government], or by gift, purchase or otherwise for local public purposes, and (g) all streets and the payments, stones and other

materials thereof, and also all trees, erections, materials, implements, and things existing on or appertaining to streets. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority" 2. The words "or the L.G." Repealed by Act 24 of 1936, Section 35. 3. Substituted by the A.O. 1937, for "by His Majesty"

109. Application Of Cantonment Fund And Property :-

The cantonment fund and all property vested in a 1[Board] 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 and conferred or duties or obligations are imposed upon the 1[Board] : Provided that the 1[Board] 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 2[Central Government], and (b) on such terms and conditions as the 2[Central Government] may impose : Provided, further, that priority shall be given in the order hereinafter set forth to the following liabilities and obligations of a 1[Board], that is to say,-- (a) to the liabilities and obligations arising from a trust legally imposed upon or accepted by the 1[Board]; (b) to the repayment of, and the payment of interest on, any loan incurred under the provisions of the Local Authorities Loans Act, 1914 (9 of 1914); (c) to the payment of establishment charges ; 3[* * * * *] (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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority" 2. Substituted *ibid.*, for "L.G.". 3. Clause (d) omitted by Act 15 of 1983, Section 71 (w.e.f. 1-1-1993).

110. Acquisition Of Immovable Property :-

When there is any hindrance to the permanent or temporary acquisition upon payment of any land required by a 1[Board] for the purpos of this Act, the 2[Central Government] may, at the request of the 1[Board], 3[procure the acquisition thereof] under the provisions of the Land Acquisition Act, 1894, (1 of 1894) and, on payment by the 1[Board] 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 1[Board]. 1. Substituted by Act 24 of 1936, s. 69, for "Cantonment Authority." 2. Substituted *ibid.*, for "L.G.". 3. Substituted by the AD. 1937, for "proceed to acquired it".

111. Power To Make Rules Regarding Cantonment Fund And Property :-

The Central Government may make rules¹ 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 2[Boards] or on which property vested in a 2[Board] 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. 1. For the Cantonment Property Rules, 1925, made under this section, see Gazette of India, 1925, Pt. I, p. 578. 2. Substituted by Act 24 of 1936,s. 69, for "Cantonment Authority."

CHAPTER 7 CONTRACTS

112. Contracts By Whom To Be Executed :-

Subject to the provisions of this Chapter, every 1[Board] shall be competent to enter into and perform any contract necessary for the purposes of this Act. 1. Substituted by Act 24 of 1936,s. 69, for "Cantonment Authority."

113. Sanction :-

(1) Every contract-- (a) for which budgeted provision does not exist, or (b) which involves a value or amount exceeding 1[one thousand rupees], shall require the sanction of the 2[Board]. (2) Every contract other than a contract such as is referred to in sub-section (1) shall be sanctioned by the 2[Board] or by the Executive Officer on behalf of the 2[Board]. 1. Substituted by Act 15 of 1983, Section 72, for "two hundred rupees" (w.e.f. 1-10-1983). 2. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

114. Execution Of Contracts :-

(1) Every contract made by or on behalf of a 1[Board], the value or amount of which exceeds 2[five hundred rupees], shall be in writing, and every such contract 3[* * *] 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, 4[* * *] : Provided that 3[* * *] 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

5[two thousand and five 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Substituted by 15 of 1983, Section 73, for "one hundred rupees" (w.e.f. 1-10-1983). 3 The words "where there is a Board" Repealed by Act 24 of 1936, Section 36. 4 The words "or, where there is no Board, be signed by the Officer Commanding the station and be sealed with the official sea of the Cantonment Authority" Repealed by Section 36, ibid. 5. Substituted by Act 15 of 1983. Section 73, for "five hundred rupees" (w.e.f. 1-10-1983).

115. Contracts Improperly Executed Not To Be Binding On A Board :-

If any contract is executed by or on behalf of a 1[Board] otherwise than in conformity with the provisions of this Chapter, it shall not be binding on the 1[Board]. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

CHAPTER 8

DUTIES AND DISCRETIONARY FUNCTIONS OF [BOARDS]

116. Duties Of Board :-

1[It shall be the duty of every 1[Board], 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, callings 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, slaughterhouses, latrines, privies, urinals, drains, drainage works and sewerage works 2[and regulating their use] ; (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

3[vaccination and inoculation]; (m) establishing and maintaining or supporting public hospitals and dispensaries, and providing public medical relief; (n) establishing and maintaining 4[or assisting] 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 1[Board]; 5[* * *] 6[(p-a) establishing and maintaining civil defence services ; (p-b) preparing and implementing town planning schemes ;] (q) fulfilling any other obligation imposed upon it by or under this Act or any other law for the time being in force. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Inserted by Act 15 of 1983. Section 74 (w.e.f. 1-10-1983). 3. Substituted by Section 74, *ibid.*, for "vaccination" (w.e.f. 1-10-1983). 4. Inserted by Act 24 of 1936, Section 37. 5. The word "and" omitted by Act 15 of 1983, Section 74 (w.e.f. 1-10-1983). 6. Inserted by Act 15 of 1983, Section 74 (w.e.f. 1-10-1983). Section

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- Power to manage property 2[A 1[Board] may, subject to any conditions imposed by the Central Government, manage any property entrust to its management by the Central Government on such terms as to the sharing of rents and profits accruing from such property as may be determined by rule made under section 280.] 1. Substituted by Act 24 of 1936 Section 69, for "Cantonment Authority". 2. Inserted by Act 7 of 1925, Section 6.

117. Discretionary Functions Of Board :-

2[(1)] A 1[Board] may, within the cantonment, make provision for-
 - (a) laying out in areas, whether previously built upon or not, new streets, and acquiring land for that purpose and for the construction of buildings, and compounds of buildings, to about 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 3[local epidemics, floods, famines or other natural calamities] 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; 4[* * *] ; 5[(k) establishing and maintaining cattle pounds ; (l) arranging for civic reception with prior approval of the Officer Commanding-in-Chief, the Command; (m) providing housing accommodation for any, class of inhabitants ; (n) establishing and maintaining or supporting public hospitals and dispensaries, and providing public medical relief; (o) celebrating Independence Day and Republic Day and incurring expenditure thereon ; (p) developing land resources under the management of the Board ; (q) preparing and implementing group housing schemes ; (r) establishing remunerative projects; (s) developing small-scale and cottage industries ;] 6[(t)] 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; 7[* * *]. 8[(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.] 1. Substituted by Act 24 of 1936 Section 69, for "Cantonment Authority". 2. Section 117 was re-numbered as sub-section (1) of that section by Act 15 of 1942, Section 9. 3. Substituted by Act 15 of 1983, Section 75, for "local epidemics" (w.e.f. 1-10-1983). 4. The word "or" omitted by Section 75 ibid (w.e.f. 1-10-1983). 5. Inserted by Section 75, ibid., (w.e.f. 1-10-1983). 6. Clause (k) relettered as clause (t), by Act 15 of 1983, Section 75 (w.e.f. 1-10-1983). 7. The word "or" Repealed by Act 15 of 1942, Section 9. 8. Inserted by Section 9, ibid. Section

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- Power of expenditure for educational purposes outside the cantonment 1[A 2[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.] 1. Inserted by Act 35 of 1926, Section 8. 2. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

CHAPTER 9

PUBLIC SAFETY AND SUPPRESSION OF 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 where by a breach of the peace is likely to be occasioned ; or (iii) exposes himself, or wilfully 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 1[vehicles]; or (ix) being engaged in the removal of night-soil or other offensive matter or rubbish, wilfully 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 building, 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, storm-water-drain, flags or other materials of any such street, or any lamp, bracket, direction-post, hydrant or water-pipe maintained by the 2[Board] 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 neighbourhood ; or (xv) carries night-soil or other offensive matter or rubbish at any hour prohibited by the 3[Executive Officer] by public notice, or in any pattern of 1[vehicle] or receptacle which has not been approved for the purpose by the 3[Executive Officer], or fails to close such 1[vehicle] 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 2[Executive Officer] 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 2[Board]: 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 4[Executive Officer] by public or special notice, beats a drum or tomtom, 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 5[or by using megaphone or loud-speaker] ; 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 carcase by the public conservancy establishment, or (ii) to remove and dispose of the carcase in accordance with any general directions given by the 2[Board] 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 6[Executive Officer and in such manner as he 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; 5[or] 5[(m) uses or permits to be used without previous permission of the Executive Officer any premises for any trade involving offensive smell or smoke], shall be punishable with fine which may extend to 7[two hundred and 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 8[one hundred rupees]. (4) Any animal found picketed 9[or straying] as aforesaid may be removed by any officer or servant of the 10[Board] or by any police officer to a pound 11[*

* *] 1. Substituted by Act 15 of 1983, Section 76, for "carts" (w.e.f. 1-10-1983). 2. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 3. Substituted by Act 15 of 1983, Section 76, for "Board" (w.e.f. 1-10-1983). 4. Inserted by Act 15 of 1983, Section 76, for "Board" (w.e.f. 1-10-1983). 5. Inserted by Act 15 of 1983, Section 76, (w.e.f. 1-10-1983). 6. Substituted by Act 15 of 1983, for certain words (w.e.f. 1-10-1983). 7. Substituted by Section 76, *ibid.*, for "fifty rupees" (w.e.f. 1-10-1983). 8. Substituted by Section 76, *ibid.* for "twenty rupees" (w.e.f. 1-10-1983). 9. Inserted by Act 2 of 1954, Section 16. 10. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 11. The words as if the animal had been found straying" omitted by Act 2 of 1954, Section 16.

119. Registration And Control Of Dogs :-

(1) A 1[Board] 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 2[unit or establishment or detachment], of all dogs kept in the lines occupied by that 2[unit or establishment or detachment]; (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 1[Board] thinks fit. (3) 3[The Executive Officer] may-- (a) cause to be destroyed, or to be confined for such period as 4[he] 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 notice 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 streets or beyond the enclosure of the houses of their owners, if 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 otherwise 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 1[Board] 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Substituted by Act 15 of 1983, Section 77, for "unit" (w.e.f. 1-10-1983). 3. Substituted by Act 15 of 1983, Section 77, for "A Board" (w.e.f. 1-10-1983). 4. Substituted by Section 77, ibid., for "it" (w.e.f. 1-10-1983).

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.

121. Use Of Inflammable Materials For Building Purposes :-

(1) A 1[Board] may, by public notice, direct that within such limits in the cantonment as may be specified in the notice, the roof and external walls of huts or other buildings shall not, without the permission in writing of the 1[Board], be made or renewed of grass, mats, leaves or other inflammable materials, and may, by notice in writing, require any person who has disobeyed any such direction as aforesaid to remove or alter the roof or walls so made or renewed. (2) A 1[Board] 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 the1[Board] 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 the1[Board], 2[it] shall make compensation, not exceeding the original cost of constructing the roof or wall, for any damage caused by the removal. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2 Substituted by Act 15 of 1983, Section 78, for "that Authority" (w.e.f. 1-10-1983).

122. Stacking Or Collecting Inflammable Materials :-

A 1[Board] 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 tacking 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

123. Care Of Naked Lights :-

No person shall set a naked 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 1[* * *] of lights for purposes of illumination on the occasion of a festival or public or private entertainment. 1. Certain words omitted by Act 15 of 1983, Section 79, (w.e.f. 1-10-1983).

124. Regulation Of Cinematographic And Dramatic Performances :-

(1) Notwithstanding anything contained in 1[any other law relating to sanctioning of cinematograph films for exhibition], 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 2[pantomime, circus, carnival, exhibition, dance or other similar show for public recreation or amusement], shall be given in any cantonment elsewhere than in premises for which a licence has been granted by the3[Board] 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 2[pantomime, circus, carnival, exhibition, dance or other similar show for public recreation or amusement,] 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 4[five hundred rupees], and, in the case of a continuing offence, with an additional fine which may extend to 5[two hundred 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 2[pantomime, circus, carnival, exhibition, dance or other similar show for public recreation or amusement,] in any theatre or institute which is the property of Government where the exhibition, performance 2[pantomime, circus, carnival, exhibition, dance or other similar show for public recreation or amusement,] is held with the permission and under the control of the military authorities. 1 Substituted by Act 15 of 1983, Section 80, for "the Cinematograph Act, 1918" (w.e.f. 1-10-1983). 2. Substituted by Act 15 of 1983, Section 80, for "or pantomime, (w.e.f. 1-10-1983). 3. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 4. Substituted by Act 15 of 1983, Section 80, for "two hundred rupees" (w.e.f. 1-10-1983). 5. Substituted by Section 80 ibid, for "fifty rupees" (w.e.f. 1-10-1983).

125. Discharging Fire-Works, Fire-Arms, Etc. :-

Whoever in a cantonment discharges any fire-arm or lets off fire works or fire-balloons, 1[or detonates or engages in any game or carries on works such as quarries, blasts, timber cutting or building operation in such manner as to cause] or to be likely to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property shall be liable to fine which may extended to 2[two hundred and fifty rupees]. 1. Substituted by Section 81, ibid., for certain words (w.e.f. 1-10-1983). 2. Substituted by Section 81, ibid., for "fifty rupees" (w.e.f. 1-1-1983).

126. Power To Require Buildings, Wells, Etc., To Rendered 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 1[Board], 2[in a ruinous state or] for want of sufficient repairs, protection or

enclosure, 2[a nuisance or] dangerous to persons passing by or dwelling or working in the neighbourhood, the 1[Board]3[by notice in writing may] require the owner 4[or part-owner or person claiming to be the owner or part-owner thereof, or, failing any of them, the occupier] thereof 5[to remove the same or may require him to repair], 6[or to protect or to enclose] the same in such manner as it thinks necessary ; and, if the danger is, in the opinion of the 1[Board], imminent, it shall forthwith take such steps as it thinks necessary to avert the same. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Inserted by Act 7 of 1925, Section 7. 3. Substituted by Act 8 of 1944, Section 6, for "may, by notice in writing". 4. Inserted by Act 24 of 1936, Section 38. 5. Substituted by Act 8 of 1944, Section 6, for "either to remove the same or to repair". 6. Substituted by Act 24 of 1936, Section for "protect or close".

127. Enclosure Of Waste Land Used For Improper Purposes

:-

A 1[Board] 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 of nuisance, to secure and enclose the same within such time as may be specified in the notice. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

CHAPTER 10

SANITATION AND THE PREVENTION AND TREATMENT OF DISEASE

128. Responsibility For Sanitation :-

The following officers shall, for the purposes of sanitation, have control over, and 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:-- 1[(a) the Officer Commanding the army in the cantonment--all buildings and lands which are occupied or used for army purposes ; (b) the Officer Commanding the navy in the cantonment--all buildings and lands which are occupied or used for naval purposes ; (c) the Officer Commanding the air force in the cantonment--all buildings and

lands which are occupied or used for air force purposes ; (d) the Officer Commanding the station in the Command--all buildings and lands occupied or used for any defence purpose, other than those referred to in clauses (a), (b) and (c); (e) 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.] 1. Substituted by Act 15 of 1983, Section 82, for cls. (a), (b) and (c)" (w.e.f. 1-10-1983).

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 1[Board] 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 1[Board], allotted to him by the Health Officer. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

130. Public Latrines, Urinals And Conservancy Establishments :-

All public latrines and urinals provided or maintained by a 1[Board] 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". Section

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- Duty of occupier to collect and deposit rubbish etc. 1[(1) It shall be the duty of an occupier of a building or land-- (a) to make adequate arrangements for the house scavenging of the building or land; (b) to provide receptacles of the type and in the manner prescribed by the Executive Officer for the collection therein of all filth, rubbish and other offensive matter from such building or land and to keep such receptacle in good condition and repair ; (c) to cause all filth, rubbish and other offensive matter collected in receptacles and to be removed and deposited in the public receptacles, depots or places provided or appointed under subsection (1) of section 132. (2) For the purposes of this section and section 131, "house scavenging" means the removal of filth, rubbish or other offensive matter from a privy, latrine, urinal, drain, cesspool or other common receptacle for such matter.] 1. Inserted by Act 15 of 1983, Section 83 (w.e.f. 1-10-1983).

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 1[the Executive Officer] for the matters referred to in this section, without such consent, and after giving notice in writing to the occupier, 1[the Executive Officer] may undertake the house scavenging of any building or land in the cantonment 2[for such period as he thinks fit on such terms as he may specify] in this behalf. (2) Where 1[the Executive Officer] has undertaken the duties referred to in this section, all matter removed in the performance of such duties shall be the property of 3[the Board]. 4[* * * *] 1. Substituted by Act 15 of 1983, Section 84, for "the Board" (w.e.f. 1-10-1983). 2. Substituted by Section 84, ibid., for certain words (w.e.f. 1-10-1983). 3. Substituted by Section 84, ibid., for "that Board" (w.e.f. 1-10-1983). 4. Sub-section (3) omitted by Section 84, ibid, (w.e.f. 1-10-1983).

132. Deposit And Disposal Of Rubbish, Etc. :-

(1) Every 1[Board] 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, carcases of dead animals and sewage. (2) The 2[Executive Officer] 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 1[Board]. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Substituted by Section 85, ibid., for "Board" (w.e.f. 1-10-1983).

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 1[Board], within such time and in such receptacle or place, 2[* * *] 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Certain words omitted by Act 15 of 1983, Section 86 (w.e.f. 1-10-1983).

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 1[Board] 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 1[Board] may, if it thinks fit, with the previous sanction of the 2[Officer Commanding-in-Chief, the Command 3[or the Director],] meet the whole or any portion of the expenses incurred in complying with a requisition under subsection (1). 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Substituted by Act 35 of 1926, Section 2, or "Officer Commanding the District,". 3. Inserted by Act 15 of 1983 Section 87, (w.e.f. 1-10-1983).

135. Provision Of Latrines, Etc. :-

1[The Executive Officer] 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, 2[in his opinion] be

provided for the building or land. 1. Substituted by Section 88, *ibid.*, for "A B, ard" (w.e.f. 1-10-1983). 2. Substituted by Section 88, *ibid.*, for "in it, opinion" (w.e.f. 1-10-1983).

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, theatre or other place of public resort, in a cantonment shall give notice of the fact to the 1[Executive Officer], and shall provide such latrine and urinals, an shall employ such number of sweepers, as the 1[Executive Officer] 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 2[Factories Act, 1948 (63 of 1948)], applies. 1. Substituted by Act 15 of 1983, Section 89, for "Hoard" (w.e.f. 1-10-1983) 2. Substituted by Section 89, *ibid.*, for "Indian Factories Act, 1911" (w.e.f. 1-10-1983).

137. Private Latrines :-

1[Board] 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 1[Board], and copies thereof may be obtained free of charge on application,-- (i) require any person repairing 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 rebuild 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 1[Board], 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 neighbourhood, or (ii) to cleanse in such manner as the 1[Board] may specify in the notice and 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

138. Removal Of Congested Buildings :-

(1) Where it appears to a 1[Board] 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 cleansing 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 his services are not available some other medical officer 2[in the service of the Government], (c) the Executive Engineer or a person deputed by the Executive Engineer in this behalf, and 3[(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.] (2) The committee shall make a report in writing to the 1[Board] 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 neighbourhood 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 1[Board] 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 3[Board] shall make compensation to the owners for any buildings so removed which may have been erected under proper authority : Provided, further, that the 1[Board], 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Substituted by the A.O. 1937, for "of the Government." 3. Substituted by Act 24 of 1936. Section 39, for the original clause.

139. Overcrowding Of Dwelling Houses :-

(1) Where it appears to a 1[Board] that any building or part of a

building in the cantonment which is used as dwelling-house is so over-crowded 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 2[two hundred and fifty rupees], and, in the case of a continuing offence, to an additional fine which may extend to 3[twenty-five rupees] for every day after the first during which the failure has continued. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Substituted by Act 15 of 1983, Section 90, for "fifty rupees" (w.e.f. 1-10-1983). 3. Substituted by Section 90, ibid., for "five rupees" (w.e.f. 1-10-1983).

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 1[Board], in an insanitary state, the 1[Board] 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 of 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

141. Power To Require Land Or Building To Be Cleansed :-

1[(1) If any building or land, whether tenantable or otherwise, is-- (i) in an insanitary, filthy or unwholesome state ; or (ii) in the opinion of the Executive Officer, a nuisance to persons residing in the neighbourhood; or (iii) overgrown with prickly-pear or rank and noisome vegetation, the Executive Officer may, by notice in writing, require the owner, lessee or occupier of such building or land to clean, lime-wash internally or externally, clear, or otherwise put such building or land in a proper state within such period as may be specified in the notice. (2) Any person who fails to comply with the

notice issued under sub-section (1) shall be punishable with fine which may extend to five hundred rupees, and, in the case of a continuing offence, with an additional fine which may extend to twenty-five rupees for each day after the first during which the offence continues.] 1. Substituted by Act 15 of 1983, Section 91, for "section 141" (w.e.f. 1-10-1983).

142. Power To Order Disuse Of House :-

If a 1[Board] 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 1[Board]. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

143. Removal Of Noxious Vegetation :-

1[The Executive Officer] 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 2[to him] to be injurious to health or offensive to persons residing in the neighbourhood. 1. Substituted by Act 15 of 1983, Section 92, for "A Board" (w.e.f. 1-10-1983). 2. Substituted by Section 92, ibid, for "to it" (w.e.f. 1-10-1983).

144. Agriculture And Irrigation :-

Where, in the opinion of a 1[Board], the cultivation in the cantonment of any description of 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 neighbourhood, the 1[Board] 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 out subject to such conditions as the 1[Board] 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 1[Board] 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 with the notice. 1. Substituted by Act 24 of

1936, Section 69, for "Cantonment Authority".

145. Power To Call For Information Regarding Burial And Burning Grounds :-

1[The Executive Officer] may, by notice in writing, require the owner or person in charge of any burial or burning ground in the cantonment to supply such information as may be specified in the notice concerning the condition, management or position of such ground. 1. Substituted by Act 15 of 1983, Section 93, for "A Board" (w.e.f. 1-10-1983).

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 1[Board]. (2) Such permission may be granted subject to any conditions which the 1[Board] thinks fit to impose for the purpose of preventing annoyance to, or danger to the health of, persons residing in the neighbourhood. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

147. Power To Require Closing Of Burial Or Burning Ground :-

(1) Where a 1[Board], 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 neighbourhood, it may, with the previous sanction of the 2[Central Government], 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 2[Central Government] sanctions the issue of any notice under subsection (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 2[Central Government] 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 2[Central Government] 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. 1. Substituted by Act 24

of 1936, Section 69, for "Cantonment Authority". 2. Substituted by the A. O. 1937, for "L. G.".

148. Exemption From Operation Of Sections 145 To 147 :-

The provisions of sections 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 :-

1[Board] may, by public notice, prescribe routes in the cantonment by which alone corpses may be removed to burial or burning grounds. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

150. Obligation Concerning Infectious Or Contagious Diseases :-

1[(1) Any person 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 person is so suffering, shall, forthwith give information to the Board respecting the existence of such disease. (2) No person shall- (a) knowing that he is suffering from a contagious or an infectious disease, expose other persons to the risk of infection by his presence or conduct in any public street or public place; (b) having the care of a person whom he knows to be suffering from a contagious or an infectious disease cause or permit that person to expose other persons to the risk of infection by his presence or conduct in any such street or place as aforesaid ; (c) place or cause to be placed in a dust-bin or other receptacle for the deposit of rubbish any matter which he knows or has reason to believe to have been exposed to infection from a contagious or an infectious disease and which has not been disinfected properly ; (d) throw or cause to be thrown into any latrine or urinal any matter which he knows or has reason to believe to have been exposed to infection from a contagious or an infectious disease and which has not been disinfected properly. (3) Nothing contained in sub-section (1) or sub-section (2) shall 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. (4) Whoever-- (a) fails to give information or gives false information to the Board

respecting the existence of such disease as is referred to in sub-section (1); or (b) contravenes the provisions of sub-section (2), shall be punishable with fine which may extend to five hundred rupees : Provided that no person shall be punishable for failure to give information if he had reasonable cause to believe that the information had already been duly given.] 1. Substituted by Act. 15 of 1983. Section 94. for "Section 150" (w.e.f. 1-10-1983).

151. Special Measures In Case Of Outbreak Of Infectious Or Epidemic Diseases :-

(1) In the event of a cantonment being visited or the threatened by an outbreak of any infectious or contagious disease among the inhabitants thereof or of any epidemic disease among any animals therein, the 1[Officer Commanding-in-Chief, the Command], 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 2[Central Government],-- (a) take such special measures, and (b) by public notice, make such temporary regulations to be observed by 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 1[Officer Commanding-in-Chief, the Command], immediate measures are necessary, he may take action without such sanction as aforesaid and, if he does so, shall forthwith report such action to the 2[Central Government]. (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 (45 of 1860). 1. Substituted by Act 35 of 1926, Section 2, for "Officer Commanding the District." 2. Substituted by the A. O. 1937, for "L. G."

152. Power To Require Names Of Dairyman's 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 1[Board] shall pay from the cantonment fund all the costs of the process and shall also pay to

the owner of the milk, clothes or 2[other] articles such sum as compensation for any loss occasioned by such process as may appear to it to be reasonable. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Substituted by Act 8 of 1930, Section 2 and Schedule I, for "their."

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 Officer the number of the conveyance and the name of the person so notified.

158. Disinfections 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 1[five hundred rupees]. 1. Substituted by Act 15 of 1983, Section 95, for "one hundred rupees" (w.e.f. 1-10-1983).

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. Disinfections Of Building Or Articles Therein :-

Where a 1[Board] is, upon the advice 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, 2[the Board 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 2[Board], the owner or occupier is from poverty or any other cause unable effectually to carry out any such requisition, the 2[Board] 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority. - 2. Substituted by Act 58 of 1960, Section 3 and Schedule II, for "he may."

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 1[Board], necessary to prevent the spread of any infectious or contagious disease, the 1[Board] 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 2[* * *] 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. (5) The 1[Board] shall pay compensation to the owner of any hut or shed destroyed under this section. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. The words "or, where there is no Board, the Officer Commanding the station" omitted by Section 40, ibid.

163. Temporary Shelter For Inmates Of Disinfected Or Destroyed :-

building or shed The 1[Board] 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

164. Disinfections 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 preceding, 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 1[Executive Officer] 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. 1. Substituted by Act 15 of 1983, Section 96, for "Board" (w.e.f. 1.10.1983).

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 infectious or contagious disease and is likely to be used in, or taken into, a cantonment.

166. Means Of Disinfection :-

(1) Every 1[Board] 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 for disinfection to be disinfected either free of charge or on payment of such charges as it may fix. (2) A 1[Board] may notify places at which articles of clothing, bedding, conveyances or other articles which have been exposed to infection shall be washed, and, if 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 2[***] may direct the destruction of any clothing, bedding or other article in the cantonment likely to retain infection, and may give such compensation as he thinks fit for any article so destroyed. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. The words "or, where there is no Board, the Officer Commanding the station" omitted by Section 41, ibid,

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 1[five hundred rupees]. 1 Substituted by Act 15 of 1983, Section 97, for "one hundred rupees" (w.e.f. 1-10-1983).

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 1[Board] 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 drink for human consumption specified in the notice or the sale of any flesh of any description of animals so specified. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

169. Control Over Wells, Tanks, Etc. :-

(1) If a 1[Board] 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

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 Aiding Of Hospitals Or Dispensaries :-

(i) A 1[Board] may-- (a) provide and maintain either within or without the cantonment as many 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 hospital or dispensary 2[or veterinary hospital], whether within or without the cantonment, not maintained by it. (2) Every hospital or dispensary maintained or aided under subsection (J) shall have attached to it a ward or wards for the treatment of persons suffering from infectious or contagious diseases. (3) A medical officer, appointed in such manner as the 3[Central Government] may direct, shall be in charge of every hospital or dispensary maintained or aided under this section. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Inserted by Section 42, *ibid.* 3. Substituted by the A. O. 1937, for "L. G."

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 1[* * *] for the conduct of hospitals and dispensaries or in accordance with the said orders modified in such manner as the Central Government 1[* * *] 2[* * *] think fit. (2) The 3[Board] 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. 1. The words "or the L. G."

Repealed, ibid. 2. The words "as the case may be" Repealed, ibid. 3. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

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 1[Board], any other sick persons, may receive medical 2[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 1[Board] may fix. 3[* * * *] 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Inserted by Act 24 of 1936, Section 43. 3. The proviso omitted by Act 15 of 1983, Section 98 (w.e.f. 1-10-1983).

174. Paying Patients :-

Any sick person who is ineligible to receive medical 8[or surgical] treatment free of cost in any hospital or dispensary under section 173 may be admitted to treatment therein upon such terms as the 2[Board] thinks fit. 1. Inserted by Act 24 of 1936, Section 44. 2. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

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

prove unnecessary or inexpedient, he shall examine such person at such persons 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 1[Officer Commanding the station] 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 1[Officer Commanding the station] 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 2[* * *] without the written permission of the 3[Officer Commanding the Station]. 1. Substituted by Act 7 of 1925, Section 14, for "Commanding. Officer of the Cantonment." 2. The words "in the Provinces" omitted by the A. O. 1950. 3. Substituted by Act 7 of 1925, Section 8, for "Commanding Officer of that Cantonment."

177. Routes For Pilgrims And Others :-

(1) A 1[Board] 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 1[Board]. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Substituted by Act 7 of 1925, Section 14, for "Commanding. Officer of the Cantonment."

178. Conditions Of Service Of Safaiwalas :-

(1) Whoever, being a 1[safaiwala] employed by a 2[Board], 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 months notice to the 2[Board]. 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 3[Central Government] 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 2[Board] whose functions intimately concern the public health or safety. (3) For the purpose of this section 4["safaiwala" includes any lower grade employee] employed by a 4[Board] in the removal or disposal of filth or rubbish. 1. Substituted by Act 15 of 1983, Section 99, for "sweeper" (w.e.f. 1-10-1983). 2. Substituted by Act 24 of 1936, Section 69, for "Catonment Authority". 3. Substituted by the A. O. 1937, for "L. G." 4. Substituted by Act 15 of 1983, Section 99, for "sweeper" includes any menial servant (w. e. f. 1-10-1983).

CHAPTER 11

CONTROL OVER BUILDINGS, STREETS, BOUNDARIES, TREES, ETC.

179. Notice Of New Buildings :-

1[(1) Whoever intends to erect or re-erect any building in a cantonment shall apply for sanction by giving notice in writing of his intention,-- (a) where such erection or re-erection is in an area, other than the civil area, to the Board; (b) where such erection or re-erection is in a civil area, to the Executive Officer.] (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 cowhouse any building originally constructed for human habitation, or 2[(ee) converts into a dispensary, stall, shops, warehouse, godown,

factory or garage any building originally constructed for human habitation, or] (f) makes any alteration which there is reason to believe is likely to affect prejudicially 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. 1. Substituted by Act 15 of 1983, Section 101, for sub-section (1) (w.e.f. 1-10-1983). 2. Inserted by Act 15 of 1983, Section 101, (w.e.f. 1-10-1983).

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 1[Board or the Executive Officer, as the case may be,] along with the notice. 1. Substituted by Act 15 of 1983, Section 102, for "Board" (w.e.f. 1-10-1983). Section

180A

- Powers of Board under certain sections exercisable by Executive Officer 1[The powers, duties and functions of the Board under section 181, sub-section (1) of section 182, section 183, section 183-A and section 185 [excluding the provisos to sub-section (1) and the proviso to sub-section (2) of the said section 185] shall be exercised or discharged in a civil area by the Executive Officer.] 1. Inserted by Section 103, *ibid*, (w.e.f. 1-10-1983).

181. Power Of Board To Sanction Or Refuse :-

(1) The 1[Board] 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 storeys 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 egress 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[3[(2) The Board may refuse to sanction the erection or re-erection of any building on any grounds sufficient in the opinion of the Board affecting the particular building : Provided that the Board shall refuse to accord sanction the erection or re-erection of any building if such erection or re-erection is not in conformity with any general scheme sanctioned under section 181 -A.] (3) The Board, before sanctioning the erection or re-erection of a building on land which is under the management of the 4[Defence Estates Officer], shall refer the application to the 4[Defence Estates Officer] for ascertaining whether there is any objection on the part of Government to such erection or re-erection; and the 4[Defence Estates Officer] shall return the application together with his report 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 5[(aa) when the land on which it is proposed to erect or re-erect the building is entrusted to the management of the Board by the Government if the erection or re-erection constitutes a breach of the terms of the entrustment of management or contravenes any of the instructions issued by the Government regarding the management of the land by the Board, or] (b) when the land on which it is proposed to erect or 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 reasons 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.] 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Sub-Sections (2) to (6) were Substituted by Act 24 of 1936, Section 47, for the original sub-sections (2), (3), and (4). 3. Substituted by Act 15 of 1983, Section 104, for sub-section (2) (w.e.f. 1-10-1983). 4. Substituted by Section 104, ibid, for "Military Estates Officer" (w.e.f. 1-10-1983). 5. Inserted by Act 15 of 1983, Section 105, (w.e.f. 1-10-1983). Section 181A - Power to sanction general scheme for prevention of over crowding, etc. 1[The Officer Commanding-in-Chief, the Command may sanction a general scheme of erection or re-erection of buildings within such limits as may be specified in the sanction for the prevention of over-crowding or for purpose of sanitation, or in the interest of persons residing within those limits or for any other purpose, and may, in pursuance of such scheme, impose restrictions on the erection or re-erection of buildings within those limits : Provided that no such scheme shall be sanctioned by the Officer Commanding-in-Chief the Command, unless an opportunity has been given by a public notice to be published locally by the Executive Officer requiring persons affected or likely to be affected by the proposed scheme, to file their objections or suggestions in the manner specified in the notice, within a period of fifteen days of the publication of such notice, and after considering such objections and suggestions, if any, received by the Executive Officer within the said period.] 1. Inserted by Act 15 of 1983, Section 105, (w.e.f. 1-10-1983).

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 1[Board] 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 1[Board] 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 1[Board] 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

183. Lapse Of Sanction :-

Every sanction for the erection or re-erection of a building given or deemed to have been given by the 1[Board] 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 2[unless the Board on application made therefor has allowed an extension of that period]. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Substituted by Section 48, *ibid*, for "without fresh sanction obtained in the manner hereinbefore provided." Section

183A

- Period for completion of building 1[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.] 1. Inserted by Section 49, *ibid*. Section

183B

- Completion notice 1[Every person to whom sanction for the erection or re-erection of any building in any area in a cantonment has been given or deemed to have been given under section 181 by the Board or the Executive Officer, as the case may be, shall, within thirty days completion of the erection or re-erection of the building give a notice of completion in writing to the Board or the Executive Officer, as the case may be, and the Board or the Executive Officer shall on receipt of such notice cause the building to be inspected in order to ensure that the building has been

completed in accordance with the sanction given by the Board or the Executive Officer, as the case may be.] 1. Inserted by Act 15 of 1983, Section 106 (w.e.f. 1-10-1983).

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,¹[or has been suspended by the Officer Commanding-in-Chief, the Command, under clause (b) of sub-section (1) of section 52,] shall be punishable with fine which may extend to ²[five thousand rupees]. 1. Inserted by Act 24 of 1936, Section 50 2. Substituted by Act 15 of 1983, Section 137, for "five hundred rupees" (w.e.f. 1-10-1983).

185. Power To Stop Erection Or Re-Erection Or To Demolish :-

¹[(1)] A ²[Board] 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 ²[Board] considers that such erection or re-erection is an offence under section 184, and may in any such case ³[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 ⁴[twelve months] 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 ²[Board] 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 : ³[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.] 1. The original Section 185 was re-numbered as sub-section (1) of that section by Act 24 of 1936, Section 51. 2. Substituted by Section 69, ibid., for "Cantonment Authority." 3. Inserted by Section 51, ibid. 4. Substituted by Act 2 of 1954, s.7, for "six months."

186. Power To Make Bye Laws :-

A 1[Board] 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 2[Board or the Executive Officer, as the case may be,] and the information and plans to be furnished with the notice; 3[(aa) the manner in which and the form in which a notice of completion of erection or re-erection of any building in the cantonment shall be given to the Board or the Executive Officer, as the case may be, and the information and plans to be furnished with the notice;] (b) the type or description of buildings which may or may not, and the purpose for which a building may or may not, be erected or re-erection 4[in the cantonment or any part thereof]; (c) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected; 5[* * *] (d) the fees payable on provision by the 1[Board] of plans or specifications of the type of building which may be erected in the cantonment or any part thereof; 6[(c) the circumstances in which a mosque, temple or church or other sacred building may be erected or re-erected; and (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 consturction to be used for external and party-wall, roofs and floors; (iv) the position, the material and the method of construction of

7[staircases, 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 8[the stability of the structure and the protection of building from dampness arising from sub-soil]; (vii) the number and height of the storeys 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 godowns intended for the storage of foodgrains in excess of 9[eighteen quintals] in order to render them rat proof.] 1. Substituted by Act 24 of 1936, s. 69 for "Cantonment Authority." 2. Substituted by Act 15 of 1983, Section 108, for "Board" (w.e.f. 1-10-1983). 3. Inserted by Section 108, *ibid*, (w.e.f. 1-10-1983). 4. Substituted by Act 31 of 1940, Section 6, for "in any specified area or areas." 5. The word "and" Repealed by Act 24 of 1936, Section 52. 6. Clauses. (e) and (f) Inserted by Section 52, *ibid*. 7. Substituted by Act 15 of 1983, Section 108, for "fire-places" (w.e.f. 1-10-1983) 8. Substituted by Section 108, *ibid*., for "and the stability of the structure" (w.e.f. 1-10-1983). 9. Substituted by Act No. 15 of 1983 Section 108, for "fifty maunds" (w.e.f. 1-10-1983).

187. Projections And Obstructions :-

(1) No owner or occupier of any building in a cantonment shall, without the permission in writing of the 1[Board] and 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 1[Board] 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 1[Board] shall make compensation for any damage caused by the removal or alteration. (3) The 1[Board] 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 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

188. Unauthorised Buildings Over Drains, Etc. :-

A 1[Board] may, by notice in writing, require any person who has, without its permission in writing, newly erected or re-erected any 2[structure] 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Substituted by Act 31 of 1940, Section 7, for "building."

189. Drainage And Sewer Connections :-

(1) A 1[Board] may, by notice in writing, require the owner or lessee of any building or land in any street, at his own expense and in such manner as the 1[Board] 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 1[Board] 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, alley or passage between two or more buildings, or (b) to keep any such paving in proper repair. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

190. Power To Attach Brackets For Lamps :-

1[The Executive Officer] 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. 1. Substituted by Act 15 of 1983, Section 109, for "A Hoard" (w.e.f. 1-10-1983).

191. Temporary Occupation Of Street, Land, Etc. :-

2[7]1[The Executive Officer] may, by order in writing, permit the temporary occupation of any street, or of any land vested in the 3[Board], for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions 4[as the Board 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. 5[(2) Where any article or thing is placed on any street or land under the management of the Board or the Defence Estates Officer so as to form an obstruction thereto or any encroachment thereon, the Executive Officer or, as the case may be, the Defence Estates

Officer, may cause such article or thing to be removed and recover from the person who placed such article or thing the expenses incurred in that behalf in the same manner as moneys recoverable by the Board under section 259 and may also, if such person fails to offer satisfactory explanation, order the confiscation of such article or thing.] 1. Substituted by Act 15 of 1983, Section 109, for "A Hoard" (w.e.f. 1-10-1983). 2. Renumbered as sub-section (1), by Section 110, ibid. 3. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 4. Substituted by Act 15 of 1983, Section 109 for "as it may prescribe" (w.e.f. 1-10-1983). 5. Inserted by Section 110, ibid, (w.e.f. 1-10-1983).

192. Closing And Opening Of Streets :-

(1) A 1[Board] shall not permanently close any street or open any new street without the previous sanction of the 2[Officer Commanding-in-Chief, the Command 3[or the Director]]. (2) 4[The Executive Officer] 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 1[Board], is such as to be likely to cause danger to the public, the 1[Board] 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Substituted by Act 35 of 1926, Section 2, for "Officer Commanding the District." 3. Inserted by Act 15 of 1983, Section 111 (w.e.f. 1-10-1983). 4. Substituted by Section 111, ibid., for "A Board" (w.e.f. 1-10-1983).

193. Names Of Streets And Numbers Of Buildings :-

1[(1) A Board may determine the name or number by which any area, street or public place in the cantonment shall be known, may cause such name or number 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

6[Board] shall be punishable with fine which may extend to 2[one hundred rupees]. 3[(3) When a 4[name or number] has been affixed to any building under sub-section (1), the owner of the building shall maintain the 4[name or number] in order, and shall replace it if removed or defaced, and if he fails to do so the 5[Executive Officer] may by notice in writing require him to replace it.] 1. Substituted by Section 112, *ibid.*, for sub-section (1) (w.e.f. 1-10-1983). 2. Substituted by Section 112, *ibid.*, for "twenty rupees" (w.e.f. 1-10-1983). 3. Inserted by Act 24 of 1936, Section 53. 4. Substituted by Act 15 of 1983, Section 112, for "number" (w.e.f. 1-10-1983) 5. Substituted by Section 112, *ibid.*, for "Board" (w.e.f. 1-10-1983) 6. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

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 1[Executive Officer]. (2) 2[The Executive Officer] may, by notice in writing, require the owner or lessee of any land in the cantonment-- (a) to remove from the land any boundary wall, 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 3[orders of the Executive Officer], or which was in existence at the commencement of this Act, the 4[Board] shall make compensation for any damage caused by the removal thereof. (3) The 1[Executive Officer] 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. 1. Substituted by Section 113, *ibid.*, for "Board" (w.e.f. 1-10-1983). 2. Substituted by Act 15 of 1983, Section 113, for "A Board" (w.e.f. 1-10-1983). 3. Substituted by Section 113., *ibid.*, for "orders of the Board" (w.e.f. 1-10-1983). 4. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

195. Felling, Lopping And Trimming Of Trees :-

(1) Where, in the opinion of a 1[Board], the felling of any tree of mature growth standing in a private enclosure in the cantonment is necessary for any reason, the 1[Board] 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 1[Board] may-- (a) cause to be lopped or trimmed any tree standing on land in the cantonment which belongs to the 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

196. Digging Of Public Land :-

Whoever, without the permission in writing of the "[Board]", 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 1[two hundred and fifty rupees], and, in the case of a continuing offence, 2[with an additional fine] which may extend to 3[fifty rupees] for every day after the first during which the offence continues. 1. Substituted by Act 15 of 1983, Section 114, for "twenty rupees" (w.e.f. 1-10-1983). 2. Substituted by Act 8 of 1930, Section 2 and Schedule I, for "to an additional fine." 3. Substituted by Act 15 of 1983, Section 114, for "five rupees" (w.e.f. 1-10-1983).

197. Improper Use Of Land :-

(1) If, in the opinion of a "[Board]", 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 neighbourhood of such quarry or place, or creates, or is likely to create, a nuisance, the 1[Board] may, by notice in writing, prohibit the owner, lessee or occupier of such quarry or place or the person responsible for such 2[working] 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 1[Board] 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 1[Board] 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Substituted by Act 8 of 1930, Section 2 and Schedule I, for "making."

198. Public Markets And Slaughter-Houses :-

(1) A 1[Board] 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 weighment or measurement of goods sold therein. (2) When such market or slaughter-house is situated beyond cantonment limits, the 1[Board] shall have the same power for the inspection and proper regulation of the same as if it were situated within those limits. (3) The 1[Board] 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 1[Board], without the permission of such local authority or otherwise than on such conditions as such local authority may approve. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

199. Use Of Public Market :-

(1) No person shall, without the general or special permission in writing of the 1[Board], 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 1[Board] authorised by it in this behalf. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

200. Power To Transfer By Public Auction, Etc. :-

1[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 slaughterhouse, or the right to expose goods for sale in a public market or the right to weight or measure goods sold therein, or the right to slaughter animals in any public slaughterhouse : 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 2[or the Director],-- (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 :] 1[Provided further that the enjoyment of any such aforesaid right by any person for any length of time shall never be deemed to create or confer any tenancy right in such stall, shop, standing, shed, pen, public market or public slaughter-house.] 1. Substituted by Act 2 of 1954, Section 18, for the former section. 2. Inserted by Act 15 of 1983, Section 115 (w.e.f. 1-10-1983).

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 1[Board] may direct, shall be affixed in some conspicuous place in the market or slaughter-house. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

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 1[Board] : 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 1[Board], from setting apart places for the slaughter of animals in accordance with religious custom 2[* * *] (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 3[two hundred and fifty rupees] and, in the case of a continuing offence, with an additional fine which may extend to 4[fifty rupees] for every day after the first during which the offence is continued. 1.

Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Certain words omitted by Act 15 of 1983, Section 116 (w.e.f. 1-10-1983). 3. Substituted by Section 116, *ibid.* for "fifty rupees" (w.e.f. 1-10-1983). 4. Substituted by Section 116, *ibid.*, for "ten rupees" (w.e.f. 1-10-1983).

203. Conditions Of Grant Of Licence For Private Market Or Slaughterhouse :-

(1) A 1[Board] 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 1[Board] may refuse to grant any such licence without giving reasons for such refusal. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

204. Penalty For Keeping Market Or Slaughter-House Open Without Licence, Etc. :-

(1) Any person who keeps open for public use any market or slaughterhouse in respect of which a licence is required by or under this Act, without obtaining licence therefor, or while the licence therefor is suspended, or after the same has been cancelled, shall be punishable with fine which may extend to 1[two hundred and fifty rupees] and, in the case of a continuing offence, with an additional fine which may extend to 2[twenty-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 1[Board] 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. 1. Substituted by Act 15 of 1983, Section 117, for "fifty rupees" (w.e.f. 1-10-1983). 2. Substituted by Section 117, *ibid.*, for "five rupees" (w.e.f. 1-10-1983).

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 1[two hundred and fifty rupees] and, in the case of a continuing offence, with an additional fine which may extend to 2[twenty-five rupees] for every day after the first during which the offence is continued. 1. Substituted by Act 15 of 1983, Section 118, for "fifty rupees" (w.e.f. 1-10-1983). 2. Substituted by Section 117, *ibid.*, for "five rupees" (w.e.f. 1-10-1983).

206. Prohibition And Restriction Of Use Of Slaughter-Houses :-

(1) Where, in the opinion of the 1[Board], 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. 1. Substituted by Act 15 of 1983, Section 117, for "fifty rupees" (w.e.f. 1-10-1983).

207. Power To Inspect Slaughter-Houses :-

(1) Any servant of a 1[Board], authorised by order in writing in this behalf by 2[the President of the Board or the Executive officer] 3[* *] or the Health Officer, may, if he 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Substituted by Act 15 of 1983, Section 119, for "the President of the Board" (w.e.f. 1-10-1983). 3. The words "if any," Repealed by Act 24 of 1936, Section 54.

208. Power To Make Bye-Laws :-

A 1[Board] may, with the approval of the 2[Central Government], 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;3[* * *] (g) the destruction of carcasses which from disease or any other cause are found after slaughter to be unfit for human consumption; 4[(h) any other matter with respect to the regulation of such markets and slaughter-houses.] 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Substituted by the A.O. 1937, for "L.G." 3. The word "and" omitted by Act 15 of 1983, Section 120 (w.e.f. 1-10-1983). 4. Inserted by Section 120, ibid, (w.e.f. 1-10-1983).

209. Provision Of Washing Places :-

(1) A 1[Board] may provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use thereof as it thinks fit. (2) Where the 1[Board] 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 2[one hundred rupees]. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Substituted by Act 15 of 1983, Section 121, for "twenty rupees" (w.e.f. 1-10-1983).

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 makers 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; 1[(1) 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; 2[(ia) vendors of spirituous liquor;] 1[(j)] vendors of water to be used for drinking purposes; 1[(k)] washermen; 1[(l)] dealers in hay, straw, wood, charcoal or other inflammable material; 1[(m)] dealers in fire-works, kerosene oil, petroleum or any other inflammable oil or spirit; 1[(n)] tanners and dyers; 1[(o)] persons carrying on any trade or occupation from which offensive or unwholesome smells arise; 1[(p)] vendors of wheat, rice and other grain or of flour; 3[* * *] 2[(q)] makers and vendors of sugar or sweetmeats; 4[* * *] (r) barbers and keepers of shaving saloons; 2[(s) any other persons carrying on such other trade, calling or occupation as the Central Government may, by notification in the Official Gazette, specify in this behalf;] 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 5[Board]. (2) A licence granted under sub-section (1) shall be valid 6[until the end of the year in which it is issued] and the grant of such licence shall not be withheld by the 5[Board] 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 7[or] that the premises in which the business is intended to be established or maintained 8[are unfit or unsuitable] for the purpose. (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 in any part of 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 5[Board] not less than three months, notice in writing of his obligation to do so, and if the 5[Board] 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 of 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 the9[Petroleum Act, 1934 (30 of 1934)] or the Poisons Act, 1919, 12 of 1919. (4) The 10[Board] may charge for the grant of licences, under this section10[such reasonable fees], as it may fix with the previous sanction of the11[Central Government]. 1. The original clauses (j) to (r) were re-lettered (i) to (q) by Act 24 of 1934, Section 2 and Schedule I. 2. Inserted by Act 15 of 1983, Section 122 (w.e.f. 1-10-1983). 3. The word "and" Repealed by Act 24 of 1936, Section 55. 4. The word "and" omitted by Act 15 of 1983, Section 122 (w.e.f. 1-10-1983). 5. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 6. Substituted by Section 55, ibid for "for one year." 7. Inserted by Act 2 of 1954, Section 19. 8. Substituted by Act 15 of 1983, Section 122. for "are unsuitable" (w.e.f. 1-10-1983). 9. Substituted by, Act 15 of 1983, s, 122 for "Indian Petroleum Act, 1899" (w.e.f. 1-10-1983). 10. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 11. 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 1[Board] thinks fit to impose in accordance with bye-laws made under this Act. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

212. Power To Vary Licence :-

If a 1[Board] is satisfied that any place used under a licence granted under this Chapter is a nuisance or is likely to be dangerous to life, health or property, the 1[Board] 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 1[Board], render it no longer a nuisance or dangerous. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

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 1[five hundred rupees] and, in the case of a continuing offence, with an additional fine which may extend to 2[fifty rupees] for every day after the first during which the offence is continued. 1. Substituted by the A. O. 1937, for "L. G." 2. Substituted by Act 15 of 1983, Section 123, for "two hundred rupees" (w.e.f. 1-10-1983).

214. Feeding Animals On Dirt, Etc. :-

Whoever feeds or allows to be fed on filthy or deleterious substances any 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 1[Board] shall be punishable with fine which may extend to 2[two hundred rupees]. 1. Substituted by Section 123, *ibid.*, for "forty rupees" (w.e.f. 1-10-1983). 2. Substituted by Act 15 of 1983, Section 124 for "fifty rupees" (w.e.f. 1-10-1983).

215. Powers Of Entry And Seizure :-

(1) The President or the Vice-President 1[* * *], the Executive Officer, the Health Officer, the Assistant Health Officer, or any other officer or servant of a 2[Board] 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 3[who shall give orders as to its disposal]. (4) The owner or person in possession, at the time of seizure under sub-section (1), of any animal or carcase 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 is 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 4[five hundred rupees], and the animal, article, utensil, vessel or other thing shall be liable to be forfeited to the 5[Board] 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. 1. The words "of a Board" Repealed by Act 24 of 1936, Section 56. 2. Substituted by, Act 15 of 1983, Section 122 for certain words (w.e.f. 1-10-1983). 3. Inserted by Act 8 of 1944, Section 7. 4. Substituted by Act 15 of 1983, Section 125, for "one hundred rupees" (w.e.f. 1-10-1983). 5. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

216. Import Of Cattle And Flesh :-

(1) No person shall, without the permission in writing 1[of the Executive Officer], 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 2[Board]; 3[Provided that the Executive Officer shall not grant such permission unless recommended by the Health Officer.] (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 2[Board] and sold or otherwise disposed as the 4[President of the 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 5[two hundred and 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 2[Board] may, by public notice, direct that the provisions of this section shall apply to cured or preserved meat of any specified description or brought from any specified place. 1. Substituted by Act 15 of 1983, Section 126, for "of the Board" (w.e.f. 1-10-1983). 2. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 3. Inserted by Act 15 of 1983, Section 126 (w.e.f. 1-1-1983). 4. Substituted by Act 8 of 1944, Section 8, for "Board". 5. Substituted by Act 15 of 1983, Section 126, for "fifty rupees" (w.e.f. 1-10-1983).

CHAPTER 13

WATER-SUPPLY, DRAINAGE AND LIGHTING

217. Maintenance Of Water Supply :-

(1) In every cantonment where a sufficient supply of pure water for domestic use does not already exist, the 1[Board] shall provide or arrange for the provision of such a supply. (2) The 1[Board] 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

218. Control Over Sources Of Public Water-Supply :-

(1) The 1[Board] may, with the previous sanction of the 2[Central Government], 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 3[Military Engineer] 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 1[Board]. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority" 2. Substituted by the A.O. 1937 for "L.G.". 3. Substituted by Act 7 of 1925, Section 9, for "Military Works".

219. Power To Require Maintenance Or Closing Of Private Source Of Public Drinking Water-Supply :-

The 1[Executive Officer], may, by notice in writing, require the owner or 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 1[Executive Officer] may direct, or (c) if the water therein is proved to the satisfaction of the 1[Executive Officer] 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 2[Board] for the use of the public, and, if he does so, he shall not be bound to carry out the requisition, and the 2[Board] shall undertake the control and supervision of the well. 1. Substituted by Act 15 of 1983, Section 127, for "Board" (w.e.f. 1-10-1983). 2. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority"

220. Supply Of Water :-

The 1[Board] 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 so 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 1[Board] may determine. (3) All water supplied in excess of the quantity of which such supply is limited under subsection (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 1[Board] 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 purposes; (d) for gardens or for purposes of irrigation; (e) for making or watering roads or paths; or (f) for building purposes. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority"

221. Power To Require Water-Supply To Be Taken :-

If it appears to the 1[Executive Officer] that any building or land in the cantonment is without a proper supply pure water, the 1[Executive Officer] 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. 1. Substituted by Act. 15 of 1983, for "Board" (w.e.f. 1-10-1983)

222. Supply Of Water Under Agreement :-

(1) The 1[Board] 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 1[Board] and such owner, lessee or occupier. (2) The 1[Board] 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. 1. Substituted by Act. 24 of 1936, Section 69, for "Cantonment Authority".

223. Board Not Liable For Failure Of Supply :-

Notwithstanding any obligation imposed on 1[Boards] under this Act, a2[Board] 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 2[Board] has made express provision for forfeiture, penalty or damages in the event of such failure of curtailment. 1. Substituted by Section 69, ibid for "Cantonment Authorities". 2. Substituted by Act. 24 of 1936, Section 69, for "Cantonment Authority".

224. Conditions Of Universal Application :-

Notwithstanding anything hereinbefore contained or contained in any agreement under section 222, the supply of water by a 1[Board] 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 2[Board] 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 3[as the Executive Officer may appoint] in this behalf; (b) the Executive Officer or any other officer or servant of the 2[Board] 4[authorised by him] in writing in this behalf may enter into or on any premises supplied with water by the 2[Board], for the purpose of examining all pipes, taps, works and fitting connected with the supply of water and of ascertaining whether there is any waste or misuse of such water; (c) the 1[Executive Officer] 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 refused to admit the Executive Officer or other authorised officer or servant of the 2[Board] 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 wilfully or negligently misuses or causes waste of water; (iv) the occupier wilfully or negligently injures or damages his meter or any pipe or tap conveying water from the water works; (v) any pipes, taps, works

or fillings connected with the supply of water to the building or land are found, on examination 5[by any other officer of servant of the Board authorised by the Executive Officer in writing in this behalf], 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. 1. Substituted by Act. 15 of 1983, for "Board" (w.e.f. 1-10-1983) 2. Substituted by Act. 24 of 1936, Section 69, for "Cantonment Authority". 3. Substituted by Act 15 of 1983, Section 129, for "as the Board may appoint" (w.e.f. 1-10-1983). 4. Substituted by Section 129, *ibid.*, for "authorised by it" (w.e.f. 1-10-1983). 5. Substituted by Act 15 of 1983, Section 129, for "by the Executive Officer" (w.e.f. 1-10-1983).

225. Supply To Persons Outside Cantonment :-

A 1[Board] 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 may prescribe, and may at any time withdraw or curtail such supply. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

226. Penalty :-

Whoever-- (a) uses for other than domestic purposes any water supplied by a 1[Board] for domestic use, or (b) where water is supplied by agreement with a 1[Board] for a specified purpose, uses that water for any other purpose. shall be punishable with fine which may extend to 2[two hundred and fifty rupees], and the 1[Board] shall be entitled to recover from his the price of the water misused. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Substituted by Section 130, *ibid.*, for "fifty rupees" (w.e.f. 1-10-1983).

227. Power Of Board To Lay Wires Connections, Etc. :-

A 1[Board] 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 outfall of water or for the removal or outfall 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

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 up 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 1[Board] in respect of any substantial interference 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 1[Board] 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 1[Board]. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

230. Power To Prescribe Ferrules And To Establish Meters, Etc. :-

2[The Executive Officer] 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 3[measuring the quantity of any water or gas or testing the quality thereof] supplied to any

premises by the 1[Board]. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Substituted by Act 15 of 1983, Section 131, for "A Board" (w.e.f. 1-10-1983).

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 1[Board], and the pipes, fittings, and works inside any such house or within the limits of any such land, shall in all cases be 2[installed or] executed subject to the inspection and 3[to the satisfaction of the Executive Officer]. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Inserted by Act 8 of 1930, Section 2 and Schedule I. 3. Substituted by Act 15. of 1983. Section 132. for "to the satisfaction of the Board" (w.e.f. 1-10-1983)

232. Power To Fix Rates And Charges :-

A 1[Board] may fix the charges to be made for the establishment by them or through agency of communications from, and connections with, mains or pipes for the supply of water, or gas, or for meters or other appliances 2[for measuring the quantity, or testing the quality thereof] supplied, and may levy such charges accordingly. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Substituted by Section 133, ibid., for certain words (w.e.f. 1-10-1983).

233. Government Water Supply :-

(1) Where in any cantonment there is a water-supply under the control of the 1[Military Engineer] services or the Public Works Department, the officer of the 1[Military Engineer] services or of the Public Works Department, as the case may be, in charge of such water-supply (hereinafter in 2[this Chapter] 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 3[Board] is 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 3[Board] to exercise any power conferred upon 4[it] 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, 222, 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 3[Board] shall be construed as references to the Officer, and references to the Executive Officer or other officer or servant of the 3[Board] shall be construed as references to such person as may be authorised in this behalf by the Officer. 5[(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 other 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.] 1. Substituted by Act 7 of 1925, Section 9 for "Military Works". 2. Substituted by Act 24 of 1936, Section 57, for "this section and in section 234." 3. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 4. Substituted by Act 34 of 1939, Section 2 and Schedule I, for "that Authority". 5. Inserted by Act 15 of 1942, Section 10.

234. Recovery Of Charges :-

In any case in which the provisions of section 233 apply 2[and in which the Board is not receiving a bulk supply of water under section 234-A.] 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 1[Board], and all monies so recovered, or such proportion thereof as the 3[Central Government] may in each case determine, shall be paid by the 1[Board] to the Officer. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Inserted by Act 24 of 1936, Section 58. 3. Substituted by the A.O. 1937, for "L.G." Section

234A

- Supply of water from Government water-supply to the Board 1[(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 2[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 persons in the cantonment other than entitled consumers, the dispute shall be referred to the Central Government whose decision shall be final. 1. Sections 234-A and 234-B Inserted by Act 24 of 1936, Section 59. 2. Inserted by Act 15 of 1942, Section 11. Section

234B

- Functions of the Board in relation to distribution of bulk supply Where under the provisions of sub-section (1) of Section 234-A 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 14

REMOVAL ANDEXCLUSION FROM CANTONMENTS AND SUPPRESSION OF SEXUAL IMMORALITY

235. Power To Remove Brothels And Prostitutes :-

The 1[Officer Commanding the station] 2[or the Board] 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 2[or the Board] as the case may be either in person or by an authorised agent, and, if the 3[Officer Commanding the station] 2[or the Board] is then satisfied as to the truth of the information,4[the Officer Commanding the station or, as the case may be, the Board may], 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. 1. Substituted by Act 7 of 1925, Section 10, for

"Commanding Officer of a cantonment". 2. Inserted by Act 2 of 1954, Section 20 3. Substituted by Act 7 of 1925, Section 14, for "Commanding Officer of the cantonment". 4. Substituted by Act 2 of 1954, Section 20, for "he may".

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 2[five 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 Military³[, Naval] or Air Force Police, being employed in the cantonment and authorised in this behalf by the 1[Officer Commanding the station], in whose presence the offence was committed, or of a police officer not below the rank of a sub-inspector ⁴[or a sergeant] who is employed in the cantonment and authorised in this behalf by the 1[Officer Commanding the station] ⁴[with the concurrence of the District Magistrate]. 1. Substituted by Act 7 of 1925, Section 14, for "Commanding Officer of the cantonment". 2. Substituted by Act 15 of 1983, Section 134, for "two hundred rupees" (w.e.f. 1-10-1983). 3. Inserted by Section 134, ibid, (w.e.f. 1-10-1983). 4. Inserted by Act. 7 of 1931, Section 7.

237. Removal Of Persons From Cantonment :-

If the 1[Officer Commanding the station] ²[or the Board] is, after such inquiry³[as he or it 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, ⁴[he or, as the case may be, the Board 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 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 5[Officer Commanding the station] ²[or the Board]. 1. Substituted by Act 7 of 1925, Section 10, for "Commanding Officer of a Cantonment". 2. Inserted by Act 2 of 1954 3. Substituted by Section 21, ibid., " for as he thinks necessary." 4. Substituted by Section 21, ibid, for "he may."

5. Substituted by Act 7 of 1925, Section 14, for "Commanding Officer of a Cantonment".

238. Removal And Exclusion From Cantonments Of Disorderly Persons :-

(1) A 3[Judicial 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 45. (c)4[* * * *] (d) has been ordered under Chapter VIII of the 5[Code of Criminal Procedure, 1973 (2 of 1974)], 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 be 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 be prohibited from re-entering the cantonment, the Magistrate shall report the after to the 2[Officer Commanding the station], and, if the 2[Officer Commanding the station] 6[so agrees], shall cause toe 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 re-entering it without the permission in writing of the 1[Officer Commanding the station]. 1. Substituted by Section 21, *ibid.*," for as he thinks necessary." 2. Substituted by Act 7 of 1925, Section 14, for "Commanding Officer of a Cantonment". 3. Substituted by Act 15 of 1983, Section 135, for "Magistrate of the first class" (w.e.f. 1-10-1983). 4. Clause (c) omitted by Act 15 of 1983, Section 135. (w.e.f. 1-10-1983). 5.

Substituted by Section 135, *ibid.*, for "Code of Criminal Procedure, 1898" (w.e.f. 1-10-1983). 6. Substituted by Act 15 of 1983, Section 135, for "so directs" (w.e.f. 1-10-1983).

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 1[Forces] or is a person who the 2[Officer Commanding the station] has reason to believe, is likely to do any such act, the 2[Officer Commanding the station] may make an order in writing setting forth the reasons 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 2[Officer Commanding the station] : 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 not 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 (i), the 2[Officer Commanding the station] shall forthwith send a copy of the same to the 3[Central Government]. (4) The 3[Central Government] may, of its own motion, and shall, on application, made to 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 3[Central Government] 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 3[Central Government] 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, 4[make such order thereon as it 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. 1. Substituted by Act 15 of 1983, Section 136, for "Armed forces of the Union" (w.e.f. 1-10-1983). 2. Substituted by Act 7 of 1925, Section 14, for "Commanding officer of the Cantonment". 3. Substituted by the A.O. 1937, for "L.G." 4. Substituted by A.O. 1937 for "refer the case to the G.G. in C, who shall pass such orders thereon as he thinks fit."

240. Penalty :-

Whoever-- (a) fails to comply with an order issued under this 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 1[five hundred rupees], and, in the case of a continuing offence, with an additional fine which may extend to 2[fifty rupees] for every day after the first during which he has persisted in the offence. 1. Substituted by Act 15 of 1983, Section 137, for "two hundred rupees" (w.e.f. 1-10-1983). 2. Substituted by Section 137, ibid., for "twenty rupees" (w.e.f. 1-10-1983).

CHAPTER 15

POWERS, PROCEDURE, PENALTIES AND APPEALS

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 1[authorised by the Executive Officer or the Health Officer] or the Assistant Health Officer, or for any other person authorised by general or special order of a 2[Board] in this behalf, to enter into or upon any building or land with or without assistants 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, by-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 authorised the conferment upon any person of any such power. 1. Substituted by

Act 15 of 1983, Section 138, for "Authorised by the Health Officer" (w.e.f. 1-10-1983). 2. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

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, any register, book, accounts or other document belonging to, or in the possession of, the Board.

243. Power Of Inspection, Etc. :-

(1) A 1[Board] 2[or the Executive Officer] may, by general or special order, authorised 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 chattel, 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 1[Board] 2[or the Executive Officer]. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Inserted by Act 15 of 1983, Section 139 (w.e.f. 1-10-1983).

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 on 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 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 be 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. 1[Board] to the owner or occupier of such land, or to both, for any such damage whether permanent or temporary. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

245. Breaking Into Premises :-

It shall be lawful for any person, authorised by under this Act to make any entry into any place, to open 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 Act, on 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 : 2[Provided that no such notice shall be necessary if the place to be inspected is a factory or workshop or trade premises or a place used for carrying on any trade, calling or occupation specified in section 210 or a stable for horses or a shed for cattle or a latrine, privy or urinal or a work under construction, or for the purpose of ascertaining whether any animal intended for human food is slaughtered in that place in contravention of this Act or any bye-law made thereunder.] 1. Substituted by Act 15 of 1983, Section 140, for the proviso (w.e.f. 1-10-1983).

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 females 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 2[acting on behalf of the Board], who is not a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860) or any person with whom the 1[Board] 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 fulfilment of his contract, as the case may be, shall be punishable with fine which may extend to 3[five hundred rupees]. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Substituted by Section 141, *ibid.*, for "employed by a Board" (w.e.f. 1-10-1983). 3. Substituted by Act 15 of 1983, Section 141, for "one hundred rupees" (w.e.f. 1-10-1983).

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 Military¹[Naval] or Air Force Police, who is employed in the cantonment and authorised in this behalf by the²[Officer Commanding the station], 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 the²[Officer Commanding the station]. 1. Inserted by Act 15 of 1983 Section 142, (w.e.f. 1-10-1983). 2. Substituted by Act 7 of 1925, Section 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 1[Board] of the 2[commission of, or attempt to commit, 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Substituted by Act 15 of 1983, Section 143, for "commission of any offence" (w.e.f. 1-10-1983)

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 :-

2[(1)] Every notice, order or requisition issued by a 1[Board] under this Act or any rule or bye-law made thereunder shall be signed--
(a) 3[* * *] either by the President of the Board or by the Executive Officer, or, 4[* * *] (b) by the members of any committee especially authorised by the 1[Board] in this behalf.
5[(2) Whenever under this Act or any rule or bye-law made thereunder the doing of, or the omission to do, anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of the Board, a written document signed by any officer or member specified in sub-section (1) purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof. (3) Every licence, written permission, notice, bill, summons or other document which is required by this Act or any rule or bye-law made thereunder to bear the signature of the President, Vice-President or Executive Officer, or of any such member of any committee as has been specially authorised by the Board in this behalf shall be deemed to be properly signed if it bears facsimile of the signature of any such officer or member, as the case be, stamped thereon.] 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Renumbered as sub-section (1) by Section 144, ibid, (w.e.f. 1-10-1983). 3. The words "where there is a Board" were re. by Act 24 of 1936, Section 60. 4. The words "where there is no

Board by the Executive Officer, or" Repealed by Section 60, *ibid.* 5. Inserted by Act 15 of 1983, Section 144 (w.e.f. 1-10-1983).

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 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, if 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, 1[to any one of them]; or (b) if no 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 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. 1. Substituted by Act 32 of 1940, Section 3 and Schedule II for "an anyone of them."

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 1[Board], or in such other public place, during such period or is published in such local newspaper or in such other manner, as the

1[Board] may direct. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

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 1[Board] 2[or the civil area committee or the Executive Officer at whose instance the notice, order or requisition has been issued], 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 or such steps as maybe 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 3[recoverable by the Executive Officer] on demand, and if not paid within ten days after such demand, shall be recoverable in the same manner as moneys recoverable by the Board under section 259 : Provided that where the action or step relates to the demolition of any erection or re erection under section 185 or the removal of any projection or encroachment under section 187, the Board or the civil area committee or the Executive Officer may request any police officer to render such assistance as considered necessary for the lawful exercise of any power in this regard and it shall be the duty of such police officer to render forthwith such assistance on such requisition. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Inserted by Act 15 of 1983, Section 145 (w.e.f. 1-10-1983). 3. Substituted by Act 15 of 1983, Section 145, for "recoverable by the Board" (w.e.f. 1-10-1983). Section

256A

- Occupier not to obstruct owner when complying with notice 1[If the owner of any property in respect of which a notice as is referred to in section 256 has been given is prevented by the occupier from complying with such notice, the Board or the civil area committee or the Executive Officer at whose instance such notice has been given, may, by order, require the said occupier to permit the owner within eight days from the date of service of such notice to take all such action as may be necessary to comply with the said notice and such owner shall, for the period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of non-compliance with

such notice. 1. Inserted by Section 146, ibid (w.e.f. 1-10-1983).

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 1[Board] 2[or the civil area committee or the Executive Officer at whose instance such notice has been issued] may require any occupier of such property or of any part thereof to 3[pay to it or him], 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 : 4[Provided that, if the occupier, on application made to him by the Board or the civil area committee or the Executive Officer at whose instance such notice has been issued, refuses truly to disclose the amount of his rent or the name or address of the person to whom it is payable, the Executive Officer may recover from the occupier the whole amount recoverable under section 256 in the same manner as moneys recoverable by the Board under section 259.] (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. 1. Substituted by Act. 24 of 1936, Section 69, for "Cantonment Authority". 2. Inserted by Act 15 of 1983, s.147 (w.e.f. 1-10-1983). 3. Substituted by Section 147, ibid., for "pay to it" (w.e.f. 1-10-1983). 4. Substituted by Act 15 of 1983, Section 147, for the proviso (w.e.f. 1-10-1983).

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 1[Board] may, by notice in writing, require him, to apply to the discharge of such obligation as aforesaid the first monies 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

259. Method Of Recovery :-

1[(1) Notwithstanding anything elsewhere contained in this Act, 2[arrears of any tax, 3[and any other money recoverable, including rent on land and buildings due under leases or licences executed by or in favour of a Board or the Defence 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 4[Judicial Magistrate] having jurisdiction in the cantonment or in any place where the person from whom such 5[tax, rent or money] is recoverable may for the time being be residing, 6[either by the distress and sale of movable property of such person, or by the attachment and sale of immovable property of that person, which is within the limits of the jurisdiction of such Judicial Magistrate, or by both these methods], and shall, if payable by the owner of any property as such, be a charge on the property until paid : Provided that the tools of artisans 7[growing crops up to the value of five hundred rupees and implements and cattle used for the purposes of agriculture] shall be exempt from such distress or sale. (2) An application to a 4[Judicial 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 7[or the 8[Defence Estates Officer]], but shall not require to be personally presented.] 9[(3) Upon receiving the application, the Judicial Magistrate referred to in sub-section (1) may take, action for the recovery of the amount of tax, rent or money from the person specified in the application as if such amount were a fine recoverable under a sentence passed by him and the provisions of sections 421 and 422 of the Code of Criminal Procedure, 1973, (2 of 1974) shall, so far as may be, apply to the recovery of such amount: Provided that the recovery of no such amount shall be made by the arrest or detention in prison of the said person. 1. Substituted by Act 24 of 1936, Section 61, for the original section. 2. Substituted by Act, 2 of 1954, Section 22, for "arrears of any tax and any other money recoverable by a Board under this Act. 3. Substituted by Act 15 of 1983, Section 148, for certain words (w.e.f. 1-10-1983). 4. Substituted by Section 148, ibid., for "Magistrate" (w.e.f. 1-10-1983). 5. Substituted by Act 2 of 1954, Section 22, for "tax or money." 6. Substituted by Act 15 of 1983, Section 148 for certain

words (w.e.f. 1-10-1983) 7. Inserted by Act 2 of 1954, Section 22, ibid. 8. Substituted by Act 15 of 1983, Section 148 "Military Estates Officer." (w.e.f. 1-10-1983). 9. Inserted by Section 148, ibid. (w.e.f. 1-10-1983).

260. Application For A Committee Of Arbitration :-

In the event of any disagreement as to the liability of a 1[Board] 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 1[Board] for the reference of the matter to a Committee of Arbitration, and the 1[Board] shall forthwith proceed to convene a Committee of Arbitration to determine the matter in dispute. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

261. Procedure For Convening Committee Of Arbitration :-

(1) When a Committee of Arbitration is to be convened, the 1[Board] 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

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 1[Board], and who shall be nominated by the 2[Officer Commanding the station]; (b) two persons nominated by the 1[Board]; and (c) two persons nominated by the other party concerned, 3[* * *]. (2) If the 1[Board] or the other party concerned or the 2[Officer Commanding the station] 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 1[Board] 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Substituted by Act 7 of 1925, Section 14, for "Cantonment Officer of the cantonment." 3. The words "who shall be persons liable to pay taxes in the cantonment and ordinarily resident therein or in the immediate vicinity thereof Repealed by Act 24 of 1936, Section 62.

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 purpose 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 1[Board] 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

264. Meetings And Powers Of Committees Of Arbitration :-

(1) When a Committee of Arbitration has been duly constituted, the 1[Board] 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 meeting, 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 process for the attendance of witnesses and the production of documents required by the Committee, and may enforce the said process as if they were processes for attendance of production before himself. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

265. Decisions Of Committees Of Arbitration :-

(1) The decision of every Committee of 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.

266. Prosecutions :-

2[(1)] 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 1[Board] concerned or a person authorised by the 1[Board] by a general or special order in this behalf. 3[* * * *]. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority." 2. Section 266 was re-numbered as sub-section (1) of that section by Act 24 of 1936, Section 63. 3. Omitted by Act 15 of 1983, Section 149 (w.e.f. 1-10-1983).

267. Composition Of Offence :-

(1) A 1[Board], 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 1[Board], 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority."

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 1[five hundred rupees], and, in the case of a continuing failure or contravention, with an additional fine which may extend to 2[fifty rupees] for every day after the first during which he has persisted in the failure of contravention. 1.

Substituted by Section 150, *ibid*, for "two hundred rupees" (w.e.f. 1-10-1983). 2. Substituted by Act 15 of 1983, Section 150, for "twenty rupees" (w.e.f. 1-10-1983) Section

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- Offences by companies 1[(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly : Provided that nothing contained in this subsection shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in subsection (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation.-- For the purpose of this section,-- (a) "company" means any body corporate and includes a firm or other association of individuals; and (b) "director", in relation to a firm, means a partner in the firm.] 1. Inserted by Section 151, *ibid*. (w.e.f. 1-10-1983).

269. Cancellation Or Suspension Of Licences, Etc. :-

1[Where any person to whom a licence or written permissions has been granted under this Act or any agent or servant of such person commits a breach of any of the conditions thereof, or of any bye-law made under this Act for the purpose of regulating the manner or circumstances in, or the conditions subject to, which anything permitted by such licence or written permission is to be or may be done, or where the Board or the civil area committee, as the case may be, is satisfied that such licence or written permission has been secured by the holder through misrepresentation or fraud, the Board or the civil area committee, as the case may be, may, without prejudice to any other penalty which may have been incurred under this Act, by order in writing, cancel the licence or written permission or suspend it for such period as it thinks fit: Provided that no such order shall be made unless an opportunity has been given to the holder of the licence or written permission to show cause why it should not be made. 1. Substituted by Act 15 of

1983, Section 152, for Section 269 (w.e.f. 1-10-1983).

270. Recovery Of Amount Payable In Respect Of Damage To Cantonment Property :-

Where any person has incurred a penalty by reason of having caused any damage to the property of a 1[Board], 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 2[by the Judicial Magistrate] by whom the person incurring such penalty is convicted, and, on non-payment of such amount on demand, the demand, the same shall be recovered 3[either by the distress and sale of the movable property of such person, or by the attachment and sale of the immovable property of that person, or by both these methods and the Judicial Magistrate shall recover the amount in accordance with the provisions of sections 421 and 422 of the Code of Criminal Procedure, 1973 (2 of 1974) as if it were a fine recoverable under a sentence passed by him]. 1. Substituted by Act. 24 of 1936, Section 69, for "Cantonment Authority." 2. Substituted by Act. 15 of 1983, Section 153, for "by the Magistrate" (w.e.f. 1-10-1983). 3. Substituted by Section 153, ibid, for certain words (w.e.f. 1-10-1983)

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 1[Judicial Magistrate] within the six months aforesaid. 1. Substituted by Act 15 of 1983, Section 154, for "Magistrate" (w.e.f. 1-10-1983)

272. Protection Of Board, Executive Officer, Etc. :-

No suit or prosecution shall be entertained in any court against any 1[Board] 2[* * *] or against any 3[Officer Commanding a station or against any member of a Board, or against any officer or servant of a 1[Board], for anything in good faith done, or intended to be done, under this Act or any rule or bye-law made thereunder. 1. Substituted by Act. 24 of 1936, Section 69, for "Cantonment Authority." 2. The words "or authority appointed under sub-section (2) of section 10" Repealed by Act 24 of 1936, Section 64. 3. Substituted by Act 7 of 11925, Section 11, for "Commanding Officer of a Cantonment."

273. Notice To Be Given Of Suits :-

(1) No suit shall be instituted against any 1[Board] or against any

member of a Board, or against any officer or servant of a 1[Board], 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 1[Board], 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 1[Board], 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 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 proceedings. 1. Substituted by Act. 24 of 1936, Section 69, for "Cantonment Authority."

274. Appeals From Executive Orders :-

(1) Any person aggrieved by any order described in the 1[third column] of Schedule V may appeal to the authority specified in that behalf in the 1[fourth 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 2[fifth column] of the said Schedule. (3) The period specified as aforesaid shall be computed in accordance with the provisions of the 3[Limitation Act, 1963 (36 of 1963)], with respect to the computation of periods of limitation thereunder. 1. Substituted by Act. 15 of 1983, Section 155, for "second column" and "third column" (w.e.f. 1-10-1983). 2. Substituted by Section 155, ibid., for "fourth column" (w.e.f. 1-10-1983). 3. Substituted by Act 15 of 1983, Section 155, for "Indian Limitation Act, 1908" (w.e.f. 1-10-1983).

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 attach thereto any report which it may desire to make by way of explanation.

276. Suspension Of Action Pending, Appeal :-

1[On the admission of an appeal from an order, other than an order contained in a notice issued under section 140, section 176, section 181, section 206 or section 238, where the appellate authority so directs, 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.] 1. Substituted by Act 15 of 1983, Section 156, for section 276 (w.e.f. 1-10-1983).

277. Revision :-

1[(i)] Where an appeal from an order made by the 2[Board] has been disposed of by the District Magistrate, either party to the proceedings may, within thirty days from the date thereof, apply, through the 3[Officer Commanding-in-Chief, the Command], to the 4[Central Government], or to such authority as the 4[Central Government] may appoint in this behalf, for a revision of the decision. 1[(2)] The provisions of this Chapter with respect to appeals shall apply, as far as may be, to application for revision made under this section. 1. The original sub-section (1) omitted and sub-sections (2) and (3) re-numbered (1) and (2) by Act 35 of 1926, Section 9. 2. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 3. Substituted by Act 35 of 1926 Section 9, for "Officer Commanding the District". 4. Substituted by the A.O. 1937, for "L.G.".

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.

280. Power To Make Rules :-

(1) The Central Government may, after previous publication, make rules¹ to carry out the purposes and objects of this Act. (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 ; ²[(bb) the allotment to a ³[Board] of a share of the rents and profits accruing from property entrusted to its management under the provisions of section 116-A;] ⁴[(c) the tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence and other conditions of service of servants of Boards ;] (d) the circumstances in which security shall be demanded from servants of ³[Board] and the amount and nature of security ; ⁵[* * *]. ⁵[* * *]. (g) the keeping of accounts by ³[Board] and the manner in which, such accounts shall be audited and published; (h) the definition of the persons by whom, and the manner which, money may be paid out of a cantonment fund; ⁶[* * *]. (i) the preparation of estimates of income and expenditure by ³[Board] 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 of Arbitration; and (k) the prescribing of registers, statements and forms to be used and maintained by any authority for the purposes of this Act; ⁷[(l) the grant of leave to the members of the Board; (m) the form of notices required to be sent under this Act and the manner of their service.].

1. For the Cantonment Account Code, 1924 see Gazette of India, 1924, Pt. I, p. 949, For the Cantonment Property Rules, 1925, see 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, pp. 1563, 1841, and *ibid.*, 1938, Pt. I, p. 968, respectively. 2. Inserted by Act, 7 of 1925, Section 12. 3. Substituted by Act, 24 of 1936, Section 69, for "Cantonment Authority". 4. Substituted by Act 15 of 1983, Section 157 for clause (c) (w.e.f. 1-10-1983). 5. Clauses (cc), (e) and (f) omitted, by Section *ibid*, (w.e.f. 1-10-1983). 6. Clause (hh) inserted by Act No.35 of 1926 Section 10 Repealed by Section 66. 7. Inserted by Act 2 of 1954, Section 23.

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. 1[(1-A) The Power to make rules under clause (c) of sub-section (2) of section 280 shall include the power to give retrospective effect from a date not earlier than the date of commencement of the Cantonments (Amendment) Act, 1983, to the rules or any of them but no retrospective effect shall be given to any rule so as to prejudicially affect the interests of any person to whom such rule may be applicable : Provided that where any rule has to be given retrospective operation, the reasons therefor and the effect of giving such retrospective operation shall be published alongwith the draft of the rules when such draft is published for eliciting public opinion under sub-section (I) of section 280.] (2) All 2[rules made under this Act] 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. 3[(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both the Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.] 1. Inserted by Act, 15 of 1983, Section 158 (w.e.f. 1-10-1983). 2. Substituted by Act 15 of 1983, Section 158, for "rules so made" (w.e.f. 1-10-1983). 3. Inserted by s.158, ibid, (w.e.f. 1-10-1983).

282. Power To Make Bye-Laws :-

Subject to the provisions of this Act and of the rules made thereunder a1[Board] may, in addition to any bye-laws which it is empowered to make by any other provisions of this Act, make bye-laws which it is empowered to make by any other provisions of this Act, make bye-laws 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[(2) the enforcement of compulsory vaccination and inoculation and levy of

fees where such vaccination or inoculation is carried out at the houses of residents;] (3) the regulation of the collection and recovery of taxes, tools and fees under this Act and the refund of taxes; 3[(4) the regulation of any description of traffic in the streets and the enforcement of measures for the reduction of noise caused thereby of the prohibition of any description of such traffic;] (5) the manner in which vehicles standing drive, 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 4[and regulation and control of cattle pounds]; (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 of 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 or occupation of any street or place by itinerant vendors or by any person for the sale of articles or the exercise of any calling or the setting up of any booth or stall, and the fees chargeable for such use of occupation; (14) the regulation and control of encamping grounds, 5* * * sarias, 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 6[under section 124 or 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 4[and the fees chargeable in respect thereof]; (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; 4[(19-A) the form of and the particulars which shall be contained in a development scheme or an improvement scheme and the manner in which such scheme shall be framed or altered;] (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 grazing of animals 4[and the fees chargeable in respect thereof]; (22) the fixing and regulations 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 3[or used for hawking articles]; (c) for the proprietors or drivers of vehicles, boats or other conveyances, or of animals kept or plying for hire 3[or used for hawking articles]; 7 * * * (d) for persons impelling or carrying such vehicles or other conveyances; 8[or] 8[(e) for persons practising as nuses, midwives or dais ;] (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); 3[27-A) the prescribing of fee payable for any licence (except as otherwise specifically provided in the Act) or for any written permission granted by the Board;] (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 occasions a nuisance, and for the regulation or prohibition of which no provisions 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 agents, 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, of animals suffering or reasonably suspected to be suffering from and infectious or contagious disease; (32) the supervision, regulation, conservation and protection from injury, contamination or trespass of source 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 the making of excavations, or of the removal of soil or quarrying, where such regulation or prohibition appears to the¹[Board] ³[to be not prejudicial to the maintenance of ecological balance and] 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 of premises within the cantonment as ⁹[stables, kennels, sties] or cow houses or as accommodation for sheep, goats or fowls; (38) the control of the use in the cantonment of mechanical whistles, syrens or trumpets; ¹⁰[* * *]. ³[(39)]the regulation of supply of copies of official document and prescribing the fee payable in respect thereof; (40) the regulation of permission for granting licence for use of loudspeakers and prescribing the fee payable in respect thereof;] ¹¹[(41)] generally for the regulation of the administration of the cantonment under this Act. 1. Substituted by Act. 24 of 1936, Section 69, for "Cantonment Authority". 2. Substituted by Act 15 of 1983, Section 159, for clause (2) and (4) (w.e.f. 1-10-1983). 3. Inserted by Act 15 of 1983, Section 159, (w.e.f. 1-10-1983). 4. Inserted by

Section 159, *ibid*, (w.e.f. 1-10-1983). 5. The words "pounds, washing-places," omitted by Act 15 of 1983, Section 159 (w.e.f. 1-10-1983). 6. Substituted by Section 159, *ibid*., for "under section 210" (w.e.f. 1-10-1983). 7. The word "or" Repealed by Act 15 of 1942, Section 12. 8. Inserted by Section 12, *ibid*. 9. Substituted by Act 15 of 1983, Section 159, for "stables" (w.e.f. 1-10-1983). 10. The word "and" omitted by Section 159 *ibid*, (w.e.f. 1-10-1983). 11. Clause (39) renumbered as clause (41) by Section 159, *ibid* (w.e.f. 1-10-1983).

283. Penalty For Breach Of Bye-Laws :-

1[(1)]Any bye-law made by a 2[Board] under this Act may provide that a contravention thereof shall be punishable-- (a) with fine which may extend to 3[five hundred rupees]; or (6) with fine which may extent to 3(five hundred rupees) and, in the case of a continuing contravention, with an additional fine which may extend to 4[fifty rupees] for every day during which such contravention continues after conviction for the first such contravention; or (c) with fine which may extend to 5[fifteen rupees] for every day during which the contravention continues after the receipt of a notice from the 2[Board] by the person contravening the bye-law requiring such person to discontinue such contravention. 6[(2) Any such bye-law may also provide that a person contravening the same shall be required to remedy, so far as lies in his power, the damage or mischief or mischief, if any, caused by such contravention.] 1. Renumbered at sub-section (1) by Section 160, *ibid* (w.e.f. 1-10-1983). 2. Substituted by Act 24 of 1936 Section 69, "Cantonment Authority". 3. Substituted by Section 160, *ibid* for "one hundred rupees" (w.e.f. 1-10-1983). 4. Substituted by Section 160, *ibid*, for "twenty rupees" (w.e.f. 1-10-1983). 5. Substituted by Act No. 15 of 1983, Section 160 for "ten rupees" (w.e.f. 1-10-1983) 6. Inserted by Act 15 of 1983, Section 160 (w.e.f. 1-10-1983).

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 1[Central Government] and published in the Official Gazette. (2) The 1[Central Government] in conforming a bye-law may make any change therein which appears to it to be necessary. (3) The 1[Central Government] 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. 2[(4) Every bye-law made under this Act and every order made under sub-section (3) shall be laid as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the bye-law or order or both Houses agree that the bye-law or order should not be made, the bye-law or order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that bye-law or order.] 1. Substituted by the A.O. 1937 for "L.G." 2. Inserted by Act 15 of 1983, Section 161(w.e.f. 1-10-1983).

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 2[Board] 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 of the 1[Board] 2[and shall be sold to the public at cost price singly, or in collections at the option of the purchaser]. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Substituted by Act 24 of 1936, S 67 for "for sale to the public".

CHAPTER 17

SUPPLEMENTAL PROVISIONS

286. Extension Of Certain Provisions Of The Act And Rules To Places Beyond Cantonments :-

The 1[Central Government] 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. 1. Substituted by the A.O. 1937, for "L.G." Section

- Power to delegate functions to the President, etc. 1[(1) 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 clause (b) of sub-section (5) of section 119, section 161, section 163, section 168, section 169, section 196 and section 197. (2) The civil area committee may, by passing a similar resolution, delegate subject to such conditions, if any, as may be specified in such resolution, all or any of its functions under section 189 and section 195 to the Vice-President, Executive Officer or Health Officer.] 1. Substituted by Act 15 of 1983, Section 162

287. Registration :-

(1) Paragraphs 2 and 3 of Section 54, and sections 59, 107 and 123 of the Transfer of Property Act, 1882, (4 of 1882) with respect to the transfer of property by registered instrument, shall, on and from the commencement of this Act, extend to every cantonment. 1[(2) The Registrar or Sub-Registrar of the district or sub-district formed for the purposes of the 2[Registration Act], 1908, (16 of 1908) in which any cantonment is situated, shall, 3[when any document relating to immovable property within the cantonment is registered, send information of the registration] forthwith 4[to the Executive Officer and the Defence Estates Officer and] such other authority as the Central Government may prescribe in this behalf.] 1. Substituted by Act 35 of 1926, Section 11, for the original sub-section. 2. Substituted by Act 15 of 1983, Section 163, for "Indian Registration Act" (w.e.f. 1-10-1983). 3. Substituted by Act 10 of 1927, Section 2 and Schedule 1, for the original words. 4. Substituted by Act 15 of 1983, Section 163, for "to the Board or" (w.e.f. 1-10-1983).

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 form.

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 1[Board] shall, if duly certified by the legal keeper thereof or other person authorised 2[by the Executive Officer] 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Substituted by Act 15 of 1983, Section 164 "by the Hoard" (w.e.f. 1-10-1983.)

290. Evidence By Officer Or Servant Of The Board :-

No Officer or servant of a 1[Board] shall, in any legal proceeding to which the1[Board] 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. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".

291. Application Of Act 4 Of 1899 :-

For the purposes of the Government Building Act, 1899, cantonments and1[Boards] shall be deemed to be municipalities and municipal authorities respectively 2[and the references to State Government in section 4 of that Act shall be construed as references to Central Government]. 1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority". 2. Inserted by Act 15 of 1983, Section 165 (w.e.f. 1-10-1983).

292. Repealed :-

Repealed by the Repealing Act, 1927 (12 of 1927), Section 2 and Sch.

SCHEDULE 1
SCHEDULE I

NOTICE OF DEMAND

(See section 91)

To

resident at

Take notice that the 1[Board] demands from the sum of due from on account of (here describe the property, occupation, circumstances or thing in respect of which the sum is payable) leviable under for the period of commencing on the day of 19 , and ending on the day of 19 , and that if, within thirty days from the service of this notice, the said sum is not paid to 1 [Board] at or sufficient cause for non-payment is not shown to the satisfaction of the Executive Officer, a warrant of2[distress*/attachment will be issued for the recovery of the same with costs.

Dated this	day of	19
	Signed	
		Executive Officer, Cantonment

3[* Strike out whichever is not applicable.]

1. Substituted by Act 24 of 1936, Section 69, for "Cantonment Authority".
2. Substituted by Act 15 of 1983 Section 166, for "distress" (w.e.f. 1-10-1983).
3. Inserted by Section 166, *ibid*, (w.e.f. 1-10-1983).

SCHEDULE 2

SCHEDULE II

FORM OF WARRANT

(See section 92)

(Here insert the name of the officer charged with the execution of the warrant.)

Whereas A.B. of has not paid, and has not shown satisfactory cause for the non-payment of, the sum of due on account of for the period of commencing on the day of 19 , and ending with the day of 19 , with sum is leviable under.

And whereas thirty days have elapsed since the service on him of notice of demand for the same. - This is to command you to 1[distrain*/attached subject to the provisions of the Cantonments Act the 2[movable/immovable property of the said A.B. to the amount of the said sum of Rs. ; and forthwith to certify to me, together with this warrant, all particulars of the property 3[seized*/attached by you thereunder.

Dated this day of 19

(Signed)

Executive Officer,
Cantonment

4[Strike out whichever is not applicable.]

Here describe the liability.

1. Substituted by Act 15 of 1983, Section 167, for "distrain" (w.e.f. 1-10-1983).
2. Substituted by Section 167, *ibid*., for "movable" (w.e.f. 1-10-1983).
3. Substituted by Section 167, *ibid*, for "seized" (w.e.f. 1-10-1983).
4. Inserted by Section 167, *ibid*, (w.e.f. 1-10-1983).

SCHEDULE 3

SCHEDULE III

FORM OF INVENTORY OF PROPERTY DISTRAINED AND NOTICE OF SALE

(See section 93)

To

resident at

Taking notice that I have this day seized the property specified in the inventory annexed hereto, for the value of due for the liability* mentioned in the margin for the period commencing with the day of 19 and ending with the day of 19 together with Rs. due for service of notice of demand, and that, unless within seven days from the date of the service Of this notice you pay to the 1[Board] the said amount, together with the costs of recovery, the said property will be sold by public auction.

Dated this day of 19

(Signature of officer executing the warrant.)

INVENTORY

(Here state particulars of property seized).

1. Substituted by Act 24 of 1936, Section 69, "Cantonment Authority"

SCHEDULE 4

SCHEDULE IV

CASES IN WHICH POLICE MAY ARREST WITHOUT WARRANT

(See section 250)

1	2
Section	Subject
	PART A
118 (1) (a) (i).....	Drunkenness, etc
167	Making or selling of food, etc, or washing of clothes, by infected person.
	PART B
118 (1) (a) (ii)	Using threatening or abusive words, etc.
118 (1) (a) (iii)	Indecent exposure of persons, etc.
118 (1) (a) (iv)	Begging.
118 (1) (a) (v)	Exposing deformity, etc.
118 (1) (a) (vii)	Gaming.
118 (1) (a) (xii)	Destroying notice, etc.
118 (1) (a) (xiii)	Breaking direction-post, etc.
118 (1) (f)	Keeping common gaming-house, etc.
118 (1) (g)	Beating drum, etc.
118 (1) (h)	Singing, etc., so as to disturb peace or order.
119 (6)	Setting loose, or setting on, ferocious dog.
125	Discharging fire-arms, etc., so as to cause danger.
176(1)	Remaining in, or re-entering, cantonment after notice of expulsion or failure to attend hospital or dispensary.
193(2)	Destroying, etc., name of street or number affixed to building.
214	Feeding animal on fifth, etc.
236	Loitering or importuning for sexual immorality.
240(a)	Remaining in, or returning to, a cantonment after notice of expulsion.

SCHEDULE 5

SCHEDULE V

APPEALS FROM ORDERS

(See section 274)

1	2	3	4	5
S.No.	Section	Executive Order	Appellate Authority	Time allowed for appeal

1	126	Notice to remove, repair, protect or enclose a building, wall or anything affixed thereto, or wall, tank, reservoir pool, depression or excavation.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.
2	134	Notice to fill up well, tank, etc., or to drain off or remove water.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.
3	135	Notice requiring the owner to provide latrine, urinal, cesspool, dust-bin or other receptacle.	Board.	Fifteen days from service of notice.
4	136	Notice requiring provision of sanitary facilities in market, school, theatre or other place of public resort.	Board	Fifteen days from service of notice.
5	138	Notice for removal of congested building	Officer Commanding in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice
6	140	Notice requiring a building to be repaired or altered so as to remove sanitary defects.	Office Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.
7	142	Notice prohibiting owner or occupier to use a building or part of a building for human habitation.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Twenty-one days from service of notice.
8	176	Order directing a person to remove from the	Officer Commanding-in-Chief, the Command, or other authority	Thirty days from service of notice.

		cantonment and prohibiting him for re-entering it without permission.	authorised in this behalf by the Central Government.	
9	181	(a) Refusal to sanction the erection or re-erection of a building in a civil area.	Baud	Thirty days from service of communication.
		(b) Refusal to sanction the erection or re-erection of a building in a cantonment (other than a civil area).	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of communication.-
10	185	(a) Notice to stop erection or re-erection of, or to alter or demolish, a building in a civil area.	Board	Thirty days from service of notice.
		(6) Notice to stop erection or re-erection of, or to alter or demolish, a building in a cantonment (other than a civil area)	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service-of notice.
11	187	Notice requiring the owner or occupier to alter or remove any projection or encroachment.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.
12	188	Notice to pull down or otherwise deal with a building newly erected or rebuilt without permission over a sewer, drain, culvert, water course of water-pipe.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.

13	206	Notice prohibiting or restricting the use of a slaughter-house.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Twenty-one-days from service of notice.
14	219	Notice requiring maintenance or closing of private source of public drinking water-supply.	Board	Fifteen days from service of notice.
15	221	Notice requiring the owner, lessee or occupier of a building or land to obtain water from a source of public water supply.	Board	Fifteen days from service of notice.
16	224	Notice for cutting off the connection between any source of public water-supply and any building or land to which water is supplied.	Board	Fifteen days from service of notice.
17	238	Notice directing disorderly person to remove from cantonment and prohibiting him from re-entering it without permission.	District Magistrate	Thirty days from service of notice.

SCHEDULE 6
SCHEDULE VI

[Enactments Repealed.]

Repealed by the Repealing Act, 1927 (12 of 1927), Section 2 and Sch.