

## **CANTONMENT PROPERTY RULES, 1925**

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## **CANTONMENT PROPERTY RULES, 1925**

No. 396, dated the 26th June, 1925.1-In exercise of the powers conferred by Sec. 111 of the Cantonments Act, 1924 (2 of 1924), the Governor General in Council is pleased to make the following rules :

### **1. Short title :-**

[(1)] These rules may be called the Cantonment Property Rules, 1925.

<sup>1</sup> [(2)] They extend to all cantonments in India.

1. Ins. by Rule 1 re-numbered as sub-rule (1). vide S.R.O. 298. dated 4th July, 1953, Pt. II, Sec. 4, p. 267.

### **2. Definitions :-**

In these rules, unless there is anything repugnant in the subject or context, -

(a) "the Act" means the Cantonments Act, 1924;

(b) "immoveable property" includes land, benefits to arise out of

land and things attached to the earth or permanently fastened to things attached to the earth; but does not include standing timber, growing crops or grass;

(c) "moveable property" includes standing timber, growing crops and grass, fruit upon and juice in trees, bark, lac, and property of every other description except immoveable property.

**3. Registers of Cantonment property :-**

Registers of immoveable and moveable property, which vest in and belong to the Cantonment Board shall be maintained by the Cantonment Board in the forms prescribed by rule 70 and 71 of the Cantonment Account Code, 1924, and all additions to or alterations in the holdings of the Cantonment Board shall be recorded therein.

**4. Purchase or lease of land other than land vested in His Majesty for the purposes of the Central Government :-**

Subject to the provisions of Secs. 109 and 110 of the Act, the Cantonment Board may purchase or take on lease any immoveable property, other than property which is vested in His Majesty for the purposes of the Central Government, that may be required for an immediate and definite purpose connected with the administration of the cantonment. Provided that the Cantonment Board shall not acquire any interest in any such property within the limits of the cantonment except with the sanction of the Officer Commanding-in-Chief, the Command.

**5. Application for acquisition of land under the Land Acquisition Act, 1894 :-**

In making an application to the Central Government under Section 110 of the Act for the acquisition of land, the Cantonment Board shall state clearly the necessity for the acquisition and shall submit an estimate of the compensation to be paid and of the revenue, if any, to be remitted. The Cantonment Board shall also certify that acquisition by private contract has been found impracticable or is, for special reasons, undesirable.

**6. Transfer to Cantonment Board of land vested in His Majesty for the purposes of the Central Government :-**

When any land in the cantonment which is vested in His Majesty for the purpose of the Central Government is required by the Cantonment Board for a purposes connected with the administration of the cantonment, the Cantonment Board may apply to the Central Government for the grant of the land, stating

the reasons why it is required and the purpose to which it will be applied. If the Central Government consider that the application should be accepted they may transfer the land to the Cantonment Board on such conditions, if any, as they may think fit: Provided that-

(1) If the land applied for is already occupied for any other purpose, its transfer to the Cantonment Board shall be governed by the provisions of rule 9 of the Cantonment Land Administration Rules, 1925;

(2) if the land is required for an object from which the Cantonment Board will derive income of any description, it may be transferred to the Cantonment Board <sup>1</sup> [only on such payment made in such manner] as the Government of India may consider equitable in each case;

(3) if at any lime the land is not used for the object for which it was granted to the Cantonment Board, or if there has been, in the opinion of the Central Government, any other breach of the conditions on which it was transferred to the Cantonment Board, or if the land is required for a general public purpose, the Government of India may resume possession of the land; and for any land so resumed by the Central Government the amount of compensation payable to the Cantonment Board shall be decided by the Central Government in each case, and shall in no circumstances exceed the amount, if any, paid to the Central Government by the Cantonment Board for the transfer of the land together with the initial cost or the present value, whichever is less, of the buildings, if any, erected thereupon.

1. Subs. by Notification No. 1300, dated 8th October, 1926, Pt. I, p. 1084.

**7. Transfer by Cantonment Board of immoveable property :-**

Immoveable property which vests in and belongs to the Cantonment Board shall not be transferred to any person by the Cantonment Board by way of sale, mortgage or exchange, or otherwise than by lease without a premium, except with the previous sanction of the Central Government and in such manner and on such terms and conditions as the Central Government may, approve : [Provided that if the immoveable property is situated beyond the limits of the Cantonment, the views of the State Government which will be ascertained by the Officer Commanding-

in-Chief, the Command, shall be taken into consideration by the Central Government before according such sanction.]

**8. Leases by Cantonment Board :-**

Subject to the provisions of Section 200 of the Act regarding public markets and slaughter houses, immoveable property which vests in and belongs to the Cantonment Board may be leased by the Cantonment Board without a premium on the following conditions, namely :

(1) that a reasonable rent is reserved and made payable during the whole term of the lease;

(2) that the lease, or the agreement for the lease, is not made for any term without the previous sanction of the Cantonment Board by resolution at a general meeting; or for any term exceeding five and not exceeding thirty years without the sanction of the Officer Commanding-in-Chief, the Command; or for any term exceeding thirty years, without the sanction of the Central Government];

[(3) that a lease for any purpose to which the Cantonment Board itself could not, under Section 109 of the Act, apply the property shall require the previous sanction of the Central Government;

(4) that every lease shall specify in clear terms the purpose or purposes to which the leased property may be put by the lessee, and shall contain a clause empowering the Cantonment Board to abrogate the lease in the event of the property being used for any other purpose without the consent of the Cantonment Board;

(5) that the Cantonment Board shall not give its consent in pursuance of Cl. (4) without the previous sanction of the Central Government if such consent is sought for use of the leased property for a purpose to which the Cantonment Board could not itself apply the property under Section 109 of the Act:

(6) that where the lessee, in contravention of the terms of the lease and without the consent of the Cantonment Board, used the leased property for any purpose to which the Cantonment Board could not itself apply the property under Section 109 of the Act, the Cantonment Board shall forthwith report the fact of such use to the Central Government and shall, if so required by the Central Government exercise its power under the lease of abrogating the same;

(7) that a lease of immoveable property which is, or includes, a part of a street shall require the previous sanction of the Central Government.]

**9. Power to transfer immoveable property to His Majesty :-**

Notwithstanding anything contained in these rules, the Cantonment Board may, with the consent of the Central Government, transfer to His Majesty any immoveable property which vests in and belongs to it under Section 108 of the Act, but not so as to affect any trusts or public rights subject to which the property is held.

**10. Power to acquire and transfer moveable property :-**

Subject to the provisions of Section 109 of the Act, the Cantonment Board may acquire any moveable property that may be required for the purposes of the Act, and may transfer any moveable property which vests in and belongs to the Cantonment Board in any way and on the terms that it may, by resolution at a general meeting, determine to be expedient and reasonable.

**11. Saving of provisions of Local Authorities Loans Act, 1914 :-**

Nothing in these rules shall affect the provisions of the Local Authorities Loans Act, 1914, under which, except as provided thereby and by the rules made thereunder, no Cantonment Board may for any purpose borrow money upon, or otherwise charge, its funds.

**12. 12 :-**

the Military Estates Officer appointed under Cl. (c) of rule 2 of the Cantonment Land Administration Rules, 1925, or any person authorised by him by general or special order may, with or without assistants or workmen, enter into or upon any building or land vesting in the Cantonment Board under Section 108 of the Cantonments Act, 1924, for the purpose of making any enquiry, inspection, measurement, valuation or survey, which such officer or person may consider necessary, or of examining or inspecting any works which have been, are being, or are to be executed in or on such building or land. In the performance of the above duties, such officer or person shall observe the same procedure for the purposes of entry and inspection as is laid down in Chapter XV of the Act.]

**13. Repeal :-**

Any rules corresponding to these rules in force in any part of India are hereby rescinded : Provided that anything done or any action

taken under such rules shall be deemed to have been done or taken under the corresponding provisions of these rules.]