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STANDING COMMITTEE ON DEFENCE  
(2004-2005)

(FOURTEENTH LOK SABHA)

MINISTRY OF DEFENCE

THE CANTONMENTS BILL, 2003

FIFTH REPORT



LOK SABHA SECRETARIAT  
NEW DELHI

May, 2005/Vaisakha, 1927 (Saka)

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(2004-2005)

(FOURTEENTH LOK SABHA)

MINISTRY OF DEFENCE

THE CANTONMENTS BILL, 2003

*Presented to Lok Sabha on 10 May, 2005*

*Laid in Rajya Sabha on 10 May, 2005*



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Shri Balasaheb Vikhe Patil

- Chairman

### **MEMBERS** **LOK SABHA**

2. Shri Churchill Alemao
3. Shri Iliyas Azmi
4. Shri A.V. Bellarmin
5. Shri Suresh Chandel
6. Shri Thupstan Chhewang
7. Smt. Sangeeta Kumari Singh Deo
8. Shri Milind Deora
9. Shri Bhupinder Singh Hooda
10. Shri Ramesh Jigajinagi
11. Shri Suresh Kalmadi
12. Dr. C. Krishnan
13. Shri S.D. Mandlik
14. Dr. K.S. Manoj
15. Shri Raghuraj Singh Shakya
16. Shri Mahadeorao Shivankar
17. Shri Ganesh Prasad Singh
18. Shri Manavendra Singh
19. Shri Balashowry Vallabhaneni
20. Ms. Ingrid Mcleod
21. Shri Dharmendra Yadav

### **RAJYA SABHA**

22. Shri R.K. Anand
23. Dr. Farooq Abdullah
24. Gen. (Retd.) Shankar Roy Chowdhury
25. Shri T.T.V. Dhinakaran
26. Smt. N.P. Durga
27. Shri Janardan Dwivedi
28. Shri Pramod Mahajan
29. Shri Mukhtar Abbas Naqvi
30. Shri Anand Sharma
31. Shri Lalit Suri

**SECRETARIAT**

- |    |                         |   |                            |
|----|-------------------------|---|----------------------------|
| 1. | Shri P.D.T. Achary      | - | Secretary                  |
| 2. | Shri M. Rajgopalan Nair | - | Additional Secretary       |
| 3. | Shri P.K. Bhandari      | - | Director                   |
| 4. | Smt. Anita Jain         | - | Deputy Secretary           |
| 5. | Shri D.R. Shekhar       | - | Under Secretary            |
| 6. | Smt. Jyochanamayi Sinha | - | Committee Officer          |
| 7. | Shri Rahul Singh        | - | Senior Executive Assistant |

## INTRODUCTION

I, the Chairman, Standing Committee on Defence (2004-05) having been authorized by the Committee to submit the Report on their behalf, present this Fifth report on 'The Cantonments Bill, 2003'.

2. The Standing Committee on Defence (2004-05) was constituted on 5<sup>th</sup> August, 2004. One of the functions of the Standing Committee, as laid down in Rule 331E of the Rules of Procedure and Conduct of Business in Lok Sabha, is to examine such Bills pertaining to the concerned Ministry/Department as are referred to the Committee by the Chairman, Rajya Sabha or the Speaker, as the case may be, and to make a Report on the same to the House.

3. The Cantonments Bill, 2003 was introduced in Rajya Sabha on 22 December 2003 and was referred to the Standing Committee on Defence by Hon'ble Speaker on 2 February 2004. As the Thirteenth Lok Sabha was dissolved on 6 February 2004, the Bill could not be examined by the Standing Committee on Defence. The Bill was re-referred by the Hon'ble Speaker, Lok Sabha to the Standing Committee on Defence on 20 August 2004 for examination and report thereon.

4. The Cantonments Bill, 2003 seeks to replace the Cantonments Act, 1924. The existing Act is not geared to meet the economic and social challenges involved in the administration of Cantonments and lacks a pro-active development orientation. With the passage of time, many of the provisions of the Act have outlived their utility. The Parliamentary Standing Committee on Defence (12<sup>th</sup> Lok Sabha) had examined the issue of Cantonment Boards and Defence Lands to bring modern municipal management procedure/techniques in Cantonment areas by broadening the ambit of activities so that the laws are more meaningful and relevant to the present day needs and aspirations of the people residing in Cantonment. As the Bill intends to bring about major changes in the existing Act, the Committee decided to invite memoranda on the Bill from the organisations/associations and general public who may be interested in the subject matter of the Bill. The Committee received 350 memoranda/representations from various organizations/associations/individuals on various provisions of the Bill.

5. In view of according 'deemed municipality' status to the Board under clause 10 & 108 of the Bill, for the purpose of Article 243 P(e) of the Constitution. The Committee had sought the views of all the States and UT Governments. However, their response was not encouraging.

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6. The Committee had the briefing of the representatives of the Ministry of Defence on the Bill on 15 September 2004 and 8 October 2004 and oral evidence on 29 April 2005. Besides this, the Committee also took evidence of concerned officials of Cantonment Boards on 9, 10 March 2005 and 13 April 2005. The Committee also sought the opinion of experts in the field of cantonments on 22 November 2004, 15 December 2004, 11, 12 and 24 January 2005 and on 15 February 2005. A list of such individuals/experts/associations who appeared before the Committee is given in Annexure.

7. The Committee have examined the Bill on the basis of some basic policy parameters as enumerated in the objects and reasons of the Bill i.e. (i) greater democratisation; (ii) better financial management; (iii) extension of centrally sponsored development schemes; and (iv) management of defence land and have given their recommendations in the report.

8. The draft report was considered and adopted by the Standing Committee on Defence (2004-05) at their sitting held on 5 May 2005.

9. The Committee greatly benefited from the views/suggestions of various individuals/associations/experts on various provision of the Bill. They wish to express thanks to all of them who furnished memoranda and appeared before the Committee for evidence.

10. The Committee wish to express their thanks to the representatives of the Ministry of Defence, State Government officials for appearing before the Committee for evidence and for furnishing the valuable material and information in a very short span of time which the Committee desired in connection with the examination of the Cantonments Bill, 2003.

11. For facility of reference and convenience, the observations/ recommendations of the Committee have been printed in bold type in the body of the report.

NEW DELHI;  
6 May, 2005  
16 Vaisakha, 1927 (Saka)

BALASAHEB VIKHE PATIL,  
Chairman,  
Standing Committee on Defence

## REPORT

### Introductory

The Cantonments Bill, 2003 was introduced in Rajya Sabha on 22 December 2003 and was referred to the Standing Committee on Defence by Hon'ble Speaker on 2 February 2004. As the Thirteenth Lok Sabha was dissolved on 6 February 2004, the Bill could not be examined by the Standing Committee on Defence. The Bill was re-referred by the Hon'ble Speaker, Lok Sabha to the Standing Committee on Defence on 20 August 2004 for examination and report.

2. Cantonments are central territories under the constitution where military troops are quartered alongwith civilian population. There are 62 cantonments spread all over the country and are presently administered under Cantonments Act, 1924. This has been amended 28 times since its enactment.

Cantonments basically cater to the need for quartering of troops with the following main features :

- (a) They provided a buffer to keep a distance between troops and the native population;
- (b) They ensured availability of civil population nearby to take care of the needs of the armed forces for petty services; and
- (c) They ensured some minimum civic standards to the civilian population in cantonment areas because these standards in turn had a bearing on the health and hygiene of the troops.

3. The existing Act is not geared to meet the economic and social challenges involved in the administration of Cantonments and lacks a pro-active development orientation. With the passage of time, many of the provisions of the Act have outlived their utility. The Parliamentary Standing Committee on Defence (12<sup>th</sup> Lok Sabha) had examined the issue of Cantonment Boards and Defence Lands and made some recommendations. Accordingly, the Ministry of Defence has brought forward the Cantonments Bill, 2003 to bring modern municipal management procedure/techniques in Cantonment areas by broadening the ambit of activities so that the laws are more meaningful and relevant to the present day needs and aspirations of the people residing in Cantonment.

4. As stated in the statement of objects and reasons of the Bill, the new legislation has been brought in with a view to re-enact the existing Act in the context of the 74<sup>th</sup> Amendment and to provide for better urban management in Cantonments as recommended by the Parliamentary Standing Committee on Defence (12<sup>th</sup> Lok Sabha). The proposed modifications could be categorised as under :

- (i) **Greater Democratisation** : The Bill envisages enhanced representation for elected members to make proper balance between the elected and nominated one. Reservation of seats in the Cantonment Boards for women and the



Scheduled Castes/Scheduled Tribes would also fall in this category. In the proposed Bill, parity has been brought between the official and elected members of the Board and with this, the number of elected members would increase. The enhanced representation for elected members will cater for increased civil population in the cantonment areas.

- (ii) **Better financial management:** Provisions have been incorporated in the new Bill to streamline financial administration, improve financial base and change the tax mechanism keeping in view the needs of modern municipal administration. Provisions have also been made for a Cantonment Development Fund in which, any sum received from Government or an individual or association (by way of gift or deposit) or from centrally sponsored schemes, may be credited.
- (iii) **Extension of centrally sponsored development schemes :** As per the recommendations given in the Fifth Report of Parliamentary Standing Committee on Defence (12<sup>th</sup> Lok Sabha) for extension of centrally sponsored development schemes in cantonments for uniform development of States, provisions in clause 10 and 108 have been incorporated in the new Bill for enabling the Board to be a 'deemed municipality' for the purpose of Article 243 P(e) of the Constitution. This would enable the Cantonment Boards to avail benefits of centrally sponsored schemes for socio-economic development of cantonment areas in line with other municipalities in various States.
- (iv) **Management of Defence Lands and their audit :** Over the years, the defence land ownership has increased to 17.31 lakh acres out of which about 2 lakh acres of such lands are situated within 62 notified cantonments being managed under the existing Act. There is no statute to cover the management of about 15 lakh acres of defence lands lying outside the cantonments. As on date, these defence lands are regulated by executive instructions (not covered under any statute) issued by the Central Government from time to time through Acquisition, Custody, Relinquishment, etc. of Military Land in India (ACR) Rules, 1944, which are non-statutory in nature.

5. Statutory provisions have accordingly been made and a new Chapter on management of defence lands has been added in the Bill. The provisions contained in this Chapter will, inter-alia, enable the Central Government to notify the defence lands, consolidate land management policies and records in regard to defence lands, carry out land audits to detect abuse if any, non-utilisation and sub-optimal utilisation of lands.

6. As the Cantonments Bill, 2003 intends to bring about major changes in the Cantonments Act, 1924, the Committee decided to invite memoranda on the Bill from the general public who may be interested in the subject matter of the Bill. The text of the Bill was hoisted at the website [www.parliamentofindia.nic.in](http://www.parliamentofindia.nic.in) on internet and the advertisement for this purpose was published in leading national and local newspapers. In addition, copies of the Bill were sent to various organizations/associations/individuals on demand for eliciting their views and suggestions thereon.

7. In all the Committee received 350 memoranda/representations from various organizations/associations/individuals on various provisions of the Bill. The

Committee also invited some of the experts, who had sent their views and requested to appear before the Committee for oral evidence. They explained various provisions of the Bill which helped the Committee in understanding various aspects of the Bill.

8. As Clause 10 and 108 of the Bill confer the Board 'deemed municipality' status for the purpose of Article 243 P(e) of the Constitution, this would enable the Cantonment Board to avail financial and other benefits of centrally sponsored development schemes from the Central Government as well as from the State Governments. As a result, the State Governments intervention is likely in the management of Cantonment Board. Accordingly, the Committee had sought the views of all the States and UT Governments. However, their response was not encouraging.

9. One of the major aim of the Bill is greater democratisation of the Cantonment Board. The Committee find that though Bill envisages enhanced representation for elected members and reservation of seats in Cantonment Boards for Women and Scheduled Castes/Tribes, etc., the Committee for civil area (Clause 47) which consist of all elected members, have been given very few powers. Even the decisions taken by this Committee especially for civil areas can be objected to by various other members of the Board and can be stalled indefinitely making its existence infructuous. The Committee further note that even the decisions of the full Board can be over-ridden by the very nominated members of the Board who may be privy to that decision (Clause 56). The committee note that all these provisions in the Bill have been brought in from the Cantonments Act, 1924 which was enacted during the British Rule with a avid aim of providing a buffer to keep a distance between troops and civil population. The Committee feel that the inclusion of these provisions in the present Bill does not in any way help in greater democratisation of the Cantonment Boards. Even the Government's claim that the Bill envisages enhanced representation for elected members to make proper balance between the elected and nominated one does not hold good as since 1957 one seat of

nominated member has been kept vacant to maintain the parity under the existing Act itself.

10. The Committee note that the Bill contains basically provisions relating to municipal laws. As our Cantonments are spread over the length and breadth of the country and are situated in different states, where different municipal laws are prevalent, the Committee feel that there is a need to examine the provisions mentioned in the Bill to provide flexibility in such matters and to identify the provisions which can form part of Bye-laws to be framed under the Act. In view of the above, the Committee feel that all Cantonments should have a system of proper coordination with the adjoining municipalities whose bye-laws etc. can be examined and adopted by the Cantonment Boards. The Committee, therefore, feel that the Government should re-examine the various provisions of this Bill accordingly.

11. The Committee further note that wide powers have been given under the Bill to vary the Constitution of Boards in special circumstances (Clause 13). But the Committee find that the special circumstances under which the Boards can be varied have not been specified. Nor any time limit has been laid down within which the varied Board must be restored or fresh elections are held thereto. The Committee note that using similar powers available under section 14 of the Cantonments Act, 1924, the Boards of 61 Cantonments, out of a total of 62 Cantonments, have been varied and are functioning without elected members. The Committee desire that these provisions be amended accordingly and a maximum limit of six months be prescribed within which the Board be restored or fresh elections are held. In exceptional circumstances, to be specified by the Central Government, further extension upto six months at a time for a maximum period of one year be given.

12. The Committee note that under Clause 31, the Central Government have been authorised to make rules regulating elections. However, no authority has been mentioned which would initiate the process of holding elections to various Cantonment Boards as and when these are due. The Committee desire that the Ministry of Defence should designate one of its officers as Election Officer who would initiate the election process and supervise the conduct of elections in a free and fair manner. This clause should be amended accordingly.

13. The Committee have further noted that there is a multiplicity of authorities in various provisions of the Bill (Clauses 52-53-77 – Sl. Nos. 5,6 and 7 of the Schedule V). These are likely to cause confusion in the smooth functioning of the Board and need to be amended suitably. The Committee desire that various provisions of the Bill may be re-examined accordingly. The Committee also desire that there is a need to clearly define the field of authority and role of various functionaries like GOC-in-C, the Command, the Principal Director, Defence Estates and the Committees for Civil area etc.

14. The Committee note that very wide powers have been given to some functionaries like CEO and no right of appeal has been given against their decision in a number of clauses in the Bill. The Committee desire that a clear cut appellate authority should be put in place to prefer an appeal against the decisions of the Board, Civil Area Committee or any functionary of the Board like CEO etc. The Committee feel that CEO should only be a Secretary to the Board and its

Committees. He should exercise powers only 'for' and 'on behalf of' Board. While Central Government can be the appellate authority, it can delegate the power suitably to facilitate early disposal of the cases.

15. The Committee note that 'deemed municipality' status is proposed to be conferred on Cantonment Boards under Clauses 10 (2) and 108 of the Bill for the purposes of Article 243 P(e) of the Constitution. This would enable the Cantonment Boards to avail benefits and advantages of Centre and State Governments Sponsored Schemes for social and economic development as are presently available to other municipalities. The Committee after going through the relevant information hold a view that proper and well in advance exercise has not been done by the Ministry before incorporating Clause 10(2) in Chapter-III and Clause 108 of Chapter-V in the Bill, relating to deemed municipalities of the Board for the purpose of Article 243P(e) of the Constitution. Hence, the Committee feel that this may lead to conflict between the Centre and States. There is a need to consult the State Governments, clarifying as to what benefits are proposed to be transferred to Cantonment Boards from Centre and State Governments Sponsored Schemes and modalities be chalked out and finalised relating thereto. The Committee desire that any agency funding the development works in the cantonment area should not have any right to interfere in administrative matters. The assets created by such funding shall remain property of Ministry of Defence/Board. The Committee further desire that the Boards should be empowered to accept the aid and developmental funds from State Governments and NGOs, etc. and incur expenditure on the respective works.

16. Pertaining to Chapter 15 of the Bill which deals with Management of Defence Lands, the Committee are informed that the ownership of defence land has increased to 17.31 lakh acres out of which approximately 2 lakh acres only are within the 62 notified Cantonments being managed under the existing Act. The remaining 15.31 lakh acres is outside the purview of Cantonment Board. In the present Bill, a need was felt for consolidation of the existing policies and to provide a statutory cover for matters regarding management of all defence lands, their protection and audit.

The Committee further note that there are about 600 Military Stations which are based on Military lands but there are no statutory laws presently to govern their use etc.

17. The Committee also note that presently civil and military population ratio is 80:20 in various cantonments whereas land uses is in the ratio of 20:80. Which the Committee feel is depriving the civil population of their basic requirements i.e. education, health, sanitation, etc.

The Committee, therefore, recommend that the Government should consider to increase civil area in various cantonments so that the above needs of civil population do not suffer because of non-availability of sufficient land.

18. The Committee feel that the nature of the management of Cantonment area and administration of Cantonment Board and management of Defence Lands as mentioned in Chapter 15 are different. The Committee have carefully examined the whole matter afresh and have come to the conclusion that Chapter XV on Management of Defence Lands should be excluded from the present Bill and a

separate Bill should be brought forward to deal with management of defence lands other than cantonments. That Bill can also include administration of Military Stations which are presently not governed by any Parliamentary Law. The Committee, therefore, recommend that the Ministry of Defence should bring a new Bill to deal with this matter at the earliest.

19. The Committee have received a number of representations from various sources stating that no permission whatsoever is given by the Board to carry out even minor repairs or small additions/alterations in civil/Bungalow areas. This has led to avoidable difficulties to the civil population in cantonment. Restriction is greater in case of bungalow lands since they are situated in military areas. This has resulted in poor upkeep of the bungalows in this area and most of them are in dilapidated state. The Committee recommend that Government should work out feasibility to club bungalow land with civilian areas and alternatively consider allocating them land outside the military area in lieu of their bungalow land. The Committee also feel that the Government should examine the feasibility of excising all civil areas from the Cantonments gradually starting from Mhow and Ahmednagar Cantonments where civil and military areas are clearly demarcated. These can be merged with adjoining municipal areas and handed over to State Governments. The Committee desire that the Government should examine this problem in all details and work out a mutually satisfying solution to this complex problem.

20. The Committee further note that in civil/bungalow areas refusal to give permission even to minor additions/alterations coupled with many fold increase in the population in these areas, has led to serious congestion and sanitation problems. The Committee feel that if Floor Space Index (F.S.I.) is increased, it may help in providing greater space and ultimately improve the sanitation situation in both these areas. The Committee also feel that past cases of minor additions/alterations in the civil/bungalow areas also need sympathetic consideration by the Boards without compromising the security aspects of cantonments. The Committee strongly recommend that no defence land should be released for any reason whatsoever except as suggested by the Committee above for the smooth excision of civil area. The Committee desire that suitable provisions should be made in the Bill accordingly.

21. The Committee have examined the Bill clause-wise also. The observations of the Committee are based on the broad guidelines indicated above. These are given Chapter-wise and Clause-wise in the succeeding chapters. The Committee recommend that these may be re-examined accordingly.

## **CHAPTER I** **PRELIMINARY**

Chapter I of the Cantonments Bill, 2003 contains Clause 1 and Clause 2. Clause 1 deals with short title, extent and commencement of Cantonment Bill, 2003 and Clause 2 defines certain words and expressions which have been frequently used in various provisions contained in the Bill. The Committee will now give their comments on some of the clauses which are as follows :

### **Clause 2 (c)**

Clause 2(c) states that "Boundary wall means a wall which abuts on a street and which does not exceed two and a half metres in height."

1.2 Regarding this sub-clause, the Pune Cantonment Board in their written memorandum submitted to the Committee have stated that "Boundary Walls should not be more than 1.5 m, above which there could be fencing."

1.3 The Committee feel that the question of the height of the boundary wall is not such an important matter which should form part of the Act. The Committee feel that this question should be left to be decided by respective Boards and can be one of the bye-laws. The Committee also desire that once a decision is taken by the Board, it should be given due publicity.

### **Clause 2(g)**

Clause 2(g) define the term "Chief Executive Officer means the person appointed under this Act, to be the Chief Executive Officer of a cantonment."

1.4 The Pune Cantonment Board in their written memorandum submitted before the Committee has suggested that Chief Executive Officer, by name suggest that he heads the Cantonment Board, which this officer does not. He only executes orders of the Government and the Cantonment Board.

1.5 The Committee recommend that this term should remain as Cantonment Executive officer only as stated in Cantonments Act, 1924 to avoid ambiguity in the minds of the public.

### **Clause 2(y)**

Clause 2(y) define the term "Government in relation to this Act means the Central Government."

1.6 The Committee note that the term 'Central Government' has been used at various places in the Bill. The Committee desire that for the purpose of this Bill, the term should be specified to be Ministry of Defence.

### **Clause 2 (zc)**

Clause 2 (zc) states that “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 Chief Executive Officer to be an inhabitant.”

1.7 Regarding this clause the President Cantonment Citizens’ Welfare Association, Meerut in his written memorandum as well as during the oral evidence has suggested the following for the consideration of the Committee :

The definition of “inhabitant” directly hits ordinary citizen. The CEO alone is vested with the power to declare status of a citizen as inhabitant of Cantonment Area. But no criteria and procedure is provided to be adopted by the CEO. The power should be conferred on the board with some broad directions of procedures to be followed.

1.8 The Committee note that in the existing Act, the power to declare status of a citizen as inhabitant lies with District Magistrate who is also the member of the Board. The Committee, therefore, feel that this should remain with DM or his nominee who is the member of the Board. The Committee further desire that any person aggrieved by any decision in the matter should also be given a right to appeal.

#### **Clause 2 (zl)**

Clause 2 (z/) states that “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.”

1.9 The President, Cantonment Citizens’ welfare Association, Meerut, in a written memoranda submitted that :

“the definition of owner has been mixed up. A person receiving rent for another person may be his Attorney or even a paid servant. According to this definition even a paid servant shall claim ownership rights which shall confuse the civilians as well as authorities of the Board, while preparing or maintaining property records. He has suggested that owner and landlord should be distinguished. Owner should include only real owner of the property as defined under common civil laws.”

1.10 The Committee feel that the term ‘owner’ should have the same meaning and connotation as in the civil laws followed by the adjoining municipalities.



## **CHAPTER-II**

### **DEFINITION AND DELIMITATION OF CANTONMENTS**

2.1 Chapter-II contains Clauses 3 to 9. It deals with definition and delimitation of Cantonment. In this chapter the Committee will comment upon the Clause 4 and Clause 9. Clause 4 enable the Central Government to include or exclude any area situated in the vicinity of the cantonment into or from a cantonment. Clause 9 enables the Central Government to exclude from the operation of the Bill whole or any part of a Cantonment.

#### **Clause 4**

##### **(Alteration of limits of Cantonments)**

This clause states that “( 1) The Central Government may after consulting the State Government and the Board concerned, by notification in the Official Gazette, declare its intention to include within the cantonment any local area situated in the vicinity thereof or to exclude from the cantonment any local area comprised therein.

(2) Any inhabitant of a cantonment or local area in respect of which notification has been published under sub-section ( 1) may, within six weeks from the date of notification, submit in writing to the Central Government through the General Officer Commanding-in- Chief, the Command, an objection to the notification, and the Central Government shall take such objection into consideration.

(3) On the expiry of six weeks from the date of the notification, the Central Government may after considering the objections, if any, which have been submitted under sub-section (2), by notification in the Official Gazette, include the local area in respect of which the notification was published under sub-section ( 1), or any part thereof, in the cantonment or, as the case may be, exclude such area or any part thereof from the cantonment.”

This enables the Central Government to include or exclude any area situated in the vicinity of a Cantonment into or form a cantonment.

2.2 The Committee observe that the general public are allowed to submit in writing to the Central Government through the General Officer Commanding-in-Chief, an objection to the notification within six weeks from the date of its publication in the official gazette. In most of the cases ordinary man has no access to official gazette etc. Therefore, they may not be aware of the said notification and as a result of which they can not submit their objection to the Central Government within that stipulated time frame. By the time they come to know, the intention of the Government to acquire the land, the six weeks time period is over. Therefore, the Committee strongly feel that in order to facilitate the general public, the notification for acquiring land should be published in local newspapers and this should be displayed in important public places like village Panchayat Office or Zilla Parishad Office and the time fixed for making representation should be suitably enhanced.

## **Clause 9**

### **(Limitation of Operation of Act)**

Clause 9 states that “the Central Government may, by notification in the Official Gazette, exclude from the operation of any part of this Act the whole or any part of a cantonment, or direct that any provision of this Act shall, in the case of any cantonment —

(a) situated within the limits of a metropolitan area; or

(b) in which the Board is superseded under section 60, apply with such modification as may be so specified.”

This clause enables the Central Government to exclude from the operation of the Bill whole or any part of a cantonment.

2.3 Regarding this clause, ex-Advocate General Army and Pune Cantonment Board in their written memorandum submitted to the Committee have opined that the Bill proposes to exclude more areas from the operation of the Cantonment Act. Gradually as the population is increasing in most of the cantonments, all the cantonments areas will become metropolitan areas and after some period majority of the cantonments will be excluded from the operation of the Cantonment Act.

2.4 The Pune Cantonment Board in their written note also stated that the provision under this clause may lead to individual notification of bungalow area which is discriminatory in nature. This provision is at serious violation of the fundamental rights under Article 14 of the Constitution. Therefore, they have recommended that this provision may be deleted.

2.5 The Committee after examining the content of the above mentioned clause and the suggestions as cited above are of the opinion that the Ministry of Defence should suitably modify the provision by specifying the conditions under which the operation of the act may be excluded from whole or any part of the cantonment and time limit for such exclusion should also be specified. This provision should be so framed that it should not violate Article 14 of the Constitution.

## CHAPTER III

### CANTONMENT BOARDS

3.1 Chapter-III contains clauses 10 to 61. The provisions in these clauses deal with Cantonment Board, its constitution, terms of office of members, Powers and functions of President, Vice President and Chief Executive Officer, Preparation of electoral rolls for cantonments, employees of the Board, procedure for conducting board meetings, validity of proceedings, power of Central Government, GOC-in-C, the Director General or the Principal Director to carry out the inspection of the Cantonment, Power of President, District Magistrate and CEO to override the decision of the Board and Power of Central Government to review any decision of the Board, etc. The Committee would now discuss some of the important clauses of the Chapter.

#### **Clause 10 (Cantonment Board)**

Clause 10 states that “( 1) For every cantonment there shall be a Cantonment Board. (2) Every Board shall be deemed to be a municipality for the purposes of clause (e) of article 243 P of the Constitution.”

3.2 It has been observed that Municipalities as per the scheme of our constitution comes under the State list. On being enquired if the ‘deemed Municipality’ status to the Cantonment Boards would affect the State Governments in any manner, the Ministry of Defence in their written reply have stated that :

“The intention of declaring a Cantonment Board as ‘deemed Municipality’ is for limited purposes which have been described under Clause 108 of the Bill. These are as follows :

- A Board shall be deemed to be a municipal committee for the purposes of
- (a) taxation as per the Municipal Taxation Act, 1881,
- (b) receiving grants,
- (c) executing the Central or the State Government schemes of social welfare, public health, hygiene, safety, water supply, sanitation and education.

After the proposed enactment, the Cantonments Board shall come under the category of ‘deemed municipal committees’ for the purpose of executing the developments and welfare schemes of the Central or State Governments in the Cantonments.”

3.3 When asked whether ‘deemed municipality’ status may lead to interference of State Governments in management of Cantonments, the Ministry in their written reply has stated that :

“Reference to Article 243 p(e) of the Constitution in Clause 110(2) may cause problem with regard to possible interference of State Governments. Therefore, this clause is required to be suitably amended in consultation with the Ministry of Law.”

3.4 On a specific enquiry from the Committee whether the State Government were consulted in the matter, the Ministry of Defence in their reply stated that :

“Since the Bill deals with the subject within the Union list of the Constitution, the State Governments have not been consulted.”

3.5 The Committee find that the provisions of this clause are not very clear as to whether the Cantonment Boards will get allocation of funds from respective State Governments or directly from the Central Government out of the State allocations.

3.6 The Committee feel that in both these conditions there may be a clash of interests between Central Government and the State Governments. Moreover, the State Governments have not been consulted in the matter of allocation of State funds to Cantonment Boards as also application of other development schemes. Therefore, the Committee feel that the provision should be suitably modified in consultation with State Governments to remove the ambiguities.

3.7 Clause 10 (i) under clause 3 of the Bill, the Central Government any place after notifying in the Official Gazette, as a Cantonment only then, the Government will constitute Board for that cantonment. The Committee note that the time period within which the Central Government is bound to constitute the Board has not been mentioned in the Bill. If this clause goes as it is, then the Constitution of the Board may be delayed due to bureaucratic delays and ultimately the people living in the cantonment area may have to without any representation on the Board.

3.8 The Committee recommend that a time limit within which the board has to be constituted should be specified.

## Clause 12

### (Constitution of Cantonment Board)

Clause 12 states that “(1) Cantonments shall be divided into four categories, namely:—

- (i) Category I Cantonments, in which the population exceeds fifty thousand;
- (ii) Category II Cantonments, in which the population exceeds ten thousand, but does not exceed fifty thousand;
- (iii) Category III Cantonments, in which the population exceeds two thousand five hundred, but does not exceed ten thousand; and
- (iv) Category IV Cantonments, in which the population does not exceed two thousand five hundred.

(2) For the purposes of sub-section (1), the 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 Category I Cantonments, the Board shall consist of the following members, namely:—

- (a) the Officer Commanding the station as *ex officio* 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 General Officer Commanding-in-Chief, the Command;
- (b) the District Magistrate or an Executive Magistrate not below the rank of Additional District Magistrate nominated by him;
- (c) the Chief Executive Officer;
- (d) the Health Officer *ex officio*;
- (e) the Executive Engineer *ex officio*;
- (f) three military officers nominated by name by the Officer Commanding the station by order in writing;
- (g) eight members elected under this Act.

(4) In Category II Cantonments, the Board shall consist of the following members, namely:—

- (a) the Officer Commanding the station as *ex officio* 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 General Officer Commanding-in-Chief, the Command;
- (b) the District Magistrate or an Executive Magistrate not below the rank of Additional District Magistrate nominated by him;
- (c) the Chief Executive Officer;
- (d) the Health Officer *ex officio*;
- (e) the Executive Engineer *ex officio*;
- (f) two military officers nominated by name by the Officer Commanding the station by order in writing;
- (g) seven members elected under this Act.

(5) In Category III Cantonments, the Board shall consist of the following members, namely:—

- (a) the Officer Commanding the station as *ex officio* 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 General Officer Commanding-in-Chief, the Command;
- (b) the District Magistrate or an Executive Magistrate nominated by him;
- (c) the Chief Executive Officer;
- (d) the Health Officer *ex officio*;
- (e) the Executive Engineer *ex officio*;
- (f) one military officer nominated by name by the Officer Commanding the station by order in writing;
- (g) six members elected under this Act.
- (6) In Category IV Cantonments, the Board shall consist of the following members, namely:—
  - (a) the Officer Commanding the station *ex officio* 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 General Officer Commanding-in-Chief, the Command;
  - (b) the Chief Executive Officer;
  - (c) two members elected under this Act.
- (7) The Officer Commanding the station may, if he thinks fit, with the sanction of the General Officer Commanding-in-Chief, the Command, nominate in place of any military officer whom he is empowered to nominate under clause (f) of sub-section (3), clause (f) of sub-section (4) or clause (f) 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.
- (8) Every election or nomination of a member of a Board and every vacancy in the elected membership thereof shall be notified by the Central Government in the Official Gazette;
- (9) The Member of Parliament and Member of Legislative Assembly representing constituencies which comprises wholly or partly the cantonment area, shall be special invitees for the meetings of the Board but without a right to vote.”

3.9 The Committee have received various views from Cantonment Citizen Associations/Cantonment Boards/individuals on the provisions of this clause. It has been generally mentioned that in the guise of achieving greater democratisation, almost absolute powers are being vested in one individual appointment i.e Cantonment Executive Officer being re-designated as Chief Executive Officer. As per democratic norms legislature is the supreme governing body and the executive is accountable to the legislature. By being Member Secretary, the CEO will assume all three roles of legislature, executive and judiciary, which is against the spirit of Constitution.

3.10 The Committee after carefully examining the suggestions given by various organisations/associations/individuals are also of the view that CEO should not be made the member of the Board.

3.11 The Committee feel that CEO should act only an Executive to carry out legislative instructions of the Board and should be accountable to the Board.

3.12 The Committee further fully endorse the addition of one new elected member to the Cantonment Board. However, to ensure parity of elected member and the



nominated member, the Committee recommend that in place of CEO, one representative from Director General Defence Estates may be nominated to the Board.

### Clause 13

(Power to vary constitution of Boards in special circumstances)

Clause 13 states that “(1) Notwithstanding anything contained in section 12, if the Central Government is satisfied —

(a) that by reason of military operations, it is necessary, or

(b) that, for the administration of the cantonment, it is desirable, to vary the constitution of the Board in any cantonment under this section, the Central Government may, by notification in the Official Gazette, make a declaration to that effect. (2) Upon the making of a declaration under sub-section (1), the Board in the cantonment shall consist of the following members, namely —

(a) the Officer Commanding the station,

(b) the Chief Executive Officer, and

(c) one member, not being a person in the service of the Government, nominated by the Central Government in consultation with the General Officer Commanding-in-Chief, the Command.

(3) The nomination of a member of a Board constituted under this section, and the vacancy in the membership thereof shall be notified by the 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) or sub-section (4), would have continued to hold office, or, if the term of office of such former Board has expired, by a Board constituted under section 12.”

This clause enables the Central Government to vary the constitution of the Board by reason of military operation or for the proper administration of the cantonment and also lays down the composition of the Board so varied and its terms of office.

3.13 Most of the representations received on the power to vary constitution of Board suggested that in place of CEO, a civil member should be included in the varied Board. Representatives of Residents of Mhow during the oral evidence suggested that the word satisfied used in the clause is not clear and there must be criteria for satisfaction of Central Government otherwise Board can be varied or not

depends solely upon the will of the station commander. The Committee were informed that in the present circumstances, nomination of civil members has not been done for the last three years.

3.14 In reply to a specific question by the committee as to how many Boards have been varied and how these are being run. The Ministry has stated that :

“At present elections are due in 61 Cantonments and term of 1 cantonment is upto June, 2006. 56 Cantonments are being run at present by varied Boards constituted under Section 14 of the Cantonments Act, 1924. In the remaining 5 Boards, the terms of elected members have been extended while in 1 case, the term of elected members has not yet expired.”

3.15 On the Central Government's power to vary the constitution of Boards, the Ministry has stated that :

"The Special circumstances for the need to vary the constitution of the Board are contained in Clause 13(1)(a&b) of the Bill, namely, (a) reasons of military operations; and (b) for the administration of the Cantonments.

These special circumstances have not been laid down under any rules or regulations and it has been left to the Central Government to satisfy itself about the circumstances before taking any decision about varying a Board. This clause, however, is not new and a similar section has been there in the Cantonments Act, 1924."

3.16 The Committee note the same provisions, except nomination of CEO in the varied board, are available in the Cantonments Act, 1924. The Committee find that using the powers available under this clause (Section 14 of the Cantonments Act, 1924), the Government have varied the Boards of 61 Cantonment out of 62 Cantonments for a pretty long time. The Committee take a serious note of the misuse of the power by the Government. The Committee note that the powers now proposed under this clause are similar to the earlier powers and are likely to be misused. The Committee, therefore, desire that the circumstances under which the Central Government can use this power must be clearly specified in the new Act itself. This clause should also specify the period within which, elections must be held to the varied Board.

3.17 Clause 13 (2) (c) of the Bill provide that the Central Government would nominate one member to the varied Board, not being a person in the service of the Government. It has been suggested to the Committee that Vice-President of the Board should be made a member of the Board to protect the interests of the civilian population. The Committee agree with the suggestion and desire that this clause should be suitably amended accordingly.

## Clause 14 (Term of Office of Members)

Clause 14 states that “ (1) save as otherwise provided in this section, the term of office of a member of a Board shall be five years and shall commence from the date of the notification of his election or nomination under sub-section (8) of section 12 or from the date on which the vacancy has occurred in which he is elected or nominated, whichever date is later:

Provided that the Central Government may, when satisfied that it is necessary in order to avoid administrative difficulty, extend the term of office of all the elected members of a Board by such period not exceeding one year, as it thinks fit:

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 subsection (8) of section 12.

(2) The term of office of an *ex officio* member of a Board shall continue so long as he holds the office by 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 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 Central Government otherwise directs, continue in office until the election or nomination of his successor is notified under subsection (8) of section 12.

(5) Any outgoing member may, if qualified, be re-elected or re-nominated.”

This clause lays down the term of office of members of the Board and enables the Central Government to extend the same in order to avoid administrative difficulty for a period not exceeding one year.

3.18 In the written memorandum submitted to the Committee, representatives of Mumbai Environment Action Group have stated that :

“Very frequently the Cantonment Boards are left incomplete since the tenure of nominated members is short and since the notification in the official gazette takes a great deal of time. Because of the absence of nominated members who represent the Army’s interest, the functioning of the Board is often distorted.

It is sought to make a minor modification to this section by substituting publication by the command Headquarters for publication in the official Gazette”.

3.19 Therefore, he has suggested that the revised Section 14 (3) would therefore read as under:

“However, the nomination of a member of the Board Constitution under this section and every vacancy in the membership there of shall be notified by the officer commanding in chief the command in the command order”.

3.20 The Committee note that the three army officers nominated by officer commanding the station by order in writing, get transferred very frequently as a result very frequently the composition of Cantonment Board are left incomplete. The period within which notification should appear has not been mentioned in the Act, and the notification in the official gazette takes a great deal of time.

Therefore, the Committee endorse the suggestion given above and further wish to recommend that the time period for notifying in the official gazette may be specified in the Bill itself and the officers nominated should be allowed to take part in the proceedings of the Board without waiting for Gazette Notification.

3.21 The Committee recommend that sub-clauses 3 and 4 of this clause should be suitably amended in light of recommendations of the Committee on clause 12 of the Bill.

## **Clause 16**

### **(Vacancies in special cases)**

Clause 16 states that “(1) If from any cause at an ordinary election no member is elected, or if the elected member is unwilling to serve on the Board, the outgoing member shall, if qualified and willing to serve, be deemed to have been re-elected: Provided that where there are more outgoing members qualified and willing to serve than there are vacancies to be filled under this sub-section, the outgoing members so deemed to have been re-elected shall, failing agreement amongst such members, be determined by lot under the supervision of the President of the Board and in such manner as he may decide.

(2) 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) Vacancies arising in any of the following cases shall be filled by nomination by the Central Government after consultation with the General 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) For the purposes of sub-section (2) of section 15, a member nominated in pursuance of sub-section (3) of this section shall 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.

(5) 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.”

This clause empower the Central Government to decide about the filling up of vacancies arising in special cases.

3.22 Various suggestions were received on this clause state that reviving the membership of outgoing members may lead to abuse of law by coercion, criminal intimidation and even serious penal offences. It was, therefore, suggested that outgoing member should be specified and instead of reservation of seat for outgoing member there should be a fresh election.

3.23 The Committee are of the view that the word outgoing member, has not been clearly defined and, therefore, can lead to the confusion and also there may be a

large number of outgoing members, who may be desirous to become members again and try to seek favour of President Cantonment Board for re-induction in to the Board as a Member. Therefore, the Committee recommend that in case of elected member unwilling to serve on the Board, a fresh election should take place immediately to avoid misuse of this provision by offering inducements or by giving threats.

#### **Clause 17 (Oath or affirmation)**

Clause 17 states that “(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  
been nominated  
  
swear in the name of God  
\_\_\_\_\_ that I will bear true faith and allegiance to the  
solemnly affirm  
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 first meeting 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.”

This clauses provides for the format of the oath or affirmation to be taken by every person who become the member of the Board by virtue of his office, or being nominated or elected to the Board.

**3.24** The Committee fail to understand the logic behind the sub-clause 2 of this clause. The Committee also note that in the present Act there is a provision of taking/subscribing oath in first two meetings, the Committee therefore, desire that sub-clause (2) of this clause should be deleted.

#### **Clause 18 (Resignation)**

Clause 18 states that “(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 General 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 General Officer Commanding-in-Chief, the Command for orders.

(2) If the Central Government or the General 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) 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 (2) of section 16 shall take effect when such resignation is received by the President of the Board.”

This clause provides for the method of submission of resignation by nominated as well as elected members of the Board and enables the Central Government or the General Officer Commanding-in-Chief, the Command to accept the same.

**3.25 The Committee feel that the word ‘for orders’ may be substituted with information because the word order can be interpreted positively and negatively. The Committee feel that an elected member who is not willing to serve on the Board should have a right to resign and there should be no need of any order on the resignation.**

#### **Clause 20**

##### **(Term of office of Vice-President)**

Clause 20 states that “(1) The term of office of a Vice-President shall be five years or his residual 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) 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:

Provided that in case of Category IV cantonments, the Vice-President may be removed if a resolution to this effect is passed by the Board.”

This clause provides for the term of office of Vice-President of a Board and the method for his resignation and removal.

**3.26 The Committee feel that there is a possibility that both the elected members may decide to contest the elections for the post of Vice President. In such an**



eventuality the procedure laid down in sub-clause 3 of the above clause is difficult to follow. The Committee desire that specific provision to deal with the problem should be made clearly.

## **Clause 21 (Duties of President)**

Clause 21 states that “(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 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;

(e) in case of gross misconduct during the course of meeting, to suspend a member other than a Chief Executive Officer from attending the unconcluded part of the meeting of the Board.

(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 (b) 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 General Officer Commanding-in-Chief, the Command.”

3.27 A few memoranda received suggested that the Military Station Commander should continue to be the President of Cantonment Board. He should have a voting power which should be exercised whenever the interests of military service demand.

3.28 The Committee observe that under sub-clause 1 (e) of this clause, the President has the power to suspend a member other than a CEO from attending the unconcluded part of the meeting of the Board in case of gross misconduct. The Committee strongly feel that barring Members of the Board except CEO is totally discriminatory and undemocratic. Therefore, the Committee recommend that if CEO is made the Member of the Board as stated in the Clause, he should be treated at par with the other members of the Board.

3.29 The Committee desire that to guard against the possibility of decision being taken in the meeting in an undemocratic way, after suspending members from the meeting, the Committee feel that no vote on any matter shall be taken from which any member has been suspended.

3.30 Since the Committee have proposed that CEO should not be a member of the Board, the word CEO in Sub-Clause 1(e) should be deleted.

## **Clause 24**

### **(Appointment of Chief Executive Officer)**

Clause 24 states that “(1) For every cantonment there shall be a Chief Executive Officer appointed by the Central Government or by such person as the Central Government may authorise in this behalf: Provided that, in the event of temporary absence of the Chief Executive Officer, not exceeding ninety days, the Principal Director shall designate an officer under his jurisdiction to perform the duties of the Chief Executive Officer during such period.

(2) Not less than one-half of the salary of the Chief Executive Officer shall be paid by the Central Government and the balance from the cantonment fund. (3) The Chief Executive Officer shall be the Member-Secretary of the Board and of every Committee of the Board.”

This clause empowers the Central Government to appoint a Chief Executive Officer for every cantonment who shall be member-secretary of the Board and of every Committee of the Board and makes provision for his salary.

3.31 The suggestions received from various Cantonment Boards and other individuals/experts stated that in the new Bill CEO is a Member Secretary of the Board which should not be there as all the three functions i.e. Executive, Legislative, Judiciary should not be vested in one person. During the oral evidence, a large number of non-official witnesses suggested to the Committee that CEO should not be a Member Secretary and he should only be a Secretary as is in the present Act.

3.32 The Committee note that Chief Executive Officer should be known as Cantonment Executive Officer hereafter as he is an employee of the Cantonment Board as well as Central Government. Making CEO as member Secretary of the Board as well as member of every committee of the Board means that he will perform the functions of the Executive, Legislature and Judiciary which is against the spirit of the Constitution. Therefore, the Committee recommend that he should not be a member of the Board or any of its Committees.

3.33 As is the position in the existing Act, he should only be Secretary of the Board and its all Committees. If this recommendation of the Committee is accepted, the strength of the nominated members of the Board will come down to seven. The Committee, therefore, further recommend that in order to give better representation to Directorate General of Defence Estates one officer from this service may be nominated as a member to Cantonment Board in place of CEO. In this connection, the attention is also invited to the recommendation of the Committee made under Clause 12.

## **Clause 26**

### **(Special power of the Chief Executive Officer)**

Clause 26 states that “(1) The Chief Executive Officer may direct the execution of any work or the doing of any act, in public interest and in accordance with the provisions

of this Act and the rules made thereunder, and incur such expenditure as may be necessary in executing such work or doing such act, as the case may be, subject to the financial limits which the Board may by resolution determine subject to general guidelines issued by the Director General, Defence Estates in this regard.

(2) The Chief Executive Officer may, in case of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of the Board and 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) he shall not act under this section without the previous sanction of the President or, in his absence, of the Vice-President;

(b) he shall not act under this section in contravention of any order of the Board prohibiting the execution of any particular work or the doing of any particular act; and

(c) he shall report forthwith the action taken under this section and the reasons therefor to the Board.”

3.34 Under Clause 26(1), the CEO has been authorised to direct any execution of work and incur expenditure as may be necessary subject to financial limit which the Board by resolution may determine and also subject to general guidelines issued by the Director General of Defence Estates. The Committee feel that this provision can lead to avoidable duplicity of instructions to be followed by CEO in the financial matters. Therefore, the committee desire that this clause needs suitable modification and CEO should function as per the guidelines of the Board.

#### Clause 28

##### (Qualification of electors)

Clause 28 states that “(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 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 qualifying date—

(i) is not a citizen of India, or

(ii) has been adjudged by a competent court to be of unsound mind, or

(iii) is an undischarged insolvent, or

(iv) has been sentenced by a Criminal Court to imprisonment for a term exceeding two years for an offence which is declared by the Central Government to be such as to unfit him to become an elector or has been sentenced by a Criminal Court for any offence under Chapter IXA of the Indian Penal Code:

Provided that any disqualification incurred by a person under clause (iv) 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 sub-section (2), his name shall be removed from the electoral roll unless, in the case referred to in clause (iv), the disqualification is removed by the Central Government.”

This clause provides for the powers of the Central Government in preparation of Electoral Rolls for every cantonment, the periodicity or their publication, and the qualifications and disqualifications of a person to be considered eligible to be an elector.

**3.35 The Committee feel that such disqualifications should be basically for the candidates who contest the elections and not for the electors. The Committee desire that the disqualification of electors prescribed under this Clause should be the same as are being usually prescribed by various municipalities.**

**Clause 29**

**(Qualification for being a member of the Board)**

Clause 29 states that “(1) Save as hereinafter provided, every person, not being a person 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.

(2) 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 28.

(3) No person shall be qualified for being chosen whether by election or nomination as, and for being a member of a Board, if he—

(a) has been dismissed from the service of the Government and is debarred from re-employment therein, or is a dismissed employee of a Board;

(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 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

(e) is an officer or employee, permanent or temporary, of a Board or of any other local authority; or

(f) is a member of any other local authority; or

(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 30 unless a period of five years has elapsed since the date of the decision of the authority; or Qualification of electors.

(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

(i) is disqualified under any other provision of this Act:

Provided that 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 twenty-five thousand rupees in the aggregate in any year during the period of the contract or work.”

This clause provides for the qualifications and disqualifications for being a member of the Board.

**3.36 The Committee note that under Clause 29 (3)(b) a legal practitioner debarred from practising by a competent authority has been disqualified for being chosen as the member of the Board. It is not clear as to why a person belonging to a particular profession has been restrained for being the Member of Cantonment Board where as people belonging to other professions i.e. Doctors, Chartered Accountants and Architects who may also have been debarred by the competent body have not been disqualified. The Committee feel that either this provision should be deleted or all the above mentioned categories of professions may also be included in the provision.**

### **Clause 37 (Employees)**

Clause 37 states that “( 1) No person who has directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of a Board, or in any employment under, by or on behalf of a Board, otherwise than as an employee of the Board, shall become or remain an employee of such Board.

(2) An employee of a 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 Board or, in any employment under, by or on behalf of, the Board, otherwise than as an employee of the Board, shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

(3) Nothing in this section shall apply to any share or interest in any contract with, by or on behalf of, or employment under, by or on behalf of a Board if the same is a share in a company contracting with, or employed by, or on behalf of, the Board or is a share or interest acquired or retained with the permission of the General Officer Commanding-in-Chief, the Command in any lease or sale to, or purchase by the Board of land or building or in any agreement for the same.

(4) Every person applying for employment as an employee 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 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.”

This clause lays down the disqualifications of person to be an employee of the Board in case he has any pecuniary interest in the activities of the Board.

**3.37 The Committee note that under this clause every person seeking employment under a Board should notify to the Board, the fact of his being relation of a Board Member failing which his appointment shall be invalid. The Committee feel that such a restriction needs to be reviewed as no reasons have been mentioned for such a restriction.**



**Clause 38****(Cantonment employee to be deemed a public servant)**

Clause 38 states that “every officer or employee, permanent or temporary of a Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and clause (c) of section 2 of the Prevention of Corruption Act, 1988.”

3.38 During oral evidence, President, All India Cantonments Board Employees Federation stated that :

“Cantonment Board employees should be treated at par with the Central Government employees.

Service of employees of Cantonment Board should be centralized and there should be common cadre for them so that they would be transferred all over India.”

3.39 The Committee feel that provision to transfer employees from one Cantonment Board to another will give them exposure and enhance their efficiency for a better career prospects. The Committee desire that the Government may examine the feasibility of having a common cadre command-wise.

**Clause 39  
(Meetings)**

Clause 39 states that “(1) Every Board shall meet at least once in a month to transact its business on such day as may be fixed by the President and in his absence by the Vice-President, and its notice shall be given in such manner as may be provided in the 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.”

This clause provides the elaborate provisions regarding holding Board meetings, the business to be transacted at the meetings, the quorum required for the meetings, the Presiding Officer and recording of minutes, the meeting to be public and the method of deciding questions at the Board meetings.

**3.40 The Committee note that any meeting may be adjourned until the next or the subsequent and the adjourned meeting can be further adjourned. The Committee note that this power of adjourning the meeting again and again can be misused. The Committee, therefore, desire that this power to adjourn the meeting again and again should be subject to certain specified conditions. The clause should be amended accordingly.**

### **Clause 43 (Minutes)**

Clause 43 states that “( 1) The minutes of the proceedings of each meeting shall be recorded in a book and shall be signed by the person presiding over the meeting and the Chief Executive Officer, before the close of the meeting and shall, at such times and in such place as may be fixed by the Board, be open to inspection free of charge by any inhabitant of the cantonment.

(2) Copies of the minutes shall, as soon as possible after each meeting, be forwarded for information to the General Officer Commanding-in-Chief, the Command, the District Magistrate and the Defence Estate 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.”

This clause provides the elaborate provisions regarding recording of minutes.

**3.41** The Committee note that copies of the Minutes of the meeting of the Board are to be forwarded to GOC-in-C, the Command and other Officers, however, there is no provision of sending the same to the other Board members, whether they were present in the meeting or not. The situation become more grave when the elected members are not present and an important decision might have been taken by the Board. Therefore, the Committee strongly recommend that copies of the minutes should invariably be circulated to all the members of the Board. However, the important decision of the Board pertaining to civil areas should be duly notified and made known to the public at large copies of these orders can be made available to them on demand at a nominal charge.

**Clause 48****(Power to make regulations)**

Clause 48 states that “( 1) A Board may make regulations consistent with this Act and with the rules made there under 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 adjournments of meetings;
  - (d) the custody of the common seal of the Board and the purposes for which it shall be used; and
  - (e) the appointment of committees for any purpose and the determination of all matters relating to the constitution and procedure of such committees, and the delegation to such committees, subject to any conditions which the Board thinks fit to impose, of any of the powers or duties of the Board under this Act other than a power to make regulations or bye-laws.
- (2) No regulation made under clause (e) of sub-section ( 1) shall take effect until it has been approved by the Central Government.
- (3) No regulation made under this section shall take effect until it has been published in such manner as the Central Government may direct.”

This clause empowers the Board to make, with prior approval of the Central Government, regulations (pertaining to the conduct of meetings) and appointment of Committees.

3.42 Under Clause 47(1) the Civil Area Committee has to work under the restrictions under Sub-Clause 1(e) of clause 48. The Committee feel that the restriction imposed under this clause can make the working of civil area Committee infructuous if the unreasonable conditions are put on their working by a Board. The Committee feel that Civil Area Committee should be given more autonomy and provisions of sub-clause 1(e) of clause 48 should not be applied in their case. The Committee feel that the decision taken by the Civil Area Committee can be considered by the Board and implemented by the CEO.

#### **Clause 51**

**(Power of Central Government to require production of documents)**

Clause 51 states that “The Central Government or such officer or authority as may be authorised by the Central Government in this behalf may at any time require a 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.”

#### **Clause 52**

**(Inspection)**

Clause 52 states that “the Central Government or the General Officer Commanding-in-Chief, the Command or the Director General or the Principal Director, may depute any person in the service of the Government to inspect or examine any department of the office of, or any service or work undertaken by, or thing belonging to, a Board, and to report thereon, and the Board and its officers and employees shall be bound to afford the person so deputed access at all reasonable times to the premises and property of the Board and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties.”

#### **Clause 53**

**(Power to call for documents)**

Clause 53 states that “ The General Officer Commanding-in-Chief, the Command or the Principal Director, may, by order in writing,—

(a) call for any book or document in the possession or under the control of the Board;

(b) require the Board to furnish such statements, accounts, reports and copies of documents relating to its proceedings, duties or works as he thinks fit.”

#### **Clause 54**

**(Power to require execution of work, etc.)**

Clause 54 states that if, on receipt of any information or report obtained under section 51 or section 52 or section 53, the Central Government or the General Officer

Commanding-in-Chief, the Command or the Director General or the Principal Director is of opinion—

(a) that any duty imposed on a 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, it or he may direct the Board, within such period as it or he thinks fit, to make arrangements to its or his satisfaction for the proper performance of the duty, or as the case may be, to make financial provision to its or his satisfaction for the performance of the duty:

Provided that unless in the opinion of the Central Government or the General Officer Commanding-in-Chief, the Command or the Director General or the Principal Director, as the case may be, the immediate execution of such order is necessary, it or he shall, before making any direction under this section, give the Board an opportunity of showing cause why such direction should not be made.

#### **Clause 55**

##### **(Power to provide for enforcement of direction under Section 54)**

Clause 55 states that “If, within the period fixed by a direction made under section 54, any action the taking of which has been directed under that section has not been duly taken, the Central Government or the General Officer Commanding-in-Chief, the Command or the Director General, or the Principal Director, 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.”

Clauses 51 to 55 empowers the Central Government, the General Officer Commanding-in-Chief, the Command, the Director General or the Principal Director to require production of documents, carry out inspections of the cantonments, call for documents, require the execution of work and enforcement of directions by the Cantonment Boards.

3.43 During the oral evidence, ex-Judge, Advocate General Army stated that in these clauses they have inducted the Director General to inspect or examine any department or office or any service or work undertaken by a board and to report thereon. He was of the opinion that Director General is the advisor of the Central Government. When the word Central Government is already existing, there is no need to have a Director General.

3.44 The Committee note that Director General/Principal Director or any other officer mentioned in the bill are the representatives of the Central Government. Therefore, in order to avoid ambiguity and duplicity, the Committee recommend that in all these clauses GOC-in-C, the Command or Director General may be given powers to inspect the land records or defence estate of a particular Board to whom he can issue directions.

## **Clause 56**

### **(Power to override decision of Board)**

Clause 56 states that “(1) If the President dissents from any decision of the Board which he considers prejudicial to 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 General Officer Commanding-in-Chief, the Command. (2) If the District Magistrate considers any decision of a Board to be prejudicial to the public health, safety or convenience, he may, after giving notice in writing of his intention to the Board, refer the matter to the Central Government, and pending the disposal of the reference to the 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 in sub-section (2).

(4) If the Chief Executive Officer considers any decision of the Board taken at a meeting, to be in contravention of the provisions of this Act, rules, regulations or bye-laws made there under and the general guidelines issued by the Central Government from time to time in this regard, he may, for reasons to be recorded in writing and after informing the President in this behalf, forthwith refer the matter to the Principal Director who shall if considered appropriate direct the suspension of action on the said decision for a period not exceeding one month.

(5) The Principal Director shall, for reasons to be recorded in writing on the reference made under sub-section (4), refer the matter to the General Officer Commanding-in-Chief, the Command along with recommendation on whether or not the said decision of the Board should be revoked and inform the matter to Director General Defence Estates.”

This clause empowers the President, District Magistrate, Magistrate and Chief Executive Officer to override the decision of the Board.

3.45 Memorandum received on the clause from the various individuals/organisations/ex-Members and Vice Presidents of Cantonment Boards suggested that overriding power of the board should be with less number of authorities instead of with too many authorities as mentioned in the Bill.

3.46 The Committee, after careful examination of the facts, feel that power given to different functionaries under this clause to override the decision of the Board is likely to adversely affect the smooth functioning of the Cantonment Boards. The power to override the decisions of the Board should only be available to the GOC-in-C, the

command with the approval of Central Government. The Committee desire that this clause should be amended suitably.



## CHAPTER IV

### DUTIES AND DISCRETIONARY FUNCTIONS OF BOARDS

Chapter IV contains Clause 62 to Clause 65. The provisions in these clauses deal with duties to be performed by a Board as far as the funds at its disposal so permit, Discretionary functions of Board and Power of Board to incur expenditure for educational, health and other purposes outside the Cantonment in case the same serve the interest of the Cantonment, etc.

#### **Clause 62 (Duties of Board)**

Clause 62 states that “it shall be the duty of every Board, so far as the funds at its disposal permit, to make reasonable provision within the cantonment for—

- (i) lighting streets and other public places;
- (ii) watering streets and other public places;
- (iii) cleansing streets, public places and drains, abating nuisances and removing noxious vegetation;
- (iv) regulating offensive, dangerous or obnoxious trades, callings and practices;
- (v) removing , on the ground of public safety, health or convenience, undesirable obstructions and projections in streets and other public places;
- (vi) securing or removing dangerous buildings and places;
- (vii) acquiring, maintaining, changing and regulating places for the disposal of the dead;
- (viii) constructing, altering and maintaining streets, culverts, bridges, causeways, markets, slaughter-houses, latrines, privies, urinals, drains, drainage works and sewerage works and regulating their use;
- (ix) planting and maintaining trees on roadsides and other public places;
- (x) 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;
- (xi) registering births and deaths;
- (xii) preventing and checking spread of dangerous diseases; establishing and maintaining a system of public vaccination and inoculation for the said objective;
- (xiii) establishing and maintaining or supporting public hospitals , maternity and child welfare centres and dispensaries, and providing public medical relief;
- (xiv) establishing and maintaining or assisting primary schools;
- (xv) rendering assistance in extinguishing fires, and protecting light and property when fire occurs;
- (xvi) maintaining and developing the value of property vested in, or entrusted to, the management of the Board;
- (xvii) establishing and maintaining civil defence services;
- (xviii) preparing and implementing town planning schemes;
- (xix) preparing and implementing plans for economic development and social justice;
- (xx) naming and numbering of streets and premises;

(xx) according or refusing permission to erect or re-erect building;  
 (xxii) organising, promoting or supporting cultural and sports activities;  
 (xxiii) fulfilling any other obligation imposed upon it by or under this Act or any other law for the time being in force.”

This clause lays down the duties to be performed by a Board or any Committee of a Board.

**4.2** During the study visit of the Standing Committee on Defence to Jammu Cantonment and also by oral evidences of various representatives of Organisations/individuals, the Committee observed that there are no proper facilities in the school and hospitals meant for civilian population in Cantonments. Therefore, the committee recommend that the Cantonment Board should take the responsibility to provide all kind of advanced medical facilities in Cantonment Board Hospital and improve the quality of education as well as infrastructure of the schools. The Committee also desire that responsibility and accountability should be clearly defined under this clause so that there may be effective implementation of the functions.

**4.3** The Committee feel that every Cantonment Board should also be assigned duty to provide secondary education school by establishing schools in addition to primary education given under sub-clause 14 of this clause. The Committee are of the opinion that considering the financial crunch which various Boards are facing, feasibility of granting permission to NGOs to run hospitals and schools in cantonment areas be considered.

**4.4** The Committee have received a number of suggestions that conservation of heritage building may be taken up by the respective Cantonment Board. The Committee desire that this should be suitably provided under this clause as far as possible, conservation of environment should also be taken up by the Board.

**4.5** The Committee are surprised to note that celebrating Independence Day and Republic Day and incurring expenditure thereon under sub-clause 17 of clause 64 has been categorised as discretionary functions of the Board. The Committee strongly feel that this function should be included in the obligatory duty of the Board under this clause.

**Clause 63**

**(Power to manage property)**

Clause 63 states that “a Board may, subject to any conditions imposed by the Central Government, manage any property entrusted to its management by the Central Government on such terms as to the sharing of rents and profits accruing from such property as may be determined by rule made under section 351.”

This clause enables the Boards to manage any property entrusted to its management by the Central Government, subject to such terms as may be determined under rules to be made by the Central Government under clause 351.

**4.6** Notwithstanding anything contained in this clause, the Committee recommend that the houses, buildings and colonies, constructed by the Cantonment Boards, out of loans granted by the States or Central Government, under various housing

schemes, to facilitate the persons who do not have their own houses, will continue to be governed by the specific provisions of the concerned Housing Schemes.

## CHAPTER V

### TAXES AND FEES

Chapter V contains Clause 66 to Clause 118. The provisions in these clauses empowers board to impose with the previous sanction of the Central Government various taxes, certain fees and charges, framing of preliminary proposals, preparation of assessment list, its revision and authentication. These clauses also include need to give a notice of erection of a building, its completion, re-emission of taxes by CEO in case a property has remained vacant and unproductive for certain period of time, penalty in cases of evasion of octroi, terminal tax or toll, filing of appeals to District Court against the assessment. This clause also empowers the District Court hearing the appeal to decide about the costs of appeal and require its payment to be made whether by the Board or the appellant and also requires the Central Government or State Government to pay to the Board annually service charges, attachment and sale of immovable property, recovery from the person about to leave cantonment and power of Central Government to issue directions to the Board.

#### **Clause 66** **(General power of taxation)**

Clause 66 states that “(1) The Board shall, with the previous sanction of the Central Government, impose the following taxes for the purposes of this Act :—

(a) property tax; and

(b) tax on trades, professions callings and employments.

(2) In addition to the taxes specified in sub-section (1) the Board may, for the purposes of this Act, impose any tax which under any enactment for the time being in force may be imposed in any municipality in the State in which the cantonment is situated:

Provided that the Board shall revise every five years, the rates of taxes imposed under sub-sections (1) and (2) :

Provided further that the Board shall not abolish any tax imposed under this section or vary it to the Board's financial disadvantage without the prior sanction of the Central Government and the tax mentioned in sub-section (2) shall not exceed the ceiling prescribed in this behalf by clause (2) of article 276 of the Constitution.

(3) The taxes specified in sub-sections (1) and (2) shall be imposed, assessed and collected in accordance with the provisions of this Act, rules and the bye-laws made there under.

(4) Any tax imposed under this section shall take effect from the date of its notification in the Official Gazette or where any later date is specified in this behalf in the notification, from such later date.”

Section 60 of the Cantonments Act, 1924 provides that :

”(1) The Board may, with the previous sanction of the [Central Government], impose in any cantonment any tax which, under any enactment for the time

being in force, may be imposed in any municipality in the state wherein such cantonment is situated.

(2) Any tax imposed under this section shall take effect from the date of its notification in the Official Gazette [or where any later date is specified in this behalf in the notification, from such later date].”

This clause empowers the Board to impose with the previous sanction of the Central Government, property tax, tax on trades, professions, calling and employments and any other tax which may be imposed in any municipality in the State in which such cantonment is situated.

**5.2 The Committee feel that the matter of levying property tax and other taxes in the Cantonment areas needs a flexible regime. If these conditions are laid down in the Act it could become rigid. The Committee feel that the existing provision of the Cantonments Act, 1924 should be retained in the present Bill. The Committee desire that all efforts should be made to ensure that civil residents of the cantonment area are not subjected to double taxation.**

**Clause 67**

**(Charging of Fees)**

Clause 67 states that “the Board shall, for the purposes of this Act, charge the following fees, namely:—

- (a) licence fee on vehicles and animals;
- (b) licence fee on advertisements other than advertisements in newspapers;
- (c) fee relating to maintenance of property records;
- (d) processing fee on buildings payable along with application for sanction of the building plan;
- (e) licence fee on entry of vehicles;
- (f) betterment fee on the increase in land value caused by the execution of any development work; and
- (g) such other fee which the Board may by regulation specify:

Provided that the fee charged under clause (g) of this section shall not be less than the cost incurred by the Board for or in connection with the specific service to which the fee relates.”

This clause empowers a Board to charge certain fees and charges.

5.3 The Committee note that under clause 67(e) there is a provision to charge licence fee on entry of vehicles. All types of vehicles of the residents of cantonment are taxed by the regional transport officer who recovers tax as well as licence fee for vehicles. The Committee feel that imposing taxes by the Cantonment Board may lead to double taxation. Therefore, the committee desire that vehicles of the residents of the cantonment areas should not be subject to this fee as they may have to frequently travel outside the cantonment area.

#### **Clause 76**

**( Revision of assessment list)**

Clause 76 states that “( 1) The Chief Executive Officer shall, at the same time, give public notice of a date, not less than one month thereafter, when he shall proceed to consider the valuation 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 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 Chief 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 Chief 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 the Chief Executive Officer.”

This clause provide for revision of assessment list by the Chief Executive Officer.

5.4 The Committee desire that in addition to the provision made under clause 76 of the Bill provision of clause 67 of the Cantonments Act, 1924 should also be retained which reads as follows :

“When the assessment list has been prepared, the 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, lessees 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 there from free of charge.”

5.5 The Committee further feel that the objection received to evaluation or assessment should be enquired into or investigated by a Committee consisting of both nominated and elected members of the Board or Civil Area Committee instead of conferring this power on CEO.

#### **Clause 77**

**(Authentication of assessment list)**

Clause 77 states that “(1) When all objections made under section 76 have been disposed of, and the revision of the valuation and assessment has been completed, the assessment list shall be authenticated by the signatures of the Chief Executive Officer and the President Cantonment Board, who shall, certify that except in the cases if any, in which amendments have been made as shown therein no valid objection has been made to the annual rateable value or any other matters entered in the said list:

Provided that whenever the General Officer Commanding-in-Chief or Principal Director or Director Command comes to the conclusion that the assessment lists or any entries therein have not been correctly prepared and are prejudicial to the interests of the Board or of the Central Government, they may *suo moto* re-open the said assessment and issue such directions as deemed fit.

(2) The assessment list so authenticated shall be deposited in the office of the 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.”

**5.6 The Committee feel that the power conferred on GOC-in-C, Principal Director or Director under sub-clause 1 of this clause is ambiguous. This power should be available to one officer alone.**

**Clause 80**  
**(Preparation of new assessment list)**

Clause 80 states that “the Chief Executive Officer shall prepare a new assessment list at least once in every three years, and for this purpose the provisions of sections 75 to 79 shall apply in like manner as they apply for the purpose of the preparation of an assessment list for the first time.”

5.7 A number of suggestions received from various organisations/individuals suggested that assessment list should be prepared every five years instead of three years as provided in the clause.

5.8 In view of the suggestions received from the non-official witnesses, the Committee recommend that new assessment list should be prepared every five years instead of three years as provided in the clause.

**Clause 81**  
**(Notice of transfer)**

Clause 81 states that “(1) Whenever the title of any person primarily liable for the payment of a tax on the annual rateable 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 Chief Executive Officer.

(2) In the event of the death of any person primarily liable as aforesaid, the person on whom the title of the deceased devolves shall give notice of such devolution to the Chief Executive Officer within six months from the death of the deceased.

(3) The notice to be given under this section shall be in such form as may be determined by rules made under section 351, and the transferee or other person on whom the title devolves shall, if so required, be bound to produce before the Chief Executive Officer any documents evidencing the transfer or devolution.

(4) Every person who makes a transfer as aforesaid without giving such notice to the Chief Executive Officer shall continue liable for the payment of all taxes assessed on the property transferred until he gives notice or until the transfer has been recorded in the registers of the Board, but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax.

(5) The Chief Executive Officer shall record 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.

(6) Any failure to comply with the provisions contained in sub-sections (1) to (3) shall be punishable with fine which may extend to ten thousand rupees.”



This clause provides for the procedure to be followed in cases where the title of any person primarily liable for the payment of the tax is transferred whether through an instrument or in the event of death, in so far as such transfer related to the payment of taxes.

5.9 During the oral evidence, President, Cantonments Citizens Welfare Association, Meerut submitted before the Committee that mutation is the personal matter and there should be no penalty at all and also there should be a time limit for office to complete the mutation procedure.

5.10 The Committee have noted the suggestions received in this regard and are of the view that amount specified under sub-clause 6 is on the higher side. The Committee desire that this amount should be Rs.1,000/- only.

#### **Clause 82 (Notice of erection of buildings)**

Clause 82 states that “(1) If any building is erected or re-erected within the meaning of section 235, the owner shall give notice thereof to the Chief 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 five thousand 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.”

This clause provides for the need to give a notice of erection of a building, its completion and occupation so far as it relates to the assessment and payment of taxes.

5.11 The Committee hope and trust that the conditions underlined in clause 235 are similar to the one which are normally laid down by various municipalities.

#### **Clause 90 (Inspection of imported goods, octroi, terminal tax and toll, etc.)**

Clause 90 states that “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 Chief Executive Officer 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.”

This clause enables the Chief Executive Officer or any person authorized by him to inspect, examine or weigh any goods, vehicles or animals imported in cantonment on which octroi or terminal tax or toll is leviable.

**5.12 The Committee feel that there is a need to specify clearly the term 'Officer' in this clause. It would be appropriate, if he is an officer of the Cantonment Board.**

**5.13 The committee also feel that this definition of the term 'Officer' should also be specified under clause 2 of the Bill.**

**Clause 92****( Lease of octroi, terminal tax or toll)**

Clause 92 states that “it shall be lawful for the Chief Executive Officer, with the previous sanction of the President Cantonment Board 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 Chief Executive Officer for their guidance;  
 (b) have such powers exercisable by officers or employees of the Board under this Act as the 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 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 Chief Executive Officer.”

This clause enables the Chief Executive Officer to lease the collection of any octroi, terminal tax or toll for any period not exceeding one year, with the previous sanction of the President Cantonment Board.

**5.14 The Committee note that power given to CEO in this clause is against the reasons and objects of the bill i.e greater democratisation, as it keeps aside the elected members of the Board from the decision making process. Therefore, the Committee recommend that this power should remain with the Board.**

**Clause 93****(Appeals against assessment)**

Clause 93 states that “(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 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.

*Explanation.*— For the purposes of this section and sections 94, 95, 96, 97 and 102, “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.”

This clause provides for filing of appeals to the District Court against the assessment of levy of, or against the refusal to refund of any tax under the Bill.

5.15 In a written memorandum submitted to the Committee, Kumari Selja, Minister of State for Urban Employment and Poverty Alleviation has stated that:

“Appeal against the assessed Tax or Duty, in the District Courts is very costly and there-after the 2<sup>nd</sup> opportunity of appeal is possible only in the High Court which is prohibitively costly and the relief may take decades to come by. As such, virtually, the right to appeal is almost denied to the aggrieved party and suggested first Appeal against assessed tax or duty should be allowed in the Lower Court (Sub-Judge) instead of District Courts so that award may be granted within a reasonable time”.

5.16 The Committee feel that administrative mechanism should be put in place to hear the appeal against the assessment or levy of, or against the refusal to refund, any tax under this Act, so that the Cantonment inhabitants should not have to take recourse to District Courts which is costlier and time consuming affair.

#### **Clause 98**

##### **(Time and manner of payment of taxes)**

Clause 98 states that “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 manner, as the Chief Executive Officer may, by public notice, direct.”

**Clause 99**  
**(Public notice for taxes due)**

Clause 99 states that “( 1) When any tax has become due the Chief Executive Officer shall cause a public notice to be issued specifying the tax and the period for which it is due for payment.

(2) The tax shall become due for payment from the date of issue of public notice under sub-section ( 1) above.

(3) It shall not be necessary to present a separate bill to the person liable for payment thereof unless the tax is assessed for the first time or it is enhanced or modified under the provisions of this Act.”

Clauses 98 and 99 enable the Chief Executive Officers to direct, by a notice in this regard, the dates and manner in which a tax shall be payable.

**5.17 The Committee note that it is provided in these clauses that it shall not be necessary to present a separate bill to the person liable for payment of tax thereof unless the tax is assessed for the first time. In the subsequent period presentation of separate bill to the person is not necessary as a result of which the concerned individual may miss the date of payment of tax.**

**5.18 The Committee further note that for the illiterate population staying in cantonments, it would be very difficult to look for public notice. Therefore, the Committee, recommend that a copy of the tax notice should be sent to the assesses as well as general notice for payment of tax be published in the local/ regional language newspapers.**

**Clause 102**  
**(Interest payable on taxes due)**

Clause 102 states that “( 1) If a person on whom a notice of demand has been served under section 100, does 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 one per cent, of the sum due for each complete month from the date of expiry of the period of thirty days as aforesaid.

(2) The amount of interest shall be recoverable in the same manner as moneys recoverable by the Board under section 329:

Provided that—

(a) where no appeal has been preferred, the Chief Executive officer with the previous sanction of the Board; and

(b) in any other case, the District Court hearing the appeal under section 93, may remit the whole or any part of the interest payable in respect of any period.”

This clause provides for the recovery of interest in case amount of tax is not paid within thirty days of the notice.

**5.19 The Committee note that under sub-clause 1 of this clause the rate of interest payable on taxes due has been mentioned to be 1 percent for each complete month which effectively comes to 12 percent per annum. The Committee note that in present day economic scenario of the country interest rates are coming down and in future these may go up also. As such the Committee feel that the rate of interest need not be mentioned in the Act itself and should be left with the Board to fix depending on prevailing bank rates or the rates charged by the adjoining municipalities in such a case. The Committee desire that this clause may be amended accordingly.**

**Clause 104**  
**(Disposal of distrained property)**

Clause 104 states that “( 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 Chief Executive Officer shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.

(2) If the warrant is not in the meantime suspended by the Chief 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 103, be sold by public auction by order of the Chief 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 whose property has been sold or his legal representative and, if the same is claimed by written application to the Chief Executive Officer within one year from the date of the notice, a refund thereof shall be made to such person or representative and any surplus not claimed within one year as aforesaid shall be the property of the Board.

(4) For every distraint made under this Chapter a fee of such amount, not exceeding two hundred rupees, as shall in each case be fixed by the Chief Executive Officer shall be charged, and the said fee shall be included in the costs of recovery.”

This clause enables the Chief Executive Officer to arrange for the disposal of distrained property by public auction and credit the sale proceeds to the cantonment funds.

**Clause 105**  
**(Attachment and sale of immovable property)**

Clause 105 states that “( 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 displayed at some place on or adjacent to such property by pasting the same conspicuously and by publishing the same in a newspaper having circulation in the area in which the property is situated or by any other means or mode as may be considered appropriate by the Chief Executive Officer.

(3) Any transfer of or charge on the property attached or any interest thereon made without the written permission of the Chief Executive Officer shall be void as against all claims of the Board enforceable under the attachment.

(4) Where the sum due to the Board with the cost incurred by the Board in the sale of

the property, including publication of notice in newspaper 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 Chief 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.”

This clause provides for the procedure to be followed for the attachment and sale of immovable property on issue of warrant for the same.

#### **Clause 106**

##### **(Recovery from a person about to leave cantonment)**

Clause 106 states that “(1) If the Chief Executive Officer has reason to believe that any person from whom any sum is due or is about to become due on account of any tax is about to 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 a notice of demand for the same to be served on such person.

(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.”

This clause empowers the Chief Executive Officer to direct a person, believed to the moving out of the cantonment, to pay the taxes immediately after serving a notice of demand in this regard.

#### **Clause 107**

##### **(Power to institute suit for recovery)**

Clause 107 states that “Instead of proceeding against a defaulter by 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.”



This clause provides for the institution of a suit for recovery of a tax.

**5.20 The Committee desire that the provision made in sub-clause 3 of clause 104 should be made applicable in respect of clauses 105, 106 and 107 also.**

**Clause 108**

**(Every board to be a Municipality for certain purposes)**

Clause 108 states that “a Board shall be deemed to be a municipal committee for the purposes of -

(a) taxation as per the Municipal Taxation Act, 1881,

(b) receiving grants,

(c) executing the Central or the State Government schemes of social welfare, public health, hygiene, safety, water supply, sanitation and education.”

**Clause 109**

**(Payment to be made to a Board as service charges by the Central Government or the State Government)**

Clause 109 states that “the Central or the State Government, as the case may be, shall pay to a Board annually service charges for providing collective municipal services or development work in a cantonment where the Central or State Government properties are situated as worked out by the Board based on the guidelines issued in this behalf by the Central Government or the State Government.”

Clauses 108 and 109 provide for every Board to be a Municipality for the purposes of Article 243 P (I) of the Constitution of India and a Municipal Community for the purposes of Municipal Taxation Act 1881 (11 of 1881) and requires the Central Government or the State Government to pay to the Board annually service charges.

**5.21 The Parliamentary Standing Committee on Defence (12<sup>th</sup> Lok Sabha) made a recommendation for extension of centrally sponsored development schemes in cantonments for uniform development of States. Provisions in clauses 10 and 108 of the Bill have therefore been made making every Board a ‘deemed municipality’ for the purposes of article 243 P (e) of the Constitution. This would enable the Cantonment Boards to avail benefits and advantages of centrally sponsored schemes for social and economic development as are presently available to other municipalities in various States.**

**5.22 When asked about the apprehension of interference of State Government in management of cantonments, the Ministry of Defence in the written reply has stated that reference to Article 243 p(e) of the Constitution in clause 10(2) may cause problem with regard to possible interference of State Government. Therefore, this clause is required to be suitably amended in consultation with the Ministry of Law.**

5.23 During the briefing Defence Secretary also stressed upon undesirable interference of State Government in the management of cantonments-

“Further, the fact should not be forgotten that the Cantonment Board has a particular peculiar requirement and the need of ensuring that there is a certain discipline, there is a certain hygiene and there is a certain health requirement of the troops that we should, I feel, not forget. Hence, the cantonments are not like any other normal municipal bodies. While they are supposed to discharge certain civic service functions, we have to keep in mind the fact that the primary objective of setting up this kind of a body was to cater to the needs of the troops. So, I think that we would have to keep it in mind and not treat them entirely at par with other municipal bodies.”

5.24 In this connection when asked about the reaction of the State Governments to extension of Central or State Government Welfare Schemes to the cantonments, the Ministry in their written reply has stated that State Governments have not yet been consulted on this issue. Since this is only an enabling provision, they may be consulted at the time of implementation, if required.

5.25 The Committee observed that the Cantonment Board has been proposed to be deemed to be a Municipal Committee for the purposes of taxation, receiving grants and executing Central or State Government schemes of social welfare, public health, hygiene, safety, water supply, sanitations and education. It has, however, not been explained as to how taxes available under the Central and State Government schemes would be availed by a Board in cases where such a scheme stipulates a local contribution by the municipal body itself (in case of State Government schemes). This problem may crop up particularly in respect of the deficit Cantonment Boards, and, therefore, needs to be considered by the Government.

5.26 The Committee after careful consideration of the above facts are of the view that while drafting the bill the Ministry has not consulted the concerned State Governments before deciding to give deemed municipality status, this will lead to perpetual ambiguity and conflict between Centre, State and Cantonment Boards. Therefore, the Committee desire the Ministry to consult the State Governments before finalising the bill, without postponing the consultation till the time of implementation of the new Act.

5.27 The Committee feel that provisions made under clause 108 impinge on the delicate Center State relations. The Committee desire that Central Government should consult the State Government in the matter of receiving grants from the State funds and on the question of executing the Central Government schemes on social welfare and public health etc. before implementing this provision.

5.28 The Committee further desire that the question of State Government role in implementation of various Central and State schemes should be specifically outlined in this clause to avoid future controversies and conflicts.

#### **Clause 114 (Composition)**

Clause 114 states that “(1) The Chief Executive Officer may, with the previous sanction of the General Commanding Officer-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.”

This clause enables the Chief Executive Officer to allow any person to compound any tax with the previous sanction of the General Commanding Officer-in-Chief, the Command.

#### **Clause 115 (Irrecoverable debts)**

Clause 115 states that “the Chief Executive Officer may write off any sum due on account of any tax or rate or of the costs of recovering any tax or rate if such sum is, in its opinion, irrecoverable:

Provided that, where the sum written off in favour of any one person exceeds two thousand and five hundred rupees, the sanction of the President of Cantonment Board shall be first obtained.”

This clause enables the Board to write off any sum due on account of any tax, up to two thousand five hundred rupees and do so for any sum beyond that with previous sanction of the President.

**5.29 The Committee feel that power to compound any tax conferred on CEO should be available only to the Cantonment Board and should be at par with the adjoining municipal bodies.**

#### **Clause 116**

**(Obligation to disclose liability)**

Clause 116 states that “(1) The Chief 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 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) 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 Chief 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 five thousand rupees and shall also be liable to be assessed at such amount on account of tax as the Chief Executive Officer may deem proper, and the assessment so made shall, subject to the provisions of this Act, be final.”

This clause enables the Chief Executive Officer to call upon any inhabitant of the cantonment to furnish information for the purpose of payment of taxes.

**5.30 The Committee feel that provisions of this clause are very vague and can be misused. The amount of fine imposed is very high. The Committee, therefore, desire that specific conditions should be laid down under which CEO may act under this clause and imposition of fine should have prior approval of the Civil Area Committee.**

**Clause 117**  
**(Immaterial error not to affect liability)**

Clause 117 states that “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.”

**Clause 118**  
**(Distraint not to be invalid by reason of immaterial defect)**

Clause 118 states that “no 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, 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.”

Clauses 117 and 118 provide for the liability of a person for a tax or a distress, not to suffer invalidity by reason of an immaterial error in record or defect in the form of the notice of demand.

**5.31** Under these clauses, it has been provided that an individual who sustain 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. The Committee feel that this would lead to avoidable increase in court cases against the Board and would cost a lot of time and monetary efforts on the part of already wronged person. The Committee, therefore, recommend that compensation to such a person should be made by the Board itself on examining an application from the affected individual without his filing a court case against the Board.

## CHAPTER VI

### CANTONMENT FUND AND PROPERTY

Chapter V contains Clause 119 to Clause 125. The provisions in these clauses provides for a Cantonment fund and cantonment development fund to be formed for every cantonment and enabling the Board to borrow money from another Board and management and control of properties of certain nature, etc. This clause also enables the Central Government to procure the acquisition of immovable property under the Land Acquisition Act, 1894 (1 of 1894) and to make rules thereon.

#### **Clause 121**

##### **( Power of Board to borrow money)**

Clause 121 states that “a Board may from time to time by a resolution passed in this behalf borrow money from another Board any sum of money which may be required for the schemes or projects covered under this Act. “

This clause enables the Board, by resolution passed in this behalf, to borrow money from another Board.

**6.2 The Committee note that the power of Board to borrow money from another Board may not serve any purpose. The Government informed the Committee that the Boards may not be able to raise money from other sources like open market because of their financial position. The Committee feel that the same holds good in the case of borrowing by one Board from another because no Board would like to lend money to a financially weak Board knowing that it cannot recover the money. The Board will be able to raise money under this clause only if the Government stand guarantee to such a loan. Therefore, the Committee desire that this matter may be re-examined.**

## **CHAPTER VII**

### **CONTRACTS**

Chapter VII contains Clause 126 to Clause 129. The provisions in these clauses enables every board to enter into and perform any contract necessary for the purposes of the Bill and also specifies the requirement of the sanction of the Board for every contract for which budget provision does not exist or which involves a value exceeding Rs. 50,000/- and also enables the CEO to sanction all other contracts. These clauses also provide every contract of value exceeding Rs. 50,000/- to be in writing and signed by two Members of the Board, one of which will be President or Vice President.

#### **Clause 127 (Sanction)**

Clause 127 states that “( 1) Every contract —  
 (a) for which budget provision does not exist, or  
 (b) which involves a value or amount exceeding rupees fifty thousand shall require the sanction of the Board.  
 (2) Every contract other than a contract such as is referred to in sub-section ( 1) shall be sanctioned by the Chief Executive Officer on behalf of the Board.”

This clause specifies the requirement of the sanction of the Board for every contract for which budget provision does not exist or which involves a value exceeding rupees fifty thousand and also enables the Chief Executive Officer to sanction all other contracts.

**7.2 The Committee desire that provision of section 114 (2) of the Cantonments Act, 1924 should also be made applicable mutatis-mutandis under clause127 of the Bill which shall read as under :**

**“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.”**

## **CHAPTER VIII**

### **SANITATION AND THE PREVENTION AND TREATMENT OF DISEASE**

Chapter VII contains Clause 130 to Clause 185. The provisions in these clauses specifies the responsibility of various officers in the Cantonment for the purpose of sanitation, general duties of health officer to be advisor to the board in all matters relating to sanitation, construction of separate compartments or each sex for all public latrines, urinals and conservancy establishments. These clauses also require an occupier of a building and land to collect and deposit rubbish, etc. and board to provide proper public receptacles for the deposit and disposal of rubbish.

#### **Clause 131 (General duties of Health Office)**

Clause 131 states that “( 1) The Health Officer shall be the Advisor to the Board in all matters relating to sanitation and exercise a general sanitary supervision over the cantonment and shall periodically submit a report along with his recommendations at least once in every month to the Board.

(2) The Assistant Health Officer shall perform such duties in connection with the sanitation of the cantonment as are, subject to the control of the Board, allotted to him by the Health Officer.”

This clause specifies the general duties of Health Officer to be advisor to the Board in all matters relating to sanitation in the cantonment and those of the Assistant Health Officer to perform such duties as may be allotted to him by the Health Officer.

**8.2 During the study visit of the Committee to some Cantonments like Jammu and Srinagar, the Committee found that the conditions of Cantonment Board Hospitals were in bad shape. When the Cantonment fund is provided to maintain better health and hygiene of the people residing in cantonment area, the Committee recommend that Health Officer in charge of Cantonment Board Hospital and CEO should be made accountable for providing insufficient medicine/treatment in the hospital of cantonment area.**



**Clause 156****(Obligation concerning infectious contagious or communicable diseases)**

Clause 156 states that “subject to the provisions of any Act made in this regard and the rules and regulations made thereunder, whoever, being in charge of a blood bank or any other establishment which collects or supplies blood, plasma, marrow or any other substance for transfusion or treatment of patients or for any other medical use, fails to take adequate precautions or exercise adequate supervision thereby leading to or resulting in the supply of infected or contaminated blood, plasma, marrow or any other substance, shall be punishable with imprisonment which may extend to five years or with fine which may extend to one lakh rupees or with both.”

This clause lays down certain precautions to be followed by those running a Blood Bank in a cantonment.

**Clause 157****(Special measures in case of outbreak of infectious or epidemic diseases)**

Clause 157 states that “(1) In the event of a cantonment being visited or threatened by an outbreak of any infectious or contagious disease among the inhabitants thereof or of any epidemic disease among any animals therein, the Officer Commanding the Station, if he thinks that the provisions of this Act or of any law for the time being in force in the cantonment are insufficient for the purpose, may, with the previous sanction of the Central Government —

(a) take such special measures, and

(b) by public notice, make such temporary regulations to be observed by the public or by any class or section of the public, as he thinks necessary to prevent the outbreak or the spread of the disease:

Provided that where in the opinion of the Officer Commanding the Station, 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 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, 1860.”

This clause enables the Officer Commanding, the Station to take special measures in case of outbreak of infectious or epidemic diseases, with the previous sanction of the Central Government.

**8.3 The Committee desire that while making rules and regulations under these clauses appellate authority should be prescribed.**

**Clause 166****(Penalty for failure to report)**

Clause 166 states that “whoever fails to make to the Chief Executive Officer any report which he is required to make by section 164 or section 165 shall be punishable with fine which may extend to five thousand rupees.”

This clause provides for penalty for failure to report under clause 164 or clause 165.

**8.4 The Committee desire that the amount of fine specified under this clause may be reduced as this amount is heavy for the persons belonging to lower strata of the society and they may be ignorant of their duty to inform the matter to CEO. The Committee, therefore, suggest that the amount of fine should be reduced to Rs.1,000/- only.**

#### **Clause 185**

**(Conditions of service of safaikaramcharis and others)**

Clause 185 states that “(1) No person employed in any service, or being employed in connection with the working of any system of public conservancy or sanitation or water supply or hospitals or dispensaries or electric supply or public transport services or such other essential services under a Board in any cantonment area, shall, in the absence of any contract, resign without reasonable cause or absent himself from duty without proper authority and in case of such resignation or absence from duty he shall be punishable with imprisonment which may extend to one month.

(2) The 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 employees employed by a Board whose functions intimately concern the public health or safety.”

This clause prohibits any person in the employment of essential services of the Board from resigning without reasonable cause or absent from duty without proper authority.

**8.5 The Committee note that the service conditions are harsh for the sanitary/essential service staff. The conditions prescribed under this clause appears to violate the fundamental rights of the employees. Therefore, the Committee are of the opinion that the living and working conditions of sanitary staff should be improved and particularly the provision regarding restriction on resignation and punishment prescribed for the same should be specially brought to the notice of the employees at the time of their entering into the service of the Board. This clause should be amended accordingly.**

## CHAPTER IX

### WATER-SUPPLY, DRAINAGE AND SEWAGE COLLECTION

Chapter IX contains Clauses 186 to 232. The provisions in these clauses deals with maintenance of water supply, control over sources of public water supply, penalty, power of board to lay wires, connections, etc., power of inspection, power to require owner to carry out certain works for satisfactory drainage, etc.

#### **Clause 195**

##### **(Conditions of Universal application)**

Clause 195 states that “Notwithstanding anything hereinbefore contained or contained in any agreement under section 193, the supply of water by a 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 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 as the Chief Executive Officer may appoint in this behalf;

*(b)* the Chief Executive Officer or any other officer or employee of the Board authorised by him in writing in this behalf may enter into or on any premises supplied with water by the Board, for the purpose of examining all pipes, taps, works and fittings connected with the supply of water and of ascertaining whether there is any waste or misuse of such water;

*(c)* the Chief 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 water rate or other charges connected with the water supply within one month from the date on which such tax or rate or charge falls due for payment;

*(ii)* the occupier refuses to admit the Chief Executive Officer or other authorised officer or employee of the 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 fittings connected with the supply of water to the building or land are found, on examination by any other officer or employee of the Board authorised by the Chief Executive Officer in writing in this behalf, to be out of repair to such an extent as to cause 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.”

This clause lays down certain conditions of universal application to regulate the supply of water in a Cantonment.

9.2 The Committee received a number of memoranda stating that the water rates should not be commmialised for the residents. During the oral evidence a number of non-official witnesses submitted before the Committee that reasonable amount of water is not being supplied to the residents in proportionate to the tax paid by them.

9.3 After taking into consideration the views of the various witnesses, the Committee recommend that water tax on the residents of the Cantonment should be at par with the adjoining municipal area. Efforts should be made to supply adequate water to the residents.

#### **Clause 205**

##### **(Water supply for Domestic consumption)**

Clause 205 states that “(1) Where it appears to the Chief Executive Officer that any dwelling house in the cantonment is without supply of water for domestic consumption and that such a supply can be given from mains which is not more than one hundred feet distance from any part of such dwelling house, the Chief Executive Officer may by notice require the owner to obtain supply and to execute all such works as may be necessary for this purpose.

(2) It shall not be lawful for the owner of any premises which may be constructed or reconstructed, to occupy it or cause or permit it to be occupied until he has obtained a certificate from the Chief Executive Officer that there is provided within, or within a reasonable distance of, the house supply of wholesome water as appears to the Chief Executive Officer to be sufficient for domestic consumption and use of the inmates of the house.”

This clause enables the Chief Executive officer to require any dwelling-house without a proper supply of water for domestic consumption, to obtain such supply.

9.4 The Committee note that under sub-clause 2 of this clause owner of any premises, is not permitted to occupy his house until he has obtained a certificate from the CEO that the house is provided within, or within a reasonable distance of the house supply of wholesome water. The Committee feel that this condition is instead of helping the residents is harsh and therefore be deleted. In the present day's society everybody like to have water supply in his house if it is easily available and accessible. However, if it is not available, he should not be debarred from enjoying the benefits of the house constructed by him merely because of non-availability of water supply.

**Clauses 209 to 232**

9.5 On the question of explaining the reasons behind the inclusion of clauses 215 to 232 in the Bill, the Ministry has replied that :

“New clauses from 209 to 232 have added in the proposed bill which are dealing with sewage, electricity and water supply arrangement within the civil area of cantonment. The bulk supply of water and electricity in most of the stations is given to Cantonment Boards by either Military Engineering Service or Municipal bodies under the State which are further responsible for its distribution to the residents in the civil areas. The charges for these services are paid by the Cantonment Boards to the MES based on bulk supply. The maintenance of electricity, water supply and sewage lines is carried out by the MES in many Cantonments. The Ministry of Defence is open to the suggestions to delete these Clauses from the Bill and to make separate Rules, thereon.”

9.6 The Committee note that basically these are the laws dealing with municipal matters and are new provisions of the Bill. The Committee feel that instead of incorporating these provisions in the Act itself it would be better if these are included in the bye-laws to be framed under the Act by various Boards. These bye-laws should, however, be in conformity with the adjoining municipalities.

#### **Clause 210**

**(Construction of and Control of drains and sewage collection and disposal works)**

Clause 210 states that “(1) All cantonment drains, all sewage collection and all works, materials and things appertaining thereto shall be under the control of the Board.

(2) The Chief Executive Officer shall maintain and keep in repair all cantonment drains and sewage collection and sewage disposal works when authorised by the Board.

(3) The Board shall construct as many new drains and sewage collection and sewage disposal works as may from time to time be necessary for effectual drainage and sewage collection.”

This clause provides special provisions concerning drainage and sewage in Cantonment namely their construction and control etc.

9.7 In the written memorandum, submitted to the Committee non-official witness of Pune had suggested that a head sub clause may be added to clause 210 stating that the Board shall construct the sewage, effluent treatment plants for treatment of the sewage before it is disposed into any river, stream, lake or open land.

**9.8 The Committee endorse the suggestion of the witness and strongly feel that to contain the environmental pollution in general and water pollution in particular, it must be made mandatory for the Board, to construct sewage affluent treatment plant for treatment of sewage, before it is disposed into any river, stream, lake or open land.**

#### **Clause 224**

**(Power of owner of premises to place pipes and drains through land belonging to other persons)**

Clause 224 states that “(1) If it appears to the Chief Executive Officer that the only or most convenient means of water supply to, and drainage of, any premises is by placing or carrying any pipe or drains over, under, along or across the immovable property of another person, the Chief Executive Officer may, by order in writing, authorise the owner of the premises to place or carry such pipe or drain over, under, along or across such immovable property:

Provided that before making any such order the Chief Executive Officer shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be prescribed by bye-laws made in this behalf as to why the order should not be made:

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such pipe or drain is placed or carried.

(2) Upon the making of an order, under sub-section (1), the owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of placing a pipe or drain over, under, along or across such immovable property or for the purpose of repairing the same.

(3) In placing or carrying a pipe or drain under this section, as little damage as possible shall be done to the immovable property and the owner of the premises shall—

(a) cause the pipe or drain to be placed or carried with the least practicable delay;

(b) fill in, re-instate and make good at his own cost and with the least practicable delay, any land opened, broken up or removed for the purpose of placing or carrying such pipe or drain; and

(c) pay compensation to the owner of the immovable property and to any other person who sustains damage by reason of the placing or carrying of such pipe or drain.

(4) If the owner of the immovable property, over, under, along or across which a pipe or drain has been placed or carried under this section whilst such immovable property was not built upon, desires to erect any building on such property, the Chief Executive Officer, shall, by notice in writing, require the owner of the premises to close, remove or divert the pipe or drain in such manner as shall be approved by him and to fill in, re-instate and make good the immovable property as if the pipe or drain had not been placed or carried over, under, along or across the same:

Provided that no such requisition shall be made unless in the opinion of the Chief Executive Officer it is necessary or expedient for the construction of proposed

building or the safe enjoyment thereof that the pipe or drain should be closed, removed or diverted.”

**9.9 The Committee feel that provision of this clauses is directly interference in the civil rights of the residents hence it should be in conformity with the prevailing municipal laws.**



## **CHAPTER X**

### **TOWN PLANNING AND CONTROL OVER BUILDINGS, ETC.**

Chapter X contains Clauses 233 to 264. The provisions in these clauses deals with preparation of land use plan, sanction for building, notice of new building, powers of Board under certain sections exercisable by Chief Executive Officer, power to make bye-laws, maintenance of roads, group housing schemes, etc.

#### **Clause 233**

##### **(Preparation of land use plan)**

Clause 233 states that “on the commencement of this Act, the Chief Executive Officer shall, with the approval of the Board, cause to be prepared a spatial plan for land use in the cantonment which shall include—

- (a) earmarking of zones for residential, institutional, commercial and other activities; and
- (b) improvement schemes for areas considered sub-standard on account of narrowness of streets, poor lighting, poor ventilation or irregular line of buildings in a street.”

This clause enable the Chief Executive officer, with the approval of the Board to cause to be prepared a spatial plan for land use in the cantonment earmarking zones for residential, institutional, commercial and other activities.

10.2 In a written memorandum, submitted to the Committee by non-official witness has stated that :

“The population in the Cantonment has crossed many times, but the Cantonment laws pertaining to the land administration have not allowed the people to repair; renovate or reconstruct their houses (many of which are more than 100 years old) thereby either leading to a state of complete decay or giving birth and promoting the illegal activities of unauthorized constructions and encroachments which also breeds of corruption”.

Therefore, he suggested that

“In case the provision contained in this clause are to be seriously implemented in order to give some relief to the residents of the Cantonment areas and ensure better development and growth of the Cantonments, it is essential for the Government to first consider the enlarging of the civil areas by the civil area by including what is now actually bungalow area in the notified civil area and then bringing about a drastic revision in the rules & regulations governing the land tenures (old grant or lease) and draconian laws governing building activity in the Cantonments”.

10.3 Further the Vice President, Agra Cantonment, in his written memorandum has suggested that :

“In respect of Civil Area Committee and old grant properties occupied by civilians the powers of the Chief Executive Officer shall be exercised by the Civil Area Committee and General Committee”.

10.4 The plan prepared under this clause should be given due publicity so that the public at large can prepare the plan to use their land accordingly. The Committee agree with the suggestions received and desire that power under this clause should be exercised by Civil Area Committee.

#### **Clause 234 (Sanction for building)**

Clause 234 states that “no person shall erect or re-erect a building on any land in a cantonment—

(a) in an area, other than the civil area, except with the previous sanction of the Board;

(b) in a civil area, except with the previous sanction of the Chief Executive Officer, nor otherwise than in accordance with the provisions of this Chapter and of the rules and bye-laws made under this Act relating to the erection and re-erection of buildings.”

This clause provides for an erection or re-erection of a building to be made only with the previous sanction of the Board and of the Chief Executive Officer in case it is in a civil area.

10.5 The Committee feel that the permission to erect or re-erect the building in a civil area should be with the permission of Civil Area Committee and not with CEO. This clause may be amended accordingly.

10.6 The Committee desire that there is a need to re-examine the question of F.S.I. in various cantonments which have led to so many restrictions even on minor erection/alteration leading to avoidable difficulties to civil population.

**Clause 235**  
**(Notice of new buildings)**

Clause 235 states that “(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 Chief 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 human habitation; 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 cow-house any building originally constructed for human habitation; or

(f) converts into a dispensary, stall, shops, warehouse, godown, factory or garage any building originally constructed for human habitation; or

(g) 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

(h) 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.”

This clause provides for a notice to be given to the Chief Executive Officer for erection or re-erection of a building in a cantonment.

10.7 The Committee note that under this clause any person who wants to erect or re-erect any building or want to make any alternation to the building is supposed to apply to the Cantonment Board by giving a notice. As the Cantonment Board consumes a lot of time in deciding whether to give permission or suggest modification in the plan submitted leaving the applicant waiting endlessly. Therefore, the Committee recommend that the procedure should be simplified, less cumbersome and a time limit should be prescribed for taking decision on the application and on lapse of this time, the permission should be deemed to have been granted.

10.8 The Committee further desire that bye laws to be made under sub-clause 2(h) should be similar to one being followed in the adjoining municipalities.

**Clause 236**  
**(Condition of valid notice)**

Clause 236 states that “(1) A person giving the notice required by section 235 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 and undertakings which may be required under the byelaws made under this Act have been furnished to the satisfaction of the Chief Executive Officer, along with the notice.”

This clause requires the specific mention of the purpose for which a building is proposed to be erected in the notice to be given under clause 235.

**10.9 The Committee feel that powers conferred under sub-clause 2 of this clause are too wide and likely to be misused. The required information which a person has to furnish while giving notice should be clearly specified in the Bill itself.**

#### **Clause 237**

**(Powers of Board under certain sections exercisable by Chief Executive Officer)**

Clause 237 states that “the powers, duties and functions of the Board under section 238, sub-section (1) of section 241, section 243, section 245 and section 248 excluding the provisions to subsection (1) and the provisio to sub-section (2) of the said section 248 shall be exercised or discharged in a civil area by the Chief Executive Officer.”

This clause provides for the powers of Board under certain sections to be exercised by the Chief Executive Officer in the civil area in the cantonment.

**10.10 Under this clause powers of Board under certain sections exercisable by Chief Executive Officer. Since, the Civil Area Committee in the Cantonment Board, is in a better position, to understand the problems of civilian population, the Committee, therefore, recommend that CEO should exercise these powers after due approval of the Civil Area Committee.**

#### **Clause 239**

**(Order of stoppage of building or works in certain cases and disposal of things removed)**

Clause 239 states that “(1) Where the erection of any building or execution of any work has been commenced or is being carried on without or contrary to the sanction, but has not been completed, referred to in section 238 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any provision of this Act or byelaws made thereunder, the Chief Executive Officer may in addition to any other action that may be taken under this Act, by order require the person at whose instance the building or the work has been commenced or is being carried on to stop the same forthwith.

(2) If an order made by the Chief Executive Officer under sub-section (1) directing any person to stop the erection of any building or execution of any work is not complied with, the Chief Executive Officer may require any police officer to remove such person and all his assistants and workmen from the premises or to seize any construction material, tool, machinery, scaffolding or other things used in the erection of any building or execution of any work within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

(3) Any of the things caused or to be seized by the Chief Executive Officer under subsection

(2) shall be disposed of by him in a manner specified in sub-sections (6) and (7).

(4) After the requisition under sub-section (2) has been complied with the Chief

Executive Officer may, if he thinks fit, depute by a written order a police officer or an officer or an employee of the Board to watch the premises in order to ensure that the erection of the building or the execution of work is not continued.

(5) Where a police officer or an officer or an employee of the Board has been deputed under sub-section (4) to watch the premises, the cost of such deputation shall be paid by the person at whose instance such erection or execution is being continued or to whom notice under sub-section (1) was given and shall be recoverable from such person as an arrear of tax under this Act.

(6) Any of the things caused to be removed by the Chief Executive Officer under this section shall unless the owner thereof turns up to take back such things and pays to the Chief Executive Officer charges for removal and storage of such things be disposed of by the Chief Executive Officer by public auction or in such other manner or within such time as the Chief Executive Officer thinks fit.

(7) The charges for removal and storage and sale of things sold under sub-section (6) shall be paid out of the proceeds of the sale thereof and the balance, if any, shall be paid to the owner of the things sold on a claim being made therefor within a period of one year from the date of sale and if no such claim is made within the said period, shall be credited to the cantonment fund."

This clause enables the Chief Executive Officer to order the stoppage of any erection of a building or works in case it is found to be contrary to the sanction issued under clause 238.

**10.11 The Committee feel that in all such cases there should be a provision for preferring an appeal against the order passed by the CEO and the time limit should also be prescribed after which recourse to disposal of seized items may be undertaken.**

#### **Clause 240**

**(Power to sanction general scheme for prevention of overcrowding etc.)**

Clause 240 states that “the Central Government 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 overcrowding 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 Central Government, unless an opportunity has been given by a public notice to be published locally by the Chief 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 thirty days of the publication of such notice, and the Chief Executive Officer shall, after considering such objections and suggestions, if any, forward the same along with his recommendations for the consideration of the Central Government.”

This clause enables the Central Government to sanction a general scheme of erection or re-erection of building within particular limits of a cantonment for the prevention of overcrowding and insanitation.

**10.12 The Committee feel that this clause is ambiguous and Central Government should act in such matter only on advice of GOC-in-C of the Command. This clause should be suitably amended since he is the authority closest to the ground realities and responsible for all the operational requirements and well being of the troops.**

#### **Clause 244**

**(Restrictions on use of buildings)**

Clause 244 states that “(1) No person shall, without the written permission of the Board or otherwise than in conformity with the conditions, if any, of such permission,—  
(a) use or permit to be used for human habitation any part of a building not originally erected or authorised to be used for that purpose or not used for that purpose before any alteration has been made therein by any work executed in accordance with the provisions of this Act and the bye-laws made thereunder;

(b) change or allow the change of the use of any land or building;

(c) convert or allow the conversion of one kind of tenement into another kind.

(2) Any person who contravenes the provisions of sub-section (1) shall on conviction be punishable with a fine which may extend to one lakh rupees and in the case of

continuing contravention with an additional fine of rupees ten thousand for every day during which the contravention continues after the date it comes to the notice.”

This clause provides against the use of a building for any purpose other than for which it has been sanctioned to be used.

10.13 The Committee received various memoranda/suggestion under this clause. During the oral evidence of non-official witnesses, representatives of Bungalow Owners Association, Ambala Cantonment, Bungalow Owners Welfare Association, Jalandhar and Ferozepur Bungalow Owner Welfare Association have stated that stringent punishment is sought to be given for violation of the change of use. This change of use should be confined to obvious trade and not to simple change of use and also the fine is too hefty. They also suggested that these provisions should be repealed altogether. On the issue of erection or re-erection of buildings under this clause, they suggested that whatever is the decision of Cantonment Board regarding erection or re-erection it should be properly adjudicated then only the Board should order the demolition of a particular building.

10.14 The Committee understand that fine imposed under the clause is on the higher side but the Committee feel that to maintain the very nature of Cantonment Board nobody should be allowed to change the character of the property on his own as this goes against the very spirit of the provisions of this clause. Therefore, the Committee recommend that the provisions under this clause, should be as per the bye-laws in adjoining municipalities. The Committee further desire that before imposing any fine under this clause individual concerned should be given due notice and his reply thereto should be considered by the Board.



**Clause 247**  
**(Illegal erection and re-erection)**

Clause 247 states that “whoever begins, continues or completes the erection or re-erection of a building—

(a) without having given a valid notice as required by sections 235 and 236, 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 238; or

(c) when sanction has been refused, or has ceased to be available or has been suspended by the General Officer Commanding-in-Chief, the Command, under clause (b) of sub-section (1) of section 58, shall be punishable with fine which may extend to fifty thousand rupees and the cost of sealing the illegal construction and its demolition.”

This clause provides for a penalty in case of illegal erection and re-erection of a building in the cantonment.

**Clause 248**  
**(Power to stop erection or re-erection or to demolish)**

Clause 248 states that “(1) The 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 Board considers that such erection or re-erection is an offence under section 247 and may, in any such case or in any other case in which the Board considers that the erection or re-erection of a building is an offence under section 247, within 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 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:

Provided further that the Board shall not, without the previous concurrence of the General 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 238 sanctioning the erection or re-erection has been suspended by the General Officer Commanding-in-Chief, the Command, under clause (b) of sub-section (1) of section 58, 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 General 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 General Officer Commanding-in-Chief, the Command, has been communicated to him."

This clause enables the Board to direct the owner, lessee or occupier of any land in a cantonment to stop erection or re-erection of a building or demolish the same in case it is an offence under clause 247.

**Clause 249**  
**(Power to seal unauthorized constructions)**

Clause 249 states that "(1) It shall be lawful for the Chief Executive Officer, at any time, before or after making an order of demolition under section 248 or of the stoppage of erection of any building, or execution of any work, to make an order directing the sealing of such erection or work or of the premises in which such erection or work is being carried on or has been completed at the cost of the offender in such manner as may be prescribed by rules for the purpose of carrying out the provisions of this Act or for preventing any dispute as to the nature and extent of such erection or work.

(2) Where any erection or work or any premises in which any erection or work is being carried on, has or, has been sealed, the Chief Executive Officer may, for the purpose of demolishing such erection or work in accordance with the provisions of this Act, order such seal to be removed.

(3) No person shall remove such seal except,—

(a) under an order made by the Chief Executive Officer under sub-section (2); or

(b) under an order of an appellate authority in an appeal made under this Act.

(4) Any person who contravenes the provisions contained in sub-section (3) shall be punishable with imprisonment which may extend to six months or with fine which may extend to twenty thousand rupees, or with both."

This clause enables the Chief Executive Officer to direct the sealing of a premises where unauthorized construction is being carried out and also provides for a penalty for contravention of this provision.

**10.15 The Committee note that there is a provision of imprisonment of any person who contravenes the provisions contained in sub clause 3 of this clause may extend to six months or with fine which may extend to twenty thousand rupees, or both. The power to seal unauthorised construction and to impose penalty should be available to Cantonment Board only and there should be provision for preferring an appeal against the decision of the Board. The Committee desire that there should be an appellate authority specified in the clause itself.**

## CHAPTER-XI

### MARKETS, SLAUGHTER HOUSES, TRADES AND OCCUPATIONS

Chapter-XI contains clauses 265 to 288. The provisions of these clauses deals with public markets and slaughter-houses, use of public market, prohibition and restriction of use of slaughter-houses, power to inspect slaughter-houses, power to vary licence, import of cattle and flesh, and power of entry and seizure, etc.

#### **Clause 265**

#### **(Public markets and slaughter-houses)**

Clause 265 states that “(1) A 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 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 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 Board, without the permission of such local authority or otherwise than on such conditions as such local authority may approve.”

This clause enables the Board to provide and maintain public markets and slaughter-houses together with stall, shops, sheds, etc., to such number as it may think fit.

11.2 The Committee note that the Cantonment Board has been given power to inspect and regulate any market or slaughter house situated beyond cantonment limit. This is a very wide power and this power of inspection and regulation should be exercised by the Board only where the market or slaughter house is situated on Defence land which is beyond cantonment limit. The Committee, recommend that this provision may be amended accordingly so that the Board will not interfere in the market or slaughter house situated in nearby municipal area.

#### **Clause 266**

##### **(Use of public market)**

Clause 266 states that “(1) No person shall, without the general or special permission in writing of the Chief Executive Officer, 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 Chief Executive Officer or any official of the Board authorised by him in this behalf.”

This clause prohibits any person from selling or exposing for sale any animal or article in a public market.

11.3 The Committee note that for selling of any animal or article in any public market, there is a need for general or special permission of CEO under sub-clause 1 of this clause. The Committee feel that it is a undue and unreasonable restriction on the fundamental rights of the citizen on free trade and occupation of an individual. The Committee, therefore, desire that this clause may be suitably amended.

#### **Clause 267**

##### **(Power to transfer of public auction, etc.)**

Clause 267 states that “(1) The Board may transfer by public auction, for any period not exceeding five years at a time, the right to occupy or use any stall, shop, standing, shed or pen in a public market, or public slaughter-house or the right to expose goods for sale in a public market or the right to weigh or measure goods sold therein, or the right to slaughter animals in any public slaughter-house:

Provided that where the Board is of opinion that such transfer of the aforesaid rights by public auction is not considered desirable or expedient, it may, with the previous sanction of the General Officer Commanding-in-Chief of the Command or the Principal 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:

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.

(2) The Board may transfer by public auction or otherwise any immovable property other than in a public market or a public slaughter house if such property is capable of being put to remunerative use for such period and on such terms and conditions as may be approved by the General Officer Commanding in Chief or the Principal Director of the Command.”

This clause enables the Board to transfer by public auction, the right to occupy or use any stall, shop, standing shed, etc., in a public market or public slaughterhouse.

**11.4** In proviso sub-clause 1 of this clause, the Committee note that powers have been conferred on GOC-in-C and the Principal Director which leads to multiplicity of authorities, and may result into conflicting orders. The Committee feel that this power should be available to GOC-in-C only and this clause may be amended accordingly.

## CHAPTER-XIII

### PUBLIC SAFETY AND SUPPRESSION OF NUISANCES

Chapter-XIII contains Clauses 289 to 298. The provisions of these clauses deals with penalty for causing nuisance, registration and control of dogs, traffic rule of the road, stacking or collecting inflammable materials, etc.

#### **Clause 289**

#### **(Penalty for causing nuisances)**

Clause 289 states that “(1) Whoever –

(a) in any street or other public place within a cantonment –

(i) is drunk and disorderly or drunk and incapable of taking care of himself; or

(ii) uses any threatening, abusive or insulting words, or behaves in a threatening or insulting manner with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned; or

(iii) exposes himself, or willfully or indecently exposes his person; or

(iv) loiters, or begs importunately, for alms; or

(v) exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound; or

(vi) carries meat exposed to public view; or

(vii) is found gaming, or

(viii) pickets animals, or collects vehicles; or

(ix) being engaged in the removal of night-soil or other offensive matter or rubbish, willfully or negligently permits any portion thereof to spill or fall, or neglects to sweep away or otherwise effectually to remove any portion thereof which may spill or fall in such street or place; or

(x) without proper authority affixes upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document; or

(xi) without proper authority defaces or writes upon or otherwise marks any 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 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 neighborhood; or

(xv) carries night-soil or other offensive matter or rubbish at any hour prohibited by the Chief Executive Officer by public notice, or in any pattern of vehicle or receptacle which has not been approved for the purpose by the Chief Executive Officer, or fails to close such 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 Chief 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 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 Chief Executive Officer by public or special notice, beats a drum or tom-tom, or blows a horn or trumpet, or beats any utensil, or sounds any brass or other instrument, or plays any music; or

(h) disturbs the public peace or order by singing, screaming or shouting or 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 Chief Executive Officer or to an officer, if any, appointed by him in this behalf with a view to securing the removal and disposal of the carcass by the public conservancy establishment; or

(ii) to remove and dispose of the carcass in accordance with any general directions given by the Board by public notice or any special direction given by the Chief Executive Officer on receipt of such report as aforesaid; or

(k) save with the written permission of the Chief 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 the purpose; or

(m) uses or permits to be used without previous permission of the Chief Executive Officer any premises for any trade involving offensive smell or smoke; shall be punishable with fine which may extend to two thousand five hundred 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 two hundred fifty rupees.

(3) The owner or keeper of any animal found picketed or staying without a keeper in a street or other public place in a cantonment shall be punishable with fine which may extend to one thousand rupees.

(4) Any animal found picketed or straying as aforesaid may be removed by any officer or employee of the Board to a pound.

(5) Whoever in a cantonment manufactures, supplies, carries or uses for packaging or any other purposes material of non-biodegradable nature including polythene bags shall be punished with fine which may extend to five thousand rupees or imprisonment which may extend to six months.”

This clause elaborately provides for a penalty which may be imposed on any person for causing public nuisance in a cantonment.

**12.2** The Committee note that under the clause there are provisions for imposing penalty on residents for spoiling the area with non-biodegradable products, straying of pet animals so as to keep cantonment free from litter, etc. The Committee also note that there is fine of two hundred and fifty rupees if a child eases himself in the cantonment area. The Committee feel that without providing proper toilet facilities by the Boards, no fine should be imposed.

**12.3** The Committee would like that all the Cantonment Boards should provide necessary facilities for the public on nominal charges.

**12.4** The Committee note that under sub-clause 5 of this clause the punishment of imprisonment for violation seems to be too harsh. Therefore, they desire that this may be deleted.

## **Clause 302**

### **(Removal and exclusion from cantonment of disorderly persons)**

Clause 302 states that “( 1) A 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; or

(c) has been ordered under chapter VIII of the Code of Criminal Procedure, 1973, 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 summon to such person requiring him 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 summon is issued.

(3) The Magistrate shall, when the person so summoned appears before him, proceed to inquire in to 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 matter to the Officer Commanding the Station and, if the Officer Commanding the Station so agrees shall cause to be served on such person an order in writing requiring him to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the Officer Commanding the Station.”

This clause enables a Judicial Magistrate of the First Class to issue summons for and order the removal and exclusion from the cantonment any disorderly person and also prohibit him from re-entering the cantonment.

**12.5 The Committee note that a judicial magistrate has been given powers to remove a person from cantonment and prohibit him to re-enter cantonment under this clause. The Committee feel that a judicial authority should not be made subordinate to an executive authority as under the present clause. The judicial magistrate as per this clause is required to report such a matter to the Officer Commanding the station who shall pass the final order. As such the Committee are of the view that a judicial authority cannot be and should not be made subordinate to an executive authority. Therefore, this clause may be modified accordingly.**

## **CHAPTER-XVI**

### **POWERS, PROCEDURES, PENALTIES AND APPEALS**

Chapter-XVI contains clauses 310 to 350. The provisions of these clauses deals with power of entry and inspection by member of a Board, penalty for obstruction, powers and duties of police officers, method of giving notices, recovery of money, committees of arbitration, general penalty provisions, limitation for prosecution, suits, appeals and revision, etc.

#### **Clause 310** **(Power of entry)**

Clause 310 states that “it shall be lawful for the President or the Vice-President of a Board, or the Chief Executive Officer, or the Health Officer or any person specially authorised by the Chief Executive Officer, or the Health Officer or for any other person authorised by general or special order of a 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, bye-law or order made thereunder:

Provided that nothing in this section shall be deemed to confer upon any person any power such as is referred to in section 274 or section 283 or to authorise the conferment upon any person of any such power.”

This clause authorises the President, Vice-President, Chief Executive Officer, Health Officer, etc., to enter into or upon any building or land to make any inquiry, inspection, measurement, etc., as may be necessary for the purpose of the Bill.

#### **Clause 311** **(Power of inspection by Member of a Board)**

Clause 311 states that “A Board may by special order authorise or order any member to inspect any work or institution constructed or maintained, in whole or part at the expense of the Board, and any register, book accounts or other documents belonging to, or in the possession of, the Board.”

This clause enables the Board to authorise any Member of a Board to inspect any work or institution, book, register, etc., maintained by the Board.

#### **Clause 312** **(Power of inspection, etc.)**

Clause 312 states that “( 1) A Board or the Chief Executive Officer may, by general or special order, authorize any person—

(a) to inspect any drain, privy, latrine, urinal, cesspool, pipe, sewer or channel in or on any building or land in the cantonment, and, in his discretion, to cause, the ground to be opened for the purpose of preventing or removing any nuisance arising from the drain, privy, latrine, urinal, cesspool, pipe, sewer or channel, as the case may be;

(b) to examine works under construction in the cantonment, to take levels or to remove, test, examine, replace or read any meter.

(2) If, on such inspection, the opening of the ground is found to be necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain or other work opened, injured or removed for the purpose of such inspection shall be filled in, reinstated, or made good, as the case may be by the Board or the Chief Executive Officer.”

This clause enables the Board or the Chief Executive Officer to authorize any person to inspect any drain, privy, latrine, urinal, etc., with the purpose of prevention and removal of any nuisance arising therefrom.

### **Clause 313**

#### **(Power to enter land adjoining land where work is in progress)**

Clause 313 states that “(1) The Chief 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 of the same.

(2) The Chief 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 day’s 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 Chief Executive Officer shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Board to the owner or occupier of such land, or to both, for any such damage whether permanent or temporary.”

This clause enables the Chief Executive Officer of a cantonment to enter on any land adjoining the land where an authorised work is in progress.

### **Clause 314**

#### **(Breaking into premises)**

Clause 314 states that “it shall be lawful for any person, authorised by or under this Act to make any entry into any place, to open or cause to be opened any door, gate or other barrier—

(a) if he considers the opening thereof necessary for the purpose of such entry; and  
(b) if the owner or occupier is absent, or being present refuses to open such door, gate or barrier.”

This clause enables any person authorised under the Bill to break into any premises if such entry is considered necessary.

**Clause 315**  
**(Entry to be made in the day time)**

Clause 315 states that “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.”

This clause restricts any authorised entry to be made in the day time only.

**Clause 316**  
**(Owners consent ordinarily to be obtained)**

Clause 316 states that “save as otherwise expressly provided in this Act, no building or land shall be entered without the consent of the occupier, or if there is no occupier of the owner thereof, and no such entry shall be made without giving the said occupier or owner, as the case may be, not less than four hours, written notice of the intention to make such entry:

Provided that no such notice shall be necessary if the place to be inspected is a factory or workshop or trade premises or a place used for carrying on any trade, calling or occupation specified in section 277 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.”

This clause provides for the obtaining of the owner’s consent for making entry under the provisions of the Bill and also for giving four hours notice in such cases.

**Clause 317**  
**(Regard to be had to social and religious usages)**

Clause 317 states that “when any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.”

This clause provides for the giving of due regard to the social and religious usages of the occupants of the place where entry is made under this Bill.

**Clause 318**  
**(Penalty for obstruction)**

Clause 318 states that “Whoever obstructs or molests any person acting on behalf of the Board, who is not a public servant within the meaning of section 21 of the Indian Penal Code or any person with whom the 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 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 five thousand rupees.”

This clause provides for a penalty for causing obstruction or molestation to any person acting on behalf of the Board, who is not a servant of the Board or has been lawfully contracted by the Board.

13.2 During the oral evidence of the non-official witnesses, the representatives of Bungalow owner's Association, Ambala stated that

“This is being thoroughly misused. Instances have come to notice in Ambala Cantonment. It is about power of entry and inspection.

The DEO should specify why he is coming? What does he want from use there? The vague explanation is that he is coming with his assistants for taking measurement. In any 30 days, he can come. For 30 days, the ladies are in constant fear of who will come and what will happen. What is the purpose of his coming? They cannot give a notice to the bungalow owners three times in a year. The notice is valid for one month. In one month, this person alongwith so many assistants will come to measure the bungalow. Why should they come to measure it? What is the purpose behind this? We live in constant fear.”

**13.3** Keeping in view, the high probability of misusing the power of entering the residence of an individual in cantonment area, the Committee desire that the notice period as given under this clause may increase from 4 hours to 24 hours before making such an entry into the residence of the inhabitants of cantonment area and any officer found misusing the power conferred on him under this chapter, should be punished. There should be provision for going in appeal against the orders passed under these clauses.

**Clause 323**  
(Serving of notice, etc.)

Clause 323 states that “(1) Every notice, order or requisition issued under this Act or any rule or bye-law made thereunder shall, save as otherwise expressly provided, be served or presented—

(a) by giving or tendering the notice, order or requisition, or sending it by post, to the person for whom it is intended; or

(b) if such person cannot be found, by affixing the notice order or requisition on some conspicuous part of his last known place of abode or business if within the cantonment, or by giving or tendering the notice, order or requisition to some adult member or servant or his family, or by causing it to be affixed on some conspicuous part of the buildings or land, if any, to which it relates.

(2) When any such notice, order or requisition is required or permitted to be served upon an owner, lessee or occupier of any building or land, it shall not be necessary to name the owner, lessee or occupier therein, and the service thereof shall, save as otherwise expressly provided, be effected either—

(a) by giving or tendering the notice, order or requisition, or sending it by post, to the owner, lessee or occupier, or, if there are more owners, lessees, or occupiers than one to any one of them; 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 member or servant of the family of any such owner, lessee, 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 member or servant of his family shall be deemed to be service upon the minor.”

**Clause 324**  
**(Method of giving notice)**

Clause 324 states that “every notice which, by or under this Act, is to be given or served as a public notice or as a notice which is not required to be given to any individual therein specified shall, save as otherwise expressly provided, be deemed to have been sufficiently given or served if a copy thereof is affixed in such conspicuous part of the office of the Board or in such other public place during such period, or is published in such local news paper or in such other manner, as the Board may direct.

Clauses 323 and 324 lay down various methods of giving and serving a notice, order or requisition issued under this Bill.

**13.4** Pertaining to these clauses, the Committee have received a number of suggestions from various organisations/individuals stating that the notice/order may be sent to the person by registered post.

**13.5** The Committee note in the sub-clause (a) of clause 323(1) notice/order etc is to be sent to the intended person by post and if such person cannot be found, a copy of the notice may be affixed on some conspicuous part of his last known place or by giving or tendering the notice to some adult member or servant or his family member or by causing it to be affixed on some part of the building or land to which it relates. The Committee feel that the notice sent by ordinary post may be lost or not trackable/traceable and the communication may not reach him on time. The Committee further feel that if the person is out of station for considerable period of time and nobody is available to receive the notice, then affixing of the notice on the premises may also not serve any purpose. The Committee apprehend that the notice can be damaged due to extremity of weather or by some unscrupulous persons. This will further lead to endless litigation. In order to avoid all such practical difficulties, the Committee recommend that the notice should be sent to the person by registered post with acknowledgement due or through a courier.

**Clause 327**  
**(Liability of occupier to pay in default of owner)**

Clause 327 states that “(1) If any such notice as is referred to in section 325 has been given to any person in respect of property of which he is the owner, the Board or the civil area committee or the Chief Executive Officer at whose instance such notice has been issued may require any occupier of such property or of any part thereof to 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 325:

Provided that if the occupier, on application made to him by the Board or the civil area committee or the Chief Executive Officer at whose instance such notice has been issued, refuses to truly disclose the amount of his rent or the name or address of the person to whom it is payable the Chief Executive Officer may recover from the occupier the whole amount recoverable under section 325 in the same manner as money is recoverable by the Board under section 329.

(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.”

This clause enables the board or the civil area committee or the Chief Executive Officer to require the occupier of a property to pay any amount recoverable from the owner of a property in case of default of the owner to pay the same.

**13.6 The Committee recommend that the Board or the Civil Area Committee or the CEO should ask the occupier of a property to pay any amount recoverable from the owner of a property in case of default of the owner to pay the same after giving due notice to the owner and where he refused to comply with the notice within a specified period.**

#### **Clause 329**

##### **(Method of recovery)**

Clause 329 states that “(1) Notwithstanding anything elsewhere contained in this Act arrears of any tax, and any other money recoverable, including rent on land and buildings due or damages and fine 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 Judicial Magistrate having jurisdiction in the cantonment or in any place where the person from whom such tax, rent or money is recoverable may for the time being be residing, 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, growing crops upto the value of five thousand rupees and implements and cattle used for the purposes of agriculture shall be exempt from such distress or sale.”

This clause provides for the recovery of any dues under this Bill to be recovered with the cost of recovery by suit or application to a Judicial Magistrate having jurisdiction in the cantonment.

**13.7 The Committee note that this provision of the clause provides exemption in recovery of certain things and amount for confined class. The Committee desire that**



keeping in view the basic requirement of person and means of lively-hood besides the available exemptions included and it should be amended in the line of exemption permitted in the municipal area under civil law.

#### **Clause 332**

##### **(Constitution of the Committee of Arbitration)**

Clause 332 (1) (a) states that “Every Committee of Arbitration shall consist of five members, namely:— a Chairman who shall be a person not in the service of the Government or the Board, and who shall be nominated by the Officer Commanding the Station.”

**13.8 The Committee feel that under this clause the Chairman of the Committee of Arbitration should be nominated by District Magistrate instead of Officer Commanding the Station.**

#### **Clause 338**

##### **(General Penalty)**

Clause 338 states that “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 five thousand rupees, and, in the case of a continuing failure or contravention, with an additional fine which may extend to five hundred rupees for everyday after the during which he has persisted in the failure or contravention.”

This clause provides for a general penalty in cases where penalty is not expressly provided under this Bill.

**13.9 The Committee endorse the suggestions received from a number of organisations/individuals which state that the penalty imposed under this clause is too high and therefore, recommend that the penalty may be reduced.**

**Clause 344**  
**(Notice to be given of suits)**

Clause 344 (3) states that “No suit, such as is described in sub-section (1), shall, unless it is an action for the recovery of immovable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises.”

**13.10 The Committee recommend that general provision as prescribed under civil law should be made applicable in this case also.**

**Clause 349**  
**(Finality of Appellate Orders)**

Clause 349 states that “Save as otherwise provided in section 348, every order of appellate authority shall be final.”

**13.11 The Committee hope that this provision does not compromise the right of an individual to make any appeal to the court of law.**

**Clause 352**  
**(Supplemental provisions respecting rules)**

Clause 352 (4) states that “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 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.”

This clause enables the Central Government to make supplemental provision respecting rules.

**Clause 353**  
**(Power to make bye-laws)**

Clause 353 states that “subject to the provisions of this Act and of the rules made thereunder a Board may, in addition to any bye-laws which it is empowered to make by any other provision 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) 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, tolls and fees under this Act and the refund of taxes;
- (4) the regulation of any description of traffic in the streets and the enforcement of measures for the reduction of noise caused thereby or the prohibition of any description of such traffic;
- (5) the manner in which vehicles standing, driven, led or propelled in the streets between sunset and sunrise shall be lighted;
- (6) the seizure and confiscation of ownerless animals straying within the limits of the cantonments 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 persons working thereon;
- (9) the regulation in any manner not specifically provided for in this Act of the construction, alteration, maintenance, preservation, cleaning and repairs of drains, ventilation-shafts, pipes, water-closets, privies, latrines, urinals, cesspools and other drainage works;
- (10) the regulation or prohibition of the discharge into, or deposit in, drains of sewage, polluted water and other offensive or obstructive matter;
- (11) the regulation or prohibition of the stabling or herding of animals, or of any class of animals, so as to prevent danger to public health;
- (12) the proper disposal of corpses, the regulation and management of burial and burning places and other places for the disposal of corpses, and the fees chargeable for the use of such places where the same are provided or maintained by Government or at the expense of the cantonment fund;
- (13) the permission, regulation or prohibition of the use 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 or occupation;
- (14) the regulation and control of encamping grounds, sarais, hotels, dakbangalows, lodging-houses, boarding-houses, buildings let in tenements, residential clubs, restaurants, eating-houses, cafes, refreshment-rooms, guest houses, holiday resorts, cinemas and places of public recreation, entertainment or resort;
- (15) the regulation of the ventilation, lighting, cleansing, drainage and water supply of the buildings used for the manufacture or sale of aerated or other potable waters and of butter, milk, sweetmeats and other articles of food or drink for human consumption;

- (16) the matters regarding which conditions may be imposed by licences granted under section 295 or section 277;
- (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 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;
- (20) 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 and levy of development charges.
- (21) 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;
- (22) the regulation of the grazing of animals and the fees chargeable in respect thereof;
- (23) the fixing and regulation of the use of public bathing and washing places;
- (24) the regulation of the posting of bills and advertisement, and of the position, size, shape or style or name-boards, sign-boards and sign-posts;
- (25) the fixation of a method for the sale of articles whether by measure, weight, piece or any other method;
- (26) the rendering necessary of licences within the cantonment for—
  - (a) persons working as job porters for the conveyance of goods;
  - (b) animals or vehicles let out on hire or used for hawking articles;
  - (c) the proprietors of drivers of vehicles, boats or other conveyances, or of animals kept or plying for hire or used for hawking articles;
  - (d) persons impelling or carrying such vehicles or other conveyances; or
  - (e) persons practising as nurses, midwives or *dais*;
- (27) the prescribing of the fee payable for any licence required under clause (26), and of the conditions subject to which such licences may be granted, revised, suspended or withdrawn;
- (28) 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 (26);
- (29) the prescribing of fee payable for any licence except as otherwise specifically provided in the Act, sanction or for any written permission granted by the Chief Executive Officer;
- (30) the regulation or prohibition, for purposes of sanitation or the prevention of disease or the promotion of public safety or convenience, of any act which occasions or is likely to occasion a nuisance, and for the regulation or prohibition of which no provision is made elsewhere by or under this Act;

- (31) 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 of any rule or bye-law made thereunder, persons residing within or near the cantonment;
- (32) the prevention of the spread of infectious or contagious diseases within the cantonment;
- (33) the segregation in, or the removal and exclusion from, the cantonment, or the destruction, of animals suffering from or reasonably suspected to be suffering from any infectious or contagious disease;
- (34) the supervision, regulation, conservation and protection from injury, contamination or trespass of sources and means of public water-supply and of appliances for the distribution of water whether within or without the limits of the cantonment;
- (35) 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;
- (36) 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;
- (37) the maintenance of schools, and the furtherance of education generally;
- (38) the regulation or prohibition of the cutting or destruction of trees or shrubs, or of the making of excavations, or of the removal of soil or quarrying, where such regulation or prohibition appears to the Board 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 landslides 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;
- (39) the rendering necessary of licences for the use of premises within the cantonment as stables, kennels, sites or cow houses or as accommodation for sheep, goats or fowls;
- (40) the control of the use in the cantonment of mechanical whistles, sirens or trumpets;
- (41) the regulation of supply of copies of official document and prescribing the fee payable in respect thereof;
- (42) the regulation of permission for granting licence for use of loud-speakers and prescribing the fee payable in respect thereof; and
- (43) generally for the regulation of the administration of the cantonment under this Act."

This clause enables the Board to make bye-laws for various matters as provided in the clauses of this Bill.

**13.12 The Committee desire that after the Act is notified in the gazette, the rules and bye-laws framed under this Act must be made within a period of one year.**

**Clause 354**

**(Penalty for breach of bye-laws)**

Clause 354 states that “(1) Any bye-laws made by a Board under this Act may provide that a contravention thereof shall be punishable—

(a) with fine which may extend to five thousand rupees; or

(b) with fine which may extend to five thousand rupees and, in the case of a continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention; or

(c) with fine which may extend to one hundred fifty rupees for every day during which the contravention continues after the receipt of a notice from the Board or Chief Executive Officer by the person contravening the bye-law requiring such person to discontinue such contravention.

(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, if any, caused by such contravention.”

This clause provides for a penalty to be charged for any breach of the bye-laws made by the Board under this Bill.

**13.13 The Committee note that the penalty prescribed under this clause is too high, therefore, it should be reduced.**

**SCHEDULE V OF THE CANTONMENTS BILL, 2003**

Schedule V of the Cantonments Bill, 2003 deals with appeals from executive orders under different clauses. The Committee feel that under clauses 137, 138, 139, 142, 144, 147, 183, 238, 248, 252, 253 and 273 of the Bill under this schedule, there are multiplicity of authority which may lead to ambiguity. The Committee, therefore, desire that the provision of appeal under this schedule should be given to one authority instead of giving it to three authorities and it should be GOC-in-C.

NEW DELHI;  
5 May, 2005  
15 Vaisakha, 1927 (Saka)

BALASAHEB VIKHE PATIL,  
Chairman,  
Standing committee on Defence

## ANNEXURE

**LIST OF INDIVIDUALS/EXPERTS/ASSOCIATIONS WHO APPEARED BEFORE THE COMMITTEE**

1. Smt. Kiran Choudhary, President, All India Cantonments Board Employees Federation
2. Shri O.N. Langroo, General Secretary, All India Cantonments Board Employees Federation
3. Shri Satish Kumar, Joint Secretary, All India Cantonments Board Employees Federation
4. Shri P.K. Kumaran, Former Director General, Defence Estates
5. Maj. Gen. Kamal Nayan Misra, Judge Advocate General Army
6. Dr. Pankaj Mahinderu, Former Vice President, Cantonment Board, Agra.
7. Shri T. Bhowmik, Cantonment Board, Agra.
8. Dr. B.M.Masani, President, Residents of Mhow (ROM) Cantonment, M.P.
9. Shri Z. Cowasji, Hon. Secy., Residents of Mhow (ROM) Cantonment, M.P.
10. Ms. Aruna Rodrigues, Member, Residents of Mhow (ROM) Cantonment, M.P.
11. Shri Krishan Murti, Ex-Member, Cantonment Board, Kasauli, Himachal Pradesh.
12. Shri Mohan Lal Munshi, Social Worker, Kasauli, Himachal Pradesh.
13. Shri Bharat Singh Yadav, Vice President, Babina Cantonment, Jhansi, Uttar Pradesh
14. Shri Om Prakash Aggarwal, Ex-Vice President, Babina Cantonment, Jhansi, Uttar Pradesh
15. Shri Netraprakash K. Bhog, Advocate, Pune.
16. Shri S.K. Jain, Advocate, Pune.
17. Shri R. Srinivashan, Advocate, Supreme Court, New Delhi.



18. Shri P.R.H. Ansari, President, Cantonment Citizens Welfare Association (Regd.), Meerut Cantonment.
19. Shri Raj Kumar Agarwal, President, Bungalow Owner's Association, Ambala Cantonment.
20. Shri S.K. Sood, Bungalow Owner's Association, Ambala Cantonment.
21. Shri P.K. Jain, Secretary, Bungalow Owner's Association, Ambala Cantonment.
22. Shri Pradeep Kumar Jain, Bungalow Owner's Association, Ambala Cantonment.
23. Col. (Retd.) Gurdip Singh, Bungalow Owner's Association, Ambala Cantonment.
24. Maj. (Retd.) Deepak Chauhan, Bungalow Owner's Association, Ambala Cantonment
25. Shri Deepak Aggarwal, Bungalow Owner's Association, Ambala Cantonment.
26. Brig. K.S. Dhillon (Retd.), President, Bungalows Owners, Welfare Association, Jalandhar Cantonment.
27. Shri Narinder Sayal, Bungalows Owners, Welfare Association, Jalandhar Cantonment.
28. Shri Om Prakash Gupta, Ferozepur Cantonment Bungalow Owners Association.
29. Shri Sumeet Gupta, Ferozepur Cantonment Bungalow Owners Association.
30. Shri Shyam H.K. Chainani, Honorary Secretary, Bombay Environmental Action Group
31. Maj. Gen. (Retd.) V.K. Gupta, Bombay Environmental Action Group
32. Dr. Pramod Chokse, Ex-Member, Sagar Cantt., Sagar, M.P.
33. Shri Sunil Chokse, Sagar Cantt., Sagar, M.P.
34. Shri Denziel Sequiera, St. Thomas Mount-cum-Pallavaram Cantonment, Chennai
35. Shri J. Bopalan, St. Thomas Mount-cum-Pallavaram Cantonment, Chennai

36. Shri R.G. Jaya Kumar, St. Thomas Mount-cum-Pallavaram Cantonment, Chennai
37. Shri Anil Kumar Chhabra, Secunderabad Cantonment
38. Shri Rajender Kumar Yadav, Secunderabad Cantonment
39. Shri Tukaram Gangadhar Gadakh, M.P. and residents of Ahmednagar Cantonment
40. Shri Suresh Mehjani, Ahmednagar Cantonment
41. Shri Prakash D. Phulari, Ahmednagar Cantonment
42. Brig. J.S. Kohli, President, Pune Cantonment
43. Brig. V.K. Vadhera, President, Ahmednagar Cantonment
44. Brig. S.P. Rai, President, Delhi Cantonment
45. Brig. Deepak Sinha, President, Agra Cantonment
46. Brig. G.S. Malhi, President, Ambala Cantonment
47. Dr. Anil Aggarwal, District Magistrate, New Delhi
48. Shri Prabhakar Deshmukh, District Collector, Pune.
49. Shri G. Venkataramani, General Secretary, Indian Defence Estate Service Association

## MINUTES OF THE FIFTH SITTING OF THE STANDING COMMITTEE ON DEFENCE (2004-05)

The Committee sat on Wednesday, the 15<sup>th</sup> September 2004 from 1100 hrs. to 1230 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

### PRESENT

Shri Balasaheb Vikhe Patil - Chairman

### MEMBERS LOK SABHA

2. Shri Iliyas Azmi
3. Shri S. Bangarappa
4. Shri Suresh Chandel
5. Shri Thupstan Chhewang
6. Smt. Sangeeta Kumari Singh Deo
7. Shri Bhupinder Singh Hooda
8. Shri Suresh Kalmadi
9. Dr. K.S. Manoj
10. Shri Raghuraj Singh Shakya
11. Shri Ganesh Prasad Singh
12. Shri Balashowry Vallabhneni

### RAJYA SABHA

13. Gen. (Retd.) Shankar Roy Chowdhury
14. Shri T.T.V. Dhinakaran
15. Smt. N.P. Durga
16. Shri Pramod Mahajan
17. Shri Anand Sharma
18. Shri Lalit Suri

### SECRETARIAT

- |    |                        |   |                      |
|----|------------------------|---|----------------------|
| 1. | Shri John Joseph       | - | Additional Secretary |
| 2. | Shri Anand B. Kulkarni | - | Joint Secretary      |
| 3. | Shri P.K. Bhandari     | - | Director             |
| 4. | Smt. Anita Jain        | - | Under Secretary      |

### **WITNESSES OF MINISTRY OF DEFENCE**

1. Shri Ajai Vikram Singh, Defence Secretary
2. Shri S.K. Sharma, Joint Secretary (ESW)
3. Lt. Gen. V.G. Patankar, QMG, Army Hqrs.
4. Maj. Gen. N.B. Singh, ADG LWE, Army Hqrs.
5. Dr. (Smt.) Veena Maitra, DGDE
6. Shri G. Venkataramani, Addl. DG, Defence Estates
7. Rear Adm. Nirmal Varma, ACNS (P&P), Naval Hqrs.
8. Air Cmde. P.N. Saxena, Principal Director, Air Hqrs.
9. Shri Anjani Kumar, Dir (W)

2. At the outset, the Chairman welcomed the members to the Fifth sitting of the Committee. The Hon'ble Chairman then informed the Members that he has constituted 3 Sub-Committees for in depth examination of subjects and nominated Shri Churchill Alemao, M.P. as Convenor for the Sub-Committee-I, Shri Anand Sharma, M.P. as Convenor for Sub-Committee-II and Shri S. Bangarappa, M.P. as Convenor for Sub-Committee-III.

3. The Committee then discussed the matter of tour to be undertaken by the Committee and decided to undertake a study tour to visit forward areas and cantonments of Jammu, Leh and Srinagar in the last week of October 2004 and second study tour to the Cantonments and other defence establishments located at Mumbai, Pune, Ahmednagar, Karwar and Bangalore after the winter session of the Parliament.

4. Thereafter, the Committee had a briefing by the representatives of Ministry of Defence on 'The Cantonments Bill, 2003'.

5. The Chairman welcomed the Defence Secretary and his colleagues to the sitting of the Committee and invited their attention to the Directions 55 and 58 of the Directions by the Speaker, Lok Sabha.

6. The Representatives of the Ministry of Defence, thereafter, briefed the Committee on The Cantonments Bill, 2003. Some members of the Committee put forth certain queries on the Bill to which the Secretary responded. However, on Management of Defence Lands, Defence Secretary stated that few provisions of the Bill need to be re-drafted as the users, the three Defence Services were not consulted before the final draft of the Bill. He also sought directions of the Committee if there should be separate Acts, one for Cantonments and other for managing the remaining part of the defence land.

7. Many Members were of the view that vacant position of non-officials in Cantonment Boards be filled as per present provisions.

**The witnesses then withdrew**

8. Some Members were of the view that the issue of management of Defence Lands could be discussed separately as the management of Cantonment Board properties and the defence lands outside the Cantonments is different from each other in a sense that the former is covered under the existing Bill whereas there is no such legislation for the latter.

9. The Committee then discussed the further action to be taken on the 'Cantonments Bill' given the Ministry's own doubt on the form of the Bill. After some deliberations, the Committee decided to proceed with the examination of the Bill as such, and recommend suitable amendments to the Bill so that it may be incorporated in the fresh bill that may be introduced in the House.

10. A verbatim record of the proceedings was kept.

**The Committee then adjourned.**

## **MINUTES OF THE SIXTH SITTING OF THE STANDING COMMITTEE ON DEFENCE (2004-2005)**

The Committee sat on Friday, the 8<sup>th</sup> October 2004 from 1600 hrs. to 1745 hrs. in Committee Room 'E', Parliament House Annexe, New Delhi.

### **PRESENT**

Shri Bhupinder Singh Hooda - In the Chair

### **MEMBERS** **LOK SABHA**

2. Shri Iliyas Azmi
3. Shri A.V. Bellarmin
4. Shri S. Bangarappa
5. Shri Ramesh Jigajinagi
6. Dr. K.S. Manoj
7. Shri Raghuraj Singh Shakya
8. Shri Ganesh Prasad Singh
9. Shri Balashowry Vallabhaneni

### **RAJYA SABHA**

10. Shri R.K. Anand
11. Gen. (Retd.) Shankar Roy Chowdhury
12. Shri T.T.V. Dhinakaran
13. Smt. N.P. Durga
14. Shri Janardhan Dwivedi

### **SECRETARIAT**

- |    |                    |   |                 |
|----|--------------------|---|-----------------|
| 1. | Shri P.K. Bhandari | - | Director        |
| 2. | Smt. Anita Jain    | - | Under Secretary |

### **WITNESSES OF THE MINISTRY OF DEFENCE**

1. Shri Ajai Vikram Singh, Defence Secretary
2. Shri Ranjit Issar, Additional Secretary
3. Shri S.K. Sharma, Joint Secretary (ESW)
4. Lt. Gen. V.G. Patankar, QMG, Army Hqrs.
5. Dr. (Smt.) Veena Maitra, DGDE
6. Shri G. Venkataramani, Addl. DG, Defence Estates
7. Rear Adm. Nirmal Varma, ACNS (P&P), Naval Hqrs.

8. Air Cmde. G.R. Prasad, Principal Director, Air Hqrs.

2. In the absence of Hon'ble Chairman, Standing Committee on Defence, the Committee chose Shri Bhupinder Singh Hooda, M.P. to act as Chairman for the sitting under Rule 258 (3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Hon'ble Chairman welcomed the representatives of the Ministry of Defence to the sitting of the Committee.

4. The representatives of the Ministry then further briefed the Committee on 'The Cantonments Bill, 2003'. The Committee wanted to be apprised of the consultations of the Ministry with three Defence Chiefs on the Bill. The Committee also sought clarifications on inclusion of Chapter-15 on Management of defence lands outside the Cantonments in the Cantonment Bill and whether it could be dealt with separately either by formulating a new Bill or by working out an Administrative framework. The representatives of the Ministry also answered other queries of the Members. The Committee felt that these two are separate issues and need to have two separate bills.

**The Witnesses then withdrew**

5. A verbatim record of the proceedings was kept.

**The Committee then adjourned.**

## **MINUTES OF THE SEVENTH SITTING OF THE STANDING COMMITTEE ON DEFENCE (2004-05)**

The Committee sat on Monday, the 22<sup>nd</sup> November 2004 from 1500 hrs. to 1630 hrs. in Committee Room 'G-074', Parliament Library Building, New Delhi.

### **PRESENT**

Shri Balasaheb Vikhe Patil - Chairman

### **MEMBERS** **LOK SABHA**

2. Shri Churchill Alemao
3. Shri Iliyas Azmi
4. Shri Thupstan Chhewang
5. Shri Bhupinder Singh Hooda
6. Shri Suresh Kalmadi
7. Shri Raghuraj Singh Shakya
8. Shri Ganesh Prasad Singh
9. Shri Balashowry Vallabhaneni

### **RAJYA SABHA**

10. Shri R.K. Anand
11. Shri T.T.V. Dhinakaran
12. Shri Janardan Dwivedi
13. Shri Anand Sharma
14. Shri Lalit Suri

### **SECRETARIAT**

- |    |                    |   |                      |
|----|--------------------|---|----------------------|
| 1. | Shri John Joseph   | - | Additional Secretary |
| 2. | Shri P.K. Bhandari | - | Director             |
| 3. | Smt. Anita Jain    | - | Under Secretary      |

### **WITNESSES**

1. Smt. Kiran Choudhary, President, All India Cantonments Board Employees Federation
2. Shri O.N. Langroo, General Secretary, All India Cantonments Board Employees Federation



3. Shri Satish Kumar, Joint Secretary, All India Cantonments Board Employees Federation
4. Shri P.K. Kumaran, Former Director General, Defence Estates

2. At the outset, the Hon'ble Chairman welcomed the Members of the Committee and invited their observations/suggestions pertaining to the problems perceived by the Members during the recently concluded study visit of the Committee to the forward/cantonment areas located in Jammu, Leh and Srinagar from 24 to 31 October 2004.

3. The Chairman then invited the representatives of All India Cantonment Board Employees Federation to present their views and suggestions on 'The Cantonments Bill, 2003'. The representatives proposed inter-alia amendments to the provisions under Chapter III Page 8 and 9, pertaining to MPs and MLAs as a Special Invitee; Section 31, pertaining to reservation of wards for SC/ST Women on encroachment problems; Section 46, notifying civil areas declaring common cadre for the officers of Cantonment Board, control of Class IV employees by the Cantonment Boards, which were considered by the Committee. The Members then put forward certain queries arising out of their suggestions and various other aspects of the Cantonments Bill, 2003 and Defence land which were answered by the representatives.

**The Witnesses then withdrew.**

4. The Chairman then invited the former Director General (Defence Estates) to put his suggestions before the Committee about the aforesaid Bill. The witness proposed suggestions on some provisions viz. reservation issue, property tax Clause 238(4) which deal with power of the Board to refuse to sanction the erection or re-erection of any building; encroachment removal; Section 24(2) pertaining to salary of Executive Officers of the Cantonment Board, Section 51(a), Clause III on exemption of property tax, etc.. Certain queries relevant to the suggestions and other crucial issues were then made by the members which were answered by the witness.

**The Witness then withdrew.**

5. A verbatim record of the proceedings was kept.

**The Committee then adjourned**

**MINUTES OF THE TENTH SITTING OF THE STANDING COMMITTEE ON DEFENCE (2004-2005) ON EVIDENCE BY NON-OFFICIAL WITNESSES ON 'THE CANTONMENTS BILL, 2003'**

The Committee sat on Tuesday, the 11<sup>th</sup> January, 2005 from 1500 hrs. to 1630 hrs. in Committee No. 'B', Parliament House Annexe, New Delhi.

**PRESENT**

Shri Balasaheb Vikhe Patil- Chairman

**MEMBERS**  
**LOK SABHA**

2. Shri Churchill Alemao
3. Shri Iliyas Azmi
4. Shri A.V. Bellarmin
5. Shri Ramesh Jigajinagi
6. Shri Suresh Kalmadi
7. Dr. C. Krishnan
8. Shri S.D. Mandlik
9. Dr. K.S. Manoj
10. Shri Raghuraj Singh Shakya
11. Shri Mahadeorao Shivankar
12. Shri Balashowry Vallabhaneni

**RAJYA SABHA**

13. Shri R.K. Anand
14. Smt. N.P. Durga
15. Shri Janardan Dwivedi
16. Shri Pramod Mahajan
17. Shri Anand Sharma
18. Shri Lalit Suri

**SECRETARIAT**

- |                           |   |                 |
|---------------------------|---|-----------------|
| 1. Shri Anand B. Kulkarni | - | Joint Secretary |
| 2. Shri P.k. Bhandari     | - | Director        |
| 3. Smt. Anita Jain        | - | Under Secretary |

### WITNESSES

1. Dr. B.M.Masani, President, Residents of Mhow (ROM) Cantonment, M.P.
2. Shri Z. Cowasji, Hon. Secy., Residents of Mhow (ROM) Cantonment, M.P.
3. Ms. Aruna Rodrigues,
4. Shri Krishan Murti, Ex-Member, Cantonment Board, Kasauli, Himachal Pradesh.

2. At the outset, the Hon'ble Chairman welcomed Dr. B.M. Masani, President, Residents of Mhow (ROM), M.P. and his colleagues to present their views and suggestions on the 'Cantonment Bill, 2003'. They proposed the following amendments / suggestions to the provisions of various Sections of the Bill like :-

- (a) The witness submitted that Cantonment lands are State lands and not Central territories as stated in Objects & Reasons of the Bill. Therefore, State Municipal Laws should be made applicable in the case of Cantonments.
- (b) Pertaining to Chapter 15 i.e. Management of Defence Land, they suggested that it should be deleted from the Bill or should be suitably modified.
- (c) They suggested that there should be no power to vary the Cantonment Board as provided in Clause 13 of the Bill. They had also objected to the word 'satisfied' mentioned in the Clause .
- (d) In Clause 12 (3)(b) and 12 (4)(b) the level of Additional District Magistrate should be lowered to Sub-Divisional Magistrate.
- (e) As regards Clause 56 and 58, they suggested that once the Board has taken a decision, the President shall not overturn it.
- (f) Clause 73 which pertains to calculation of Annual Rateable Value of land is arbitrary. In calculation of annual rateable value in a Cantonment, the norms of Municipal Act should follow.
- (g) Clause 237 and 238 with regard to classification of lands under the Cantonment Bill. All civil held lands should be classified as Class – C

lands. It should come under the administration of Cantonment Board and not Class – B-3 lands.

- (h) Application of Environment Protection Act, Forest Act in the Cantonment and military lands. The Members then sought some queries arising out of the evidence and various other aspects of Cantonment Bill, 2003 which were answered by the witnesses.

**The witness then withdrew.**

3. The Chairman then invited Shri Krishan Murti, Ex-Member, Cantonment Board, Kasauli, Himachal Pradesh to put forth his suggestions before the Committee about the aforesaid Bill. The witness proposed suggestions on some important issues like power to vary the Board under Clause 13, for providing extra facilities to elected members besides the salaries under Section 23, preparation of new Assessment List under Clause 80 of the Bill, Notice of transfer under Clause 81, Notice of new buildings under Clause 179 etc. The Members then sought certain clarifications relevant to the suggestions made which were answered by the witness.

**The witness then withdrew.**

- 4. A verbatim record of the proceedings was kept.

**The Committee then adjourned**

**MINUTES OF THE ELEVENTH SITTING OF THE STANDING COMMITTEE ON DEFENCE (2004-2005) ON EVIDENCE BY NON-OFFICIAL WITNESSES ON 'THE CANTONMENTS BILL, 2003'**

The Committee sat on Tuesday, the 12<sup>th</sup> January, 2005 from 1500 hrs. to 1700 hrs. in Committee No. 'B', Parliament House Annexe, New Delhi.

**PRESENT**

Shri Balasaheb Vikhe Patil- Chairman

**MEMBERS**

**LOK SABHA**

2. Shri Churchill Alemao
3. Shri Iliyas Azmi
4. Shri A.V. Bellarmin
5. Shri S. Bangarappa
6. Shri Suresh Chandel
7. Dr. C. Krishnan
8. Shri S.D. Mandlik
9. Shri Mahadeorao Shivankar
10. Shri Balashowry Vallabhaneni

**RAJYA SABHA**

11. Shri R.K. Anand
12. Dr. Farooq Abdullah
13. Gen. (Retd.) Shankar Roy Chowdhury
14. Smt. N.P. Durga
15. Shri Janardan Dwivedi
16. Shri Anand Sharma
17. Shri Lalit Suri

**SECRETARIAT**

- |                           |   |                 |
|---------------------------|---|-----------------|
| 1. Shri Anand B. Kulkarni | - | Joint Secretary |
| 2. Shri P.K. Bhandari     | - | Director        |
| 3. Smt. Anita Jain        | - | Under Secretary |

### WITNESSES

1. Shri Bharat Singh Yadav, Vice President, Babina Cantonment, Jhansi, Uttar Pradesh.
2. Shri Om Prakash Aggarwal, Ex-Vice President, Babina Cantonment, Jhansi, Uttar Pradesh
3. Shri Netraprakash K. Bhog, Advocate, Pune.

2. At the outset, the Hon'ble Chairman welcomed Shri Bharat Singh Yadav, Vice President, Babina Cantonment, Jhansi, Uttar Pradesh and his colleagues to present their views and suggestions on the 'Cantonment Bill, 2003'. They proposed following amendments / suggestions to the provisions of various Sections of the Bill like :-

- (a) Need for reconsideration of classification of Class I Cantonment on the basis of population.
- (b) Three Military Officers in a Cantonment Board should not be fixed.
- (c) Under Section 20(3), Vice President should be directly elected. Vice President should be one out of seven elected members in Class I Cantonment.
- (d) Under Clause 20(3), time frame may be fixed for bringing no confidence against Vice President.
- (e) CEO, should not be Member of the Board. He should be only an executive to carry out instructions of the Board.
- (f) Local MLA/MP to be Member of the Board.
- (g) All special powers for imposing taxes etc. should be given to Board instead of CEO.
- (h) The service of the employee of Cantonment Board should be centralized and may be made transferable.
- (i) Appointment to the post of non-supervisory post should be done by the Board, or by a Special Committee, with the participation of local MLA/MPs not by CEO.
- (j) The rules should be relaxed for construction in civil area.

- (k) Civil Area should be notified in Babina and Gwalior Cantonment.

**The witness then withdrew.**

3. The Chairman then invited Shri Netraprakash K. Bhog, Advocate, Pune, Maharashtra to put forth his suggestions before the Committee about the aforesaid Bill. The witness proposed suggestions on the following important issues like :-

- (a) Provision in Section 9 may be deleted.
- (b) Clause 28(2) regarding disqualification of Board Members. Similar provisions as provided in BPMC Act should be applied.
- (c) Clause 12(1) pertaining to increase in the ward. There is no need to increase the number of wards.
- (d) The original 7 Members in the Cantonment Board should be retained.
- (e) There should be a provision in the Bill to make the District Magistrate or his representative compulsory to attend the meeting of Cantonment Board.
- (f) Every vacancy in the elected membership thereof shall be notified in the official Gazette and election to that post should be held immediately and once a person is nominated he should be allowed to participate.
- (g) Under Clause 13, in case of varied Board, with regard to one nominated Member is from the Army and one from the civil resident should be considered as Member in the varied Board.
- (h) Clause 21 – If the Member misconduct continues for 3 meetings, the President should recommend disqualification of Member.
- (i) CEO should not be a Member Secretary.
- (j) Section 179 – the powers to sanction the erection or re-erection of any building should be vested with Executive Officer on behalf of the Board. The Board should have the power to revoke the sanction in case if it is found to be illegal.
- (k) There should not be sudden hike in the licence fee and the public should be given due notice. Residents should be exempted from payment of parking fee.

- (l) In case of illegal construction of building, the Board should have the power to withhold electricity, water supply and drainage.
- (m) Clause 114 regarding compounding of taxes by CEO should be deleted.
- (n) In Clause 238, a proviso should be provided that in no circumstances, deemed sanctions shall authorise any powerful person to erect or re-erect any building.
- (o) Commercial complexes should not be allowed to come up in Cantonment.
- (p) The unused land should be preserved for agriculture or horticulture and for some other purposes for beautification and land
- (q) There should be a provision in the Bill for punishment for an erring officer.

**The witness then withdrew.**

- 4. A verbatim record of the proceedings was kept.

**The Committee then adjourned**



**MINUTES OF THE TWELFTH SITTING OF THE STANDING COMMITTEE ON DEFENCE (2004-2005) ON EVIDENCE BY NON-OFFICIAL WITNESSES ON 'THE CANTONMENTS BILL, 2003'**

The Committee sat on Monday, the 24<sup>th</sup> January, 2005 from 1100 hrs. to 1630 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

**PRESENT**

Shri Balasaheb Vikhe Patil - Chairman

**MEMBERS**  
**LOK SABHA**

2. Shri Churchill Alemao
3. Shri Iliyas Azmi
4. Shri A.V. Bellarmin
5. Shri Ramesh Jigajinagi
6. Shri Suresh Kalmadi
7. Dr. C. Krishnan
8. Shri S.D. Mandlik
9. Dr. K.S. Manoj
10. Shri Raghuraj Singh Shakya
11. Shri Mahadeorao Shivankar
12. Shri Balashowry Vallabhaneni

**RAJYA SABHA**

13. Shri R.K. Anand
14. Smt. N.P. Durga
15. Shri Janardan Dwivedi
16. Shri Pramod Mahajan
17. Shri Anand Sharma
18. Shri Lalit Suri

**SECRETARIAT**

- |                           |   |                 |
|---------------------------|---|-----------------|
| 1. Shri Anand B. Kulkarni | - | Joint Secretary |
| 2. Shri P.K. Bhandari     | - | Director        |
| 3. Smt. Anita Jain        | - | Under Secretary |

**WITNESSES**

1. Shri S.K. Jain, Advocate, Pune.
2. Shri R. Srinivashan, Advocate, Supreme Court, New Delhi.

#### **Meerut Cantonment**

3. Shri P.R.H. Ansari, President, Cantonment Citizens Welfare Association (Regd.), Meerut Cantonment.

#### **Ambala Cantonment**

4. Shri Raj Kumar Agarwal, President, Bungalow Owner's Association, Ambala Cantonment.
5. Shri S.K. Sood, Bungalow Owner's Association, Ambala Cantonment.
6. Shri S.K. Jain, Bungalow Owner's Association, Ambala Cantonment.
7. Shri Pradeep Kumar Jain, Bungalow Owner's Association, Ambala Cantonment.
8. Col. (Retd.) Gurdip Singh, Bungalow Owner's Association, Ambala Cantonment.

#### **Jalandhar Cantonment & Ferozepur Cantonment**

9. Brig. K.S. Dhillon (Retd.), President, Bungalows Owners, Welfare Association, Jalandhar Cantonment.
10. Shri Narinder Sayal, Bungalows Owners, Welfare Association, Jalandhar Cantonment.
11. Shri Om Prakash Gupta, Ferozepur Cantonment Bungalow Owners Association.
12. Shri Sumeet Gupta, Ferozepur Cantonment Bungalow Owners Association.

#### **Bombay Environmental Action Group**

13. Shri Shyam H.K. Chainani, Honorary Secretary, Bombay Environmental Action Group
14. Maj. Gen. (Retd.) L.K. Gupta

#### **Sagar Cantonment**

15. Dr. Pramod Chokse, Ex-Member, Sagar Cantt., Sagar, M.P.
16. Shri Sunil Chokse, Sagar Cantt., Sagar, M.P.

2. At the outset, the Hon'ble Chairman welcomed Shri S.K. Jain, Advocate to put forth his suggestions on 'The Cantonments Bill, 2003'. The witness suggested the following points :

- (i) Section 56(1) of the Cantonments Bill, there should be adequate provisions coupled with the change in the Cantonment Account Code so that each and every proposal is not required to be sent to the higher authorities once it is passed by the Cantonment Board and there should be stipulated time period in the Bill, by which the project should get sanctioned.
- (ii) The Cantonments that are financially self-sufficient and want to execute a project, then the decision of the Cantonment Board should be final.
- (iii) There should be proper examination and audit of defence land. Land should be allotted to Defence forces where there is actual requirement of defence land. However, the lands should not be allowed to remain vacant for hundreds of years.
- (iv) The number of elected members as provided in the present Bill, is highly inadequate. Cantonment Board having a population of above 50,000 should have a minimum of 15 elected members. The concerned MP or MLA of that area should be made a permanent invitee.
- (v) Action should be taken immediately to remove slums from the Cantonment area and they should be rehabilitated in consultation with the local authorities and they should not be allowed to continue in this sensitive area.
- (vi) There should be provisions for slum improvements in the Bill at par with the Slum Improvement Act in other Municipality areas.
- (vii) There is a need for change in the Cantonment Land Administration Rules.
- (vii) CEO should be a member of the Board as provided in the Cantonment Bill, 2003.

**The witness then withdrew.**

3. The Chairman then invited Shri R. Srinivashan, Advocate to put forth his suggestions before the Committee about the aforesaid Bill. The witness gave some suggestions based on Cantonment Act, 1924. Therefore, the Committee decided that he may furnish his suggestions in writing based on Cantonments Bill, 2003.

**The witness then withdrew.**

4. The Chairman then invited Shri P.R.H. Ansari, President, Cantonment Citizens Welfare Association (Regd.), Meerut Cantonment to put forth his suggestions before the Committee about the aforesaid Bill. The witness suggested the following points :

- (i) Section 302 & 345 - The order of a judicial authority is being made subject to appeal to the District Magistrate which is an executive authority. This authority should vest in a District Judge instead of a District Magistrate.
- (ii) Section 348 - which pertains to appeal from an order made by the Board is vague. It should be specified in the provision of the Bill as to what orders are passed and under what section.
- (iii) 12(3) CEO should not be a member of the Cantonment Board.
- (iv) The provision of casting vote by GOC-in-C may go against democracy.
- (v) In Section 16 – outgoing member should be specified.
- (vi) Section 68 – Instead of evaluating present market value by the authority themselves, the private Government recognised evaluator should be allowed and depreciation allowance should be provided.
- (vii) Section 249(3)(b) - An appellate authority should be there to appeal against the order of sealing under section 249.
- (viii) Section 76 – There should be a separate committee for valuation, which is proposed to be given to CEO.
- (ix) Section 79 – The power to remove name etc. which is exclusively being given to CEO, should be vested in a Committee.
- (x) Section 81, Sub-Section (6) - There should be a time limit for the office to complete mutation procedure.
- (xi) Section 306 - There should be a provision for compensation and rented property should not be included in the definition of defence land.

**The witness then withdrew.**

5. The Chairman then invited Shri S.K. Sood, President and other Members of Bungalow Owner's Association, Ambala to put forth their suggestions before the Committee about the aforesaid Bill. The witnesses suggested the following points :

- (i) Election of Cantonment Board – Elected Members should be more than the nominated members.
- (ii) Defence personnel should not be the judge of its own cause, the defence personnel panel should be headed by the District Magistrate.
- (iii) Section 247 – Imposition of fine of Rs.50,000/- for illegal construction is too heavy.
- (iv) Section 309 – Audit Committee should consist of only elected Members.
- (v) Section 305 – As there are different categories of defence land, therefore, all these lands may be clearly and unambiguously defined as classified in the proposed Cantonment Bill. Approval for minor repairing or alterations of the structure of the house is generally withheld on the ground that ownership, mutation or NOC is not there.
- (vi) The plan for minor repairs or alterations should be sanctioned in a time bound manner. If the plan is not sanctioned within a specified period, then it should be taken as deemed to have been sanctioned.
- (vii) There should be an index of records and also the right to inspect by the owner.
- (viii) Section 44 – All the decisions of the Cantonment Board affecting Bungalow Owners' Association should be put on the Notice Board.
- (ix) Under Section 67 – It has been made compulsory for the Board to levy certain taxes. In this provision, the word 'may' be put in the place of 'shall'.
- (x) Section 191 (2) – Reasonable quantity of water should be supplied in proportion to water tax paid.
- (xi) Procedures for granting sanction and approval of the plans to be made easier and simplified and all the powers given to CEO may be entrusted to some Board/body.
- (xii) Clause 308(2) - DEO should permit inspection of the records and he should supply a copy of the same on application and payment of prescribed fees.
- (xiii) Clause 244 – A stringent punishment is sought to be given for violation of the change of land use. So, this change of use should be confined to obnoxious trade and not to simple change of use.
- (xiv) Change of property use from residential to commercial has to be sanctioned by the Board. There must be some specific provision for sanction of change of use. It should either be sanctioned or treated as unauthorised. This definition should be explicitly mentioned in the Act.

- (xv) Section 73 (8) Section 110 of 1924 Act may be incorporated in the existing Bill.

**Witness then withdrew.**

6. The Chairman then invited Brig. (Retd.) K.S. Dhillon, President, Bungalow Owners' Association, Jalandhar Cantonment, Shri Om Prakash Gupta of Ferozepur Bungalow Owners' Association, Ferozepur Cantonment and other Members to put forth their suggestions before the Committee about the aforesaid Bill. The witnesses suggested the following points :

- (i) Chapter V – Taxes and Fees – Section 66(I) and entire Section 67 should be deleted because Section 66(2) adequately cover all the taxes required for Cantonment Board to function as a Municipality. Otherwise it will amount to double taxation.
- (ii) Section 68 – Section 366-367 empowers the Cantonment Board to impose a number of taxes i.e. trade, profession and employment. Section 68 which has again given vide powers to the Board to impose taxes between 10% to 30%. The taxes should not be in any case more than 10%.
- (iii) Section 244 – The penalty proposed to be imposed by the Cantonment Board for illegal construction building i.e. Rs.10,000/- per day is an excessive amount. Therefore, this provision should be repealed altogether. The Cantonment Board while taking decisions regarding erection or re-erection of building should conform with the laws followed by the Municipal Corporation of the adjoining areas.
- (iv) Section 247 – empowers the Cantonment Board to order imprisonment upto 6 months in connection with illegal erection. This power is vested in the Executive Officer. This is a draconian law.
- (v) Section 345-348 - Under Section 345 – A resident can file and appeal against the order of the Cantonment Board. Under Section 348 – The appellate authority has been given discretion either to stay or not to stay the proceedings. But the authority may stay or may not stay the proceedings and till the appeal under section 345 is pending, no court shall entertain the appeal. So in case the Appellate Authority refuse to grant stay the building stands demolished. Therefore, specific time should be mentioned in the provision to stay demolition and until the disposal of the appeal, action should not be taken.
- (vi) Section 361 and 362 on admissibility of documents for entry as evidence – The Act of 1861 pertaining to law of limitation is there. It specifically

prescribed how each and every document is to be proved in the Court of Law. Therefore, there is no need of bringing the law of limitation again under these two sections. Whatever document prepared by the Board can not be treated as authentic because the register is not maintained by the Board right from the beginning and therefore it does not have any evidence value.

- (vii) Chapter XV - Management of Defence Land – The existing Act is sufficient to cover the land situated within the Cantonments. There should be a separate Act for management of Defence lands situated outside the Cantonments.
- (viii) The discretionary power vested in the Executive Officer should be diluted and more powers should be given to democratic representative on the Board.
- (ix) Section 12 – A nominated member from the civil population of the Cantonment should be a member of the Cantonment Board.
- (x) Section 305 & 306 pertaining to classification of lands – the classification of land owned by defence authorities, central government land, civilian lands should be distinctly categorised and clarified so that no loopholes are left and the bungalow owners' lands illegally occupied by the defence authorities should be given back to them.
- (xi) Local M.P. and MLA should be given right to vote.

**Witness then withdrew.**

7. The Chairman then invited Shri Shyam H.K. Chainani, Honorary Secretary, Bombay Environmental Action Group to put forth his suggestions before the Committee about the aforesaid Bill. The witness suggested the following points :

- (i) Clause 233 – There is no specific provision for heritage buildings in the Cantonment Bill. The specific provision should be included in the clause.
- (ii) Specific provision should be there for design control in heritage buildings like NDA, Southern Command.
- (iii) Cantonment Act should specify a definition of development and not only of construction.
- (iv) According to Supreme Court judgement on Right to know, all building plans should be made available to people for examination except in the interest of military security.
- (v) Section 233 for a Master Plan – This Section seeks to have little control and someone may go to Court against it. Therefore, this section should be more comprehensive.

- (vi) There should a provision of a Master Plan, so that when the plan in Cantonment is sanctioned, it should not be contrary to the Master Plan under Section 238 (7).
- (vii) Section 235 which talks of control on erecting and re-erecting a building should state control on development.
- (viii) Composition of Cantonment Board – the existing status that is as per the Cantonment Act, 1924 should be there deleting the District Magistrate because there must be an official parity or majority.
- (ix) CEO should not be Member of the Board.
- (ix) There should be a parity between the Military members and members nominated by the GOC-in-C.
- (xi) The title Cantonment Executive Officer should be used in place of Chief Executive Officer.
- (xii) Section 238(6) All the sanction for construction should not be contrary to the Master Plan and the Building bye-laws.
- (xiii) The power to sanction the bye-laws should be vested with GOC-in-C, not with Government of India.
- (xiv) 181(4) dealing with lease lands - Old grant land should remain in the control of the present administration and not that of Municipality.
- (ix) Local MP/MLA should not be the Member of the Board.
- (xiv) Section 13 Varied Board – status quo may be maintained.

8. The Chairman then invited Dr. Pramod Chokse, Ex-Member, Sagar Cantt., Sagar, M.P. to put forth his suggestions before the Committee about the aforesaid Bill. The witness suggested the following points :

- (i) Section 19(1)- The President of the Board should be elected by the voters of the Cantonment area. If not possible, the Vice President should be elected by the voters of Cantonment Area.
- (ii) Section 80- The assessment of tax should be done through civil area Committee instead of CEO.
- (iii) Section 127(2)- This section should be amended as the penalty is too high.



- (iv) Section 305-309- There should be a provision under these sections for renewal of lease for farmers which was stopped since 1974 and regulation, control and management of defence land should lie with the Cantonment Board instead of Defence Estate Officer.

**Witness then withdrew.**

- 9. A verbatim record of the proceedings was kept.

**The Committee then adjourned.**

**MINUTES OF THE SIXTEENTH SITTING OF THE STANDING COMMITTEE ON DEFENCE (2004-2005) ON EVIDENCE BY NON-OFFICIAL WITNESSES ON 'THE CANTONMENTS BILL, 2003'**

The Committee sat on Tuesday, the 15<sup>th</sup> February, 2005 from 1530 hrs. to 1700 hrs. in Committee Room 'G-074', Parliament Library Building, New Delhi.

**PRESENT**

Shri Balasaheb Vikhe Patil - Chairman

**MEMBERS**  
**LOK SABHA**

2. Shri Iliyas Azmi
3. Shri Ramesh Jigajinagi
4. Dr. C. Krishnan
5. Dr. K.S. Manoj
6. Shri Raghuraj Singh Shakya

**RAJYA SABHA**

7. Gen. (Retd.) Shankar Roy Chowdhury

**SECRETARIAT**

- |    |                    |   |                 |
|----|--------------------|---|-----------------|
| 1. | Shri P.K. Bhandari | - | Director        |
| 2. | Smt. Anita Jain    | - | Under Secretary |

**WITNESSES**

**St. Thomas Mount-cum-Pallavaram Cantonment, Chennai**

1. Denziel Sequiera
2. Shri J. Bopalan
3. Shri R.G. Jaya Kumar

**Secunderabad Cantonment**

4. Shri Anil Kumar Chhabra
5. Rajender Kumar Yadav

## Ahmednagar Cantonment

6. Shri Tukaram Gangadhar Gadakh, M.P. and others from Maharashtra
7. Shri Suresh Mehjani
8. Shri Prakash D. Phulari

2. At the outset, the Hon'ble Chairman welcomed Denziel Sequiera, Shri J. Bopalan and Shri R.G. Jaya Kumar of St. Thomas Mount-cum-Pallavaram Cantonment, Chennai to put forth their suggestions on 'The Cantonments Bill, 2003'. The witnesses suggested the following points :

- (i) Section 12(1) - Cantonments with above 35,000 population should be classified as Class-I Cantonment.
- (ii) Local M.P. and MLA should not be members of Cantonment Board.
- (iii) Cantonment Board should be classified as 'civil areas'.
- (iv) Section 239 – Order of stoppage of building or works in Cantonment. The Cantonment Board should follow the rules of Municipality in the adjoining areas.
- (v) The problem of unauthorised constructions should be addressed in a proper manner.
- (vi) The State Government is ordering for elections within the cantonment on April 17. Elections may be postponed in view of proposed in view of proposed new Act.
- (vii) The administrative instruction very clearly states that the CEO can order the stoppage of construction. But boundary pillars with the cantonment plans are being sanctioned by the adjoining municipalities and no action is being taken because the boundary pillars survey is not being done. Therefore, survey should be done at the earliest and budgetary provision should be made available for the same.
- (viii) St. Thomas Mount Cantonment has a population of 35,000-40,000. The encroachers are there for over 35 or 40 years but they have not been taxed. They should be regularised or they may be taxed.
- (ix) Clause 272 – When liquor shops are auctioned, No Objection Certificates are obtained from the local bodies and a percentage of auction is paid. But in the Cantonment, NOC is not taken. Therefore,

NOC should be taken from the Cantonment Board and percentage of auction amount should be paid.

- (x) Section 76(3) – Objection shall be invited and investigated and the person making them shall be allowed an opportunity of being heard either in person or otherwise and it should be done before the Standing Assessment Committee.
- (xi) So far as the Cantonment Development Fund is concerned, CEO should not collect money from the public.

**Witness then withdrew.**

3. The Committee then invited Shri Anil Kumar Chhabra and Rajender Kumar Yadav of Secunderabad Cantonment to put forth their suggestions. They requested the Committee to make necessary changes in the provisions of the Cantonments Bill so that they do not have to seek No Objection Certificate to have constructions on their own bungalow which is a freehold property. The Committee opined that Parliamentary Committee can not consider individual cases. It has to make policy for the whole nation.

**Witness then withdrew.**

4. The Committee then invited Shri Tukaram Gangadhar Gadakh, M.P. and others from Ahmednagar, Maharashtra to give suggestions on the Cantonments Bill, 2003. They suggested the following points :

- (i) The FSI should be increased to 1+1. The Cantonment Board shall go as per the guidelines of nearby municipalities as far as FSI is concerned.
- (ii) Civil members should be given power to regularise small changes or constructions.
- (iii) Civil area should be separated from military area and made into a new municipality.
- (iv) Rate of drinking water charged by the Cantonment Board should be at par with the municipal rates.
- (v) In all Cantonments, all the civil areas should be provided with proper underground drainage system for better health and hygiene.
- (vi) There should be provision to allow instalment of petrol pump to facilitate the inhabitants of Ahmednagar Cantonment.

- (vii) In Ahmednagar Cantonment there is no provision for secondary education. Therefore, the Cantonment Board should provide that facilities for the betterment of the inhabitants for which State Government should pay 50% of the Grants.
  - (vi) There should be a transport system in Cantonment.
5. The Members asked certain questions pertaining to the suggestions put forth by all the non-official experts and the witnesses then clarified those one after another.

**Witness then withdrew**

6. A verbatim record of the proceedings was kept.

**The Committee then adjourned**

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**MINUTES OF THE SEVENTEENTH SITTING OF THE STANDING COMMITTEE ON DEFENCE (2004-05)**

The Committee sat on Wednesday, the 9<sup>th</sup> March, 2005 from 1600 hrs. to 1700 hrs. in Committee Room No '139', Parliament House Annexe, New Delhi.

**PRESENT**

Gen. (Retd.) Shankar Roy Chowdhury – In the Chair

**MEMBERS**  
**LOK SABHA**

2. Shri A.V.Ballarmin
3. Shri Thupstan Chhewang
4. Shri S.D.Mandlik
5. Dr. K.S.Manoj
6. Shri Ganesh Prasad Singh
7. Ms. Ingrid Mcleod

**RAJYA SABHA**

8. Smt. N.P. Durga
9. Shri Lalit Suri

**SECRETARIAT**

1. Shri P.K. Bhandari - Director

**WITNESSES**

1. Brig. J.S. Kohli, President, Pune Cantonment
2. Brig. V.K. Vadhera, President, Ahmednagar Cantonment.

In the absence of Hon'ble Chairman, Standing Committee on Defence, the Committee chose Gen. (Retd.) Shankar Roy Chowdhury, M.P. to act as Chairman for

the sitting under Rule 258 (3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

2. At the outset, the Hon'ble Chairman welcomed Brig. J.S.Kohli, President, Pune Cantonment Board and Brig. V.K.Vadhera, President, Ahmednagar Cantonment Board and invited them to put forth their suggestions on the Cantonment Bill, 2003. The witnesses had given the following suggestions:-

- (a) Chief Executive Officer should not be a Member of the Cantonment Board.
- (b) Nominated military Members should be ex-officio members of the Board.
- (c) Reservation of Schedule Caste and Schedule Tribes should be there.
- (d) CEO should not be given special powers.
- (e) Clause 56 (4 &5) should be deleted.

3. After hearing the above mentioned suggestions the Committee then decided to first go through the written memoranda submitted by the witnesses and invite them for oral evidence after 15 days.

**The witnesses then withdrew.**

4. A verbatim record of the proceedings was kept.

**The Committee then adjourned.**

**MINUTES OF THE EIGHTEENTH SITTING OF THE STANDING COMMITTEE ON DEFENCE (2004-05)**

The Committee sat on Thursday, the 10<sup>th</sup> March 2005 from 1000 hrs. to 1050 hrs. in Committee Room `B', Parliament House Annexe, New Delhi.

**PRESENT**

Gen. (Retd.) Shankar Roy Chowdhury – In the Chair

**MEMBERS**  
**LOK SABHA**

2. Shri Churchill Alemao
3. Shri Suresh Chandel
4. Shri Thupstan Chhewang
5. Smt. Sangeeta Kumari Singh Deo
6. Dr. C. Krishnan
7. Dr. K.S. Manoj
8. Shri Ganesh Prasad Singh
9. Shri Manvendra Singh
10. Ms. Ingrid Mcleod

**RAJYA SABHA**

11. Smt. N.P. Durga
12. Shri Janardan Dwivedi
13. Shri Anand Sharma

**SECRETARIAT**

- |    |                          |   |                      |
|----|--------------------------|---|----------------------|
| 1. | Shri M. Rajagopalan Nair | - | Additional Secretary |
| 2. | Shri P.K. Bhandari       | - | Director             |
| 3. | Smt. Anita Jain          | - | Under Secretary      |

**WITNESSES**

1. Brig. S.P. Rai, President, Delhi Cantonment
2. Brig. Deepak Sinha, President, Agra Cantonment
3. Brig. G.S. Malhi, President, Ambala Cantonment
4. Dr. Anil Aggarwal, District Magistrate, New Delhi.



In the absence of Hon'ble Chairman, Standing Committee on Defence, the Committee chose Gen. (Retd.) Shankar Roy Chowdhury, M.P. to act as Chairman for the sitting under Rule 258 (3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

2. At the outset, the Hon'ble Chairman welcomed Brig. S.P. Rai, President, Delhi Cantonment, Brig. Deepak Sinha, President, Agra Cantonment, Brig. G.S. Malhi, President, Ambala Cantonment, Dr. Anil Aggarwal, District Magistrate, New Delhi and requested them to put forth their suggestions on 'The Cantonments Bill, 2003' one after another. The President of Delhi Cantonment Board submitted memorandum on the Bill. The three representatives then raised their problems being faced by them in administering the Cantonment Board and put forth the following suggestions :

- (i) Additional power to CEO would reduce the power of the President of Cantonment Board and the system of checks and balances prevailing in the Cantonment Board at present would also suffer. Therefore, CEO should not be given additional power and he should act as an Executive to carry out the legislative orders.
- (ii) It was expressed that grave lacuna to reduce one military member and in lieu of him, placing CEO as a Member Secretary should be rectified.
- (iii) Undemocratic power of CEO to override the decision of the Cantonment Board should be suitably modified.
- (iv) Concern was expressed regarding delay in publishing notification in the gazette regarding the nomination of the military member. Further it was suggested that nomination to that effect should be accepted with the GOC-in-C.
- (v) It was suggested that in Chapter 15 of the Bill dealing with management of Defence land should not be part of this Bill.
- (vi) It was stressed that maintenance of the existing Cantonment Board is much better than the municipalities. There would not be need for any major change except minor changes because of democratization.

3. Then the Committee decided that the representatives might submit their written memoranda to the Committee and thereafter they may be called for oral evidence after a gap of 15 days.

**The witnesses then withdrew.**

4. A verbatim record of the proceedings was kept.

**The Committee then adjourned.**

**MINUTES OF THE TWENTY SEVENTH SITTING OF THE STANDING COMMITTEE  
ON DEFENCE (2005-06)**

The Committee sat on Wednesday, the 13<sup>th</sup> April, 2005 at 1500 hrs to 1635 hrs in Committee Room No '53', Parliament House, New Delhi.

**PRESENT**

Shri Balasaheb Vikhe Patil - Chairman

**MEMBERS  
LOK SABHA**

2. Shri Iliyas Azmi
3. Shri Thupstan Chhewang
4. Shri Raghuraj Singh Shakya

**RAJYA SABHA**

5. Shri R.K. Anand
6. Shri Lalit Suri

**SECRETARIAT**

1. Shri P.K. Bhandari - Director
2. Smt. Anita Jain - Deputy Secretary
3. Shri D.R. Shekhar - Under Secretary

**WITNESSES**

1. Shri Prabhakar Deshmukh - District Collector, Pune.
2. Brig. J.S. Kohli - President, Pune Cantonment Board.
3. Brig. V.K. Vadhera - President, Ahmednagar Cantonment Board.
4. Shri G. Venkataramani - General Secretary, Indian Defence Estate Service Association

At the outset Hon'ble Chairman welcomed Shri Prabhakar Deshmukh, District Collector of Pune and Brig. J.S.Kohli, President Pune Cantonment to this sitting of the Committee and requested them to put forth their suggestions on the Cantonment Bill, 2003. Brig. J.S.Kohli gave the following suggestions on the Bill:-

- “(1) In the definition instead of Chief Executive Officer the designation of Cantonment Executive Officer as mentioned in the 1924 Cantonment Act should be maintained.
- (2) Constitution of Cantonment Bill:- The Constitution of Cantonment Board should be as follow:
  - a. Three Ex-officio member;
  - b. Three nominated members;
  - c. Seven elected members;
  - d. Instead of magistrate, a senior citizen in service or civilian from any walk of life may be added in his place;
  - e. A representative of the District Collector may attend the meeting.
- (3) Nomination of Member:- Nomination of Member from Military side by the Central Government takes time. Till such time the Board while carrying out their meeting is short of these four nominated members. Therefore, four Officer from military side may be made ex officio or may be approved by GOC-in-C. This can be done in faster time thereby parity in the board can be maintained between nominated and elected members.
- (4) Reservation of women, SC/ST in the Cantonment Board should be there.
- (5) The present number of elected members i.e seven should be continued.
- (6) Chief Executive Officer should not be a member of the Cantonment Board. He should be a executive to the board only.
- (7) Under certain sections power of CEO to carry out execution of work without the sanction of the Board in case of emergency should be deleted and in case of varied Board, to fill up the vacuum this power can be given to a Committee consisting of District Magistrate, President and CEO.
- (8) In a number of sections the responsibility has been shifted from the Board to the CEO. In that case individual authority has been given importance over a collective authority. Therefore, these provisions may be modified and all the decisions of the board should be taken in a meeting having a quorum of three members.

- (9) Civil area should not be extended as this will shrink the Cantonment area.
- (10) When asked about their view point on development and resources, he expressed satisfaction over the provisions in the Bill.
- (11) Director General of Defence Estate is nothing to do with the channel of administration of the cantonments. They should continue to be in the advisory capacity only.
- (12) Pertaining to excision of civil area he suggested that civil area should not be separated from cantonment as there is criss-crossing. In this connection Hon'ble Chairman suggested that if area cannot be separated but the administration of civil area can be separated for smooth management of cantonment as well as civil area.
- (13) Pertaining to participation of local MLA and MP in the Cantonment Board without having voting right he has endorsed the provision given in the Bill".

Then Hon'ble Chairman invited Shri Prabhakar Deshmukh to give his view points on the Cantonment Bill,2003 and he had suggested the following points:-

- “(i) In chapter three in the Constitution or Board instead of an Additional Collector a person not below the rank of Deputy Collector should be substituted.
- (ii) All the Cantonments are adjoining to the Municipal areas and there are a number of issues which are common. Therefore, there has to be a representative of the Municipal Commissioner as a member of the Board.
- (iii) The role of Development Authority to look after defence area outside the cantonment lands and functioning of the Cantonment Board have to be specified in the new Bill.
- (iv) Pertaining to two separate Acts for Defence Land and Cantonment land and separation of civil area administratively as a separate town ship he suggested that the boundaries should not be disturbed but a part of that area can be considered for (civil area) town ship”.

He further clarified certain quarries on some pending cases for paying compensation.

3. The Committee after going through some clauses of the Bill found that clause 56 of the Bill provided for over riding the decision of the Board by the CEO, President and District Magistrate should be deleted. Because the decision of the Board is a collective one and no single authority should be allowed to over ride it.

**The witnesses then withdrew.**

4. The Hon'ble Chairman then invited Brig. V.K.Vadhera, President Ahmednagar Cantonment to submit his view points on the Cantonment Bill. The followings were the suggestions submitted by him.

- “(i) CEO should not be made as a member secretary.
- (ii) Clause 9 of chapter two should be deleted as exempting any particular area of land in the notified civil area or outside would be discriminatory and the vested interest may take advantage of it. Once the land is excised from the cantonment then all the laws can be applicable to all area and not the excised area alone.
- (iii) The number of members of Cantonment Board should be an odd one.
- (iv) The time period for filling the vacancies for nominated members from military side should be lessened.
- (v) In clause 21(l) (e), the power of the President to suspend a member other than the CEO to attend the un-concluded part of the meeting for his mis-conduct should be deleted. It should read including the CEO.
- (vi) Clause 24(3)-, this provision deals with appointment of CEO. He should not be a Member of the Board.
- (vii) Clause 26 (2)- Pertaining to this clause he suggested that the CEO must exercise the special power by taking permission from the Board in writing and the limit of the financial expenditure should be laid down in the Bill.
- (viii) Clause 46- This clause is in direct conflict with the aims and objects of making sustaining cantonments for the purpose of this forces. Therefore, this should be deleted.
- (ix) Clause 56 (3)- The power to override any decision of the Board by the CEO should be deleted.

(x) Clause 62- Maintaining or assisting primary school should not be the duty of the Board. This duty should be handed over to social organisation for maintaining better educational standard.

(xi) Pertaining to excision of civil area from military area he has suggested that there is a requirement of buffer zone between these two area.

(xii) Clause 63- Annual rateable value should be assessed by a professional body instead of CEO”.

5. The Committee then welcomed Shri G.Venkataramani, General Secretary, Indian Defence Estate Service Association to put forth the view points of his organisation on ‘The Cantonments Bill,2003’. He had suggested the following points:-

- (1) Need for Cantonment development authority
- (2) Need for maintaining better food standard for the troops
- (3) Need for management of defence land

6. The Chairman and Members made certain queries on the issues raised by the witnesses. The witnesses then responded by the same.

**The witnesses then withdrew.**

7. A verbatim record of the proceedings was kept.

**The Committee then adjourned.**

**MINUTES OF THE TWENTY EIGHT SITTING OF THE STANDING COMMITTEE  
ON DEFENCE (2004-05)**

The Committee sat on Friday, the 29<sup>th</sup> April, 2005 at 1630 hrs to 1735 in Committee Room No. 'D', Parliament House Annexe, New Delhi.

**PRESENT**

**Shri. Balasaheb Vikhe Patil - Chairman**

**MEMBERS  
LOK SABHA**

2. Shri A.V. Ballarmin
3. Shri Milind Deora
4. Shri Suresh Kalmadi
5. Shri Raghuraj Singh Shakya
6. Shri Manvendra Singh
7. Ms. Ingrid Mcleod

**RAJYA SABHA**

8. Shri R.K.Anand
9. Smt. N.P. Durga
10. Shri Janardan Dwivedi

**SECRETARIAT**

- |    |                    |   |                  |
|----|--------------------|---|------------------|
| 1. | Shri P.D.T.Achary  | - | Secretary        |
| 2. | Shri P.K. Bhandari | - | Director         |
| 3. | Smt. Anita Jain    | - | Deputy Secretary |
| 4. | Shri D.R.Shekhar   | - | Under Secretary  |

**Representatives of Ministry of Defence**

1. Shri Ajai Vikram Singh, Defence Secretary
2. Shri P.K.Rastogi, JS(T) & CAO
3. Smt. Malti Krishna Kumar, DGDE
4. Shri C.R.Mahapatra, Sr.Addl.DGDE
5. Shri G.Venkataramani, Addl. DGDE
6. Shri V.K.Shrivastava, Addl. DGDE
7. Maj.Gen. N.B.Singh, ADGLWE

8. Col. Ashok Kumar, Dir Plg (Lands)
9. Air Cmde. G.R.Prasad,VSM,Adm,PDAFW
10. Cmde, P.L.Mason, Principal Dir (Works)
11. Cdr. K.K.Uppal, Jt. Dir (Works)

2. At the outset the Chairman welcomed the representatives of the Ministry of Defence to the sitting of the Committee. The Chairman then informed the members that on Cantonment Bill, 2003 Committee had held number of sittings with non-official and presidents of various Cantonment Boards. The Committee then took oral evidence of the Ministry of Defence and during course of the discussion following points relating to basic policy were raised:-

- (i) Some provision instead of democratising the Cantonment administration, put more restrictions on the civilian population.
  - (ii) All municipal provisions included in the Act be more appropriately placed under bye laws/rules to be framed under the Act.
  - (iii) No significant role has been assigned to the Committee for civil areas under Clause 47.
  - (iv) There is multiplicity of authorities in various clauses of the Bill which is likely to create confusion in smooth working of the Board.
  - (v) Under Clause 13 no period has been specified under which election to the varied Board must be held.
  - (vi) Excessive powers have been given to various functionaries to override decision of the Board under Clause 56.
  - (vii) Wide power of the CEO should be curtailed and he may be allowed to exercise power for or on behalf of the Board only.
  - (viii) In the proposed deemed municipality status to Cantonment Board where states were involved, they were not consulted in order to utilise funds from the state schemes for the purpose.
  - (ix) The Committee sought to know the opinion of the Ministry on the excising of the Civil areas of the Cantonment into adjoining municipal areas and the Military land as Military Stations gradually. The Secretary, Ministry of Defence responded positively to this suggestion.
3. The Secretary, Ministry of Defence stated that they will happy to re-examining the proposal regarding change in definition etc. like that of ownership

**The witnesses then withdrew**



4. Verbatim record of the proceedings was kept.

**The Committee then adjourned.**

## MINUTES OF THE TWENTY NINTH SITTING OF THE STANDING COMMITTEE ON DEFENCE (2004-05)

The Committee sat on Thursday, the 5<sup>th</sup> May, 2005 at 1800 hrs to 1830 in Main Committee Room, Parliament House Annexe, New Delhi.

### PRESENT

Shri. Balasaheb Vikhe Patil - Chairman

### MEMBERS LOK SABHA

2. Shri Churchill Alemao
3. Shri A.V. Bellarmin
4. Shri Thupstan Chhewang
5. Shri Milind Deora
6. Shri C. Krishnan
7. Shri S.D.Mandlik
8. Dr. K.S. Manoj
9. Shri Ganesh Prasad Singh

### RAJYA SABHA

10. Shri R.K.Anand
11. Smt. N.P. Durga
12. Shri Janardan Dwivedi
13. Shri Lalit Suri

### SECRETARIAT

1. Shri P.D.T.Achary - Secretary
  2. Shri P.K. Bhandari - Director
  3. Smt. Anita Jain - Deputy Secretary
  4. Shri D.R.Shekhar - Under Secretary
2. The Committee adopted the Draft Report on the Cantonments Bill, 2003 with minor additions and modifications, as suggested by Members of the Committee.
  3. The Committee then authorized the Chairman to finalize the above-mentioned Draft Report on the Cantonments Bill, 2003 and present it to the House on a date and time convenient to him.

4. The Chairman thanked the Members for their cooperation and giving valuable suggestions during the consideration of the Cantonments Bill, 2003. Then, the Committee also placed on record unanimously appreciated the sincere and dedicated efforts put in by the officers and staff of the Committee on Defence Branch for Drafting Report on the Cantonments Bill, 2003 within a very short span of time after conclusion of official evidence of the Ministry otherwise it would have been difficult to complete in this Session.

**The Committee then adjourned.**

## APPENDIX

### **Bill No. LXXIII of 2003**

#### **THE CANTONMENTS BILL, 2003**

<sup>A</sup>

#### **BILL**

*to consolidate and amend the law relating to the administration of cantonments with a view to impart greater democratisation, improvement of their financial base to make provisions for developmental activities, proper regulation, control and management of defence lands including extension of cantonment laws to such lands situated throughout the territory of India and for matters connected therewith or incidental thereto.*

Be it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

#### **CHAPTER I**

##### **PRELIMINARY**

1. (1) This Act may be called the Cantonments Act, 2003.

(2) It extends to the whole of India

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Short title,

extent and

commencement.

TO BE INTRODUCED IN THE RAJYA SABHA

AS INTRODUCED IN THE RAJYA SABHA

**SERVER1/BILL 2004/RS/148RS148RS.P65**

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2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “Assistant Health Officer” means the medical officer appointed by the General Officer Commanding-in-Chief, the Command, to be the Assistant Health Officer for a cantonment;

(b) “Board” means a Cantonment Board constituted under this Act;

(c) “boundary wall” means a wall which abuts on a street and which does not exceed two and a half metres in height;

(d) “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 wall other than a boundary wall but does not include a tent or other portable and temporary shelter;

(e) “casual election” means an election held to fill a casual vacancy;

- (f) “casual vacancy” means a vacancy occurring otherwise than by efflux of time in the office of an elected member of a Board and includes a vacancy in such office, arising under sub-section (2) of section 16;
- (g) “Chief Executive Officer” means the person appointed under this Act to be the Chief Executive Officer of a cantonment;
- (h) “civil area” means an area declared to be a civil area by the Central Government under sub-section (f) of section 46;
- (i) “civil area committee” means a committee appointed under section 47;
- (j) “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;
- (k) “dairy” includes any farm, cattle-shed, milk-store, milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale or is manufactured for the 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;
- (l) “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 supplier of milk and any occupier of a dairy;
- (m) “dangerous disease” means cholera, leprosy, enteric fever, smallpox, tuberculosis, diphtheria, plague, influenza, venereal disease, hepatitis, Acquired Immune Deficiency Syndrome and any other epidemic, endemic, infectious or communicable disease which the Board may by public notice, declare to be, an infectious, contagious or communicable disease for the purposes of this Act;
- (n) “Defence Estates Circle” means one of the circles into which India is, for the purposes of defence estates management, for the time being divided, and includes any area which the Central Government may, by notification in the Official Gazette, declare to be a Defence Estates Circle for all or any of the purposes of this Act;
- (o) “Defence Estates Officer” means the officer appointed by the Central Government to perform the duties of the Defence Estates Officer for the purpose of this Act and the rules made thereunder;
- (p) “Director General” means an officer of the Indian Defence Estates Service (IDES) appointed by the Central Government to perform the duties of the Director General, Defence Estates for the purpose of this Act and includes Senior Additional Director General and Additional Director General;

Definitions.

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- (q) “Director” means the officer appointed by the Central Government to perform the duties of the Director, Defence Estates, the Command, for the purposes of this Act and the rules made thereunder;
- (r) “entitled consumer” means a person in a cantonment who is paid from the Defence Service Estimates and is authorised by general or special order of the Central Government to receive a supply of water for domestic purposes from the Military Engineer Services or the Public Works Department on such terms and conditions as may be specified in the order;
- (s) “Executive Engineer” means the officer of the Military Engineer Services of that grade, having charge of the military works in a cantonment or where more than one

such officer has charge of the military works in a cantonment such one of those officers as the Officer Commanding the station may designate in this behalf, and includes the officer of whatever grade in immediate executive engineering charge of a cantonment;

(*t*) “factory” means a factory as defined in clause (*m*) of section 2 of the Factories Act, 1948;

(*u*) “Forces” means the regular Army, Navy and Air Force or any part of any one or more of them;

(*v*) “General Officer Commanding-in-Chief, the Command” (GOC-in-C, Command) means the Officer Commanding any of the Commands;

(*w*) “General 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;

(*x*) “Group Housing” means a group of houses for dwelling purposes and may comprise all or any of the following : namely, (*a*) a dwelling unit, (*b*) open spaces intended for recreation and ventilation, (*c*) roads, paths, sewers, drains, water supply and ancillary installations, street lighting and other amenities, (*d*) convenient shopping place, schools, community hall or other amenities for common use;

(*y*) “Government” in relation to this Act means the Central Government;

(*z*) “Health Officer” means the senior executive medical officer in military employ on duty in a cantonment;

(*za*) “hospital” includes family welfare centre, child welfare centre, maternity centre and health centre;

(*zb*) “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;

(*zc*) “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 Chief Executive Officer to be an inhabitant;

(*zd*) “intoxicating drug” includes a narcotic drug and psychotropic substance as defined in the Narcotic Drugs and Psychotropic Substances Act, 1985 as modified from time to time;

(*ze*) “market” includes any place where persons assemble for the sale of, or for the purpose of exposing for sales, 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

63 of 1948.

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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;

(*zf*) “military” includes Air Force, Navy and other defence related establishments;

(*zg*) “military officer” means a person who, being an officer within the meaning of the Army Act, 1950, the Navy Act, 1957 or the Air Force Act, 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;

(*zh*) “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;

(zi) “occupier” includes an owner in occupation of, or otherwise using his own land or building;

(zj) “Officer Commanding the station or Station Commander” means the military officer for the time being in command of the forces in a cantonment and if such officer is likely to be absent for more than thirty days, the General Officer Commanding-in-Chief, the Command may nominate, by an order, another military officer as “Officer Commanding the station or Station Commander”;

(zk) “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;

(zl) “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;

(zm) “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;

(zn) “Principal Director” means the Officer appointed by the Central Government to perform the duties of the Principal Director, Defence Estates, the Command for the purpose of this Act and the rules made thereunder;

(zo) “private market” means a market which is not maintained by a Board and which is licensed by a Board under the provisions of this Act;

(zp) “private slaughter-house” means a slaughter-house which is not maintained by a Board and which is licensed by a Board under the provisions of this Act;

(zq) “public market” means a market maintained by a Board;

(zr) “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;

(zs) “public slaughter-house” means a slaughter-house maintained by a Board;

(zt) “resident”, in relation to a cantonment, means a person who 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;

46 of 1950.

62 of 1957.

45 of 1950.

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(zu) “regulation” means a regulation made by a Cantonment Board under this Act by notification in the Official Gazette;

(zv) “rule” means a rule made by the Central Government under this Act by notification in the Official Gazette;

(zw) “shed” means a slight or temporary structure for shade or shelter;

(zx) “slaughter-house” means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;

(zy) “soldier” means any person who is a soldier or sailor or an airman subject to the Army Act, 1950, the Navy Act, 1957 or the Air Force Act, 1950, as the case may be, and who is not a military officer;

(zz) “spirituous liquor” means any fermented liquor, any wine, or any alcoholic liquid obtained by distillation or the sap of any kind of palm tree, and includes any other liquid containing alcohol which the Central Government may, by notification in the Official Gazette, declare to be a spirituous liquor for the purposes of this Act;

(zza) “street” includes any way, road, lane, square, court, alley 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;

(zzb) “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;

(*zzc*) “trade or commercial premises” means any premises used or intended to be used for carrying on any trade, commerce or industry;

(*zzd*) “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;

(*zze*) “water-works” includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, water-trucks, sluices mains, pipes, culverts, hydrants, stand-pipes, and conduits and all machinery, lands, buildings, bridges and things used for, or intended for the purpose of supplying water to a cantonment; and

(*zzf*) “year” means the year commencing on the first day of April.

## CHAPTER II

### DEFINITION AND DELIMITATION OF CANTONMENT

3. (1) The Central Government may, by notification in the Official Gazette, declare any place or places along with boundaries in which any part of the Forces is quartered or which, being in the vicinity of any such place or places, is or are required for the service of such forces to be a cantonment for the purposes of this Act and of all other enactments for the time being in force, and may, by a like notification, declare that any cantonment shall cease to be a cantonment.

(2) The Central Government may, by a like notification, define the limits of any cantonment for the aforesaid purposes.

(3) When any place is declared a cantonment for the first time, the Central Government may, until a Board is constituted in accordance with the provisions of this Act, by order make any provision which appears necessary to it either for the administration of the cantonment or for the constitution of the Board.

46 of 1950.

62 of 1957.

45 of 1950.

Definition of  
cantonments.

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(4) The Central Government may, by notification in the Official Gazette, direct that in any place declared a cantonment under sub-section (1) the provisions of any enactment relating to local self-government other than this Act shall have effect only to such extent or subject to such modifications, or that any authority constituted under any such enactment shall exercise authority only to such extent, as may be specified in the notification.

4. (1) The Central Government may after consulting the State Government and the Board concerned, by notification in the Official Gazette, declare its intention to include within the cantonment any local area situated in the vicinity thereof or to exclude from the cantonment any local area comprised therein.

(2) Any inhabitant of a cantonment or local area in respect of which notification has been published under sub-section (1) may, within six weeks from the date of notification, submit in writing to the Central Government through the General Officer Commanding-in-Chief, the Command, an objection to the notification, and the Central Government shall take such objection into consideration.

(3) On the expiry of six weeks from the date of the notification, the Central Government may after considering the objections, if any, which have been submitted under sub-section (2), by notification in the Official Gazette, include the local area in respect of which the notification was published under sub-section (1), or any part thereof, in the cantonment or, as the case may be, exclude such area or any part thereof from the cantonment.

5. 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, byelaws,

orders and directions issued or made thereunder.

6. (1) When, by a notification under section 3, any cantonment ceases to be a cantonment and the local area comprised therein is immediately placed under the control of a local authority, the balance of the cantonment fund and other property vesting in the Board shall vest in such local authority, and the liabilities of the 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 Board shall vest in the Central Government, and the liabilities of the Board shall be transferred to that Government.

7. (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 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 Board and such portion of the liabilities of the 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 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 Board shall vest in the Central Government, and such portion of the liabilities of the Board shall be transferred to that Government, as the Central Government may, by general or special order, direct.

8. Any cantonment fund or portion of a cantonment fund or other property of a Board vesting in the Central Government under the provisions of section 6 or section 7 shall be applied in the first place to satisfy any liabilities of the Board transferred under such provisions to that 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.

Application  
of funds and  
property  
transferred  
under sections  
6 and 7.

Disposal of  
cantonment  
fund when area  
ceases to be  
included in a  
cantonment.

Disposal of  
cantonment  
fund when area  
ceases to be a  
cantonment.

The effect of  
including area  
in cantonment.

Alteration  
of limits of  
cantonments.

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9. The Central Government may, by notification in the Official Gazette, exclude from the operation of any part of this Act the whole or any part of a cantonment, or direct that any provision of this Act shall, in the case of any cantonment —

(a) situated within the limits of a metropolitan area; or

(b) in which the Board is superseded under section 60,  
apply with such modification as may be so specified.

CHAPTER III



## CANTONMENT BOARDS

*Boards*

10. (1) For every cantonment there shall be a Cantonment Board.

(2) Every Board shall be deemed to be a municipality for the purposes of clause (e) of article 243P of the Constitution.

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

12. (1) Cantonments shall be divided into four categories, namely:—

(i) Category I Cantonments, in which the population exceeds fifty thousand;

(ii) Category II Cantonments, in which the population exceeds ten thousand, but does not exceed fifty thousand;

(iii) Category III Cantonments, in which the population exceeds two thousand five hundred, but does not exceed ten thousand; and

(iv) Category IV Cantonments, in which the population does not exceed two thousand five hundred.

(2) For the purposes of sub-section (1), the 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 Category I Cantonments, the Board shall consist of the following members, namely:—

(a) the Officer Commanding the station as *ex officio* 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 General Officer Commanding-in-Chief, the Command;

(b) the District Magistrate or an Executive Magistrate not below the rank of Additional District Magistrate nominated by him;

(c) the Chief Executive Officer;

(d) the Health Officer *ex officio*;

(e) the Executive Engineer *ex officio*;

(f) three military officers nominated by name by the Officer Commanding the station by order in writing;

(g) eight members elected under this Act.

Limitation of  
operation of  
Act.

Cantonment  
Board.

Incorporation  
of Cantonment  
Board.

Constitution of  
Cantonment  
Boards.

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(4) In Category II Cantonments, the Board shall consist of the following members, namely:—

(a) the Officer Commanding the station as *ex officio* 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 General Officer Commanding-in-Chief, the Command;

(b) the District Magistrate or an Executive Magistrate not below the rank of Additional District Magistrate nominated by him;

(c) the Chief Executive Officer;

(d) the Health Officer *ex officio*;

(e) the Executive Engineer *ex officio*;

(f) two military officers nominated by name by the Officer Commanding the station by order in writing;

(g) seven members elected under this Act.

(5) In Category III Cantonments, the Board shall consist of the following members, namely:—

- (a) the Officer Commanding the station as *ex officio* 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 General Officer Commanding-in-Chief, the Command;
- (b) the District Magistrate or an Executive Magistrate nominated by him;
- (c) the Chief Executive Officer;
- (d) the Health Officer *ex officio*;
- (e) the Executive Engineer *ex officio*;
- (f) one military officer nominated by name by the Officer Commanding the station by order in writing;
- (g) six members elected under this Act.

(6) In Category IV Cantonments, the Board shall consist of the following members, namely:—

- (a) the Officer Commanding the station *ex officio* 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 General Officer Commanding-in-Chief, the Command;
- (b) the Chief Executive Officer;
- (c) two members elected under this Act.

(7) The Officer Commanding the station may, if he thinks fit, with the sanction of the General Officer Commanding-in-Chief, the Command, nominate in place of any military officer whom he is empowered to nominate under clause (f) of sub-section (3), clause (f) of sub-section (4) or clause (f) 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.

(8) Every election or nomination of a member of a Board and every vacancy in the elected membership thereof shall be notified by the Central Government in the Official Gazette;

(9) The Member of Parliament and Member of Legislative Assembly representing constituencies which comprises wholly or partly the cantonment area, shall be special invitees for the meetings of the Board but without a right to vote.

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13. (1) Notwithstanding anything contained in section 12, if the Central Government is satisfied,—

- (a) that by reason of military operations, it is necessary, or
- (b) that, for the administration of the cantonment, it is desirable, to vary the constitution of the Board in any cantonment under this section, the Central Government may, by notification in the Official Gazette, make a declaration to that effect.

(2) Upon the making of a declaration under sub-section (1), the Board in the cantonment shall consist of the following members, namely:—

- (a) the Officer Commanding the station,
- (b) the Chief Executive Officer, and
- (c) one member, not being a person in the service of the Government, nominated by the Central Government in consultation with the General Officer Commanding-in-Chief, the Command.

(3) The nomination of a member of a Board constituted under this section, and the vacancy in the membership thereof shall be notified by the 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) or sub-section (4), would have continued to hold office, or, if the term of office of such former Board has expired, by a Board constituted under section 12.

14. (1) Save as otherwise provided in this section, the term of office of a member of a Board shall be five years and shall commence from the date of the notification of his election or nomination under sub-section (8) of section 12 or from the date on which the vacancy has occurred in which he is elected or nominated, whichever date is later:

Provided that the Central Government may, when satisfied that it is necessary in order to avoid administrative difficulty, extend the term of office of all the elected members of a Board by such period not exceeding one year, as it thinks fit:

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 subsection (8) of section 12.

(2) The term of office of an *ex officio* member of a Board shall continue so long as he holds the office by 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 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 Central Government otherwise directs, continue in office until the election or nomination of his successor is notified under subsection (8) of section 12.

(5) Any outgoing member may, if qualified, be re-elected or re-nominated.

Power to vary  
constitution  
of Boards in  
special  
circumstances.  
Term of office  
of members.

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15. (1) Vacancies arising by efflux of time in the office of an elected member of a Board shall be filled by an ordinary election to be held on such date as the Central Government may, by notification in the Official Gazette, direct.

(2) A casual vacancy shall be filled by a casual election the date of which shall be fixed by the Central Government 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 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.

16. (1) If from any cause at an ordinary election no member is elected, or if the elected member is unwilling to serve on the Board, the outgoing member shall, if qualified and willing to serve, be deemed to have been re-elected:

Provided that where there are more outgoing members qualified and willing to serve than there are vacancies to be filled under this sub-section, the outgoing members so deemed to have been re-elected shall, failing agreement amongst such members, be determined by lot under the supervision of the President of the Board and in such manner as he may decide.

(2) 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) Vacancies arising in any of the following cases shall be filled by nomination by the Central Government after consultation with the General 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) For the purposes of sub-section (2) of section 15, a member nominated in pursuance of sub-section (3) of this section shall 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.

(5) 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.

17. (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

been nominated

swear in the name of God

\_\_\_\_\_ that I will bear true faith and allegiance to the Constitution

solemnly affirm

of India as by law established and that I will faithfully discharge the duty upon which I am about to enter.”.

Oath or

affirmation.

Vacancies in

special cases.

Filling of

vacancies.

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(2) If any such person fails to make and subscribe the oath or affirmation at first meeting 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.

18. (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 General 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 General Officer Commanding-in-Chief, the Command for orders.

(2) If the Central Government or the General 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) 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 (2) of section 16 shall take effect when such resignation is received by the President of the Board.

19. (1) The Officer commanding the station if a member of the Board shall be the President of the Board:

Provided that when a military officer holding the office of the President ceases to be the Officer commanding the station merely by reason of a temporary absence from the station for a period not exceeding thirty consecutive days, he shall not vacate the office of President.

(2) Where the Officer commanding the station is not a member of the Board, the military officer nominated in his place under clause (a) of sub-section (3), sub-section (4), sub-section (5) or sub-section (6) of section 12 shall be the President of the Board.

(3) In every Board there shall be a Vice-President elected by the elected members only from amongst them in accordance with such procedure as the Central Government may by rule prescribe.

20. (1) The term of office of a Vice-President shall be five years or his residual 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) 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:

Provided that in case of Category IV cantonments, the Vice-President may be removed if a resolution to this effect is passed by the Board.

21. (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;

Duties of  
President.

Term of  
office of Vice-  
President.

President and  
Vice-President.

Resignation.

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(b) to 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;

(e) in case of gross misconduct during the course of meeting, to suspend a member other than a Chief Executive Officer from attending the unconcluded part of the meeting of the Board.

(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 (b) 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 General Officer Commanding-in-Chief, the Command.

22. (1) 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 21;

(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 21.

23. The Vice President and each elected member of the Board shall be entitled to receive such allowances, as the Central Government may, by rule, prescribe.

24. (1) For every cantonment there shall be a Chief Executive Officer appointed by the Central Government or by such person as the Central Government may authorise in this behalf:

Provided that, in the event of temporary absence of the Chief Executive Officer, not exceeding ninety days, the Principal Director shall designate an officer under his jurisdiction to perform the duties of the Chief Executive Officer during such period.

(2) Not less than one-half of the salary of the Chief Executive Officer shall be paid by the Central Government and the balance from the cantonment fund.

(3) The Chief Executive Officer shall be the Member-Secretary of the Board and of every Committee of the Board.

25. (1) Subject to the provisions of clause (c) and clause (d) of sub-section (1) of section 21, the Chief 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;

Duties of Chief

Executive  
Officer.

Appointment  
of Chief

Executive  
Officer.

Allowances to  
Vice-President  
and members.

Duties of Vice-  
President.

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(b) subject to any restrictions, limitations and conditions imposed by this Act, to exercise executive power to ensure that the administration of the Board is carried out in accordance with provisions of this Act;

(c) prescribe the duties of, and exercise supervision and control over the acts and proceedings of all, officers and employees of the Board;

(d) be responsible for the custody of all records of the Board;

(e) arrange for the performance of such duties relative to the proceedings of the Board or of any Committee of the Board or of any Committee of Arbitration constituted under this Act, as those bodies may respectively impose on him; and

(f) comply with every requisition of the Board on any matter pertaining to the administration of the cantonment.

26. (1) The Chief Executive Officer may direct the execution of any work or the doing of any act, in public interest and in accordance with the provisions of this Act and the rules made thereunder, and incur such expenditure as may be necessary in executing such work or doing such act, as the case may be, subject to the financial limits which the Board may by resolution determine subject to general guidelines issued by the Director General, Defence Estates in this regard.

(2) The Chief Executive Officer may, in case of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of the Board and 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) he shall not act under this section without the previous sanction of the President or, in his absence, of the Vice-President;
- (b) he shall not act under this section in contravention of any order of the Board prohibiting the execution of any particular work or the doing of any particular act; and
- (c) he shall report forthwith the action taken under this section and the reasons therefor to the Board.

#### *Elections*

**27. (1)** 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 and such roll shall be prepared, revised and finally published in such manner and on such date in each year as the 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, the electoral roll shall be divided into separate lists for each ward.

(4) If a new electoral roll is not published in any year on the date prescribed, the Central Government may direct that the old electoral roll shall continue in operation until the new roll is published.

Electoral rolls.

Special power

of the Chief

Executive

Officer.

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**28. (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 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 qualifying date—

(i) is not a citizen of India, or

(ii) has been adjudged by a competent court to be of unsound mind, or

(iii) is an undischarged insolvent, or

(iv) has been sentenced by a Criminal Court to imprisonment for a term exceeding two years for an offence which is declared by the Central Government to be such as to unfit him to become an elector or has been sentenced by a Criminal Court for any offence under Chapter IXA of the Indian Penal Code:

Provided that any disqualification incurred by a person under clause (iv) 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 sub-section (2), his name shall be removed from the electoral roll unless, in the case referred to in clause (iv), the disqualification is removed by the Central Government.

**29. (1)** Save as hereinafter provided, every person, not being a person 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.

(2) 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 28.

(3) No person shall be qualified for being chosen whether by election or nomination as, and for being a member of a Board, if he—

(a) has been dismissed from the service of the Government and is debarred from re-employment therein, or is a dismissed employee of a Board;

(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 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

(e) is an officer or employee, permanent or temporary, of a Board or of any other local authority; or

(f) is a member of any other local authority; or

(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 30 unless a period of five years has elapsed since the date of the decision of the authority; or

Qualification  
of electors.

Qualification  
for being a  
member of the  
Board.

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(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

(i) is disqualified under any other provision of this Act:

Provided that 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 twenty-five thousand rupees in the aggregate in any year during the period of the contract or work.

**30. (1)** For the purposes of sections 27, 28 and 29, 'person' means an individual human being.

(2) The following shall be deemed to be corrupt practices within the meaning of clause (g) of sub-section (3) of section 29, namely: —

(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 forms 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:

Interpretation.

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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 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, of 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 candidate's 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.

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(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 candidate’s 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 act 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.

**31.** The Central Government may, either generally or specially for any cantonment or group of cantonments, after previous publication, make rules consistent with this Act to regulate all or any of the following matters for the purpose of the holding of elections under this Act, namely:—

- (a) the division of a cantonment into wards;
- (b) the determination of the number of members to be elected by each ward;
- (c) the preparation, revision and final publication of electoral rolls;
- (d) the reservation of wards for election of the Scheduled Castes, the Scheduled Tribes and women;
- (e) the registration of electors, the nomination of candidates, the time and manner of holding elections and the method by which votes shall be recorded;
- (f) the authority which may be an officer of the State Government by which and the manner in which disputes relating to electoral rolls or arising out of elections shall be decided, and the powers and duties of such authority and the circumstances in which such authority may declare a casual vacancy to have been created or any candidate to have been elected;
- (g) the fee to be paid for admission and consideration of any application relating to election or election disputes;
- (h) any other matter relating to elections or election disputes in respect of which the 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 Central Government, necessary.

*Members*

**32. (1)** No member of a Board shall vote at a meeting of the Board or of any Committee

of the Board on any question relating to his own conduct or 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.

(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

Power to make

rules

regulating

elections.

Member not to

vote on matter

in which he is

interested.

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(b) shall, if such motion is carried, absent himself from the meeting during such discussion.

33. Every member of a Board shall be liable for the loss, waste or misapplication of any money or other property 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 Central Government.

34. (1) The Central Government may remove from a Board any member thereof, who—

(a) becomes or is found to have been at the time of his election or nomination subject to any of the disqualifications specified in sub-section (2) of section 28 or in section 29; or

(b) has absented himself for more than three consecutive meetings or three months (whichever is later) of the Board and is unable to explain such absence to the satisfaction of the Board.

*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; or

(e) has himself done or aided or abetted encroachments and illegal constructions on defence land in contravention of the provisions of this Act and the rules and byelaws made thereunder.

(2) The Central Government may remove from a Board any member who, in the opinion of the Central Government, has so 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.

(3) The General Officer Commanding-in-Chief, the Command may, on receipt of a report from the Officer Commanding the station remove from a Board any military officer nominated as a member of the Board who is, in the opinion of the Officer Commanding the station, unable to discharge his duties as a member of the Board and has failed to resign his office.

(4) No member shall be removed from a Board under sub-section (1) or sub-section (2) of this section unless he has been given a reasonable opportunity of showing cause against his removal.

35. (1) A member removed under clause (b) of sub-section (1) or under sub-section (3) 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 reelection or nomination until the expiry of three years from the date of his removal.

36. Every member of the Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and clause (c) of section 2 of the Prevention of Corruption Act, 1988.

Liability of  
members.

Removal of  
members.

Consequences  
of removal.

Member of the

Board to be

deemed a

public servant.

49 of 1988.

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#### *Employees*

37. (1) No person who has directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of a Board, or in any employment under, by or on behalf of a Board, otherwise than as an employee of the Board, shall become or remain an employee of such Board.

(2) An employee of a 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 Board or, in any employment under, by or on behalf of, the Board, otherwise than as an employee of the Board, shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

(3) Nothing in this section shall apply to any share or interest in any contract with, by or on behalf of, or employment under, by or on behalf of a Board if the same is a share in a company contracting with, or employed by, or on behalf of, the Board or is a share or interest acquired or retained with the permission of the General Officer Commanding-in-Chief, the Command in any lease or sale to, or purchase by the Board of land or building or in any agreement for the same.

(4) Every person applying for employment as an employee 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 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.

38. Every officer or employee, permanent or temporary of a Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and clause (c) of section 2 of the Prevention of Corruption Act, 1988.

#### *Procedure*

39. (1) Every Board shall meet at least once in a month to transact its business on such day as may be fixed by the President and in his absence by the Vice-President, and its notice shall be given in such manner as may be provided in the 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.

**40.** 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.

**41. (1)** The quorum necessary for the transaction of business at a meeting of the Board shall be one-half of the number of members of the Board holding the office:

Provided that if the number of members of the Board holding office at a particular time is an odd number, the quorum shall be one-half of the number obtained by adding one to the number of such members.

(2) If a quorum is not present, the President or in his absence, the Vice-President or in the absence of both, the Member-Secretary shall adjourn the meeting and the business which would have been brought before the original meeting if there had been a quorum present there at shall be brought before, and may be transacted at, an adjourned meeting, whether there is a quorum present or not.

Disqualification  
of person as an  
employee of  
Board.

Cantonment  
employee to be  
deemed a  
public servant.

49 of 1988.

45 of 1860.

Meetings.

Business to be  
transacted.

Quorum.

45 of 1860.

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**42.** 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 (6) of section 12 or sub-section (2) of section 13,  
the members present shall elect one from among their own members to preside.

**43. (1)** The minutes of the proceedings of each meeting shall be recorded in a book and shall be signed by the person presiding over the meeting and the Chief Executive Officer, before the close of the meeting and shall, at such times and in such place as may be fixed by the Board, be open to inspection free of charge by any inhabitant of the cantonment.

(2) Copies of the minutes shall, as soon as possible after each meeting, be forwarded for information to the General Officer Commanding-in-Chief, the Command, the District Magistrate and the Defence Estate 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.

**44.** Every meeting of a Board shall be open to the public unless in any case the person presiding over the meeting, for reasons to be recorded in the minutes, otherwise directs.

**45. (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 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 ground for such dissent.

**46. (1)** The Central Government may, by notification in Official Gazette, declare the civil area, in a cantonment, which is inhabited largely by civil population to be the civil area for the purposes of this Act.

**(2)** The Central Government may in consultation with the Board undertake, as and when required and shall undertake after every census, a review of the boundaries of the civil area in each cantonment.

**47. (1)** Every Board constituted under section 12 in a cantonment shall appoint a committee consisting of the elected members of the Board, the Health Officer and the Executive Engineer for the administration of the civil area in the cantonment as notified under section 46 of this Act and may delegate its powers and duties to such committee in the manner provided in clause (e) of sub-section (1) of section 48.

**(2)** The Vice-President of the Board shall be the Chairman of the committee appointed under sub-section (1).

**(3)** The powers, duties and functions of the Board under sub-section (1) of section 137, section 140, section 143, section 147, section 149, section 254, section 262, section 297 and section 298 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 137, section 140, section 143, section 147 and section 149 on health grounds, the matter may be referred to the Board by the President for decision.

Presiding

Officer.

Minutes.

Meetings to be public.

Method of deciding questions.

Civil area.

Committees for

civil areas.

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**48. (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 adjournments of meetings;

**(d)** the custody of the common seal of the Board and the purposes for which it shall be used; and

**(e)** the appointment of committees for any purpose and the determination of all matters relating to the constitution and procedure of such committees, and the delegation to such committees, subject to any conditions which the Board thinks fit to impose, of any of the powers or duties of the Board under this Act other than a power to make regulations or bye-laws.

**(2)** No regulation made under clause (e) of sub-section (1) shall take effect until it has been approved by the Central Government.

**(3)** No regulation made under this section shall take effect until it has been published in such manner as the Central Government may direct.

**49. (1)** A 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 delegation to such committee power to frame terms binding on the 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 the Board or by such other local authority; and

(iii) in making regulations for regulating the proceedings of any such committee relating to the purposes for which it has been appointed; or

(b) with the previous sanction of the General Officer Commanding-in-Chief, the Command, and the 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 Board and by such other local authority may be levied together instead of separately within the limits of the area hereafter in this section referred to as the aggregate area subject to the control of the Board and such other local authority.

(2) If any difference of opinion arises between any Board and other local authority acting together under this section, the decision thereon of the Central Government or of an officer appointed by the 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—

(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, terminal tax or toll in the aggregate area and the provisions of any enactment in force

Power to make regulations.

Joint action with other local authority.

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relating to the levy of such octroi, terminal 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;

(b) the 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.

**50.** (1) Every Board shall, as soon as may be after the close of the financial year and not later than the date fixed in this behalf by the Central Government, submit to the Central Government through the General 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.

(2) The comments, if any, of the General 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.

*Control*

**51.** The Central Government or such officer or authority as may be authorised by the Central Government in this behalf may at any time require a 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.

**52.** The Central Government or the General Officer Commanding-in-Chief, the Command or the Director General or the Principal Director, may depute any person in the service of the Government to inspect or examine any department of the office of, or any service or work undertaken by, or thing belonging to, a Board, and to report thereon, and the Board and its

officers and employees shall be bound to afford the person so deputed access at all reasonable times to the premises and property of the Board and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties.

**53.** The General Officer Commanding-in-Chief, the Command or the Principal Director, may, by order in writing,—

(a) call for any book or document in the possession or under the control of the Board;

(b) require the Board to furnish such statements, accounts, reports and copies of documents relating to its proceedings, duties or works as he thinks fit.

**54.** If, on receipt of any information or report obtained under section 51 or section 52 or section 53, the Central Government or the General Officer Commanding-in-Chief, the Command or the Director General or the Principal Director is of opinion—

(a) that any duty imposed on a 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,

it or he may direct the Board, within such period as it or he thinks fit, to make arrangements to its or his satisfaction for the proper performance of the duty, or as the case may be, to make financial provision to its or his satisfaction for the performance of the duty:

Report on  
administration.

Power of  
Central  
Government to  
require

production of  
documents.

Inspection.

Power to call  
for documents.

Power to  
require  
execution of  
work, etc.

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Provided that unless in the opinion of the Central Government or the General Officer Commanding-in-Chief, the Command or the Director General or the Principal Director, as the case may be, the immediate execution of such order is necessary, it or he shall, before making any direction under this section, give the Board an opportunity of showing cause why such direction should not be made.

**55.** If, within the period fixed by a direction made under section 54, any action the taking of which has been directed under that section has not been duly taken, the Central Government or the General Officer Commanding-in-Chief, the Command or the Director General, or the Principal Director, 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.

**56.** (1) If the President dissents from any decision of the Board which he considers prejudicial to 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 General Officer Commanding-in-Chief, the Command.

(2) If the District Magistrate considers any decision of a Board to be prejudicial to the public health, safety or convenience, he may, after giving notice in writing of his intention to the Board, refer the matter to the Central Government, and pending the disposal of the reference to the 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 in sub-section (2).

(4) If the Chief Executive Officer considers any decision of the Board taken at a meeting, to be in contravention of the provisions of this Act, rules, regulations or bye-laws made thereunder and the general guidelines issued by the Central Government from time to time in this regard, he may, for reasons to be recorded in writing and after informing the President in this behalf, forthwith refer the matter to the Principal Director who shall if considered appropriate direct the suspension of action on the said decision for a period not exceeding one month.

(5) The Principal Director shall, for reasons to be recorded in writing on the reference made under sub-section (4), refer the matter to the General Officer Commanding-in-Chief, the Command along with recommendation on whether or not the said decision of the Board should be revoked and inform the matter to Director General Defence Estates.

57. The Central Government may, at any time, review any decision or order of the Board or the General 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.

58. (1) The General Officer Commanding-in-Chief, the Command, may at any time —

(a) direct that any matter or any specific proposal other than one which has been referred to the Central Government under sub-section (2) of section 56 be considered or reconsidered by the Board; or

Power to  
provide for  
enforcement of  
direction under  
section 54.

Power to  
override  
decision of  
Board.

Power of  
Central  
Government to  
review.  
Power of  
General Officer  
Commandingin-  
Chief, the  
Command, on  
reference  
under section  
56 or  
otherwise.

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(b) direct the suspension, for such period as may be stated in the order, of action on any decision of a Board, other than a decision which has been referred to him under sub-section (1) of section 56, and thereafter cancel the suspension or 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-sections (1) and

(4) of section 56, the General 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

(c) after giving the Board a reasonable opportunity of showing cause why such direction should not be made, direct that the decision shall not be carried into effect or that it shall be carried into effect by the Board with such modifications as he may specify.

59. (1) When any decision of a Board has been referred to the Central Government under sub-section (2) of section 56, the Central Government may, after consulting the General 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.

60. (1) If, in the opinion of the 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 Central Government may 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 shall be exercised and performed by the Officer Commanding the station, or by such officer as may be authorised by the Central Government, subject to such reservation if any, as the 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.

#### *Validity of proceedings*

61. (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

Power of  
Central  
Government on  
a reference  
made under  
section 56.  
Supersession  
of Board.  
Validity of  
proceedings,  
etc.

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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 any committee of a Board shall, if made and signed substantially in the manner prescribed for the making and signing of the record of such proceedings, be presumed to be a

correct record of the proceedings of a duly convened meeting, held by a duly constituted Board or committee, as the case may be, whereof all the members were duly qualified.

#### CHAPTER IV

##### DUTIES AND DISCRETIONARY FUNCTIONS OF BOARDS

**62.** It shall be the duty of every Board, so far as the funds at its disposal permit, to make reasonable provision within the cantonment for—

- (i) lighting streets and other public places;
- (ii) watering streets and other public places;
- (iii) cleansing streets, public places and drains, abating nuisances and removing noxious vegetation;
- (iv) regulating offensive, dangerous or obnoxious trades, callings and practices;
- (v) removing, on the ground of public safety, health or convenience, undesirable obstructions and projections in streets and other public places;
- (vi) securing or removing dangerous buildings and places;
- (vii) acquiring, maintaining, changing and regulating places for the disposal of the dead;
- (viii) constructing, altering and maintaining streets, culverts, bridges, causeways, markets, slaughter-houses, latrines, privies, urinals, drains, drainage works and sewerage works and regulating their use;
- (ix) planting and maintaining trees on roadsides and other public places;
- (x) 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;
- (xi) registering births and deaths;
- (xii) preventing and checking spread of dangerous diseases; establishing and maintaining a system of public vaccination and inoculation for the said objective;
- (xiii) establishing and maintaining or supporting public hospitals, maternity and child welfare centres and dispensaries, and providing public medical relief;
- (xiv) establishing and maintaining or assisting primary schools;
- (xv) rendering assistance in extinguishing fires, and protecting light and property when fire occurs;
- (xvi) maintaining and developing the value of property vested in, or entrusted to, the management of the Board;
- (xvii) establishing and maintaining civil defence services;
- (xviii) preparing and implementing town planning schemes;
- (xix) preparing and implementing plans for economic development and social justice;
- (xx) naming and numbering of streets and premises;

Duties of  
Board.

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- (xxi) according or refusing permission to erect or re-erect building;
- (xxii) organising, promoting or supporting cultural and sports activities;
- (xxiii) fulfilling any other obligation imposed upon it by or under this Act or any other law for the time being in force.

**63.** A Board may, subject to any conditions imposed by the Central Government, manage any property entrusted to its management by the Central Government on such terms as to the sharing of rents and profits accruing from such property as may be determined by rule made under section 351.

**64.** (1) A Board may, within the cantonment, make provision for—

- (i) 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 abut on such streets;
- (ii) constructing, establishing or maintaining public parks, gardens, offices, dairies, bathing or washing places, drinking fountains, tanks, wells and other works of

public utility;

(iii) reclaiming unhealthy localities;

(vi) furthering educational objects by measures other than the establishment and maintenance of primary schools;

(v) setting up or supporting higher schools, colleges and vocational, professional and special education;

(vi) constructing, and maintaining works and structures, including rainwater harvesting, for providing supply of water for public and private purposes;

(vii) constituting, maintaining and managing supply and distribution of electricity, including by exploiting non-conventional energy sources, to public and private premises;

(viii) taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics;

(ix) making a survey;

(x) giving relief on the occurrence of local epidemics, floods, famines or other natural calamities by the establishment or maintenance of relief work or otherwise;

(xi) securing or assisting to secure suitable places for the carrying on of any offensive dangerous or obnoxious trade, calling or occupation;

(xii) establishing and maintaining a farm or other place for the disposal of sewage;

(xiii) constructing, subsidising or guaranteeing tramways or other means of locomotion, and electric lighting or electric power work;

(xiv) establishing and maintaining cattle pounds;

(xv) arranging for civic reception with prior approval of the Officer Commanding the Station;

(xvi) providing housing accommodation for any class of inhabitants;

(xvii) celebrating Independence Day and Republic Day and incurring expenditure thereon;

(xviii) developing land resources under the management of the Board;

Power to  
manage  
property.  
Discretionary  
functions of  
Board.

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(ix) preparing and implementing group housing schemes;

(xx) establishing and undertaking remunerative projects;

(xxi) developing small-scale and cottage industries;

(xxii) developing expertise in different areas of urban governance and local selfgovernment to and able to provide consultancy to other Municipal and Development

Authorities;

(xxiii) adopting any measure, other than a measure specified in section 62 or in the foregoing provisions of this section likely to promote the safety, health or convenience of the inhabitants of the cantonment;

(xxiv) establishing and maintaining or supporting libraries, museums, art galleries, botanical or zoological collections;

(xxv) establishing and maintaining or supporting stadia, gymnasia, akharas and places for sports and games;

(xxvi) establishing theatres and cinemas;

(xxvii) organising and managing fairs and exhibitions;

(xxviii) constructing and maintaining:—

(a) rest-houses;

(b) poor-houses;

(c) infirmaries;

(d) children's home;

- (e) houses for deaf and dumb and for disabled and handicapped children;
  - (f) shelters for destitute and disabled persons;
  - (g) asylums for persons of unsound mind;
  - (h) old age homes;
  - (i) working women's hostels;
  - (xxix) establishing and managing chemical or bacteriological laboratories for the examination or analysis of water, food and drugs for the detection of diseases or research connected with the public health or medical relief;
  - (xxx) providing relief to destitute and disabled persons;
  - (xxxi) establishing and maintaining veterinary hospitals;
  - (xxxii) constructing and maintaining warehouses and godowns;
  - (xxxiii) constructing and managing garages, sheds and stands for vehicles and cattle sheds;
  - (xxxiv) constructing and managing community halls and convention halls ;
  - (xxxv) holding seminars, workshops, public debates, and similar activities particularly on issues and rules and regulations of civic importance.
- (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.

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**65.** (1) A Board may make provision subject to availability of funds for—

- (i) educational objects in a cantonment;
- (ii) the objectives of public health and medical care;
- (iii) works relating to water-supply, drainage and lighting;
- (iv) the preservation, improvement and upgradation of environment, outside the cantonment, if it is satisfied that the interests of the residents of the cantonment will be served thereby.

## CHAPTER V

### TAXES AND FEES

#### *Imposition of taxation*

**66.** (1) The Board shall, with the previous sanction of the Central Government, impose the following taxes for the purposes of this Act :—

- (a) property tax; and
- (b) tax on trades, professions callings and employments.

(2) In addition to the taxes specified in sub-section (1) the Board may, for the purposes of this Act, impose any tax which under any enactment for the time being in force may be imposed in any municipality in the State in which the cantonment is situated: Provided that the Board shall revise every five years, the rates of taxes imposed under sub-sections (1) and (2) :

Provided further that the Board shall not abolish any tax imposed under this section or vary it to the Board's financial disadvantage without the prior sanction of the Central Government and the tax mentioned in sub-section (2) shall not exceed the ceiling prescribed in this behalf by clause (2) of article 276 of the Constitution.

(3) The taxes specified in sub-sections (1) and (2) shall be imposed, assessed and collected in accordance with the provisions of this Act, rules and the bye-laws made thereunder.

(4) Any tax imposed under this section shall take effect from the date of its notification in the Official Gazette or where any later date is specified in this behalf in the notification, from such later date.

**67.** The Board shall, for the purposes of this Act, charge the following fees, namely:—

- (a) licence fee on vehicles and animals;
- (b) licence fee on advertisements other than advertisements in newspapers;
- (c) fee relating to maintenance of property records;

(d) processing fee on buildings payable along with application for sanction of the building plan;

(e) licence fee on entry of vehicles;

(f) betterment fee on the increase in land value caused by the execution of any development work; and

(g) such other fee which the Board may by regulation specify:

Provided that the fee charged under clause (g) of this section shall not be less than the cost incurred by the Board for or in connection with the specific service to which the fee relates.

Power of  
expenditure of  
educational,  
health and  
other purposes  
outside the  
cantonment.

Charging of  
fees.

General power  
of taxation.

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**68.** Save as otherwise provided in this Act, the property tax shall be levied on lands and buildings in the cantonment and shall consist of not less than ten and not more than thirty per cent of the annual rateable value of lands and buildings:

Provided that the Board may, when fixing the rate at which the property tax shall be levied during any year, determine that the rate leviable in respect of lands and buildings or portions of lands and buildings in which any particular class of trade or business is carried on shall be higher than the rate determined in respect of other lands and buildings or portions of other lands and buildings by an amount not exceeding one half of the rate so fixed:

Provided further that the tax may be levied on graduated scale, if the Board so determines.

*Explanation.*—Where any portion of a land or building is liable to a higher rate of the tax such portion shall be deemed to be a separate property for the purpose of municipal taxation alone.

**69.** When a resolution has been passed by the Board proposing to impose a tax under section 66, the Board shall in the manner prescribed in section 324 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.

**70.** (1) Any inhabitant of the cantonment may, within thirty days from the publication of the notice under section 69, submit to the Board an objection in writing to all or any of the proposals contained therein and the Board shall take such objection into consideration and pass orders thereon by special resolution.

(2) Unless the Board decides to abandon its proposals contained in the notice published under section 69, it shall submit to the Central Government through the General 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.

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

**72.** (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 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 a manner or to such an 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;

Norms of  
property tax.  
Framing of  
preliminary  
proposals.  
Objections and  
disposal  
thereof.  
Imposition of  
tax.  
Power of  
Central  
Government to  
issue  
directions to  
the Board.

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(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.

**73.** For the purposes of this Chapter, “annual rateable value” means—

(a) in the case of hotels, colleges, schools, hospitals, factories and any other buildings which the Chief Executive Officer 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 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 Chief Executive Officer 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 rateable value of any building is, by reason of exceptional circumstances, in the opinion of the President Cantonment Board, excessive if calculated in the aforesaid manner, the President Cantonment Board may fix the annual rateable value at any less amount which appears to him to be just.

**74.** (1) Save as otherwise expressly provided in the notification imposing the tax, every tax assessed on the annual rateable 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 land or holds them on a building or other lease granted by or on behalf of the Government or the 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 is unlet, upon the person in whom the right to let the same vests.

(3) 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.

(4) On failure to recover any sum due on account of such tax from the person primarily liable, these 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.

(5) 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.

Definition  
of "annual  
rateable  
value".  
Incidence of  
taxation.

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#### *Assessment list*

75. When a tax assessed on the annual rateable value of buildings or lands or both is imposed, the Chief 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 in such form and in such manner as the Central Government may by rule prescribe.

76. (1) The Chief Executive Officer shall, at the same time, give public notice of a date, not less than one month thereafter, when he shall proceed to consider the valuation 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 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 Chief 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 Chief 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 the Chief Executive Officer.

77. (1) When all objections made under section 76 have been disposed of, and the revision of the valuation and assessment has been completed, the assessment list shall be authenticated by the signatures of the Chief Executive Officer and the President Cantonment Board, who shall, certify that except in the cases if any, in which amendments have been made as shown therein no valid objection has been made to the annual rateable value or any other matters entered in the said list:

Provided that whenever the General Officer Commanding-in-Chief or Principal Director or Director Command comes to the conclusion that the assessment lists or any entries therein have not been correctly prepared and are prejudicial to the interests of the Board or of the Central Government, they may *suo moto* re-open the said assessment and issue such directions as deemed fit.

(2) The assessment list so authenticated shall be deposited in the office of the 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.

**78.** 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 77 shall be accepted as conclusive evidence—

(a) for the purposes of assessing any tax imposed under this Act, of the annual rateable value or other valuation of all buildings and lands to which such entries respectively refer; and

(b) 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.

**79. (1)** The Chief Executive Officer may after obtaining the approval of President Cantonment Board 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

Assessment  
list.

Revision of  
assessment  
list.

Authentication  
of assessment  
list.

Evidential  
value of  
assessment  
list.

Amendment of  
assessment  
list.

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(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 administration or 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) Before making any amendment under sub-section (1) the Chief Executive Officer shall give to any person affected by the amendment, notice of not less than one month that he proposes to make the amendment.

(3) Any person interested in any such amendment may tender an objection to the Chief Executive Officer 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.

**80.** The Chief Executive Officer shall prepare a new assessment list at least once in every three years, and for this purpose the provisions of sections 75 to 79 shall apply in like manner as they apply for the purpose of the preparation of an assessment list for the first time.

**81. (1)** Whenever the title of any person primarily liable for the payment of a tax on the annual rateable 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 Chief Executive Officer.

(2) In the event of the death of any person primarily liable as aforesaid, the person on whom the title of the deceased devolves shall give notice of such devolution to the Chief Executive Officer within six months from the death of the deceased.

(3) The notice to be given under this section shall be in such form as may be determined by rules made under section 351, and the transferee or other person on whom the title devolves shall, if so required, be bound to produce before the Chief Executive Officer any documents evidencing the transfer or devolution.

(4) Every person who makes a transfer as aforesaid without giving such notice to the Chief Executive Officer shall continue liable for the payment of all taxes assessed on the property transferred until he gives notice or until the transfer has been recorded in the registers of the Board, but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax.

(5) The Chief Executive Officer shall record 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.

(6) Any failure to comply with the provisions contained in sub-sections (1) to (3) shall be punishable with fine which may extend to ten thousand rupees.

**82.** (1) If any building is erected or re-erected within the meaning of section 235, the owner shall give notice thereof to the Chief Executive Officer within thirty days from the date of its completion or occupation, whichever is earlier.

Notice of  
transfers.

Preparation of  
new  
assessment  
list.

Notice of  
erection of  
buildings.

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(2) Any person failing to give the notice required by sub-section (1) shall be punishable with fine which may extend to five thousand 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.

*Remission and refund*

**83.** If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the Board may, on the application in writing of the owner or occupier, remit or refund such portion of any tax assessed on the annual rateable value thereof as it thinks fit but no remission or refund shall take effect in respect of any period commencing more than two months before the delivery of such application.

**84.** In a cantonment when any building or land has remained vacant and unproductive of rent for sixty or more consecutive days the Chief Executive Officer shall remit or refund, as the case may be, one-half of such portion of any tax assessed on the annual rateable value thereof as may be proportionate to the number of days during which the said building or land has remained vacant and unproductive of rent:

Provided that in any cantonment which the Central Government, by notification in the Official Gazette, has declared to be a hill cantonment and in respect of which the Central Government by the same or a like notification has declared a portion of the year to be the season for the cantonment—

(a) 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;

(b) when such building or land has remained vacant and unproductive of rent, in respect of any time, not being less than sixty consecutive days during which within the season, the Chief Executive Officer shall remit or refund one-half of such portion of any tax assessed on the annual rateable 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.

**85.** (1) For the purpose of obtaining a partial remission or refund of tax, the owner of a building composed of separate tenements may request the Chief Executive Officer at the time of the assessment of the building, to enter in the assessment list, in addition to the annual rateable value of the whole building, a note recording in detail the annual rateable value of each separate tenement.

(2) When any tenement, the annual value of which has been thus separately recorded, has remained vacant and unproductive of rent for sixty or more consecutive days one half of such portion of any tax assessed on the annual rateable value of the whole building shall be remitted or refunded as would have been remitted or refunded if the tenement had been separately assessed.

**86.** No remission or refund under section 84 or section 85 shall be made unless notice in writing of the fact that the building, land or tenement has become vacant and unproductive of rent, has been given to the Chief 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.

**87.** (1) For the purposes of sections 84 and 85 no building, tenement or land shall be deemed vacant if maintained as a 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.

Demolition,  
etc., buildings.

Remission of  
tax.

Power to  
require entry in  
assessment list  
of details of  
buildings.

Notice to be  
given of the  
circumstances  
in which  
remission or  
refund is  
claimed.

What  
buildings, etc.,  
are to be  
deemed  
vacant.

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(2) The burden of proving all facts entitling any person to claim relief under section 83 or section 84 or section 85 shall be upon him.

**88.** (1) The owner of any building, tenement or land in respect of which a remission or refund of tax has been given under section 84 or section 85 shall give notice of the reoccupation of such building tenement or land within fifteen days of such re-occupation.

(2) Any owner failing to give the notice required by sub-section (1) shall be punishable with fine which shall not be less than twice the amount of the tax payable on such building, tenement or land in respect of the period during which it has been re-occupied and which may extend to two thousand five hundred rupees, or to ten times the amount of the said tax, whichever sum is greater.

*Charge on immovable property*

**89.** A tax assessed on the annual rateable value of any building or land shall, subject to the prior payment of the land-revenue, if any, due to the Government thereon, be a first charge upon the building or land.

*Octroi, terminal tax and toll*

**90.** 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 Chief Executive Officer 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.

**91. (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 two thousand five hundred 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 and shall give a receipt specifying the items seized.

(3) The Chief Executive Officer, or an officer of the Board authorised by him, 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 meet expenses occasioned by the seizure, custody and safe thereof, unless the demand and expenses are in the meantime paid:

Provided that the Chief 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 safe 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 times as he may, having regard to the nature of the article, think proper.

Notice to be  
given of every  
occupation of  
vacant building  
or house.

Tax on  
buildings and  
land to be  
a charge  
thereon.

Inspection of  
imported  
goods, octroi,  
terminal tax  
and toll, etc.

Power to  
seize etc.

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(4) If, at any time before the sale has begun, the person whose property has been seized tenders to the Chief Executive Officer the amount of all expenses incurred and of the

octroi, terminal tax or toll, the Chief Executive Officer shall release the property seized.

(5) The surplus, if any, of the sale -proceeds shall be credited to the cantonment fund, and shall, on application made to the Chief Executive Officer within six months 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 become the property of the Board.

92. It shall be lawful for the Chief Executive Officer, with the previous sanction of the President Cantonment Board 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 Chief Executive Officer for their guidance;

(b) have such powers exercisable by officers or employees of the Board under this Act as the 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 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 Chief Executive Officer.

#### *Appeals*

93. (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 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.

*Explanation.*— For the purposes of this section and sections 94, 95, 96, 97 and 102, “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.

94. In every appeal the costs shall be in the discretion of the District Court hearing the appeal.

95. (1) If the Board fails to pay any cost awarded to an appellant within ten days after the date of the order for payment thereof, the District Court awarding the costs may order the person having the custody of the balance of the cantonment fund to pay the amount.

(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 329.

Appeals

against

assessment.

Costs of

appeal.

Recovery of

costs from

Board.

5 of 1908.

Lease of octroi,

terminal tax or

toll.

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**96.** 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 rateable value of buildings or lands or both, brought within thirty days next after the date of the authentication of the assessment list under section 77 (exclusive of the time required 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 79 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 District Court before whom the appeal is preferred that he had sufficient cause for not preferring it within that period;

(b) the amount including the assessed tax or duty, if any, in dispute in the appeal shall be deposited by the appellant every year on or before the due date in the office of the Board till the appeal is determined by the District Court.

**97.** The order of a 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 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.

*Payment and recovery of taxes*

**98.** 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 manner, as the Chief Executive Officer may, by public notice, direct.

**99.** (1) When any tax has become due the Chief Executive Officer shall cause a public notice to be issued specifying the tax and the period for which it is due for payment.

(2) The tax shall become due for payment from the date of issue of public notice under sub-section (1) above.

(3) It shall not be necessary to present a separate bill to the person liable for payment thereof unless the tax is assessed for the first time or it is enhanced or modified under the provisions of this Act.

**100.** (1) If the amount of tax for which public notice has been issued or a bill has been presented is not paid within thirty days from the issue of public notice or presentation of the bill, as the case may be, the Chief 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 Chief Executive Officer causes to be served on any person under this section, a fee of such amount, not exceeding two hundred rupees as shall in each case be fixed by the Chief Executive Officer, shall be payable by the said person and shall be included in the costs of recovery.

**101.** (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 Chief 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 or attachment and sale of the immovable property of the defaulter:

Conditions of  
right to appeal.

Finality of  
appellate  
orders.

Time and  
manner of  
payment of

taxes.  
Public notice  
for taxes due.  
Notice of  
demand.  
Recovery of  
tax.

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Provided that the Chief 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 subsection shall not be made save under the orders of the Board.

(2) Every warrant issued under this section shall be signed by the Chief Executive Officer.

**102.** (1) If a person on whom a notice of demand has been served under section 100, does 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 one per cent., of the sum due for each complete month from the date of expiry of the period of thirty days as aforesaid.

(2) The amount of interest shall be recoverable in the same manner as moneys recoverable by the Board under section 329:

Provided that—

(a) where no appeal has been preferred, the Chief Executive officer with the previous sanction of the Board; and

(b) in any other case, the District Court hearing the appeal under section 93, may remit the whole or any part of the interest payable in respect of any period.

**103.** (1) It shall be lawful for any official of the Board to whom a warrant issued under section 101 is addressed to distrain, wherever it may be found in the cantonment, any movable property of or standing timber, growing crops or grass belonging to the person therein named as defaulter, subject to the following conditions, exceptions and exemption, namely:—

(a) the following property shall not be distrained—

(i) the necessary wearing apparel and bedding of the defaulter or of his wife or of his 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 Chief 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 in Schedule III to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

**104.** (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 Chief Executive Officer shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.

Interest  
payable on  
taxes due.

Distress.  
Disposal of  
distrained  
property.

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(2) If the warrant is not in the meantime suspended by the Chief 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 103, be sold by public auction by order of the Chief 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 whose property has been sold or his legal representative and, if the same is claimed by written application to the Chief Executive Officer within one year from the date of the notice, a refund thereof shall be made to such person or representative and any surplus not claimed within one year as aforesaid shall be the property of the Board.

(4) For every distraint made under this Chapter a fee of such amount, not exceeding two hundred rupees, as shall in each case be fixed by the Chief Executive Officer shall be charged, and the said fee shall be included in the costs of recovery.

**105.** (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 displayed at some place on or adjacent to such property by pasting the same conspicuously and by publishing the same in a newspaper having circulation in the area in which the property is situated or by any other means or mode as may be considered appropriate by the Chief Executive Officer.

(3) Any transfer of or charge on the property attached or any interest thereon made without the written permission of the Chief Executive Officer shall be void as against all claims of the Board enforceable under the attachment.

(4) Where the sum due to the Board with the cost incurred by the Board in the sale of the property, including publication of notice in newspaper 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 Chief 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.

**106.** (1) If the Chief Executive Officer has reason to believe that any person from whom any sum is due or is about to become due on account of any tax is about to 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 a notice of demand for the same to be served on such person.

Attachment  
and sale of  
immovable



property.  
Recovery from  
a person about  
to leave  
cantonment.

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(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.

**107.** Instead of proceeding against a defaulter by 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. *Special provisions relating to taxation, etc.*

**108.** A Board shall be deemed to be a municipal committee for the purposes of—

(a) taxation as per the Municipal Taxation Act, 1881,

(b) receiving grants,

(c) executing the Central or the State Government schemes of social welfare, public health, hygiene, safety, water supply, sanitation and education.

**109.** The Central or the State Government, as the case may be, shall pay to a Board annually service charges for providing collective municipal services or development work in a cantonment where the Central or the State Government properties are situated as worked out by the Board based on the guidelines issued in this behalf by the Central Government or the State Government.

**110.** A Board may make special provisions for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, and may fix a special rate and the dates and other conditions for periodical payment thereof, which shall be determined by a written agreement with the person liable for payment of the conservancy or scavenging tax in respect of such factory, hotel, club or group of buildings or lands:

Provided that, in fixing the amount, proper regard shall be had to the probable cost to the Board of the services to be rendered.

**111.** (1) When in pursuance of section 110, a 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 conservancy or scavenging tax imposed in the cantonment.

(2) The following buildings and lands shall be exempt from any property tax other than 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 and rendering services free of cost without deriving any income whatsoever;

(b) buildings used for educational purposes, public libraries, play grounds and dharamshalas which are open to the public and from which no income is derived;

(c) hospitals and dispensaries maintained wholly by charitable contributions;

(d) burning and burial grounds, not being the property of the Government or a Board, which are controlled under the provisions of this Act;

(e) buildings or lands vested in a Board; and

(f) any buildings or lands, or portion of such buildings or lands, which are the property of the Government.

Power to  
institute suit  
for recovery.  
Every Board to  
be a  
Municipality

for certain  
purposes.  
11 of 1881.  
Payment to be  
made to a  
Board as  
service  
charges by  
Central  
Government  
or State  
Government.  
Power to make  
special  
provision for  
conservancy  
in certain  
cases.  
Exemption in  
case of  
buildings.

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**112.** The Central Government may, by notification in the Official Gazette, exempt, either wholly or in part from the payment of any tax imposed under this Act, any person, or class of persons or any property or goods or class of property or goods.

**113.** A 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 in its opinion is by reason of poverty unable to pay the same.

**114.** (1) The Chief Executive Officer may, with the previous sanction of the General Commanding Officer-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.

**115.** The Chief Executive Officer may write off any sum due on account of any tax or rate or of the costs of recovering any tax or rate if such sum is, in its opinion, irrecoverable:

Provided that, where the sum written off in favour of any one person exceeds two thousand and five hundred rupees, the sanction of the President of Cantonment Board shall be first obtained.

**116.** (1) The Chief 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 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) 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 Chief 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 five thousand rupees and shall also be liable to be assessed at such amount on account of tax as the Chief Executive Officer may deem proper, and the assessment so made shall, subject to the provisions of this Act, be final.

**117.** 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.

**118.** No 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, 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.

General Power  
of exemption.

Distrainment not to  
be invalid by  
reason of  
immaterial  
defect.

Immaterial error  
not to affect  
liability.

Obligation to  
disclose  
liability.

Irrecoverable  
debts.

Composition.

Exemption of  
poor persons.

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## CHAPTER VI

### CANTONMENT FUND AND PROPERTY

#### *Cantonment fund and cantonment development fund*

**119.** (1) 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, 1924;

(b) all sums received by or on behalf of the Board.

(2) There shall also be formed for every cantonment, a cantonment development fund and there shall be placed to the credit, thereof the following sums, namely:—

(i) any sum received from the Central Government or the Government of any State by way of contributions, grants, subsidies or by any other way for the

implementation of any specific scheme or for the execution of any specific project;

(ii) any sum received by any individual or association of individuals by way of gift or deposit; and

(iii) any sum raised or borrowed under section 121 for the execution of specific development projects.

**120.** (1) The cantonment fund and the cantonment development fund shall be kept in separate accounts which shall be maintained in State Bank of India or any of its subsidiary banks or any nationalised bank or any scheduled commercial bank having its branch either in the cantonment or in the municipal area adjoining the cantonment.

*Explanation.*—In this section,—

(i) “nationalised bank” means corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980;

(ii) “State Bank of India” means the State Bank of India constituted under the State Bank of India Act, 1955;

(iii) “subsidiary bank” means a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959.

(2) The Chief Executive Officer may with the previous sanction of the President Cantonment Board may invest any portion of cantonment fund or cantonment development fund in securities of Central Government or in such securities, including fixed deposits in banks in the best interest of the Board and may dispose of such investments or vary them for others of a like nature.

(3) The income resulting from any fixed deposit or from any such securities as is referred to in sub-section (2) or from the proceeds of the sale of any such security shall be credited to the cantonment fund or, as the case may be, the cantonment development fund.

(4) Every action taken under sub-sections (2) and (3) may be subsequently brought to the next meeting of the Board.

**121.** A Board may from time to time by a resolution passed in this behalf borrow money from another Board any sum of money which may be required for the schemes or projects covered under this Act.

Cantonment  
fund and  
cantonment  
development  
fund. 2 of 1924.  
Custody of  
Cantonment  
Fund and  
Cantonment  
Development  
Fund.

Power of Board  
to borrow  
money.

5 of 1970.

40 of 1980.

23 of 1955.

38 of 1959.

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### *Property*

**122.** Subject to any special reservation made by the Central Government all property of the nature hereinafter in this section specified which has been acquired or provided or is maintained by a Board shall vest in and belong to that Board, and shall be under its direction, management and control, that is to say,—

(a) all markets, slaughter-houses, manure and night-soil depots, and buildings of every description;

(b) all water-works for the supply, storage or distribution of water for public purposes and all bridges, buildings, engines, materials, and things connected therewith or appertaining thereto;

(c) all sewers, drains, culverts and water-courses, and all works, materials and things appertaining thereto;

(d) all dust, dirt, dung, ashes, refuse, animal matter, filth and rubbish of every kind, and dead bodies of animals collected by the Board from the streets, houses, privies, sewers, cesspools or elsewhere, or deposited in places appointed by the Board for such purposes;

(e) all lamps and lamp-posts and apparatus connected therewith or appertaining thereto;

(f) all lands or other property transferred to the Board by the Central or a State Government, or by gift, purchase or otherwise for local public purposes; and

(g) all streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements, and things existing on or appertaining to streets.

**123.** The cantonment fund, cantonment development fund and all property vested in

a 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 are conferred or duties or obligations are imposed upon the Board :

Provided that the 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 Central Government, and

(b) on such terms and conditions as the 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 Board, that is to say,—

(a) to the liabilities and obligations arising from a trust legally imposed upon or accepted by the Board;

(b) to the repayment of, and the payment of interest on, any loan incurred under the provisions of the Local Authorities Loan Act, 1914 or under the provisions of this Act.

(c) to the payment of establishment charges;

(d) 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.

**124.** When there is any hindrance to the permanent or temporary acquisition upon payment of any land required by a Board for the purposes of this Act, the Central Government may, on the recommendation of the Board, procure the acquisition thereof under the provisions of the Land Acquisition Act, 1894, and, on payment by the Board of the compensation

Property.

Application

of cantonment

fund, cantonment

development

fund and

property.

Acquisition of

immovable

property.

1 of 1894.

9 of 1914.

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Power to make

rules regarding

cantonment

fund,

cantonment

development

fund and

property.

awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Board.

**125.** The Central Government may make rules 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 Boards or on which property vested in a Board may be transferred by sale, mortgage, lease, exchange or otherwise; and

(b) any other matter relating to the cantonment fund or cantonment development fund or cantonment property, in respect of which no provision or insufficient provision is made by or under this Act and provision is, in the opinion of the Central Government necessary.

## CHAPTER VII

### CONTRACTS

**126.** Subject to the provisions of this Chapter, every Board shall be competent to enter into and perform any contract necessary for the purposes of this Act.

127. (1) Every contract —

(a) for which budget provision does not exist, or  
(b) which involves a value or amount exceeding rupees fifty thousand shall require the sanction of the Board.

(2) Every contract other than a contract such as is referred to in sub-section (1) shall be sanctioned by the Chief Executive Officer on behalf of the Board.

128. Every contract made by or on behalf of a Board, the value or amount of which exceeds fifty thousand rupees, shall be in writing, and every such contract shall, be signed by two members, of whom the President or the Vice-President shall be one, and be countersigned by the Chief Executive Officer and be sealed with the common seal of the Board.

129. If any contract is executed by or on behalf of a Board, otherwise than in conformity with the provisions of this Chapter, it shall not be binding on the Board.

#### CHAPTER VIII

##### SANITATION AND THE PREVENTION AND TREATMENT OF DISEASE

##### *Sanitary authorities*

130. The following officers shall, for the purposes of sanitation, have control over, and be responsible for maintaining in a sanitary condition, those parts of a cantonment, respectively, which are specified in the case of each, that is to say :—

- (a) the Officer Commanding the 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 cantonment—all buildings and lands, occupied or used for any defence purpose, other than those referred to in clauses (a), (b) and (c);

Contracts by  
whom to be  
executed.

Sanction.

Execution of  
contract.

Contracts  
improperly  
executed not to  
be binding on  
a Board.

Responsibility  
for sanitation.

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(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;

(f) the head of any establishment or installation of the Defence Research and Development Organisation in the cantonment — buildings and lands which are occupied or used for the purposes of the Defence Research and Development Organisation in the cantonment;

(g) the head of a Public Sector Undertaking — the buildings and lands belonging to such undertaking in the cantonment;

(h) the Chief Executive Officer — the buildings and lands in the civil area of the cantonment and all other buildings and lands not covered in clauses (a) to (g) above.

131. (1) The Health Officer shall be the Advisor to the Board in all matters relating to sanitation and exercise a general sanitary supervision over the cantonment and shall periodically submit a report along with his recommendations at least once in

every month to the Board.

(2) The Assistant Health Officer shall perform such duties in connection with the sanitation of the cantonment as are, subject to the control of the Board, allotted to him by the Health Officer.

*Conservancy and sanitation*

**132.** All public latrines and urinals provided or maintained by a 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.

**133.** (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 Chief 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 sub-section (1) of section 135.

(2) For the purpose of this section and section 134, “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.

**134.** (1) On the application or with the consent of the occupier of any building or land, or, where the occupier of any building or land fails to make arrangements to the satisfaction of the Chief Executive Officer for the matters referred to in this section, without such consent, and after giving notice in writing to the occupier, the Chief Executive Officer may undertake the house scavenging of any building or land in the cantonment for such period as he thinks fit on such terms as he may specify in this behalf.

(2) Where the Chief 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 the Board.

Duty of  
occupier to  
collect and  
deposit  
rubbish, etc.  
Power of Board  
to undertake  
private  
conservancy  
arrangement.  
Public latrines,  
urinals and  
conservancy  
establishments.  
General duties  
of Health  
Officer.

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**135.** (1) Every 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 Chief 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 Board.

**136.** The Chief 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, in the opinion of the Chief Executive Officer, is a nuisance, or

(ii) to keep in a clean condition, in such manner as may be prescribed by notice, any receptacle for filth or sewage accumulating on the land or in a building, or

(iii) to prevent the water of any private latrine, urinal, sink or bathroom or any other offensive matter, from soaking, draining or flowing, or being put, from the land or building upon any street or other public place, or into any water-course or into any drain not intended for the purpose, or

(iv) to collect and deposit for removal by the conservancy establishment of the Board, within such time and in such receptacle or place, 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.

**137.** (1) Where any well, tank, cistern, reservoir container, desert cooler or any other, receptacle or place in the cantonment where water is stored or accumulated, 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, is or is likely to be a breeding place for mosquitoes, the 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 Board may from time to time take such measures as are necessary in its opinion for prevention of breeding of mosquitoes, insects or any bacterial or viral carriers of disease in public places under the control or management of the Board.

(3) The Board may, if it thinks fit, meet the whole or any portion of the expenses incurred in execution of work mentioned in sub-sections (1) and (2) of this section.

**138.** The Chief 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, in his opinion, be provided for the building or land.

Deposits and disposal of rubbish, etc.

Provision of latrines, etc.

Filling up of tank, etc.

Cesspools, receptacles, for filth, etc.

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**139.** 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 Chief Executive Officer, and shall provide such latrines and urinals, and shall employ such number of sweepers, as the Chief 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 Factories Act, 1948 applies.

**140.** Subject to the provisions of the Employment of Manual Scavenger and Construction of Dry Latrine (Prohibition) Act, 1993, the Chief Executive Officer or any official of the Board authorised by him 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, 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 an official of the Board authorised by the Chief Executive Officer, or under the direction of the Health Officer and approved by him as conforming with such plan; or
- (ii) require any person having control of any private latrine or urinal to re-build or alter the same in accordance with such plan; or
- (c) require the owner or other person having the control of any such private latrine or urinal which, in the opinion of the Chief Executive Officer, constitutes a nuisance, to remove the latrine or urinal; or
- (d) require any person having the control whether as owner, lessee or occupier of any land or building in the cantonment—
- (i) to have any latrines provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighborhood, or
- (ii) to cleanse in such manner as the Chief Executive Officer may specify in the notice any latrine or urinal belonging to the land or building;
- (e) require any person being the owner and having the control of any drain in the cantonment to provide, within ten days from the service of the notice, such covering as may be specified in the notice.

**141.** (1) All solid waste material generated in a cantonment shall be removed by the Board and be brought to the compost sites or sanitary land sites or trenching sites earmarked by it for the purpose.

(2) The Board shall also devise schemes for collecting rubbish and garbage from each house in the cantonment and may, if considers necessary, associate residents' welfare associations or such other non governmental organisation for this purpose.

(3) As far as possible the Board shall devise appropriate system to ensure that all compostable or bio-degradable waste in the cantonment is recycled and used for generating manure, bio-gas or any other form of energy.

**142.** (1) Where it appears to a 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—

Sanitation in  
factories, etc.  
Private latrines.

Special  
provisions for  
collection of  
rubbish and  
solid waste  
management.

Removal of  
congested  
buildings.  
63 of 1948.  
46 of 1993.

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- (a) the Health Officer,
- (b) the Civil Surgeon of the district or, if his services are not available, some other medical officer in the service of the Government,
- (c) the Executive Engineer or a person deputed by the Executive Engineer in this behalf, and
- (d) two non-official members of the Board.

(2) The committee shall make a report in writing to the 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 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 Board shall make compensation as it thinks fit to the owners for any buildings so removed which have been erected under proper authority:

Provided further that the 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.

**143.** (1) Where it appears to a Board that any building or part of a building in the cantonment which is used as a dwelling house is so overcrowded as to endanger the health of the inmates thereof, it may, after such inquiry as it thinks fit, by notice in writing require the owner or occupier of the building or part thereof, as the case may be, within such time not being less than one month as may be specified in the notice, to abate the overcrowding of the same by reducing the number of lodgers, tenants, or other inmates to such number as may be specified in the notice.

(2) Any person who fails, without reasonable cause, to comply with a requisition made upon him under sub-section (1) shall be punishable with fine which may extend to two thousand five hundred rupees, and, in the case of a continuing offence, to an additional fine which may extend to two hundred fifty rupees for every day after the first during which the failure has continued.

**144.** (1) Where any building in a cantonment is so ill-constructed or dilapidated as to be, in the opinion of the Board, in an insanitary state, the 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 pasted 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.

**145.** (1) If any building or land, whether tenantable or otherwise, is—

(i) in an insanitary, filthy or unwholesome state; or

Power to  
require repair  
or alteration of  
building.

Power to  
require land or  
building to be  
cleansed.

Overcrowding  
of dwelling  
houses.

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(ii) in the opinion of the Chief Executive Officer, a nuisance to persons residing in the neighbourhood; or

(iii) overgrown with prickly-pear or rank and noisome vegetation the Chief 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 thousand rupees, and, in the case of a continuing offence, with an additional fine which may extend to two hundred fifty rupees for each day after the first during which the offence continues.

**146.** No owner, occupier, lessee or any other occupant of the premises shall allow or cause to be allowed any air pollutant above the standards, laid down under clause (g) of sub-section (1) of section 17 of the Air (Prevention and Control of Pollution) Act 1981.

**147.** If a 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 pasted on some conspicuous part of the building prohibiting the owner or occupier thereof from using the building or room for human habitation, or allowing it to be so used, until it has been rendered fit for such use to the satisfaction of the Board.

**148.** The Chief 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 to him to be injurious to health or offensive to persons residing in the neighbourhood.

**149.** Where, in the opinion of a 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 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 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 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.

#### *Burial and burning grounds*

**150.** The Chief 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.

**151. (1)** No place in a cantonment which has not been used as a burial or burning ground before the commencement of this Act shall be so used without the permission in writing of the Board.

(2) Such permission may be granted subject to any conditions which the Board thinks fit to impose for the purpose of preventing annoyance to, or danger to the health of, persons residing in the neighbourhood.

Prohibition in  
respect of air  
pollutant.

Power to order  
disuse of  
house.

Removal of  
noxious  
vegetation.

Agriculture  
and Irrigation.  
Power to call  
for information  
regarding  
burial and  
burning  
grounds.  
Permission for  
use of new  
burial or  
burning  
ground.  
14 of 1981.

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**152.** (1) Where a 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 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 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 reopened, and a copy of such declaration shall be annexed to the notice.

(3) Where the Central Government sanctions the issues of any such notice, it shall require a new burial or burning ground to be provided at the expense of the cantonment fund, or, if the community concerned is willing to provide a new burial or burning ground, the Central Government 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.

**153.** The provisions of sections 150, 151 and 152 shall not apply in the case of any burial ground which is for the time being managed by or on behalf of the Government.

**154.** The Board may, by public notice, prescribe routes in the cantonment by which alone corpses may be removed to burial or burning grounds.

*Prevention of infectious, contagious or communicable diseases*

**155.** (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, communicable 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, communicable 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, communicable 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 dustbin 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, communicable 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, communicable 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

Power to  
require closing  
of burial or  
burning  
ground.

Exemption from  
operation of  
sections 150 to  
152.

Removal of  
corpses.

Obligation  
concerning  
infectious,  
contagious or  
communicable  
diseases.

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(b) contravenes the provisions of sub-section (2), shall be punishable with fine which may extend to one thousand 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.

**156.** Subject to the provisions of any Act made in this regard and the rules and regulations made thereunder, whoever, being in charge of a blood bank or any other establishment which collects or supplies blood, plasma, marrow or any other substance for transfusion or treatment of patients or for any other medical use, fails to take adequate precautions or exercise adequate supervision thereby leading to or resulting in the supply of infected or contaminated blood, plasma, marrow or any other substance, shall be punishable with imprisonment which may extend to five years or with fine which may extend to one lakh rupees or with both.

**157. (1)** In the event of a cantonment being visited or threatened by an outbreak of any infectious or contagious disease among the inhabitants thereof or of any epidemic disease among any animals therein, the Officer Commanding the Station, if he thinks that the provisions of this Act or of any law for the time being in force in the cantonment are insufficient for the purpose, may, with the previous sanction of the Central Government —

(a) take such special measures, and

(b) by public notice, make such temporary regulations to be observed by the public or by any class or section of the public, as he thinks necessary to prevent the outbreak or the spread of the disease:

Provided that where in the opinion of the Officer Commanding the Station, 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 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, 1860.

**158.** Where it is certified to the Chief 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 Chief 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.

**159.** Where it is certified to the Chief 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 Chief 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.

*Explanation.*—For the purposes of this section, the expression “washerman” shall mean an individual, body corporate, association of persons engaged in washing clothes in an cantonment.

Blood bank.

Special  
measures in  
case of  
outbreak of  
infectious or  
epidemic  
diseases.

45 of 1860.

Power to  
require names  
of dairyman's  
customers.

Power to  
require names  
of a  
washerman's  
customers.

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**160.** Where it is certified to the Chief Executive Officer by the Health Officer or a doctor in the employment of the Board that there is apprehension of the outbreak or spreading of any infectious or contagious or communicable disease in the cantonment because of use of contaminated needles, syringes or any other such equipment by a medical practitioner or by any paramedical worker, the Chief Executive Officer may, by notice in writing, require the medical practitioner or the paramedical worker, 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 or patients within the cantonment, or to give him such information as will enable him to trace the persons whom the medical practitioner or the paramedical worker has attended to or treated in the six weeks preceding the date of issuing the notice.

**161.** Where, after inspection the Health Officer is of opinion that any infectious, contagious or communicable 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, or from use of contaminated needles, syringes or other such equipment by a medical practitioner or any paramedical staff, he shall report the matter to the Chief Executive Officer.

**162.** Upon receipt of a report submitted by the Health Officer under section 161, the Chief 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 process, as the Chief Executive Officer may direct in the notice; or

(c) prohibit the medical practitioner or the paramedical worker from using any

such needles, syringes or other such equipment unless the notice is withdrawn or rectification as may be required in the notice is carried out.

**163.** The Health Officer or a doctor in the employment of the Board 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 158, 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 159, or any needles, syringes or such other equipment which are or have recently been in the possession of the medical practitioner or paramedical worker to whom a notice under section 160 has been issued and may subject the same or cause the same to be subjected to such chemical or other process as he may think necessary; and the Board shall pay from the cantonment fund all the costs of the process and shall also pay to the owner of the milk, clothes or other articles such sum as compensation for any loss occasioned by such process as may appear to it to be reasonable.

**164.** 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

Power to  
require names  
of patients or  
customers of a  
medical  
practitioner or  
paramedical  
workers.  
Report after  
inspection of  
dairy or  
washerman or  
medical  
practitioner's  
place of  
business.  
Action on  
report  
submitted by  
Health Officer.  
Examination of  
milk, washed  
clothes or  
needles,  
syringes, etc.  
Contamination  
of public  
conveyance.

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the owner, driver or person incharge of the conveyance, and further to report without delay to the Chief Executive Officer the number of the conveyance and the name of the person so notified.

**165.** (1) Where any person suffering from, or the corpse of any person who has died from, an infectious, communicable 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 Chief 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 Chief Executive Officer has granted a certificate stating that it can be used without causing risk of infection.

**166.** Whoever fails to make to the Chief Executive Officer any report which he is required to make by section 164 or section 165 shall be punishable with fine which may extend to five thousand rupees.

**167.** Notwithstanding anything contained in any law for the time being in force, no owner, driver or person incharge 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 fixed by the Chief Executive Officer from time to time, to cover any loss and expense which would ordinarily be incurred in disinfecting the conveyance.

**168.** Where a 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, 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 Board the owner or occupier is from poverty or any other cause unable effectually to carry out any such requisition, the 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.

**169. (1)** Where the destruction of any hut or shed in a cantonment is, in the opinion of the Board, necessary to prevent the spread of any infectious or contagious disease, the 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 is satisfied that the destruction of any hut or shed in the cantonment is immediately necessary for the purpose of preventing the spread of any infectious or contagious disease, he may order the owner or occupier of the hut or shed to destroy the same forthwith, or may himself cause it to be destroyed after giving not less than two hours' notice to the owner or occupier thereof.

(3) The Board shall pay compensation to the owner of any hut or shed destroyed under this section.

**170.** The 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 168 or section 169, and who desire such shelter or accommodation as aforesaid to be provided for them.

Disinfection of  
public  
conveyance.

Penalty for  
failure to  
report.

Driver of  
conveyance  
not bound to  
carry person  
suffering from  
infectious or  
contagious  
disease.

Disinfection  
of building or  
articles therein.

Destruction of



infectious hut  
or shed.  
Temporary  
shelter for  
inmates of  
disinfected or  
destroyed  
building or  
shed.

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**171.** (1) Where in a cantonment any building or part of a building is intended to be let, in which any person has, within 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 Chief 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 a 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.

**172.** 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.

**173.** (1) Every 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 the Chief Executive Officer may fix.

(2) The Chief Executive Officer 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 Chief Executive Officer 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.

**174.** 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 five thousand rupees.

**175.** When a cantonment is visited or threatened by an outbreak of any infectious or contagious disease, the Chief Executive Officer on behalf of the 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.

**176.** (1) If the Chief Executive Officer on the advice given by the Health Officer 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

Disinfection

of building  
before letting  
the same.  
Control over  
wells, tanks,  
etc.  
Disposal of  
infected article  
without  
disinfection.  
Means of  
disinfection.  
Making or selling  
of food,  
etc., or washing  
clothes by infected  
person.  
Power to  
restrict or  
prohibit sale of  
food or drink.

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(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.

177. Where any person has died in a cantonment from any infectious or contagious disease, the Chief 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.

*Hospitals and dispensaries*

178. (1) A 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 or veterinary hospital, whether within or without the cantonment, not maintained by it.

(2) Every hospital or dispensary maintained or aided under sub-section (1) shall have attached to it a ward or wards for the treatment of persons suffering from infectious or contagious diseases.

(3) The Medical Officer appointed by the Board shall be incharge of every Hospital and dispensary maintained or aided under this section and be responsible to the Health Officer for medical activities and to the Chief Executive Officer for over all administrative activities of the hospital.

179. (1) Every hospital or dispensary maintained or aided under section 178 shall be maintained in accordance with any general or special orders of the Central Government for the conduct of hospitals and dispensaries or in accordance with the said orders modified in such manner as the Central Government may think fit.

(2) The 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.

**180.** At every hospital or dispensary maintained or aided under section 178, the sick poor of the cantonment, and other inhabitants of the cantonment suffering from infectious, communicable or contagious disease, and, with the sanction of the Board, any other sick persons, may receive medical or surgical treatment free of cost, and, if treated as in-patients, shall be either dieted gratuitously or, if the medical officer in charge so directs, shall be granted subsistence allowance on such scale as the Board may fix.

**181.** Any sick person who is ineligible to receive medical or surgical treatment free of cost in any hospital or dispensary under section 180 may be admitted for treatment therein upon such terms as the Board thinks fit.

**182. (1)** If the Health Officer or the Medical Officer in charge of a hospital or dispensary maintained or aided under section 178 has reason to believe that any person living in the cantonment is suffering from an infectious, communicable or contagious disease, he

Disposal of infectious

corpse.

Maintenance or  
aiding of hospitals  
or dispensaries.

Medical supplies,  
appliances,  
etc.

Free patients.

Paying patients.

Power to order

person to  
attend hospital  
or dispensary.

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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, communicable 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 person's own residence.

**(2)** If any person on examination under sub-section (1), is found to be suffering from an infectious or contagious disease, the Health Officer or Medical Officer, as the case may be, may cause him to be detained in hospital until he is free from the infection or contagion:

Provided that, if having regard to the nature of the disease or the condition of the person suffering therefrom, or the general environment and circumstances of such person, he considers that the detention of such person at a hospital or dispensary is unnecessary or inexpedient, he shall discharge such person and take such measures or give such directions in the matter as he thinks necessary.

**183. (1)** If the Health Officer or the Medical Officer in charge of a hospital or dispensary maintained or aided under section 178 reports in writing to the Officer Commanding the station that any person having received a notice under section 182 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 182, the Officer Commanding the station may, by order in writing, direct such person to be removed 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 be removed from and

not to re-enter a cantonment shall enter any other cantonment without the written permission of the Officer Commanding the station.

*Control of traffic for hygienic purposes*

**184.** (1) A 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 Board.

*Special conditions regarding essential services*

**185.** (1) No person employed in any service, or being employed in connection with the working of any system of public conservancy or sanitation or water supply or hospitals or dispensaries or electric supply or public transport services or such other essential services under a Board in any cantonment area, shall, in the absence of any contract, resign without reasonable cause or absent himself from duty without proper authority and in case of such resignation or absence from duty he shall be punishable with imprisonment which may extend to one month.

Power to exclude  
from cantonment

persons  
refusing  
to attend hospital  
or dispensary.

Routes for  
pilgrims and  
others.

Conditions of  
service of  
safaikaramcharis  
and others.

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(2) The 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 employees employed by a Board whose functions intimately concern the public health or safety.

**CHAPTER IX**

**WATER-SUPPLY, DRAINAGE AND SEWAGE COLLECTION**

*Water-Supply*

**186.** (1) In every cantonment where a sufficient supply of potable water for domestic use does not exist, the Board shall provide or arrange for the provision of such a supply.

(2) The 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 fit for human consumption.

(3) It shall be the duty of every Board to practise and propagate the scientific methods of water harvesting including harvesting of rain water for use and make arrangement for recharging the sources of ground water including underground aquifers and to preserve rivers, streams, springs and other natural sources of water within and in the vicinity of the cantonment.

**187.** In this Chapter, unless the context otherwise requires, the following words and expression in relation to water supply shall have the respective meanings given below, namely :—

(1) “communication pipe” means :—

(a) where the premises supplied with water abut on the part of the street in which the main is laid, and the service pipe enters those premises otherwise than through the outer wall of a building abutting on the street and has a

stopcock placed in those premises and as near to the boundary of that street as is reasonably practicable, so much of the service pipe as lies between the main and that stopcock;

(b) in any other case, so much of the service pipe as lies between the main and the boundary of the street in which the main is laid, and includes the ferrule at the junction of the service pipe with the main, and also,—

(i) where the communication pipe ends at in a stopcock, that stopcock, and

(ii) any stopcock fitted on the communication pipe between the end thereof and the main.

(2) “main” means a pipe laid by the Board for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe.

(3) “service pipe” means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main, or would be so subject but for the closing of some tap.

(4) “supply pipe” means so much of any service pipe as is not a communication pipe.

(5) “trunk main” means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir, or for the purpose of conveying water in bulk from one part of the limits of supply to another part of those limits, or for the purpose of giving or taking a supply of water in bulk.

(6) “water fittings” includes pipes (other than mains), taps, cocks, valves,

Maintenance of  
water-supply.

Terms of  
water-supply.

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ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water.

**188.** (1) The Board may, when so required,—

(a) carry out a survey of the existing consumption of and demand for water supplies in cantonment and of the water resources in or likely to be made available in the cantonment;

(b) prepare an estimate of the future water supply requirements of the cantonment;

(c) carry out a survey of the existing quantity of sewage collection;

(d) formulate proposals as to —

(i) the existing or future water supply requirements of the cantonment;

(ii) the existing or future sewage collection requirement in cantonment including proposals for the manner in which and the place or places at which sewage should be carried, collected and treated.

(2) If the Board is of the opinion that the works and other properties for the time being vested in the Board, are inadequate for the purpose of sufficient supply of water or for the purpose of efficient collection of sewage under this Act it may take steps in accordance with the provisions of this Act for the construction of additional works, whether within cantonment or outside the cantonment with the approval of the Principal Director and for the acquisition of additional properties for such works.

**189.** (1) The Board may, with the previous sanction of the 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 and in use of the 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 source of public water-supply.

(2) Every such source shall be under the control of the Board and it shall be the duty of the Board to preserve and maintain such source.

**190.** The Chief 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 Chief Executive Officer may direct; or

(c) if the water therein is proved to the satisfaction of the Chief 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 Board for the use of the public, and, if he does so, he shall not be bound to carry out the requisition, and the Board shall undertake the control and supervision of the well.

**191.** (1) Subject to the guidelines made by the Board in this regard, the Chief Executive Officer 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

Board to carry out survey and formulate

proposals.

Control over sources of

public watersupply.

Power to

require

maintenance or

closing of

private source

of public

drinking watersupply.

Supply of

water.

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pipes of such size and description as may be specified 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 Chief Executive Officer may determine.

(3) All water supplied in excess of the quantity to which such supply is limited under sub-section (2) and, in a cantonment in which a water tax is not imposed, all water supplied under this section, shall be paid for at such rate as the Board may fix keeping in view its financial viability.

(4) The supply of water for domestic use shall not be deemed to include any supply for—

(a) animals or for washing vehicles where such animals or vehicle are kept for sale or hire;

(b) any trade, manufacture or business;

(c) fountains, swimming baths or any ornamental or mechanical purpose;

(d) gardens or for purposes of irrigation;

(e) making or watering roads or paths; or

(f) building purposes.

**192.** If it appears to the Chief Executive Officer that any building or land in the cantonment is without a proper supply of potable water, the Chief 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.

**193.** (1) Subject to the guidelines made by the Board in this regard, the Chief Executive officer 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 Chief Executive Officer and such owner, lessee or occupier.

(2) The Chief Executive Officer 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.

**194.** Notwithstanding any obligation imposed on Boards under this Act, a 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 193, the Board has made express provision for forfeiture, penalty or damages in the event of such failure or curtailment.

**195.** Notwithstanding anything hereinbefore contained or contained in any agreement under section 193, the supply of water by a 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 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 as the Chief Executive Officer may appoint in this behalf;

Power to  
require watersupply  
to be  
taken.  
Supply of  
water under  
agreement.  
Board not  
liable for failure  
of supply.  
Conditions of  
universal  
application.

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(b) the Chief Executive Officer or any other officer or employee of the Board authorised by him in writing in this behalf may enter into or on any premises supplied with water by the Board, for the purpose of examining all pipes, taps, works and fittings connected with the supply of water and of ascertaining whether there is any waste or misuse of such water;

(c) the Chief 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 water rate or other charges connected with the water supply within one month from the date on which such tax or rate or charge falls due for payment;

(ii) the occupier refuses to admit the Chief Executive Officer or other authorised officer or employee of the 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 fittings connected with the supply of water to the building or land are found, on examination by any other officer or employee of the Board authorised by the Chief Executive Officer in writing in this behalf, to be out of repair to such an extent as to cause 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.

**196.** A 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.

**197.** Whoever—

(a) uses for other than domestic purposes any water supplied by a Board for domestic use; or

(b) where water is supplied by agreement with a Board for a specified purpose, uses that water for any other purposes shall be punishable with fine which may extend to two thousand five hundred rupees, and in addition, the Board shall be entitled to recover from him the cost of the water misused.

*Water, drainage and other connections*

**198.** A 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 side of any building, situated within the cantonment;

or

Supply to  
persons  
outside  
cantonment.

Penalty.

Power of Board

to lay wires,  
connections,  
etc.

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(b) for the purpose of supplying water or of the introduction or distribution of outflow of water or for the removal or outflow 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 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.

**199.** 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 side of any building, such cable, wire, pipe, drain sewer or channel shall be so laid or carried as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building, and



compensation shall be payable by the Board in respect of any substantial interference with the right to any such enjoyment.

**200.** No person shall, for any purpose whatsoever, without the permission of the 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 Board.

**201.** The Chief 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 measuring the quantity of any water or gas or testing the quality thereof supplied to any premises by the Board.

**202.** The ferrules, communication pipes, connections, meters, stand pipes and all fittings thereon or connected therewith leading from water mains or from pipes, drains, sewers or channels into any house or land, to which water or gas is supplied by a Board, and the pipes, fittings, and works inside any such house or within the limits of any such land, shall in all cases be installed or executed subject to the inspection and to the satisfaction of the Chief Executive Officer.

**203.** A Board may fix the charges to be made for the establishment by them or through their agency or communications from, and connections with, mains, or pipes for the supply of water, or gas, or for meters or other appliances for measuring the quantity, or testing the quantity thereof supplied, and may levy such charges accordingly.

*Application of this Chapter to Government water-supplies*

**204.** (1) Where in any cantonment there is a water-supply (other than a public watersupply under the control of the Board) under the control of the Military Engineer Services or the Public Works Department, the Officer of the Military Engineer Services or of the Public Works Department, as the case may be, in charge of such water-supply (hereafter in this Chapter referred to as the Officer) may publish in the cantonment in such manner as he thinks fit a notice declaring 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 and the officer may, for the purpose of keeping any such source in good order or of protecting it from contamination or from use, require the Board to exercise any power conferred upon it by section 190.

(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 191, 193, 194, 195, 197, 198, 199, 200, 201, 202 and 203 shall, as far as may be, be applicable in respect of the supply of water to the cantonment, and for the purpose of such application references to the Board shall be construed as references to the Officer, and references to the Chief Executive Officer or other officer or employee of the Board shall be construed as references to such person as may be authorised in this behalf by the Officer.

Government  
water-supply.

Power to fix  
rates and  
charges.

Wires, etc., laid  
above surface  
of ground.

C o n n e c t i o n  
with main not to  
be made without  
permission.

Power to prescribe  
ferrules  
and to establish  
meters, etc.

Power of  
inspection

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(3) The provisions of section 193 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.

(4) In order to preserve the underground water level, the Board may make regulations for the digging or use of bore wells in the cantonment.

**205.** (1) Where it appears to the Chief Executive Officer that any dwelling house in the cantonment is without supply of water for domestic consumption and that such a supply can be given from mains which is not more than one hundred feet distance from any part of such dwelling house, the Chief Executive Officer may by notice require the owner to obtain supply and to execute all such works as may be necessary for this purpose.

(2) It shall not be lawful for the owner of any premises which may be constructed or reconstructed, to occupy it or cause or permit it to be occupied until he has obtained a certificate from the Chief Executive Officer that there is provided within, or within a reasonable distance of, the house supply of wholesome water as appears to the Chief Executive Officer to be sufficient for domestic consumption and use of the inmates of the house.

**206.** In any case in which the provisions of section 204 apply and in which the Board is not receiving a bulk supply of water under section 207, the water-tax, if any, imposed in the cantonment and all other rates arising out of the supply of water which may be imposed under the provisions of this Chapter as applied by section 204 shall be recovered by the Board, and all monies so recovered, or such proportion thereof as the Central Government may in each case determine, shall be paid by the Board to the Officer.

**207.** (1) Where in any cantonment there is a water-supply such as is referred to in sub-section (1) of section 204, the Board may, and so long as the Board is unable to provide a water-supply of its own, it shall receive from the Military Engineer Services or the Public Works Department, as the case may be, at such point or points as may be agreed upon between the Board and the Military Engineer Services or Public Works Department, 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 Military Engineer Services or Public Works Department for all water so received as may be agreed upon between the Board and the Military Engineer Services or Public Works Department, 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 charge 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 Military Engineer Services or Public Works Department 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 Military Engineer Service or Public Works Department regarding the rate and amount of water adequate to the requirements of persons in the cantonment other than entitled consumers, the disputes shall be referred to the Central Government whose decision shall be final.

**208.** Where under the provisions of sub-section (1) of section 207 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

Functions of  
the Board in relation  
to distribution  
of bulk  
supply.  
Supply of  
water from  
Government  
water-supply

to the Board.  
Recovery of  
charges.  
Water supply  
for domestic  
consumption.

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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.

**209.** (1) All public drains, all drains in, alongside or under any public street, except those vesting in the Military Engineer Service or any Department of the Central Government or a State Government or any autonomous body under the Central Government or a State Government and all sewage collection works, whether constructed out of the cantonment fund or otherwise and all works, material and things appertaining thereto, which are situated in the cantonment shall vest in the Board.

(2) All public and other drains, which are vested in the Board are hereafter in this Act referred to as cantonment drains.

(3) For the purposes of enlarging, deepening or otherwise repairing or maintaining any such drain or sewage collection work so much of the sub-soil appertaining thereto as may be necessary for the said purpose shall be deemed also to vest in the Board.

(4) All drains and ventilation shafts, pipes and all appliances and fittings connected with drainage works constructed, erected or set up out of the cantonment fund in or upon premises not belonging to the Board whether—

(a) before or after the commencement of this Act; and

(b) for the use of the owner or occupier of such premises or not, shall unless the Board has otherwise determined, or does at any time otherwise determine, vest and be deemed always to have vested in the Board.

**210.** (1) All cantonment drains, all sewage collection and all works, materials and things appertaining thereto shall be under the control of the Board.

(2) The Chief Executive Officer shall maintain and keep in repair all cantonment drains and sewage collection and sewage disposal works when authorised by the Board.

(3) The Board shall construct as many new drains and sewage collection and sewage disposal works as may from time to time be necessary for effectual drainage and sewage collection.

**211.** No person shall throw, empty or turn into any cantonment drain or into any drain communicating with a cantonment drain —

(a) any matter likely to injure the drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents; or

(b) any chemical, refuse or waste stream, or any liquid of a temperature higher than forty-five degrees centigrade, being refuse or stream which, or liquid which when so heated is, either alone or in combination with the contents of the drain be dangerous, or the cause of a nuisance, or prejudicial to health; or

(c) any dangerous petroleum.

*Explanation.*—In this section, the expression “dangerous petroleum” has the same meaning as in the Petroleum Act, 1934.

**212.** (1) Subject to such conditions as may be prescribed by bye-laws made in this behalf, the owner or occupier of any premises having a private drain, or the owner of any private drain within cantonment may apply to the Chief Executive Officer to have his drain made to communicate with the cantonment drains and thereby to discharge foul water and surface water from those premises or that private drain:

Provided that nothing in this sub-section shall entitle any person—

(a) to discharge directly or indirectly into any cantonment drain—

Special  
provisions  
concerning  
drainage and

sewage.  
 Construction of  
 and control of  
 drains and sewage  
 collection  
 and disposal  
 works.  
 Certain matters  
 not to be  
 passed into  
 cantonments  
 drains.  
 30 of 1934.  
 Application by  
 owners and  
 occupiers to  
 drain into  
 cantonment  
 drains.

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(i) any trade effluent from any trade premises except in accordance with bye-laws made in this behalf; or

(ii) any liquid or other matter the discharge of which into cantonment drains is prohibited by or under this Act or any other law; or

(b) where separate cantonment drains are provided for foul water and for surface water to discharge directly or indirectly—

(i) foul water into a drain provided for the surface water; or

(ii) except with the permission of the Chief Executive Officer, surface water into a drain provided for foul water; or

(c) to have his drains made to communicate directly with a storm-water overflow drain.

(2) Any person desirous of availing himself of the provisions of sub-section (1) shall give to the Chief Executive Officer notice of his proposals, and at any time within one month after receipt thereof, the Chief Executive Officer may by notice to him refuse to permit the communication to be made, if it appears to him that the mode of construction or condition of the drain is such that the making of the communication would be prejudicial to the drainage system, and for the purpose of examining the mode of construction and condition of the drain he may, if necessary, require it to be laid open for inspection.

(3) The Chief Executive Officer may, if he thinks fit, construct such parts of the work necessary for having a private drain made to communicate with a cantonment drain, as is in or under a public street and in such a case, the expenses incurred by the Chief Executive Officer shall be paid by the owner or occupier of the premises, or as the case may be, the owner of the private drain and shall be recoverable from the owner or occupier as an arrears of tax under this Act.

**213.** (1) Where any premises are in the opinion of the Chief Executive Officer, without sufficient means of effectual drainage and a cantonment drain or some place approved by the Chief Executive Officer for the discharge of filth and other polluted and obnoxious matter is situated at a distance of not exceeding thirty metres from any part of the said premises, he may, by written notice, require the owner of the said premises—

(a) to make a drain emptying into such cantonment drain or place;

(b) to provide and set up all such appliances and fittings as may appear to the Chief Executive Officer necessary for the purposes of gathering and receiving the filth and other polluted and obnoxious matter from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith;

(c) to remove any existing drain or other appliance or thing used or intended to be used for drainage which is injurious to health;

(d) to provide a closed drain in substitution of an open drain or to provide such other appliance or thing either newly or in substitution of any existing appliance or thing or to provide both a close drain and such other appliance or thing in substitution of the existing open drain and other appliance or thing, which is or is likely to be injurious to health;

(e) to provide and set up all such appliances and fitting as may appear to the Chief Executive Officer to be necessary for the purpose of gathering and receiving the waste water from floors and galleries of buildings when they are washed, and conveying the same through spouts, by down-take pipes so as to prevent such waste water from discharging directly on streets or inside any lower portion of the premises;

Drainage of  
undrained premises.

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(f) to carry out any work to improve or re-model an existing drain which is inadequate, insufficient or faulty.

(2) Where in any case not provided for in sub-section (1) any premises are, in the opinion of the Chief Executive Officer, without sufficient means of effectual drainage, he may, by written notice, require the owner of the premises—

(a) to construct a drain up to a point to be prescribed in such notice but not at a distance or more than thirty meters from any part of the premises; or

(b) to construct a closed cesspool or soakage pit and drain or drains emptying into such cesspool or soakage pit.

(3) Any requisition for the construction of any drain under sub-section (2) may contain any of the details specified in sub-section (1).

**214.** (1) It shall not be lawful to erect or to re-erect any premises in a cantonment or to occupy any such premises unless—

(a) a drain be constructed of such size, materials and description, at such level and with such fall as shall appear to the Chief Executive Officer to be necessary for the effectual drainage of such premises;

(b) there have been provided and set up on such premises such appliances and fittings as may appear to the Chief Executive Officer to be necessary for the purposes of gathering or receiving the filth and other polluted and obnoxious matter from, and conveying the same off, the said premises and of effectually flushing the drain of the said premises and every fixture connected therewith.

(2) The drain so constructed shall empty into a cantonment drain situated at a distance of not exceeding thirty meters from the premises; but if no cantonment drain is situated within that distance then such drain shall empty into a cesspool situated within that distance to be specified by the Chief Executive Officer for the purpose.

**215.** (1) If it appears to the Chief Executive Officer that any group or block of premises may be drained more economically or advantageously in combination than separately, and a cantonment drain of sufficient size already exists or is about to be constructed within thirty metres of any part of that group or block of premises, the Chief Executive Officer may cause that group or block of premises to be drained by a combined operation.

(2) The expenses incurred in carrying out any work under sub-section (1) in respect of any group or block of premises shall be paid by the owners of such premises in such proportions as the Chief Executive Officer may determine and shall be recoverable from them as an arrears of tax under this Act.

(3) Not less than fifteen days before any such work is commenced, the Chief Executive Officer shall give to each such owner—

(a) written notice of the nature of the proposed work; and

(b) an estimate of the expenses to be incurred in respect thereof and of the proportion of such expenses payable by him.

(4) The Chief Executive Officer may require the owners of such groups or block or

premises to maintain the work executed under this section.

**216.** Where a drain connecting any premises with a cantonment drain is sufficient for the effectual drainage of such premises and is otherwise unobjectionable but is not in the opinion of the Chief Executive Officer, adapted to the general system of drainage in the cantonment, he may, by written notice addressed to the owner of the premises, direct—

New premises  
not to be  
erected without  
drains.

Power to drain  
group or block  
of premises by  
combined  
operations.

Power to  
close or limit  
the use of  
private drains  
in certain  
cases.

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(a) that such drain be closed, discontinued or destroyed and that any work necessary for that purpose be done; or

(b) that such drain shall, from such date as may be specified in the notice in this behalf, be used for filth and polluted water only or for rain water and unpolluted subsoil water only:

Provided that—

(i) no drain may be closed, discontinued or destroyed by the Chief Executive Officer under clause (a) except on condition of his providing another drain equally effectual for the drainage of the premises and communicating with any cantonment drain which he thinks fit; and

(ii) the expenses of the construction of any drain so provided by the Board and of any work done under clause (a) may be paid out of the cantonment fund.

**217. (1)** Where the Chief Executive Officer either on receipt of an application from the owner of any premises or otherwise is of the opinion that the only, or the most convenient means of effectual drainage of the premises into a cantonment drain is through a drain belonging to another person, the Chief Executive Officer may by notice in writing require the owner of such a drain to show cause within a period specified in the notice as to why an order under this section should not be made.

(2) Where no cause is shown within the specified period or the cause shown appears to the Chief Executive Officer invalid or insufficient, the Chief Executive Officer may by order in writing either authorise the owner of the premises to use the drain or declare him to be a joint owner thereof.

(3) An order made under sub-section (2) may contain directions as to—

(a) the payment of rent or compensation by the owner of the premises;

(b) the construction of a drain for the premises for the purpose of connecting it with the aforesaid drain;

(c) the entry upon the land in which the aforesaid drain is situate with assistants and workmen at all reasonable hours;

(d) the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the aforesaid drain.

**218.** Wherever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the Chief Executive Officer to require that there shall be one drain for filth and polluted water and an entirely distinct drain for rain water and unpolluted sub-soil water or both rain water and

unpolluted sub-soil water, each emptying into separate cantonment drains or other suitable places.

**219.** For the purpose of efficient drainage of any premises, the Chief Executive Officer may, by notice in writing,—

(a) require any courtyard, alley or passage between two or more buildings to be paved by the owner or owners of such buildings with such materials and in such manner as may be approved by the Chief Executive Officer; and

(b) require such paving to be kept in proper repair.

**220.** The Chief Executive Officer may cause any or all of the cantonment drains to empty into, and all sewage to be collected of at, such place or places as he considers suitable:

Use of drain

by a person

other than

the owner.

Sewage and

rain water drains

to be distinct.

Power to

require owner

to carry out

certain works

for satisfactory

drainage.

Appointment

of places for the

emptying of

drains and collection

of sewage.

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Provided that no place which has not been before the commencement of this Act used for any of the purposes specified in this section shall, after such commencement be used therefor without the approval of the Board:

Provided further that on and after such date as may be appointed by the Central Government in this behalf no sewage shall be discharged into any water course until it has been so treated as not to affect prejudicially the purity and quality of the water into which it is discharged.

#### *Miscellaneous*

**221.** Without the written permission of the Chief Executive Officer, no person shall, for any purpose whatsoever, at any time make or cause to be made any connection or communicate with any drain referred to in section 210 or any water works, constructed or maintained by, or vested in, the Board.

**222. (1)(a)** No railway works shall be constructed on any cantonment drain or any water works constructed or maintained by, or vested in the Board, without the approval of the Central Government.

(b) If any railway works are constructed on any drains or water works as aforesaid without the written permission of the Central Government, the Chief Executive Officer may remove or otherwise deal with the same as he thinks fit.

(2)(a) No private street shall be constructed and no building, wall, fence or other structure shall be erected on any cantonment drain or on any water works constructed or maintained by, or vested in, the Board without the approval of the Board.

(b) If any private street is constructed or any building, wall, fence or structure erected on any drain or water works as aforesaid without the written permission of the Board, the Chief Executive Officer may remove or otherwise deal with the same as he may think fit.

(3) The expenses incurred by the Chief Executive Officer in doing so shall be paid by the owner of the private street or of the building, fence wall or other structure or, as the case may be, by the railway administration or the person offending and shall be recoverable as an arrears of tax under this Act.

**223.** (1) The Chief Executive Officer may place and maintain aqueducts, conduits and lines of mains or pipes or drains over, under, along or across any immovable property whether within or without the local limits of the cantonment without acquiring the same, and may at any time for the purpose of examining, repairing, altering or removing any aqueducts, conduits or lines of mains or pipes or drains, enter on any property over, under, along or across which the aqueducts, conduits or lines of mains or pipes, or drains have been placed:

Provided that the Board shall not acquire any right other than a right of user in the property over, under, along or across which any aqueduct, conduit or line of mains or pipes, or drain is placed.

(2) The power conferred under sub-section (1) shall not be exercisable in respect of any property vested in the Union or under the control or management of the Central Government or railway administration or vested in any local authority save with the permission of the Central Government or railway administration or the local authority, as the case may be, and in accordance with any bye-laws made in this behalf:

Provided that the Chief Executive Officer may, without such permission, repair, renew, or amend any existing works of which the character or position is not to be altered if such repair, renewal or amendment is urgently necessary in order to maintain without interruption the supply of water, drainage or collection of sewage or is such that delay would be dangerous to health, human life or property.

Connection  
with water  
works and  
drains not to  
be made  
without  
permission.  
Buildings,  
railways and  
private streets  
not to be  
erected or  
constructed  
over drains or  
water works  
without  
permission.  
Rights of user  
of property  
for aqueducts,  
lines, etc.

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(3) In exercise of the powers conferred upon him by this section, the Chief Executive Officer shall cause as little damage and inconvenience as may be possible, and shall make full compensation for any damage or inconvenience caused by him.

**224.** (1) If it appears to the Chief Executive Officer that the only or most convenient means of water supply to, and drainage of, any premises is by placing or carrying any pipe or drains over, under, along or across the immovable property of another person, the Chief Executive Officer may, by order in writing, authorise the owner of the premises to place or carry such pipe or drain over, under, along or across such immovable property:

Provided that before making any such order the Chief Executive Officer shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be prescribed by bye-laws made in this behalf as to why the order should not be made:

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such pipe or drain is placed or carried.

(2) Upon the making of an order, under sub-section (1), the owner of the premises



may, after giving reasonable notice of his intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of placing a pipe or drain over, under, along or across such immovable property or for the purpose of repairing the same.

(3) In placing or carrying a pipe or drain under this section, as little damage as possible shall be done to the immovable property and the owner of the premises shall—

(a) cause the pipe or drain to be placed or carried with the least practicable delay;

(b) fill in, re-instate and make good at his own cost and with the least practicable delay, any land opened, broken up or removed for the purpose of placing or carrying such pipe or drain; and

(c) pay compensation to the owner of the immovable property and to any other person who sustains damage by reason of the placing or carrying of such pipe or drain.

(4) If the owner of the immovable property, over, under, along or across which a pipe or drain has been placed or carried under this section whilst such immovable property was not built upon, desires to erect any building on such property, the Chief Executive Officer, shall, by notice in writing, require the owner of the premises to close, remove or divert the pipe or drain in such manner as shall be approved by him and to fill in, re-instate and make good the immovable property as if the pipe or drain had not been placed or carried over, under, along or across the same:

Provided that no such requisition shall be made unless in the opinion of the Chief Executive Officer it is necessary or expedient for the construction of proposed building or the safe enjoyment thereof that the pipe or drain should be closed, removed or diverted.

**225.** If the Board places or carries any pipe or drain or does any other work connected with the water supply or drainage across any railway line, it may, with the sanction of the Central Government and at the cost of the cantonment fund, require the railway administration to raise or lower the level thereof.

**226.** (1) When under the provisions of this Chapter, any person may be required or is liable to execute any work, the Chief Executive Officer may, in accordance with the provisions of this Act and of any bye-laws made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by him for this purpose.

Power of  
owner of premises  
to place  
pipes and  
drains through  
land belonging  
to other  
persons.

Power to  
require railway  
level, etc., to  
be raised or  
lowered.

Power to  
execute work  
after giving  
notice to the  
person liable.

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(2) The expenses incurred or likely to be incurred by the Chief Executive Officer in the execution of any such work shall be payable by the said person and the expenses incurred by the Chief Executive Officer in connection with the maintenance of such work or the enjoyment of amenities and conveniences rendered possible by such work shall be payable by the person or persons enjoying such amenities and conveniences.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person

or persons liable therefor as an arrears of tax under this Act.

**227.** For the purpose of ventilating any drain or cesspool, whether vested in the Board or not, the Chief Executive Officer may, in accordance with bye-laws made in this behalf, erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as may appear to him to be necessary.

**228.** (1) Where it appears to the Chief Executive Officer that there are reasonable grounds for believing that a private drain or cesspool is in such condition as to be prejudicial to health or a nuisance or that a private drain communicating directly or indirectly with a cantonment drain is so defective as to admit sub-soil water, he may examine its condition, and for that purpose may apply any test, other than a test by water under pressure, and if he deems it necessary, open the ground.

(2) If on examination the drain or cesspool is found to be in proper condition, the Chief Executive Officer shall, as soon as possible, re-instate any ground which has been opened by him and make good any damage done by him.

**229.** (1) The Board shall deliver in bulk all the sewage to, the authority prescribed by the Central Government or the State Government, subject to such charges for the delivery of sewage of the area of cantonment as may be determined by means of an agreement entered into between that other authority and the Board.

(2) The agreement mentioned in sub-section (1) shall provide also for a stipulation therein that in case of any dispute about the payments to be made to that other authority by the Board, the matter shall be referred to the Central Government whose decision thereon shall be final and binding on both parties.

**230.** The Central Government may, for reason to be recorded, direct that any specified work, repair, renewal or replacement which is to be undertaken by or for the Board under this Chapter, shall be carried out on behalf of the Board by the Central Government and the Board shall pay the charges therefor at the rates and subject to the terms for the time being applicable in the case of works constructed by that Government on behalf of a local authority.

**231.** (1) No person other than a licensed plumber shall execute any work described in this Chapter and no person shall permit any such work to be executed except by a licensed plumber:

Provided that if, in the opinion of the Chief Executive Officer, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(2) Every person who employs a licensed plumber to execute any work shall, when so required, furnish to the Chief Executive Officer the name of such plumber.

(3) When any work is executed except in accordance with the provisions of subsection (1), such work shall be liable to be dismantled at the discretion of the Chief Executive Officer without prejudice to the right of the Board to prosecute under this Act the person at whose instance such work has been executed.

(4) The Board may make bye-laws for the guidance of licensed plumbers and a copy of all such bye-laws shall be attached to every licence granted to a plumber by the Board.

Power to affix  
shafts, etc., for  
ventilation of  
drain or cesspool.

Power to  
examine and  
test drains,  
etc., believed  
to be defective.

Bulk delivery  
of sewage by  
the Board.

Employment of  
Government  
agencies for  
repair, etc.

Works to be  
done by  
licensed  
plumber.

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(5) The Board may, from time to time, prescribe the charges to be paid to licensed plumber for any work done by them under or for any of the purposes of this Chapter.

(6) No licensed plumber shall, for any work referred to in sub-section (5), demand or receive more than the charges prescribed therefor, under that sub-section.

(7) The Board shall make bye-laws providing for—

(a) the exercise of adequate control on all licensed plumbers;

(b) the inspection of all works carried out by them; and

(c) the hearing and disposal of complaints made by the owners or occupiers of premises with regard to the quality of work done, material used, delay in execution of work, and the charges made, by a licensed plumber.

(8) No licensed plumber shall contravene any of the bye-laws made under this section or execute carelessly or negligently any work under this Act or make use of bad materials, appliances or fittings.

(9) If any licensed plumber contravenes sub-section (8), his licence may be suspended or cancelled whether he is prosecuted under this Act or not.

**232.** (1) No person shall—

(a) wilfully obstruct any person acting under the authority of the Board, or the Chief Executive Officer, in setting out the lines of any works or pull up or remove any pillar, post or stake fixed in the ground for the purpose of setting out lines of such work, or deface or destroy any works made for the same purpose; or

(b) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, meter or other work or apparatus belonging to the Board; or

(c) unlawfully obstruct the flow of or flush, draw off, or divert, or take water from any water work belonging to the Board; or

(d) unlawfully obstruct the flow of or flush, draw off, or divert, or take sewage from any sewage work belonging to the Board or break or damage any electrical transmission line maintained by the Board; or

(e) obstruct any officer or other employee of the Board in the discharge of his duties under this Chapter or refuse or wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any water or sewage work; or

(f) bathe in, at or upon any water work or wash or throw or cause to enter therein any animal, or throw any rubbish, dirt or filth into any water work or wash or clean therein any cloth, wool or leather or the skin of any animal, or cause the water of any sink, or drain or any steam-engine or boiler or any polluted water to turn or be brought into any water work, or do any other act whereby the water in any water work is fouled or likely to be fouled.

(2) Nothing in clause (b) of sub-section (1) shall apply to a consumer closing the stopcock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

## CHAPTER X

TOWN PLANNING AND CONTROL OVER BUILDINGS, ETC.

**233.** On the commencement of this Act, the Chief Executive Officer shall, with the approval of the Board, cause to be prepared a spatial plan for land use in the cantonment which shall include—

Prohibition of  
certain acts.

Preparation of  
land use plan.

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(a) earmarking of zones for residential, institutional, commercial and other activities; and

(b) improvement schemes for areas considered sub-standard on account of narrowness of streets, poor lighting, poor ventilation or irregular line of buildings in a street.

**234.** No person shall erect or re-erect a building on any land in a cantonment—

(a) in an area, other than the civil area, except with the previous sanction of the Board;

(b) in a civil area, except with the previous sanction of the Chief Executive Officer,

nor otherwise than in accordance with the provisions of this Chapter and of the rules and bye-laws made under this Act relating to the erection and re-erection of buildings.

**235. (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 Chief 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 human habitation; 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 cow-house any building originally constructed for human habitation; or

(f) converts into a dispensary, stall, shops, warehouse, godown, factory or garage any building originally constructed for human habitation; or

(g) 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

(h) 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.

**236. (1)** A person giving the notice required by section 235 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 and undertakings which may be required under the byelaws made under this Act have been furnished to the satisfaction of the Chief Executive Officer, along with the notice.

Sanction for building.

Notice of new buildings.

Conditions of valid notice.

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**237.** The powers, duties and functions of the Board under section 238, sub-section

(1) of section 241, section 243, section 245 and section 248 excluding the provisions to subsection

(1) and the provision to sub-section (2) of the said section 248 shall be exercised or discharged in a civil area by the Chief Executive Officer.

238. (1) The 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 of 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) 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 240.

(3) The Board, before sanctioning the erection or re-erection of a building on land which is under the management of the Defence Estates Officer, shall refer the application to the Defence Estates Officer for ascertaining whether there is any objection on the part of the Government to such erection or re-erection; and the Defence Estates Officer shall return the application together with his report thereon to the Board within thirty days after it has been received by him.

(4) The Board may refuse to sanction the erection or re-erection of any building—

(a) when the land on which it is proposed to erect or re-erect the building is held on a lease from the Government, if the erection or re-erection constitutes a breach of the terms of the lease; or

(b) when the land on which it is proposed to erect or re-erect the building is entrusted to the management of the Board by the Government if the erection or re-

Powers of  
Board under  
certain  
sections  
exercisable by  
Chief  
Executive  
officer.  
Power of Board  
to sanction or  
refuse.

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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

(c) 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:

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.

**239.** (1) Where the erection of any building or execution of any work has been commenced or is being carried on without or contrary to the sanction, but has not been completed, referred to in section 238 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any provision of this Act or byelaws made thereunder, the Chief Executive Officer may in addition to any other action that may be taken under this Act, by order require the person at whose instance the building or the work has been commenced or is being carried on to stop the same forthwith.

(2) If an order made by the Chief Executive Officer under sub-section (1) directing any person to stop the erection of any building or execution of any work is not complied with, the Chief Executive Officer may require any police officer to remove such person and all his assistants and workmen from the premises or to seize any construction material, tool, machinery, scaffolding or other things used in the erection of any building or execution of any work within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

(3) Any of the things caused or to be seized by the Chief Executive Officer under subsection (2) shall be disposed of by him in a manner specified in sub-sections (6) and (7).

(4) After the requisition under sub-section (2) has been complied with the Chief Executive Officer may, if he thinks fit, depute by a written order a police officer or an officer or an employee of the Board to watch the premises in order to ensure that the erection of the building or the execution of work is not continued.

(5) Where a police officer or an officer or an employee of the Board has been deputed under sub-section (4) to watch the premises, the cost of such deputation shall be paid by the person at whose instance such erection or execution is being continued or to whom notice under sub-section (1) was given and shall be recoverable from such person as an arrear of tax under this Act.

(6) Any of the things caused to be removed by the Chief Executive Officer under this section shall unless the owner thereof turns up to take back such things and pays to the Chief Executive Officer charges for removal and storage of such things be disposed of by the Chief Executive Officer by public auction or in such other manner or within such time as the Chief Executive Officer thinks fit.

Order of  
stoppage of  
building or  
works in  
certain cases  
and disposal of  
things  
removed.

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(7) The charges for removal and storage and sale of things sold under sub-section (6) shall be paid out of the proceeds of the sale thereof and the balance, if any, shall be paid to the owner of the things sold on a claim being made therefor within a period of one year from

the date of sale and if no such claim is made within the said period, shall be credited to the cantonment fund.

**240.** The Central Government 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 overcrowding 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 Central Government, unless an opportunity has been given by a public notice to be published locally by the Chief 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 thirty days of the publication of such notice, and the Chief Executive Officer shall, after considering such objections and suggestions, if any, forward the same along with his recommendations for the consideration of the Central Government.

**241.** (1) No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of the refusal of the Board of sanction to the erection of any building or in respect of any direction issued by it under sub-section (1) of section 238.

(2) The 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 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.

**242.** Every person to whom sanction for the erection or re-erection of any building in any area in a cantonment has been given under section 237 or section 238 by the Chief Executive Officer or, as the case may be, by the Board shall, within thirty days after completion of the erection or re-erection of the building give a notice of completion in writing to the Chief Executive Officer or the Board, as the case may be, and the Chief Executive Officer or the Board 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 Chief Executive Officer or the Board, as the case may be.

**243.** Every sanction for the erection or re-erection of building given or deemed to have been given as hereinbefore provided shall be available for two years from the date on which it is given, and, if the building so sanctioned is not begun by the person who has obtained the sanction or some one lawfully claiming under him within that period, it shall not thereafter be begun unless the Chief Executive Officer, on application made therefor has allowed an extension of that period.

**244.** (1) No person shall, without the written permission of the Board or otherwise than in conformity with the conditions, if any, of such permission,—

(a) use or permit to be used for human habitation any part of a building not originally erected or authorised to be used for that purpose or not used for that purpose before any alteration has been made therein by any work executed in accordance with the provisions of this Act and the bye-laws made thereunder;

(b) change or allow the change of the use of any land or building;

Power to  
sanction  
general  
scheme for  
prevention of  
overcrowding,  
etc.  
Compensation.  
Completion  
notice.  
Lapse of

sanction.  
Restrictions  
on use of  
buildings.

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Power to stop  
erection or reerection  
or to  
demolish.

(c) convert or allow the conversion of one kind of tenement into another kind.

(2) Any person who contravenes the provisions of sub-section (1) shall on conviction be punishable with a fine which may extend to one lakh rupees and in the case of continuing contravention with an additional fine of rupees ten thousand for every day during which the contravention continues after the date it comes to the notice.

**245.** 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, each for not more than one year, shall be allowed in any case.

**246.** The Chief Executive Officer shall on receipt of the notice under section 242 of this Act cause the building to be inspected either by himself or by the officer authorised by him in his behalf in order to ensure that the building has been completed in accordance with the sanction given and issue completion certificate provided that the person seeking the completion certificate shall assist the Chief Executive Officer in inspection of such building: Provided that the building shall not be occupied for habitation unless a certificate is issued by the Chief Executive Officer or an officer authorised by him in this behalf: Provided further that if the Chief Executive Officer fails within a period of thirty days after the receipt of the notice of completion, to communicate his refusal to issue such certificate, such certificate shall be deemed to have been granted.

**247.** Whoever begins, continues or completes the erection or re-erection of a building—

(a) without having given a valid notice as required by sections 235 and 236, 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 238; or

(c) when sanction has been refused, or has ceased to be available or has been suspended by the General Officer Commanding-in-Chief, the Command, under clause (b) of sub-section (1) of section 58,

shall be punishable with fine which may extend to fifty thousand rupees and the cost of sealing the illegal construction and its demolition.

**248.** (1) The 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 Board considers that such erection or re-erection is an offence under section 247 and may, in any such case or in any other case in which the Board considers that the erection or re-erection of a building is an offence under section 247, within 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 reerected: Provided that the 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: Provided further that the Board shall not, without the previous concurrence of the General Officer Commanding-in-Chief, the Command, accept any sum by way of composition

Illegal erection  
and re-erection.  
Completion



certificate.  
Period for  
completion of  
building.

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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 238 sanctioning the erection or re-erection has been suspended by the General Officer Commanding-in-Chief, the Command, under clause (b) of sub-section (1) of section 58, 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 General 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 General Officer Commanding-in-Chief, the Command, has been communicated to him.

**249.** (1) It shall be lawful for the Chief Executive Officer, at any time, before or after making an order of demolition under section 248 or of the stoppage of erection of any building, or execution of any work, to make an order directing the sealing of such erection or work or of the premises in which such erection or work is being carried on or has been completed at the cost of the offender in such manner as may be prescribed by rules for the purpose of carrying out the provisions of this Act or for preventing any dispute as to the nature and extent of such erection or work.

(2) Where any erection or work or any premises in which any erection or work is being carried on, has or, has been sealed, the Chief Executive Officer may, for the purpose of demolishing such erection or work in accordance with the provisions of this Act, order such seal to be removed.

(3) No person shall remove such seal except,—

(a) under an order made by the Chief Executive Officer under sub-section (2);

or

(b) under an order of an appellate authority in an appeal made under this Act.

(4) Any person who contravenes the provisions contained in sub-section (3) shall be punishable with imprisonment which may extend to six months or with fine which may extend to twenty thousand rupees, or with both.

**250.** (1) After the commencement of this Act, no court shall entertain any suit, application or other proceedings in respect of any order or notice unless an appeal under section 345 is preferred and the same is disposed of by the appellate authority under subsection (3) of section 348 of this Act.

(2) Notwithstanding anything contained in sub-section (1), every suit, application or other proceedings pending in any court immediately before the commencement of this Act shall continue to be dealt with and disposed of by that court as if the said section has not been brought into force.

**251.** A 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 Board or, as the case may be, the Chief Executive Officer and the information and plans to be furnished with the notice;

(b) 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, as the

Power to seal  
unauthorised  
constructions.

Courts not to entertain proceedings in certain cases.  
Power to make byelaws.

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case may be, the Chief Executive Officer and the information and plans to be furnished with the notice;

(c) 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-erected in the cantonment or any part thereof;

(d) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected;

(e) the fees payable on provision by the Board of plans or specifications of the type of buildings which may be erected in the cantonment or any part thereof;

(f) the circumstances in which mosque, temple or church or other sacred building may be erected or re-erected; and

(g) with reference to the erection or re-erection of buildings, or of any class of buildings, or any of the following matters, namely:—

(i) the line of frontage where the building abuts on a street;

(ii) the space to be left about the building to secure free circulation of air and facilities for scavenging and for the prevention of fire;

(iii) the materials and method of construction to be used for external and party walls, roofs and floors;

(iv) the position, the materials and the method of construction of staircases, fire places, chimneys, drains, latrines, privies, urinals and cess-pools;

(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, 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 eighteen quintals in order to render them rat proof.

**252. (1)** No person shall, except with the permission of the Chief Executive Officer, erect or set up any wall, fence, nail, post, step, booth or other structure whether fixed or movable or whether of a permanent or temporary nature, or any fixture in or upon any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy any portion of such street, channel, drain, well or tank.

**(2)** The Chief Executive Officer 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 Chief Executive Officer shall make compensation for any damage caused by the removal or alteration.

**(3)** The Chief Executive Officer may, by order in writing, give permission to the

Prohibition of structures or fixtures which cause

obstruction in  
streets.

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owners or occupiers of buildings in any particular street to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement wall at such height from the level ground or street as may be specified in the order.

**253.** The Chief Executive Officer may, by notice in writing require any person who has, without his permission in writing, newly erected or re-erected any 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 he thinks fit.

**254. (1)** The Chief Executive Officer 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 he 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 buildings or land and a drain or sewer or a water harvesting structure or facility.

**(2)** For the purpose of efficiently draining any building or land in the cantonment, the Chief Executive Officer 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 he thinks fit, any courtyard, alley or passage between two or more buildings, or

**(b)** to keep any such paving in proper repair; or

**(c)** to make such arrangements as may be specified by the Board under byelaws to deliver rain water from roof top to the water harvesting facility created or arranged by the Board.

**255.** The Chief Executive Officer may attach to the outside of any building, or to any tree in the cantonment, brackets for lamps or any accessories for non-conventional sources of energy in such manner as not to occasion injury thereto or inconvenience.

**256. (1)** All roads in the civil area of a cantonment shall be maintained by the Board.

**(2)** All roads outside the civil area as have been vested in the Board shall also be maintained by the Board.

#### *Streets*

**257. (1)** The Chief Executive Officer may, by order in writing, permit the temporary occupation of any street, or of any land vested in the Board, for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as the Board may prescribe for the safety or convenience of the public, and may charge a fee for such permission and may in his discretion withdraw such permission.

**(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 Chief 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 329 and may also, if such person fails to offer satisfactory explanation, order the confiscation of such article or thing.

**258. (1)** A Board may open any street for public use.

**(2)** A Board shall not permanently close any street without the prior permission of the General Officer Commanding in Chief, or the Principal Director:

Unauthorised  
buildings over  
drains, etc.  
Drainage and  
sewer  
connections.  
Power to  
attach

brackets for  
lamps and  
other  
accessories.  
Maintenance  
of Roads.  
Temporary  
occupation of  
street, land,  
etc.  
Closing and  
opening of  
streets.

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Provided that no such street shall be closed for reasons other than the security reasons and without giving a public notice inviting objections and suggestions from the general public.

(3) The Chief 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 he is by or under this Act required or permitted to carry out:

Provided that where, owing to any works or repairs or from any other cause, the condition of any street or of any water-works, drain, culvert or premises vested in the Board, is such as to be likely to cause danger to the public, the 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.

**259.** (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 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 Board shall be punishable with fine which may extend to one thousand rupees.

(3) When a name or number has been affixed to any building under sub-section (1), the owner of the building shall maintain the name or number in order, and shall replace it if removed or defaced, and if he fails to do so the Chief Executive Officer may by notice in writing require him to replace it.

**260.** A Board, may in accordance with the bye-laws framed for the purpose, allow the Group Housing Schemes for construction of houses.

**261.** (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 Chief Executive Officer.

(2) The Chief 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 his opinion unsuitable, unsightly or otherwise objectionable; or

(b) to construct on the land sufficient boundary walls, hedges or fences of such material, description or dimensions as may be specified in the notice; or

(c) to maintain the boundary walls, hedges or fences of such lands in good order:

Provided that in the case of any such boundary wall, hedge or fence which was erected with the consent or under the orders of the Chief Executive Officer or which was in existence at the commencement of this Act, the Board shall make compensation for any damage caused by the removal thereof.

(3) The Chief 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.

Names of  
streets and  
numbers of  
buildings.  
Group Housing  
Schemes.  
Boundary  
walls, hedges  
and fences.

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**262.** (1) Where, in the opinion of a Board, the felling of any tree of mature growth standing in a private enclosure in the cantonment is necessary for any reason, the 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 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.

**263.** Whoever, without the permission in writing of the Chief Executive Officer, 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 two thousand five hundred rupees, and, in the case of a continuing offence, with an additional fine which may extend to five hundred rupees for every day after the first during which the offence continues.

**264.** (1) If, in the opinion of the Chief Executive Officer, 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 or such quarry or place, or creates, or is likely to create, a nuisance, the Chief Executive Officer may, by notice in writing, prohibit the owner, lessee or occupier of such quarry or place or the person responsible for such 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 he 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 Chief Executive Officer is of opinion that such a course is necessary in order to prevent imminent danger, he may, by order in writing, require a proper hoarding or fence to be put up for the protection of passers-by.

## CHAPTER XI

### MARKETS, SLAUGHTER-HOUSES, TRADES AND OCCUPATIONS

**265.** (1) A 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 weighing or measurement of goods sold therein.

(2) When such market or slaughter-house is situated beyond cantonment limits, the 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 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 Board, without the permission of such local authority or otherwise than on such conditions as such local authority may approve.

**266.** (1) No person shall, without the general or special permission in writing of the Chief Executive Officer, sell or expose for sale any animal or article in any public market.

Felling,  
lopping and  
trimming of  
trees.  
Digging of  
public land.  
Improper use  
of land.  
Public markets  
and slaughterhouses.  
Use of public  
market.

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Power to transfer  
by public  
auction, etc.  
Private markets  
and slaughterhouses.  
Stallages,  
rents, etc., to  
be published.

(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 Chief Executive Officer or any official of the Board authorised by him in this behalf.

**267.** (1) The Board may transfer by public auction, for any period not exceeding five years at a time, the right to occupy or use any stall, shop, standing, shed or pen in a public market, or public slaughter-house or the right to expose goods for sale in a public market or the right to weigh or measure goods sold therein, or the right to slaughter animals in any public slaughter-house:

Provided that where the Board is of opinion that such transfer of the aforesaid rights by public auction is not considered desirable or expedient, it may, with the previous sanction of the General Officer Commanding-in-Chief of the Command or the Principal 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:

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.

(2) The Board may transfer by public auction or otherwise any immovable property other than in a public market or a public slaughter house if such property is capable of being put to remunerative use for such period and on such terms and conditions as may be approved by the General Officer Commanding in Chief or the Principal Director of the Command.

**268.** 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 English language or in such other language or languages as the Board may direct, shall be affixed in some conspicuous place in the market or slaughter-house.

**269.** (1) No place in a cantonment other than a public market shall be used as a market, and no place in a cantonment other than a public slaughter-house shall be used as a slaughter-house, unless such place has been licensed as a market or slaughter-house, as the case

may be, by the Board :

Provided that nothing in this sub-section shall apply in the case of slaughter-house established and maintained by the Central Government or the State Government, as the case may be.

(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 Chief 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 Chief Executive Officer, with the sanction of the Board, from setting apart places for the slaughter of animals in accordance with religious custom.

(3) Whoever omits to comply with any condition imposed by the Chief Executive Officer under clause (a) of sub-section (2) shall be punishable with fine which may extend to five thousand rupees and, in the case of continuing offence, with an additional fine which may extend to one thousand rupees for every day after the first during which the offence is continued.

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**270.** (1) A 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 Board may refuse to grant any such licence without giving reasons for such refusal.

**271.** (1) Any person who keeps open for public use any market or slaughter-house in respect of which a licence is required by or under this Act, without obtaining licence therefor, or while the licence therefor is suspended, or after the same has been cancelled, shall be punishable with fine which may extend to five thousand rupees and, in the case of a continuing offence, with an additional fine which may extend to five hundred rupees for every day after the first during which the offence is continued.

(2) When a licence to open a private market or private slaughter-house is granted or refused or is suspended or cancelled, the Board shall cause a notice of the grant, refusal, suspension or cancellation to be pasted in English or such language or languages as it thinks necessary in some conspicuous place by or near the entrance to the place to which the notice relates.

**272.** 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 animals in such slaughter-house, shall be punishable with fine which may extend to five thousand rupees and, in the case of a continuing offence, with an additional fine which may extend to five hundred rupees for every day after the first during which the offence is continued.

**273.** (1) Where, in the opinion of the Chief Executive Officer, it is necessary on sanitary grounds so to do, he 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 he 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 pasted in the slaughter-house to which it relates.

**274.** (1) Any official of a Board, authorised by order in writing in this behalf by the Chief Executive Officer or the Health Officer, may, if he has reason to believe that any animal has been, is being, or is about to be slaughtered in any place in contravention of the provisions of this Chapter, enter into and inspect any such place at any time, whether by day or by night.

(2) Every such order shall specify the place to be entered and the locality in which the

same is situated and the period, which shall not exceed seven days for which the order is to remain in force.

**275.** A Board may, by order, regulate 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 market or 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;

Conditions of

grant of

licence for

private market

or slaughterhouse.

Penalty for

keeping market

or slaughterhouse

open

without licence,

etc.

Penalty for

using

unlicensed

market or

slaughterhouse.

Prohibition

and restriction

of use of

slaughterhouse.

Power to

inspect

slaughterhouses.

Power to

regulate

certain

activities.

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(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;

(g) the destruction of carcasses which from disease or any other cause are found after slaughter to be unfit for human consumption; and

(h) any other matter with respect to the regulation of such markets and slaughter-houses.

*Trades and occupations*

**276. (1)** A 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 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 subsection

(2) shall be punishable with fine which may extend to five hundred rupees.

**277. (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 within or without cantonment;
- (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 within or without cantonment;
- (g) vendors of fruits or vegetables;
- (h) manufacturers of aerated or other potable waters or of ice or ice-cream, and vendors of the same;
- (i) vendors of any medicines, drugs or articles of food or drink for human consumption (other than the flesh of pigs, milk, butter, bread, biscuits, cake, fruit, vegetables, aerated or other potable waters or ice or ice-cream) which are of a perishable nature;
- (j) vendors of spirituous liquor;
- (k) vendors of water to be used for drinking purposes;
- (l) washermen;
- (m) dealers in hay, straw, wood, charcoal or other inflammable material;
- (n) dealers in fire-works, kerosene oil, petroleum or any other inflammable oil or spirit;
- (o) tanners and dyers;
- (p) persons carrying on any trade or occupation from which offensive or unwholesome smells arise;

Licences  
required for  
carrying on of  
certain  
occupations.  
Provision of  
washing places.

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- (q) vendors of wheat, rice and other grain or of flour;
- (r) makers and vendors of sugar or sweetmeats;
- (s) barbers and keepers of shaving saloons;
- (t) any other person 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 Board.

(2) A licence granted under sub-section (1) shall be valid until the end of the year in which it is issued and the grant of such licence shall not be withheld by the 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 or that the premises in which the business is intended to be established or maintained 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 Board not less than three month's notice in writing of his obligation to do so, and if the 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 the Petroleum Act, 1934, or the Poisons Act,

1919.

(4) The Board may charge for the grant of licences, under this section such reasonable fees, as it may fix keeping in view the fees levied in this regard in a municipality in the State wherein such cantonment is situated.

**278.** If the Chief Executive Officer is of opinion that any eating house, lodging house, hotel, boarding house, tea shop, coffee house, café, restaurant, refreshment room or other place where public is admitted for repose or for consumption of any food or drink or where food is sold or prepared for sale or any theatre, cinema hall, circus, dancing hall or similar other place of public resort, recreation or amusement is kept open without a license or otherwise than in conformity with the terms of a license granted in respect thereof, he may stop the use of any such premises for any such purpose for a specified period by such means as he may consider necessary.

**279.** A licence granted to any person under section 277 shall specify the part of the cantonment in which the licensee may carry on his trade, calling or occupation, and may regulate the hours and manner of transport within the cantonment of any specified articles intended for human consumption, and may contain any other conditions which the Board thinks fit to impose in accordance with bye-laws made under this Act.

*General provisions*

**280.** If the 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 Board may, by notice in writing, require the owner, lessee or occupier thereof to discontinue the use of such place or to effect such alternations, additions, or improvements as will, in the opinion of the Board, render it no longer a nuisance or dangerous.

Power to stop  
use of  
premises used  
in contravention  
of  
licences.

Conditions  
which may be  
attached to  
licences.

Power to vary  
licence.

30 of 1934.

12 of 1919.

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**281.** Whoever carries 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 280, uses or allows to be used any building or place in contravention thereof, shall be punishable with fine which may extend to five thousand rupees and, in the case of a continuing offence, with an additional fine which may extend to five hundred rupees for every day after the first during which the offence is continued.

**282.** 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 Board shall be punishable with fine which may extend to one thousand rupees.

*Entry, inspection and seizure*

**283. (1)** The President or the Vice-President, the Chief Executive Officer, the Health Officer, the Assistant Health Officer, or any other official of a 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 animal, 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 slaughterhouse 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, drink or medicine, as the case may be.

(2) Any article seized under sub-section (1) which is of a perishable nature may, under the orders of the Health Officer or the Assistant Health Officer, forthwith be destroyed if, in his opinion, it is diseased, unwholesome or unfit for human food, drink or medicine, as the case may be.

(3) Every animal, article, utensil, vessel or other thing seized under sub-section (1) shall, if it is not destroyed under sub-section (2), be taken before a Magistrate who shall give orders as to its disposal.

(4) The owner or person in possession, at the time of seizure under sub-section (1), of any animal or carcass which is diseased or of any article or thing which is unwholesome or unfit for human food, drink or medicine, as the case may be, or 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 five thousand rupees, and the animal, article, utensil, vessel or other thing shall be liable to be forfeited to the Board or to be destroyed or to be so disposed of as to prevent it 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.

Carrying on  
trade, etc.,  
without licence  
or in contravention  
of  
section 280.  
Feeding animals  
on dirt, etc.  
Powers of entry  
and seizure.

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

Provided that —

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

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

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

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

*Import of cattle and flesh*

**284.** (1) No person shall, without the permission in writing of the Chief 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 Central Government or the State Government or the Board: Provided that the Chief Executive Officer shall not grant such permission unless he has considered the recommendation of the Health Officer made in this behalf.

(2) Any animal or flesh brought into a cantonment in contravention of sub-section (1) may be seized by the Chief Executive Officer or by any official of the Board and sold or otherwise disposed of as the President of the Board may direct, and, if it is sold, the saleproceeds 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 two thousand five hundred rupees.

(4) Nothing in this section shall be deemed to apply to cured or preserved meat or to animals driven or meat carried through a cantonment for consumption outside thereof, or to meat brought into a cantonment by any person for his immediate domestic consumption:

Provided that the Board 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.

**CHAPTER XII**

**SPIRITUOUS LIQUORS AND INTOXICATING DRUGS**

**285.** If within a cantonment, or within such limits adjoining a cantonment as the Central Government may, by notification in the Official Gazette, define, any person not subject to Army, Navy or Air Force law, or any person subject to 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 soldier's wife or minor child without the written permission of the Officer Commanding the station, or of some person authorised by the Officer Commanding

Import of cattle  
and flesh.

Unauthorised  
sale of  
spirituous  
liquor or  
intoxicating  
drug.

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the station, to grant such permission, he shall be punishable with fine which may extend to five thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

**286.** If within a cantonment, or within any limits defined under section 285 –

(a) any person subject to, 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 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 Officer Commanding the station or of some person authorised by the 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 two thousand five hundred 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 five thousand rupees.

**287. (1)** Any police officer or excise officer may, without an order from a Judicial Magistrate, and without a warrant, arrest any person whom he finds committing an offence under section 285 or section 286, 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 285 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 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 285 or section 286 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 Chapter XXXIV of the Code of Criminal Procedure, 1973, 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.

**288.** The foregoing provisions of this Chapter shall not apply to the sale or supply of any article in good faith for medicinal purposes by a medical practitioner, chemist or druggist authorised in this behalf by a general or special order of the Officer Commanding the station.

## CHAPTER XIII

### PUBLIC SAFETY AND SUPPRESSION OF NUISANCES

#### *General Nuisances*

**289. (1)** Whoever –

**(a)** in any street or other public place within a cantonment –

**(i)** is drunk and disorderly or drunk and incapable of taking care of himself;

or

**(ii)** uses any threatening, abusive or insulting words, or behaves in a threatening or insulting manner with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned; or

**(iii)** eases himself, or willfully or indecently exposes his person; or

Unauthorised  
possession of  
spirituous  
liquor.

Arrest of  
persons and  
seizure and  
confiscation of  
things for  
offences  
against the two  
last foregoing  
sections.

Saving of  
articles sold or  
supplied for  
medicinal  
purposes.

Penalty for  
causing  
nuisances.

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**(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 vehicles; or
- (ix) being engaged in the removal of night-soil or other offensive matter or rubbish, willfully or negligently permits any portion thereof to spill or fall, or neglects to sweep away or otherwise effectually to remove any portion thereof which may spill or fall in such street or place; or
- (x) without proper authority affixes upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document; or
- (xi) without proper authority defaces or writes upon or otherwise marks any 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 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 Chief Executive Officer by public notice, or in any pattern of vehicle or receptacle which has not been approved for the purpose by the Chief Executive Officer, or fails to close such 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 Chief 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 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 Chief 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
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- (h) disturbs the public peace or order by singing, screaming or shouting 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 Chief Executive Officer or to an officer,

if any, appointed by him in this behalf with a view to securing the removal and disposal of the carcass by the public conservancy establishment; or

(ii) to remove and dispose of the carcass in accordance with any general directions given by the Board by public notice or any special direction given by the Chief Executive Officer on receipt of such report as aforesaid; or

(k) save with the written permission of the Chief 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 the purpose; or

(m) uses or permits to be used without previous permission of the Chief Executive Officer any premises for any trade involving offensive smell or smoke;

shall be punishable with fine which may extend to two thousand five hundred 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 two hundred fifty rupees.

(3) The owner or keeper of any animal found picketed or staying without a keeper in a street or other public place in a cantonment shall be punishable with fine which may extend to one thousand rupees.

(4) Any animal found picketed or straying as aforesaid may be removed by any officer or employee of the Board to a pound.

(5) Whoever in a cantonment manufactures, supplies, carries or uses for packaging or any other purposes material of non-biodegradable nature including polythene bags shall be punished with fine which may extend to five thousand rupees or imprisonment which may extend to six months.

#### *Dogs*

**290.** (1) A 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 any officer authorised in this behalf of all dogs kept in the cantonment;

(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

Registration  
and control of  
dogs.

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(d) fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week, and may provide for such other matters as the Board thinks fit.

(3) The Chief Executive Officer may –

(a) cause to be destroyed, or to be confined for such period as 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 enclosures 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 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 thousand 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 Chief Executive Officer or gives information which is false, shall be punishable with fine which may extend to two thousand rupees.

#### *Traffic*

**291.** 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 five hundred rupees.

#### *Prevention of fire, etc.*

**292.** (1) The Chief Executive Officer may, by public notice, direct that within such limits in the cantonment as may be specified in the notice, the roofs and external walls of huts or other buildings shall not, without the permission in writing of the Chief Executive Officer be made or renewed of grass, mats, leaves or other inflammable materials, and may,

Use of inflammable  
materials  
for building  
purposes.  
Traffic Rule of  
the road.

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by notice in writing, require any person who has disobeyed any such direction as aforesaid to remove or alter the roofs or walls so made or renewed.

(2) The Chief Executive Officer may, by notice in writing, require the owner of any building in the cantonment which has an external roof or wall made of any such material as aforesaid to remove such roof or wall within such time as may be specified in the notice, notwithstanding that a public notice under sub-section (1) has not been issued or that such roof or wall was made with the consent of the Chief Executive Officer or before the issue of such public notice:

Provided that in the case of any such roof or wall in existence before the issue of such a public notice or made with the consent of the Chief Executive Officer, it shall make compensation, not exceeding the original cost of constructing the roof or wall, for any damage caused by the removal.

**293.** A Board may, by a public notice, prohibit in any case where such prohibition appears to it to be necessary for the prevention of danger to life or property, the stacking or collecting of wood, dry grass, straw or other inflammable materials, or the placing of mats or thatched huts or the lighting of fires in any place in the cantonment, or within any limits



therein, which may be specified in the notice:

Provided that Chief Executive Officer may, in case of imminent danger to public life or property, enforce such prohibition in consultation with the President or the Vice-President in the absence of the President.

**294.** No person shall set a naked light on or near any building in any street or other public place in a cantonment in such manner as to cause danger of fire:

Provided that nothing in this section shall be deemed to prohibit the use of lights for purpose of illumination on the occasion of a festival or public or private entertainment.

**295. (1)** Notwithstanding anything contained in 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, 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 the Chief Executive Officer 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, 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 five thousand rupees, and, in the case of continuing offence, with an additional fine which may extend to two thousand 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, 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, 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.

**296.** Whoever in a cantonment discharges any fire-arm or lets off fire-works or fireballoons, 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

Regulation of  
cinematographic  
and  
dramatic  
performance.  
Discharging  
fire-works, firearms,  
etc.  
Stacking or  
collecting  
inflammable  
materials.  
Care of naked  
lights.

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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 extend to two thousand five hundred rupees.

**297.** 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 Chief Executive Officer, in a ruinous state or for want of sufficient repairs, protection or enclosure, a nuisance or dangerous to persons passing by or dwelling or working in the neighbourhood, the Chief Executive Officer, by notice in writing may, require the owner, or

part-owner or person claiming to be the owner or part-owner thereof, or, failing any of them, the occupier, thereof, to remove the same or may require him to repair, or to protect or to enclose, the same in such manner as he thinks necessary; and, if the danger is, in the opinion of the Chief Executive Officer, imminent, he shall forthwith take such steps as he thinks necessary to avert the same.

**298.** The Chief Executive Officer may, by notice in writing, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land in the cantonment, or the lessee or the person claiming to be the lessee of any such land, which, by reason of disuse or disputed ownership or other cause, has remained unoccupied and has become the resort of idle and disorderly persons or of persons who have no ostensible means of subsistence or cannot give a satisfactory account of themselves, or is used for gaming or immoral purposes, or otherwise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be specified in the notice.

#### CHAPTER XIV

##### REMOVAL AND EXCLUSION FROM CANTONMENT AND SUPPRESSION OF SEXUAL IMMORALITY

**299.** The Officer Commanding the Station 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 information received, summon the owner, lessee, tenant or occupier of the building to appear before him or the Board as the case may be either in person or by an authorised agent, and, if the Officer Commanding the Station or the Board, is then satisfied as to the truth of the information, 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.

**300. (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 three months, or with fine which may extend to five thousand rupees and in case of subsequent offence shall be punishable with imprisonment which may extend to one year.

**(2)** No prosecution for an offence under this section shall be instituted except on the complaint of the person importuned, or of a military officer in whose presence the offence was committed, or of a member of the Military, Naval or Air Force Police, being employed in the cantonment and authorised in this behalf by the Officer Commanding the Station, in whose presence the offence was committed, or of a Police Officer not below the rank of Assistant Sub-Inspector, who is deployed in the cantonment and authorised in this behalf by the Officer Commanding the Station with the concurrence of District Magistrate.

**301.** If the Officer Commanding the Station or the Board is, after such inquiry 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 300, or of the abetment of such an offence 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 from re-entering it without the permission in writing of the Officer Commanding the Station or the Board.

Power to require

buildings,  
wells, etc. to be  
rendered safe.

Enclosure of  
wasteland  
used for  
improper  
purposes.

Power to  
remove

Brothels and  
Prostitutes.

Penalty for

loitering and  
importuning  
for purposes  
of prostitution.  
Removal of  
persons from  
cantonment.

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**302.** (1) A 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; or

(c) has been ordered under chapter VIII of the Code of Criminal Procedure, 1973, 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 summon to such person requiring him 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 summon is issued.

(3) The Magistrate shall, when the person so summoned appears before him, proceed to inquire in to 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 matter to the Officer Commanding the Station and, if the Officer Commanding the Station so agrees shall cause to be served on such person an order in writing requiring him to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the Officer Commanding the Station.

**303.** (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 breach of discipline amongst any portion of the forces or is a person who, the Officer Commanding the Station has reason to believe, is likely to do any such act, the Officer Commanding the Station may make an order in writing setting forth the reasons for making of the same and requiring such person to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the Officer Commanding the Station:

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 (1), the Officer Commanding the Station shall forth with send a copy of the same to the Central Government.

(4) The Central Government may of its own motion and shall on application made to it in this behalf within one month of the date of the order by the person against whom the order has been made, call upon the District Magistrate to make after such inquiry as the Central Government may prescribe a report regarding the justice of the order and the necessity therefore:

Provided that 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.

Removal and  
exclusion from  
cantonment of  
disorderly  
persons.

45 of 1860.

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Removal and  
exclusion  
from  
cantonment  
of seditious  
persons.

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(5) The Central Government may, at any time after the receipt of the 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 shall be varied or rescinded, make such orders 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 General 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.

**304.** 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 five thousand rupees and in case of continuing offence with an additional fine which may extend to five hundred rupees for every day after the first during which he has persisted in the offence.

## CHAPTER XV

### MANAGEMENT OF DEFENCE LANDS

**305.** (1) The Central Government may make suitable provisions for the regulation, control and management of any defence land situated throughout the territory of India.

(2) Without prejudice to the generality of the foregoing powers, the Central Government may after previous publication, make rules to provide for all or any of the following matters, namely :—

- (a) classification of land including the defence land situated, inside or outside cantonments;
- (b) the regulation, control and management of such lands inside or outside the cantonment;
- (c) the manner in which, and the conditions subject to which any permission to occupy the defence land belonging to the Central Government in a cantonment shall be granted;
- (d) the manner in which, and the conditions subject to which any permission to occupy the defence land belonging to the Central Government outside a cantonment shall be granted; and
- (e) any other matter which is required to be, or may be, prescribed.

**306.** The Central Government may, by notification, apply with or without modifications all or any of the provisions of this Act to any defence land situated throughout the territory of India.

*Explanation.*—For the purposes of this Act, “defence land” means—

(i) any land including the lands, within and outside the cantonment, which have been vested in terms of articles 294 and 295 of the Constitution for defence or acquired or hired or requisitioned or acquired by any other means by the Central Government for the purposes of defence and other related purposes; and

Penalty.

Application of

Act to Defence

Lands.

Management

of Defence

Lands.

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(ii) any defence land, which might have been occupied by any individual or organisation, under a lease or any other dispensation whether in force presently or not, shall continue to be the defence land irrespective of the period for which these had been occupied and of the fact that they have not reverted back to the Central Government after the efflux of time.

**307.** The Central Government may vest any defence land, whether inside or outside a cantonment, in a Board for such purposes and under such terms and conditions as may be prescribed.

**308. (1)** The Defence Estates Officer shall be the agent of the Central Government in matters relating to management, control and development of defence land inside or outside the cantonments.

(2) the duties of the Defence Estates Officer shall include,—

(a) preparation, maintenance and updation of records of all lands situated inside or outside a cantonment;

(b) carrying out such other duties and responsibilities as may be entrusted to him under this Act or rules made thereunder;

(c) advising the concerned military authorities, within his defence estates circle on all land matters;

(d) periodic inspection of defence lands within his defence estates circle, with regard to the usage of the said lands and submission of a preliminary report to the concerned local military authority and a final report to the Central Government, through the Principal Director and Director General Defence Estates incorporating therein views of the local military authorities based on such inspection:

Provided that in respect of the civil area in a cantonment, as declared under section 46 of the Act and other lands vested in the management of the Board, his responsibilities shall be limited to the maintenance of the land records.

(3) subject to the rules made in this regard, the authority to whom the custody, control and use of defence land is given shall be the authority responsible for prevention, detection and removal of encroachment or any other misuse of the defence land placed under its custody.

**309.** All defence lands, within or outside a cantonment shall be audited by the Defence Estates Officer in a manner and the periodicity that may be prescribed under the rules: Provided that the Central Government or the Director General may additionally authorise any officer of the Defence Estates Organisation to carry out a special audit of Defence Land anywhere in the country.

## CHAPTER XVI

### POWERS, PROCEDURES, PENALTIES AND APPEALS

#### *Entry and inspection*

**310.** It shall be lawful for the President or the Vice-President of a Board, or the Chief Executive Officer, or the Health Officer or any person specially authorised by the Chief Executive Officer, or the Health Officer or for any other person authorised by general or special order of a 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, bye-law or order made thereunder:

Vesting of  
land in a  
board.  
Role of  
Defence  
Estates Officer  
and Local  
Military  
Authorities.  
Land audit.  
Powers of  
entry.

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Provided that nothing in this section shall be deemed to confer upon any person any power such as is referred to in section 274 or section 283 or to authorise the conferment upon any person of any such power.

**311.** A Board may by special order authorise or order any member to inspect any work or institution constructed or maintained, in whole or part at the expense of the Board, and any register, book accounts or other documents belonging to, or in the possession of, the Board.

**312.** (1) A Board or the Chief Executive Officer may, by general or special order, authorise any person—

(a) to inspect any drain, privy, latrine, urinal, cesspool, pipe, sewer or channel in or on any building or land in the cantonment, and, in his discretion, to cause, the ground to be opened for the purpose of preventing or removing any nuisance arising from the drain, privy, latrine, urinal, cesspool, pipe, sewer or channel, as the case may be;

(b) to examine works under construction in the cantonment, to take levels or to remove, test, examine, replace or read any meter.

(2) If, on such inspection, the opening of the ground is found to be necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain or other work opened, injured or removed for the purpose of such inspection shall be filled in, reinstated, or made good, as the case may be by the Board or the Chief Executive Officer.

**313.** (1) The Chief 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 of the same.

(2) The Chief 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 day's 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 Chief Executive Officer shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Board to the owner or occupier of such land, or to both, for any such damage whether permanent or temporary.

**314.** It shall be lawful for any person, authorised by or under this Act to make any entry into any place, to open or cause to be opened any door, gate or other barrier—

(a) if he considers the opening thereof necessary for the purpose of such entry;  
and

(b) if the owner or occupier is absent, or being present refuses to open such door, gate or barrier.

**315.** 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.

**316.** Save as otherwise expressly provided in this Act, no building or land shall be entered without the consent of the occupier, or if there is no occupier of the owner thereof,

and no such entry shall be made without giving the said occupier or owner, as the case may be, not less than four hours, written notice of the intention to make such entry:

Provided that no such notice shall be necessary if the place to be inspected is a factory or workshop or trade premises or a place used for carrying on any trade, calling or occupation specified in section 277 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.

Power of  
inspection by  
Member of a  
Board.

Power of  
inspection,  
etc.

Power to enter  
land, adjoining  
land where  
work is in  
progress.

Breaking into  
premises.

Entry to be  
made in the day  
time.

Owner's consent  
ordinarily  
to be obtained.

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

**318.** Whoever obstructs or molests any person acting on behalf of the Board, who is not a public servant within the meaning of section 21 of the Indian Penal Code or any person with whom the 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 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 five thousand rupees

*Powers and duties of police officers*

**319.** 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 a breach of any such provisions 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 300 except —

(i) at the request of the person importuned, or of a military officer in whose presence the offence was committed; or

(ii) by or at the request of a member of the Military, Naval or Air Force Police, who is employed in the cantonment and authorised in this behalf by the 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 assistant sub-inspector who is deployed in the cantonment and authorised in this behalf by the Officer Commanding the station.

**320.** It shall be the duty of all police officers to give immediate information to the Board of the 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 employees in the exercise of their lawful authority.

#### *Notices*

**321.** Where any notice, order or requisition made under this Act or any other 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.

**322. (1)** Every notice, order or requisition issued by a Board under this Act or any rule or bye-law made thereunder shall be signed—

(a) either by the President of the Board or by the Chief Executive Officer; or

(b) by the members of any committee especially authorised by the Board in this behalf.

(2) Whenever under this Act or any rule or bye-law made thereunder the doing of, or the omission to do, any thing or the validity of anything depends upon the approval, sanction,

Regard to be  
had to social  
and religious  
usages.

45 of 1860.

Penalty for  
obstruction.

Arrest without  
warrant.

Duties of  
Police Officers.

Notices to fix  
reasonable time.

Authentication  
and validity of  
notices issued

by Board.

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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 license, 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 the Chief 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 may be, stamped thereon.

**323. (1)** Every notice, order or requisition issued under this Act or any rule or bye-law made thereunder shall, save as otherwise expressly provided, be served or presented—

(a) by giving or tendering the notice, order or requisition, or sending it by post, to the person for whom it is intended; or

(b) if such person cannot be found, by affixing the notice order or requisition on some conspicuous part of his last known place of abode or business if within the cantonment, or by giving or tendering the notice, order or requisition to some adult member or servant or his family, or by causing it to be affixed on some conspicuous part of the buildings or land, if any, to which it relates.

(2) When any such notice, order or requisition is required or permitted to be served upon an owner, lessee or occupier of any building or land, it shall not be necessary to name



the owner, lessee or occupier therein, and the service thereof shall, save as otherwise expressly provided, be effected either—

(a) by giving or tendering the notice, order or requisition, or sending it by post, to the owner, lessee or occupier, or, if there are more owners, lessees, or occupiers than one to any one of them; 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 member or servant of the family of any such owner, lessee, 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 member or servant of his family shall be deemed to be service upon the minor.

**324.** Every notice which, by or under this Act, is to be given or served as a public notice or as a notice which is not required to be given to any individual therein specified shall, save as otherwise expressly provided, be deemed to have been sufficiently given or served if a copy thereof is affixed in such conspicuous part of the office of the Board or in such other public place during such period, or is published in such local news paper or in such other manner, as the Board may direct.

**325.** In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Act or any rule or bye-law made thereunder, requiring such person to execute any work or to do any act, it shall be lawful for the Board, or the civil area committee or the Chief 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 may be necessary for the completion of the act or work required to be done or executed by him, and all the expenses incurred on such account shall be recoverable by the Chief 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 329:

Service of  
notice, etc.  
Method of  
giving notice.  
Powers of  
Board in case  
of non-  
compliance  
with notice,  
etc.

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Provided that where the action or step relates to the demolition of any erection or re-erection under section 248 or the removal of any projection or encroachment under section 252 the Board or the civil area committee or the Chief 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.

**326.** If the owner of any property in respect of which a notice as is referred to in section 325 has been given is prevented by the occupier from complying with the such notice, the Board or civil area committee or the Chief 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 actions 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.

*Recovery of Money*

**327. (1)** If any such notice as is referred to in section 325 has been given to any person

in respect of property of which he is the owner, the Board or the civil area committee or the Chief Executive Officer at whose instance such notice has been issued may require any occupier of such property or of any part thereof to 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 325:

Provided that if the occupier, on application made to him by the Board or the civil area committee or the Chief Executive Officer at whose instance such notice has been issued, refuses to truly disclose the amount of his rent or the name or address of the person to whom it is payable the Chief Executive Officer may recover from the occupier the whole amount recoverable under section 325 in the same manner as money is recoverable by the Board under section 329.

(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.

**328.** (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 subsection (1) shall lie upon him.

(3) Where any agent or trustee has claimed and established his right to relief under this section, the 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.

**329.** (1) Notwithstanding anything elsewhere contained in this Act arrears of any tax, and any other money recoverable, including rent on land and buildings due or damages and fine 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 Judicial Magistrate having jurisdiction in the cantonment or in any place where the person from whom such tax, rent or money is recoverable may for the time being be residing, either by the distress and sale of movable property of

Occupier not to  
obstruct owner  
when  
complying with  
notice.

Liability of  
occupier to  
pay in default  
of owner.

Relief to  
Agents and  
Trustees.

Method of  
recovery.

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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, growing crops upto the value of five thousand rupees and implements and cattle used for the purposes of agriculture shall be exempt from such distress or sale.

(2) An application to a 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 Chief Executive Officer or the Defence Estates Officer or the Officer Commanding the Station or any other officer authorised by any of these officers, but shall not require to be personally presented.

(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 section 421 and 422 of the Code of Criminal Procedure, 1973, 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.

#### *Committees of Arbitration*

**330.** In the event of any disagreement as to the liability of a 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 Board shall for the reference of the matter to a Committee of Arbitration, and the Board shall forthwith proceed to convene a Committee of Arbitration to determine the matter in dispute.

**331.** When a Committee of Arbitration is to be convened, the 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 332, 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 provisions of that section.

**332.** (1) Every Committee of Arbitration shall consist of five members, namely:—

- (a) a Chairman who shall be a person not in the service of the Government or the Board, and who shall be nominated by the Officer Commanding the Station;
- (b) two persons nominated by the Board;
- (c) two persons nominated by the other party concerned.

(2) If the Board or the other party concerned or the Officer Commanding the Station fails within seven days of the date of issue of the notice referred to in section 331 to make any nomination which it or he is entitled to make or if any member who has been so nominated neglects or refuses to act and the Board 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.

**333.** (1) No person who has a direct interest in the matter under reference, or whose services are not immediately available for the purposes of the Committee shall be nominated a member of the 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

2 of 1974.  
Application for  
a Committee of  
Arbitration.  
Procedure for  
convening  
Committee of  
Arbitration.  
Constitution of  
the Committee  
of Arbitration.  
No person to  
be nominated  
who has direct

interest or  
whose  
services are  
not immediately  
available.

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Board or the 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 332.

**334.** (1) When a Committee of Arbitration has been duly constituted, the 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 the meetings and shall have power to adjourn any meeting from time to time as may be necessary.

(3) The Committee shall receive and record evidence, and shall have power to administer oaths to witnesses, and on requisition in writing signed by the Chairman of the Committee, the District Magistrate shall issue the necessary processes for the attendance of witnesses and the production of documents required by the Committee and may, enforce the said processes as if they were processes for attendance or production before himself.

**335.** (1) The decisions 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.

#### *Prosecutions*

**336.** Save as otherwise expressly provided in this Act, no court shall proceed to the trial of any offence made punishable by or under this Act, other than an offence specified in Schedule IV, except on the complaint of or upon information received from the Board concerned or a person authorised by the Board by a general or special order in this behalf.

**337.** (1) The Chief Executive Officer or any person authorised by him, by general or special order in this behalf, may, either before or after the institution of the proceedings, compound an 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 Chief Executive Officer, 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.

#### *General Penalty Provisions*

**338.** 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 five thousand rupees, and, in the case of a continuing failure or contravention, with an additional fine which may extend to five hundred rupees for everyday after the during which he has persisted in the failure or contravention.

**339.** (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 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:

Meetings and  
powers of

Committee of  
Arbitration.  
Decisions of  
Committee of  
Arbitration.  
Prosecutions.  
Composition of  
offence.  
General  
penalty.  
Offences by  
companies.

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Provided that nothing contained in this sub-section 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 sub-section (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 purposes 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.

**340.** Where any person to whom a licence or written permission 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.

**341.** Where any person has incurred a penalty by reason of having caused any damage to the property of a 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 by the Judicial Magistrate by whom the person incurring such penalty is convicted, and, on nonpayment of such amount on demand, the same shall be recovered 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 as if it were a fine recoverable under a sentence passed by him.

*Limitation*

**342.** 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 Judicial Magistrate within the six months aforesaid.

*Suits*

**343.** No suit or prosecution shall be entertained in any court against a Board or against the Chief Executive Officer, the Officer Commanding a station, Defence Estates Officer, Principal Director, General Officer Commanding in Chief, the Command, Director General Defence

Estates, or against any member of a Board, or against any officer or employee of a Board, for anything which is in good faith done or intended to be done, under this Act or any rule or bye-law made thereunder.

**344.** (1) No suit shall be instituted against any Board or against any member of a Board, or against any officer or employee of a 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

Cancellation or  
suspension of  
licences, etc.

Recovery of  
amount payable  
in respect

of damage to  
cantonment  
property.

Limitation for  
prosecution.

Protection of  
action of  
Board etc.

Notice to be  
given of suits.

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the expiration of two months after notice in writing has been left at the office of the Board, and, in the case of such member, officer or employee, unless notice in writing has also been delivered to him or left at his office or place of abode, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed, and the name and place of abode of the intending plaintiff, and unless the plaint contains a statement that such notice has been so delivered or left.

(2) If the Board or member, officer or employee has, before the suit is instituted, tendered sufficient amounts to the plaintiff, the plaintiff shall not recover any sum in excess of the amount so tendered, and shall also pay all costs incurred by the defendant after such tender.

(3) No suit, such as is described in sub-section (1), shall, unless it is an action for the recovery of immovable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises.

(4) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit or proceeding.

#### *Appeals and Revision*

**345.** (1) Any person aggrieved by any order described in the third column of Schedule V may appeal to the appellate authority specified in that behalf in the fourth column of the said Schedule.

(2) No such appeal shall be admitted if it is made after the expiry of the period specified in that behalf in the fifth column of the said Schedule.

(3) The period specified as aforesaid shall be computed in accordance with the provisions of the Limitation Act, 1963, with respect to the computation of periods of limitation thereunder.

**346.** (1) Every appeal under section 345 shall be made by petition in writing accompanied by a copy of the order appealed against.

(2) Any such petition may be presented to the authority which made the order against which the appeal is made, and that authority shall be bound to forward it to the appellate authority, and may attach thereto any report which it may desire to make by way of explanation.

**347.** On the admission of an appeal from an order, other than an order contained in a notice issued under section 144, section 183, section 238, section 273 or section 302, 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.

**348.** (1) Where an appeal from an order made by the 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 General Officer Commanding-in-Chief, the Command to the Central Government, or to such authority as the Central Government may appoint in this behalf for revision of the decision.

(2) The provisions of this Chapter with respect to appeals shall apply as far as may be to the applications for revision made under this section.

(3) The appellate authority shall make endeavours to dispose of the appeal made under section 345 of this Act within a period of ninety days.

**349.** Save as otherwise provided in section 348, every order of appellate authority shall be final.

Appeals from  
executive  
orders.

Petition of

Appeal.

Suspension of

Action

Pending

Appeal.

Revision.

Finality of the

Appellate

Orders.

36 of 1963

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

## CHAPTER XVII

### RULES AND BYE-LAWS

**351.** (1) The Central Government may, after previous publication, make rules 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;

(c) the allotment to a Board of a share of the rents and profits accruing from property entrusted to its management under the provisions of section 63;

(d) the appointment, promotion, transfer, tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence, discipline and other condition of service of employees of Boards;

(e) the circumstances in which security shall be demanded from employees of Boards and the amount and nature of such security;

(f) the keeping of accounts by Boards and the manner in which, such accounts shall be audited and published;

(g) the definition of the persons by whom, and the manner in which, money may be paid out of a cantonment fund or cantonment development fund;

(h) the preparation of estimates of income and expenditure by Boards and the definition of the persons by whom, and the conditions subject to which, such estimates may be sanctioned;

(i) the regulation of the procedure of Committees of Arbitration;

(j) the prescribing of registers, statements and forms to be used and maintained

by any authority for the purposes of this Act;

(k) the grant of leave to the members of the Board;

(l) the form of notice required to be sent under this Act and the manner of their service; and

(m) any other matter which is required to be, or may be prescribed.

**352..** (1) A rule under section 351 may be made either generally for all cantonments or defence estates for the whole or any part of any one or more cantonments or defence estates.

(2) The power to make rules under clause (c) of sub-section (2) of section 351 shall include power to give retrospective effect from a date not earlier than the date of commencement of the Cantonments Act, 2003, 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 along with the draft of the rules when such draft is published for eliciting public opinion under subsection (1) of section 351.

(3) All 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.

Right of  
appellant to be  
heard.

Power to make  
rules.

Supplemental  
provisions respecting  
rules.

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(4) 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 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.

**353.** Subject to the provisions of this Act and of the rules made thereunder a Board may, in addition to any bye-laws which it is empowered to make by any other provision 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) 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, tolls and fees under this Act and the refund of taxes;

(4) the regulation of any description of traffic in the streets and the enforcement of measures for the reduction of noise caused thereby or the prohibition of any description of such traffic;

(5) the manner in which vehicles standing, driven, led or propelled in the streets between sunset and sunrise shall be lighted;

(6) the seizure and confiscation of ownerless animals straying within the limits of the cantonments 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 persons working thereon;



- (9) the regulation in any manner not specifically provided for in this Act of the construction, alteration, maintenance, preservation, cleaning and repairs of drains, ventilation-shafts, pipes, water-closets, privies, latrines, urinals, cesspools and other drainage works;
- (10) the regulation or prohibition of the discharge into, or deposit in, drains of sewage, polluted water and other offensive or obstructive matter;
- (11) the regulation or prohibition of the stabling or herding of animals, or of any class of animals, so as to prevent danger to public health;
- (12) the proper disposal of corpses, the regulation and management of burial and burning places and other places for the disposal of corpses, and the fees chargeable for the use of such places where the same are provided or maintained by Government or at the expense of the cantonment fund;
- (13) the permission, regulation or prohibition of the use 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 or occupation;
- (14) the regulation and control of encamping grounds, sarais, hotels, dakhbungalows, lodging-houses, boarding-houses, buildings let in tenements, residential clubs, restaurants, eating-houses, cafes, refreshment-rooms, guest houses, holiday resorts, cinemas and places of public recreation, entertainment or resort;

Power to make  
bye-laws.

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- (15) the regulation of the ventilation, lighting, cleansing, drainage and watersupply of the buildings used for the manufacture or sale of aerated or other potable waters and of butter, milk, sweetmeats and other articles of food or drink for human consumption;
- (16) the matters regarding which conditions may be imposed by licences granted under section 295 or section 277;
- (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 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;
- (20) 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 and levy of development charges.
- (21) 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;
- (22) the regulation of the grazing of animals and the fees chargeable in respect thereof;
- (23) the fixing and regulation of the use of public bathing and washing places;
- (24) the regulation of the posting of bills and advertisement, and of the position, size, shape or style or name-boards, sign-boards and sign-posts;
- (25) the fixation of a method for the sale of articles whether by measure, weight, piece or any other method;
- (26) the rendering necessary of licences within the cantonment for—
- (a) persons working as job porters for the conveyance of goods;
  - (b) animals or vehicles let out on hire or used for hawking articles;
  - (c) the proprietors of drivers of vehicles, boats or other conveyances, or

of animals kept or plying for hire or used for hawking articles;  
 (d) persons impelling or carrying such vehicles or other conveyances; or  
 (e) persons practising as nurses, midwives or *dais*;  
 (27) the prescribing of the fee payable for any licence required under clause (26), and of the conditions subject to which such licences may be granted, revised, suspended or withdrawn;  
 (28) 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 (26);  
 (29) the prescribing of fee payable for any licence except as otherwise specifically provided in the Act, sanction or for any written permission granted by the Chief Executive Officer;

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(30) the regulation or prohibition, for purposes of sanitation or the prevention of disease or the promotion of public safety or convenience, of any act which occasions or is likely to occasion a nuisance, and for the regulation or prohibition of which no provision is made elsewhere by or under this Act;  
 (31) 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 of any rule or bye-law made thereunder, persons residing within or near the cantonment;  
 (32) the prevention of the spread of infectious or contagious diseases within the cantonment;  
 (33) the segregation in, or the removal and exclusion from, the cantonment, or the destruction, of animals suffering from or reasonably suspected to be suffering from any infectious or contagious disease;  
 (34) the supervision, regulation, conservation and protection from injury, contamination or trespass of sources and means of public water-supply and of appliances for the distribution of water whether within or without the limits of the cantonment;  
 (35) 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;  
 (36) 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;  
 (37) the maintenance of schools, and the furtherance of education generally;  
 (38) the regulation or prohibition of the cutting or destruction of trees or shrubs, or of the making of excavations, or of the removal of soil of quarrying, where such regulation or prohibition appears to the Board 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 landslides 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;  
 (39) the rendering necessary of licences for the use of premises within the cantonment as stables, kennels, sites or cowhouses or as accommodation for sheep, goats or fowls;  
 (40) the control of the use in the cantonment of mechanical whistles, sirens or trumpets;  
 (41) the regulation of supply of copies of official document and prescribing the fee payable in respect thereof;  
 (42) the regulation of permission for granting licence for use of loud-speakers and prescribing the fee payable in respect thereof; and

(43) generally for the regulation of the administration of the cantonment under this Act.

**354. (1)** Any bye-laws made by a Board under this Act may provide that a contravention thereof shall be punishable—

(a) with fine which may extend to five thousand rupees; or

(b) with fine which may extend to five thousand rupees and, in the case of a continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention; or

(c) with fine which may extend to one hundred fifty rupees for every day during which the contravention continues after the receipt of a notice from the Board or Chief Executive Officer by the person contravening the bye-law requiring such person to discontinue such contravention.

(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, if any, caused by such contravention.

**355. (1)** Any power to make bye-laws conferred by this Act is conferred subject to the conditions of bye-laws being made after previous publication and of their not taking effect until they have been approved and confirmed by the Central Government and published in the Official Gazette.

(2) The Central Government in confirming a bye-law may make any change therein which appears to it to be necessary.

(3) The 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.

(4) Every bye-law and Regulation 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 and Regulation, or order or both Houses agree that the bye-law and Regulation, or order should not be made, the bye-law and Regulation, 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 and Regulation or order.

**356. (1)** A copy of all rules and bye-laws made under this Act shall be kept at the office of the 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 Board and shall be sold to the public at cost price singly, or in collection at the option of the purchaser.

## CHAPTER XVIII

### SUPPLEMENTAL PROVISIONS

**357.** The 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 VIII to XVI 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-laws so extended shall thereupon apply to that area as if the area were included in the cantonment.

**358. (1)** The Board may, by a resolution passed in this behalf, delegate to the President, Vice-President, Chief 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 subsection

(5) of section 290, section 168, section 170, section 175, section 167, section 263 and section 264.

(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 to the Vice-President, Chief Executive Officer or Health Officer.

Supplemental  
provisions  
regarding byelaws  
and  
regulations.  
Rules and byelaws  
to be  
available for  
inspection and  
purchase.  
Extension of  
certain  
provisions of  
the Act and  
rules to place  
beyond  
cantonnments.  
Power to  
delegate  
functions to  
the President,  
etc.

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

(2) The Registrar or Sub-Registrar of the district or sub-district formed for the purposes of the Registration Act, 1908, in which any cantonment is situated, shall, when any document relating to immovable property within the cantonment is registered, send information of the registration forthwith to the Chief Executive Officer and the Defence Estates Officer and such other authority as the Central Government may prescribe in this behalf.

**360.** 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.

**361.** A copy of any receipt, application, plan, notice, order or other document or of any entry in a register, in the possession of a Board shall, if duly certified by the legal keeper thereof or other person authorised by the Chief 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 documents or entry would, if produced, have been admissible to prove such matters.

**362.** No officer or employee of a Board shall, in any legal proceeding to which the Board is not party, be required to produce any register or document the contents of which can be proved under section 361 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.

**363.** For the purposes of the Government Buildings Act, 1899, cantonnments and Boards shall be deemed to be municipalities and municipal authorities respectively and the references to the State Government in section 4 of that Act shall be construed as references to the Central Government.

**364.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament.

**365.** (1) The Cantonments Act, 1924 is hereby repealed.

(2) Notwithstanding the repeal of the cantonments Act, 1924,—

(a) any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued, and any licence or permission granted under the said Act shall, in so far as it is not inconsistent with the provisions of this Act continue in force and be deemed to have been made, issued or granted, under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued or any licence or permission granted under the said provisions;

(b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Board shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Board constituted under this Act;

(c) all budget estimates, assessments, valuations, measurements or divisions  
Registration.

4 of 1882.

16 of 1908.

Validity of notices

and other  
documents.

Admissibility

of document

or entry as

evidence.

Evidence by

officer or

employee of

the Board.

Power to

remove

difficulties.

Application of

Act 4 of 1899.

Repeals and

savings.

2 of 1924.

2 of 1924.

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made by the Board shall in so far as they are not inconsistent with the provisions of this Act, continue in force and be deemed to have been made under the provisions of this Act unless and until they are superseded by any budget estimate, assessment, valuation, measurement or division made by the Board constituted under the said provisions;

(d) all properties, movable and immovable and all interests of whatsoever nature and kind therein, vested in the Board shall with all rights of whatsoever description, use, enjoyed or possessed by the said Board vest in the Board constituted under this Act;

(e) all rates, taxes, fees, rents and other sums of money due to the Board shall be deemed to be due to the Board constituted under this Act;

(f) all rates, taxes, fees, rents, fares and other charges shall, until and unless they are varied by the Board constituted under this Act, continue to be levied at the same rate at which they were being levied by the Board immediately before the commencement of this Act;

(g) all suits, prosecutions and other legal proceedings instituted or which might

have been instituted by or against the Board may be continued or instituted by or against the Board constituted under this Act.

#### SCHEDULE I

(see section 100)

##### NOTICE OF DEMAND

To

residing at

Taking notice that the Board demands from.....the sum of .....  
due from .....on account of .....(here describe the property,  
occupation, circumstance or thing in respect of which the sum is payable) leviable under  
..... for the period of ..... Commencing on  
the ..... day of .....20....., and ending on the  
.....day of .....20....., and that if, within thirty days from the  
service of this notice, the said sum is not paid to the a Board at..... or  
sufficient cause for non-payment is not shown to the satisfaction of the Chief Executive  
Officer, warrant of distress/attachment\* will be issued for the recovery of the same with  
costs.

Dated this.....day of .....20.....

(Signed)

Chief Executive Officer,  
Cantonment.

[\*Strike out whichever is not applicable.]

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#### SCHEDULE II

(see section 101)

##### FORM OF DEMAND

(Here insert the name of the officer charged with the execution of 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.....20..... and ending with the  
..... day of which 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 [distrain/attach#] subject to the provisions of the Cantonments  
Act, 2003, the[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 [seized/attached #] by you thereunder.

Dated this .....day of .....20.....

(Signed)

Chief Executive Officer,  
Cantonment

\*Here describe the liability.

# Strike out whichever is not applicable.

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#### SCHEDULE III

(see section 103)

##### FORM OF INVENTORY OF PROPERTY DISTRAINED AND NOTICE OF SALE

To,

residing at .....

Take 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.....day of .....20..... and ending with  
the .....day of .....20....., 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 Board the said amount, together with the costs of recovery, the said property will be sold by public auction.

Dated this .....day of .....20.....

(Signature of officer executing the warrant.)

#### INVENTORY

(Here state particulars of property seized).

\*Here describe the liability.

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#### SCHEDULE IV

(see section 319)

##### CASES IN WHICH POLICE MAY ARREST WITHOUT WARRANT

##### PART A

##### Section Subject

174 Making or selling of food, etc., or washing of clothes, by infected person.

289 (1) (a) (i) Drunkenness, etc.

##### PART B

183(1) Remaining in, or re-entering, cantonment after notice of expulsion for failure to attend hospital or dispensary.

259 Destroying, etc., name of street or number affixed to building.

282 Feeding animal on filth, etc.

289(1)(a)(ii) Using threatening or abusive words, etc.

289(1)(a)(iii) Indecent exposure of person, etc.

289(1)(a)(iv) Begging.

289(1)(a)(v) Exposing deformity, etc.

289(1)(a)(vii) Gaming.

289(1)(a)(xii) Destroying notice, etc.

289(1)(a)(xiii) Displaces, damages, alters, pavements, gutter, stormwater drain.

289(1)(f) Keeping common gaming-house, etc.

289(1)(g) Beating drum, etc.

289(1)(h) Singing, etc., so as to disturb public peace or order.

290(6) Setting loose, or setting on, ferocious dog.

296 Discharging fire-arms, etc., so as to cause danger.

300 Loitering or importuning for sexual immorality.

304(a) Remaining in, or returning to, a cantonment after notice of expulsion.

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#### SCHEDULE V

(see section 345)

##### APPEALS FROM EXECUTIVE ORDERS

S. Section Executive Appellate Time allowed for

No. Order Authority appeal

1 2 3 4 5

1 137 Notice to fill up well, tank, General Officer Commanding- Thirty days from service of etc., or to drain off or in-Chief, the Command or notice.

remove water. Principal Director or Director

or other authority authorised

in this behalf by the Central

Government.

2 138 Notice requiring the owner Board Fifteen days from service of to provide latrine, urinal, notice.

cesspool dust-bin or other

receptacle.

3 139 Notice requiring provision Board Fifteen days from service of of sanitary facilities in notice.

market, school, theatre or

other place of public resort.

4 142 Notice for removal of General Officer Commanding- Thirty days from service of congested building in-Chief, the Command or notice.

Principal Director or Director  
or other authority authorised  
in this behalf by the Central  
Government.

5 144 Notice requiring a building General Officer Commanding- Thirty days from service of  
to be repaired or altered so in-Chief, the Command or notice  
as to remove sanitary Principal Director or Director  
defects. or other authority authorised  
in this behalf by the Central  
Government.

6 147 Notice prohibiting owner or General Officer Commanding- Twenty-one days from  
occupier to use a building in-Chief, the Command or service of notice.  
or part of a building for Principal Director or Director  
human habitation. or other authority authorised  
in this behalf by the Central  
Government.

7 183 Order directing a person to General Officer Commanding- Thirty days from service of  
remove from the Cantonment in-Chief, the Command or notice.  
and prohibiting him from re- Principal Director or Director  
entering it without permission. or other authority authorised in  
this behalf by the Central  
Government.

8 190 Notice requiring maintenance Board Fifteen days from service of  
or closing of private source notice.  
of public drinking water supply.

9 192 Notice requiring the owner, Board Fifteen days from service of  
lessee or occupier of a notice.  
building or land to obtain  
water from a source of public  
water supply.

10 195 Notice for cutting off the Board Fifteen days from service of  
connection between any notice.  
source of public water supply  
and any building  
or land to which water is  
supplied

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11 238 (a) Refusal to sanction the Board Thirty days from  
erection or reerection service of  
of a building in a civil communication.  
area

(b) Refusal to sanction the General Officer Commanding- Thirty days from  
erection or reerection in-Chief, the Command, or service of  
of a building in a Canton- Principal Director or Director communication.  
ment (Other than a civil or other authority authorised  
area). in this behalf by the Central  
Government.

12 248 (a) Notice to stop erection Board or any member Thirty days from  
or reerection of, or to authorised by the Board. service of  
alter or demolish, a building notice.  
in a civil area.

(b) Notice to stop erection or General Officer Commanding- Thirty days from  
reerection of, or to alter or in-Chief, the Command, or service of  
demolish, a building in a Principal Director or Director notice.  
Cantonment (Other than a or other authority authorised  
civil area.) in this behalf by the Central  
Government.

13 252 Notice requiring the owner or General Officer Commanding- Thirty days from  
the occupier to alter or remove in-Chief, the Command, or service of  
any projection or encroachment. Principal Director or Director notice.  
or other authority authorised  
in this behalf by the Central  
Government.



14 253 Notice to pull down or otherwise General Officer Commanding- Thirty days from deal with a building newly in-Chief, the Command, or service of erected or re-built without Principal Director or Director notice. permission over a sewer, drain, or other authority authorised culvert, water course or water- in this behalf by the Central pipe. Government.

15 273 Notice prohibiting or restricting General Officer Commanding- Twenty one days the use of a slaughter-house. in-Chief, the Command, or from service of Principal Director or Director notice. or other authority authorised in this behalf by the Central Government.

16 297 Notice to remove, repair, Board Thirty days from protect, or enclose a service of notice. building, wall or anything affixed thereto, or well, tank, reservoir, pool, depression or excavation.

17 302 Notice directing disorderly District Magistrate Thirty days from person to remove from service of notice. cantonment and prohibiting him from re-entering it without permission.

1 2 3 4 5

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#### STATEMENT OF OBJECTS AND REASONS

The Cantonments Act, 1924 (2 of 1924) makes provisions relating to the administration of cantonments. As cantonments are Central territories under the Constitution, the civic bodies functioning in these areas are not covered under State municipal laws.

2. In view of the present day, aspirations and needs of the people residing in cantonment areas and in order to bring in modern municipal management procedures/ techniques in such areas, it is proposed to enact a new legislation by replacing the Cantonments Act, 1924 to provide for – (i) greater democratisation; (ii) reservation of seats in Cantonment Boards for women and the Scheduled Castes/Scheduled Tribes; (iii) better financial management; (iv) extension of centrally sponsored development schemes to such areas; (v) management of defence lands and their audit, etc.

3. The new legislation has been modified with a view to re-enact the existing Act in the context of Seventy-fourth Constitutional Amendment and to provide for better urban management in cantonments as recommended by the Standing Committee of Parliament on Defence and the Action Taken Note of the Government on their recommendations. Broadly, the proposed modifications could be categorised as under :—

(i) **Greater Democratisation** : The Bill envisages enhanced representation for elected members to make proper balance between the elected and nominated one. Reservation of seats in the Cantonment Boards for women and the Scheduled Castes/Scheduled Tribes would also fall in this category. In the proposed Bill, parity has been brought between the official and elected members of the Board and with this, the number of elected members would increase. The enhanced representation for elected members will cater for increased civil population in the cantonment areas.

(ii) **Land Management** : Over the years, the defence land ownership has increased to 17.31 lakh acres out of which about 2 lakh acres of such lands are situated within 62 notified cantonments being managed under the existing Act. There is no statute to cover the management of about 15 lakh acres of defence lands lying outside the cantonments. As on date, these defence lands are regulated by executive instructions (not covered under any statute) issued by the Central Government from time to time through Acquisition, Custody, Relinquishment, etc. of Military Lands in India (ACR) Rules, 1944, which are non-statutory in

nature.

The Management of Cantonment Board properties and the defence lands outside the cantonments is different from each other in a sense that the former is covered under the existing Act and the Cantonment Property Rules, 1925 made thereunder, whereas, there is no such legislation or rules for the latter. The Standing Committee of Parliament (12th Lok Sabha) recommended that provisions may be made in the Cantonments Act itself regarding management of defence lands, their records, consolidation of earlier policies and land audit.

Statutory provisions have accordingly been made and a new Chapter on management of defence lands has been added in the Bill. The provisions contained in this Chapter will, *inter alia*, enable the Central Government to notify the defence lands, consolidate land management policies and records in regard to defence lands, carry out land audits to detect abuse if any, non-utilisation and sub-optimal utilisation of lands.

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The Standing Committee of Parliament has also recommended making legal provisions to tackle encroachments on defence lands situated all over the country. Accordingly, the problem of encroachments is now proposed to be tackled through the provisions contained in clauses 239, 248, 249, 253 and 257 of the proposed Bill. This would be in addition to the powers available to the Government under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

(iii) **Development impetus** : In addition, provisions have been made which would give necessary impetus to development activities. To keep pace with recent developments, provisions have also been made for developmental and welfare activities like town-planning, old age homes, houses for disabled and destitutes, working women hostels, rain water harvesting, non-conventional energy and other miscellaneous developmental activities which are important to sustain the environment and taking steps for social development.

(iv) **Resource Generation** : Provisions have been incorporated in the new Bill to streamline financial administration, improve finance base and change the tax mechanism keeping in view the needs of modern municipal administration. Provisions have also been made for a Cantonment Development Fund in which, any sum received from Government or an individual or association (by way of gift or deposit) or from centrally sponsored schemes, may be credited. The Standing Committee of Parliament (12th Lok Sabha) had also made a recommendation for extension of centrally sponsored development schemes in cantonments for uniform development of States. Provisions in clauses 10 and 108 of the Bill have therefore been made making every Board a 'deemed municipality' for the purposes of article 243P(e) of the Constitution. This would enable the Cantonment Boards to avail benefits and advantages of centrally sponsored schemes for social and economic development as are presently available to other municipalities in various States.

Under article 285 of the Constitution, the properties of Central Government are exempted from all taxes imposed by local authorities in the States. Representations were received that for the services rendered by the local bodies and the financial implications involved, some payment in the form of service charges may be made to them. Consequently, the Central Government issued certain executive orders making provision for payment of service charges to local bodies since 1954.

There is no specific statutory provision to give legal backing to the said decision/ orders made by the Government in this regard from time to time. It is, therefore, proposed to make a provision in the Bill for payments to be made to the Cantonment Boards for service charges by the Central and the State Governments, after ascertaining the same.

4. The Bill seeks to achieve the above objectives.

NEW DELHI; GEORGE FERNANDES.

*The 17th December, 2003.*

*Notes on Clauses*

*Clause 1.*—This clause provides for short title, extent and commencement.

*Clause 2.*—This clause defines certain words and expressions which have been frequently used in various provisions contained in the Bill.

*Clause 3.*—This clause enables the Central Government to declare any place or places in which any part of the Armed Forces is quartered or which may be required for the service of such forces to be a cantonment and to make provisions for its administration.

*Clauses 4 and 5.*—These clauses enable the Central Government to include or exclude any area situated in the vicinity of a cantonment into or from a cantonment, and clause 5 deals with the effect of including any area in cantonment.

*Clauses 6, 7 and 8.*—These clauses provide for the disposal and application of cantonment funds when whole of a cantonment or a part thereof ceases to be a cantonment.

*Clause 9.*—This clause enables the Central Government to exclude from the operation of the Bill whole or any part of a cantonment.

*Clauses 10, 11 and 12.*—These clauses provide for the incorporation and constitution of Cantonment Board for every cantonment, describe the categories of cantonments and the composition of their respective Boards, depending upon with population of the cantonment.

*Clause 13.*—This clause enables the Central Government to vary the constitution of the Board by reason of military operation or for the proper administration of the cantonment and also lays down the composition of the Board so varied and its terms of office.

*Clause 14.*—This clause lays down the term of office of members of the Board and enables the Central Government to extend the same in order to avoid administrative difficulty for a period not exceeding one year.

*Clauses 15 and 16.*—These clauses empower the Central Government to decide about the filling of vacancies arising in the Board in certain cases.

*Clause 17.*—This clause provides for the format of the oath of affirmation to be taken by every person who become the member of the Board by virtue of his office, or being nominated or elected to the Board.

*Clause 18.*—This clause provides for the method of submission of resignation by nominated as well as elected members of the Board and enables the Central Government or the General Officer Commanding-in-Chief, the Command to accept the same.

*Clause 19.*—This clause provides for the requirement and method of appointment of a President and a Vice-President for the Cantonment Boards.

*Clause 20.*—This clause provides for the term of office of Vice-President of a Board and the method for his resignation and removal.

*Clauses 21 and 22.*—These clauses describe the duties of President and Vice-President of a Cantonment Board.

*Clause 23.*—This clause provides for allowances to the Vice-President and the elected members of the Board, as may be prescribed.

*Clause 24.*—This clause empowers the Central Government to appoint a Chief Executive Officer for every cantonment who shall be a member-secretary of the Board and of every Committee of the Board and makes provision for his salary.

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*Clauses 25 and 26.*—These clauses describe the duties and special powers of the Chief Executive Officer.

*Clauses 27 and 28.*—These clauses provide for the powers of the Central Government in preparation of Electoral Rolls for every cantonment, the periodicity or their publication, and the qualifications and disqualifications of a person to be considered eligible to be an elector.

*Clause 29.*—This clause provides for the qualifications and disqualifications for being a member of the Board.

*Clause 30.*—This clause provides interpretation of certain terms and conditions used

in clauses 27, 28 and 29.

*Clause 31.*—This clause empowers the Central Government to make rules to regulate all or some matters for the purpose of holding elections for any cantonment or group of cantonments.

*Clause 32.*—This clause prohibits a member of the Board from voting at a meeting of the Board or of any Committee of the Board on any question relating to his own conduct or matter which relates his own pecuniary interest.

*Clause 33.*—This clause imposes on a member of the Board a liability for any loss, waste or misapplication of any money or property of the Board, caused due to his neglect or misconduct.

*Clauses 34 and 35.*—These clauses enable the Central Government to remove from a Board any member for being disqualified for membership or for absenting at three consecutive meetings of the Board without sufficient reasons and consequences of any such removal.

*Clause 36.*—This clause enables a member of the Board to be a deemed public servant.

*Clause 37.*—This clause lays down the disqualifications of person to be an employee of the Board in case he has any pecuniary interest in the activities of the Board.

*Clause 38.*—This clause enables every officer or employee of the Board to be a deemed public servant.

*Clauses 39 to 45.*—These clauses provide the elaborate provisions regarding holding Board meetings, the business to be transacted at the meetings, the quorum required for the meetings, the Presiding Officer and recording of minutes, the meeting to be public and the method of deciding questions at the Board meetings.

*Clauses 46 and 47.*—These clauses enable the Central Government to declare an area in every cantonment as civil area and revision of its boundaries in consultation with a Board, and also provide for separate Committees for the notified civil area exercising the powers, duties and functions of the Board in certain areas of civil administration.

*Clause 48.*—This clause empowers the Board to make, with prior approval of the Central Government, regulations (pertaining to the conduct of meetings) and appointment of Committees.

*Clause 49.*—This clause empowers the Board to take joint action with other local authority in matters of common interest and also empowers the Central Government to decide in case of any difference of opinion between the Board and such other local authority.

*Clause 50.*—This clause enables the Central Government to require every Board to submit a report on its administration during the preceding financial year.

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*Clauses 51 to 55.*—These clauses empower the Central Government, the General Officer Commanding-in-Chief, the Command, the Director General or the Principal Director to require production of documents, carry out inspections of the cantonments, call for documents, require the execution of works and enforcement of directions by the Cantonment Boards.

*Clause 56.*—This clause empowers the President, District Magistrate, Magistrate and Chief Executive Officer to override the decision of the Board in certain cases.

*Clause 57.*—This clause empowers the Central Government of review any decision of the Board.

*Clause 58.*—This clause empowers the General Officer Commanding-in-Chief, the Command to direct for reconsideration and suspension of a decision of the Board or to modify or set aside after giving the Board an opportunity of showing cause for the same.

*Clause 59.*—This clause empowers the Central Government, after consulting the General Officer Commanding-in-Chief the command to modify or set aside a decision of the Board.

*Clause 60.*—This clause empowers the Central Government for supersession of a Board in case it makes defaults in performance of its duties or exceeds or abuses its powers.

It also provides for the composition of the Board, so superseded.

*Clause 61.*—This clause provides for the validity of proceedings of a Board or of any Committee of a Board.

*Clause 62.*—This clause lays down the duties to be performed by a Board as far as the funds at its disposal so permit.

*Clause 63.*—This clause enables the Boards to manage any property entrusted to its management by the Central Government, subject to such terms as may be determined under rules to be made by the Central Government under clause 351.

*Clause 64.*—This clause provides for the discretionary functions that may be performed by the Board with the expenditure on the same to be declared as appropriate charge on the cantonment fund with the sanction of the Central Government.

*Clause 65.*—This clause enables the Board to incur expenditure for educational, health and other purposes outside the cantonment in case the same serve the interests of the residents of the cantonment.

*Clause 66.*—This clause empowers the Board to impose with the previous sanction of the Central Government, property tax, tax on trades, professions, calling and employments, and any other tax which may be imposed in any municipality in the State in which such cantonment is situated.

*Clause 67.*—This clause empowers a Board to charge certain fees and charges.

*Clauses 68 to 72.*—These clauses make elaborate provisions pertaining to the norms of property tax, framing of preliminary proposals for imposition of a tax under clause 66, procedure for invitation of objections to the Board's proposal and the disposal thereof, final imposition of a tax and the power of the Central Government to issue directions to a Board to impose a particular tax.

*Clause 73.*—This clause defines the term "annual rateable value" as used in the Bill in respect of various types of properties in a cantonment for the purpose of assessment of tax.

*Clause 74.*—This clause provides for the incidence of taxation on whom the taxes would be primarily leviable.

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*Clauses 75 to 80.*—These clauses provide for the elaborate provisions regarding preparation of assessment list and its revision by the Chief Executive Officer, authentication of the assessment list by the Chief Executive Officer and the President Cantonment Board, evidential value of the assessment list, its amendment and preparation of view assessment list once in every three year.

*Clause 81.*—This clause provides for the procedure to be followed in cases where the title of any person primarily liable for the payment of a tax is transferred whether through an instrument or in the event of death, in so far as such transfer relates to the payment of taxes.

*Clause 82.*—This clause provides for the need to give a notice of erection of a building, its completion and occupation so far as it relates to the assessment and payment of taxes.

*Clause 83.*—This clause empowers the Board to remit or refund a portion of tax in case of wholly or partly demolition or destruction of a building to which the tax relates.

*Clause 84.*—This clause provides for the remission of taxes by the Chief Executive Officer in case a property has remained vacant and unproductive rent for a certain period of time.

*Clause 85.*—This clause enables the Chief Executive Officer to make entry in assessment list of the details of buildings for the purpose of partial remission or refund of a tax in case a building is composed of separate tenements.

*Clause 86.*—This clause requires the submission of a notice to the Chief Executive Officer regarding a building, land or tenement having remained vacant and unproductive of rent for the purpose of claiming remission or refund of tax.

*Clause 87.*—This clause makes provision as to which building, tenement or land shall be deemed to be vacant and unproductive of rent.

*Clause 88.*—This clause requires the owner of any building, tenement or land in

respect of which remission or refund of tax has been claimed, to give notice of its reoccupation and also provides for the penalty in case such notice is not given.

*Clause 89.*—This clause provides that a tax on any building or land shall be a first charge thereon.

*Clause 90.*—This clause enables the Chief Executive Officer or any person authorised by him to inspect, examine or weigh any goods, vehicles or animals imported in cantonment on which octroi or terminal tax or toll is leviable.

*Clause 91.*—This clause lays down a penalty that may be imposed in cases of evasion of octroi, terminal tax or toll.

*Clause 92.*—This clause enables the Chief Executive Officer to lease the collection of any octroi, terminal tax or toll for any period not exceeding one year, with the previous sanction of the President, Cantonment Board.

*Clause 93.*—This clause provides for filing of appeals to the District Court against the assessment or levy of, or against the refusal to refund of any tax under the Bill.

*Clauses 94 and 95.*—These clauses empower the District Court hearing the appeal to decide about the costs of appeal and require its payment to be made whether by the Board or the appellant.

*Clause 96.*—This clause lays down the limitation of time and deposit of the disputed amount in the Board for filing an appeal in the case of any tax.

*Clause 97.*—This clause provides that order of a District Court in the appeals so filed shall be final.

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*Clauses 98 and 99.*—These clauses enable the Chief Executive Officer to direct, by a notice in this regard, the dates and manner in which a tax shall be payable.

*Clause 100.*—This clause enables the Chief Executive Officer to cause a notice of demand served (with a fee for the same) in case amount of tax is not paid within thirty days of the presentation of bill/issue of public notice in this regard.

*Clause 101.*—This clause empowers the Chief Executive Officer to issue a warrant and recover the amount of tax by distress and sale of the movable property or attachment and sale of immovable property of the defaulter.

*Clause 102.*—This clause provides for the recovery of interest in case amount of tax is not paid within thirty days of the notice.

*Clause 103.*—This clause enables an official of the Board, so authorised, to distrain any movable property or standing timber, growing crops or grass belonging to the defaulter, subject to certain conditions.

*Clause 104.*—This clause enables the Chief Executive Officer to arrange for the disposal of distrained property by public auction and credit the sale proceeds to the cantonment funds.

*Clause 105.*—This clause provides for the procedure to be followed for the attachment and sale of immovable property on issue of warrant for the same.

*Clause 106.*—This clause empowers the Chief Executive Officer to direct a person, believed to the moving out of the cantonment, to pay the taxes immediately after serving a notice of demand in this regard.

*Clause 107.*—This clause provides for the institution of a suit for recovery of a tax.

*Clause 108.*—This clause provides for every Board to be Municipality for the purposes of articles 243P(e) of the Constitution of India and a Municipal Committee for the purposes of the Municipal Taxation Act, 1881 (11 of 1881).

*Clause 109.*—This clause requires the Central Government or the State Government to pay to the Board annually service charges.

*Clause 110.*—This clause enables the Board to make special provisions for conservancy services in certain cases on the payment of the conservancy charges through a written agreement.

*Clause 111.*—This clause provides for exemption from payment of conservancy tax in case of buildings covered under the conservancy agreement under clause 110.

*Clause 112.*—This clause empowers the Central Government to exempt, by notification

in the Official Gazette, any person or class of persons or any property or goods from the payment of any tax.

*Clause 113.*—This clause empowers the Board to exempt, for a period not exceeding one year at a time, any person, on reasons of poverty from the payment of any tax or a part thereof.

*Clause 114.*—This clause enables the Chief Executive Officer to allow any person to compound any tax with the previous sanction of the General Commanding Officer-in-Chief, the Command.

*Clause 115.*—This clause enables the Board to write off any sum due on account of any tax, up to two thousand five hundred rupees and do so for any sum beyond that with previous sanction of the President.

*Clause 116.*—This clause enables the Chief Executive Officer to call upon any inhabitant of the cantonment to furnish information for the purpose of payment of taxes.

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*Clauses 117 and 118.*—These clauses provide for the liability of a person for a tax or a distress, not to suffer invalidity by reason of an immaterial error in record or defect in the form of the notice of demand.

*Clause 119.*—This clause provides for a cantonment fund and a cantonment development fund to be formed for every cantonment and the nature of sums to be credited to the said funds.

*Clause 120.*—This clause provides that the cantonment fund and the cantonment development fund shall be kept in separate accounts in State Bank of India or a nationalised bank or scheduled commercial bank.

*Clause 121.*—This clause enables the Board, by a resolution passed in this behalf, to borrow money from another Board.

*Clause 122.*—This clause provides for properties of certain nature, acquired or provided or managed by a Board to vest in and belong to the Board and be under its direction, management and control.

*Clause 123.*—This clause provides that all property vested in a Board shall be applied only for the purposes, duties or obligations imposed upon the Board.

*Clause 124.*—This clause enables that Central Government to procure the acquisition of immovable property under the Land Acquisition Act, 1894 (1 of 1894), as may be required by a Board for the purposes of the Bill.

*Clause 125.*—This clause enables the Central Government to make rules on conditions on which a property may be acquired by a Board and on the matters relating to cantonment fund or cantonment development fund or cantonment property.

*Clause 126.*—This clause enables every Board to enter into and perform any contract necessary for the purposes of the Bill.

*Clause 127.*—This clause specifies the requirement of the sanction of the Board for every contract for which budget provision does not exist or which involves a value exceeding rupees fifty thousand and also enables the Chief Executive Officer to sanction all other contracts.

*Clause 128.*—This clause provides for every contract of value exceeding fifty thousand rupees to be in writing and signed by two members of the Board, one of which will be President or Vice-president.

*Clause 129.*—This clause provides for the contracts improperly executed not to be binding on a Board.

*Clause 130.*—This clause specifies the responsibility of various officers in the cantonment for the purposes of sanitation and control over sanitation in various parts of the cantonment.

*Clause 131.*—This clause specifies the general duties of Health Officer to be advisor to the Board in all matters relating to sanitation in the cantonment and those of the Assistant Health Officer to perform such duties as may be allotted to him by the Health Officer.

*Clause 132.*—This clause provides for all public latrines, urinals and conservancy establishments to provide separate compartments for each sex and not to be a nuisance.

*Clause 133.*—This clause requires an occupier of a building or land to collect and deposit rubbish, etc. by way of house scavenging, provision of receptacles, etc.

*Clause 134.*—This clause enables a Board to undertake private conservancy arrangement where the occupier of any building or land fails to do so to the satisfaction of the Chief Executive Officer.

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*Clause 135.*—This clause requires the Board to provide proper public receptacles, etc., for the deposit and disposal of rubbish, etc., and also enables the Chief Executive Officer to issue directions in this regard.

*Clauses 136 to 138.*—These clauses enable the Chief Executive Officer to require any person having control of any land or building, to close any cesspools, receptacles, for filth, etc., or keep them in clean condition; fill up or cover any well, cistern, reservoir or receptacle which is or is likely to be a breeding place for mosquitoes; and provide a latrine, urinal, etc., for the building or land.

*Clause 139.*—This clause requires every person employing more than ten workmen or having control of a market, school, theatre in a cantonment to provide latrines and urinals and sweepers as may be thought fit by the Chief Executive Officer.

*Clause 140.*—This clause enables the Chief Executive Officer or any official of the Board to require the owner of any private latrine or urinal in the cantonment, not to put the same to public use.

*Clause 141.*—This clause provides special provisions for collection of rubbish and solid waste management by the Board.

*Clause 142.*—This clause enables the Board to require the removal of buildings which may be in unhealthy condition or congested, after inspection by a committee.

*Clause 143.*—This clause enables the Board to require the owner or occupier of a building to reduce overcrowding of dwelling-houses in case the same is considered to be a danger to the health of the inmates.

*Clause 144.*—This clause enables the Board to require the owner of a building to execute repairs or alteration of a building if it is ill-constructed or dilapidated or in a insanitary state.

*Clause 145.*—This clause enables the Chief Executive Officer to require the owner, lessee or occupier of any land or building to be clean and keep the same in a good state.

*Clause 146.*—This clause requires an owner, occupier or lessee of a premises not to cause any air pollution.

*Clause 147.*—This clause enables the Board to order disuse of a building if it is considered to be unfit for human habitation.

*Clause 148.*—This clause enables the Chief Executive Officer to require the removal of noxious vegetation from any land in the cantonment.

*Clause 149.*—This clause enables the Board to impose conditions on the cultivation of any crop in a cantonment as may be considered injurious to the health of persons dwelling in the neighbourhood.

*Clause 150.*—This clause enables the Chief Executive Officer to call for information regarding burial and burning grounds from any person who may be incharge of such grounds.

*Clause 151.*—This clause prohibits the use of any place as a burial or burning ground without permission in writing of the Board.

*Clause 152.*— This clause enables the Board to require closing of burial or burning ground in a cantonment in case it has become offensive or dangerous to the health of persons living in the neighbourhood.

*Clause 153.*—This clause provides for exemption from operation of clauses 150 to 152 in case of any burial ground managed by or on behalf of the Government.

*Clause 154.*—This clause enables the Board to prescribe routes for the removal of corpses to burial or building grounds.

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*Clause 155.*—This clause requires every medical practitioner or any other person to be



obliged to give information to the Board concerning infectious, contagious or communicable diseases in a cantonment and imposes certain conditions on the person suffering from these diseases.

*Clause 156.*—This clause lays down certain precautions to be followed by those running a Blood Bank in a cantonment.

*Clause 157.*—This clause enables the Officer Commanding, the Station to take special measures in case of outbreak of infectious or epidemic diseases, with the previous sanction of the Central Government.

*Clauses 158 to 160.*—These clauses enable the Chief Executive Officer to require names of customers of a dairymen, a washerman and a medical practitioner in case the outbreak of any infectious diseases which is attributable to the milk supplied, clothes washed or needles or syringes used by them.

*Clauses 161 to 163.*—These clauses provide for report after inspection of a dairy or washerman or medical practitioner's place of business by the Health Officer and action thereon including taking possession of milk, clothes, needles or syringes for examination.

*Clauses 164 and 165.*—These clauses require any person using a public conveyance while suffering from the infectious disease or for carriage of any such person to report the same to the Chief Executive Officer, who will forthwith cause the same to be disinfected.

*Clause 166.*—This clause provides for penalty for failure to report under clause 164 or clause 165.

*Clause 167.*—This clause provides that driver of any conveyance shall not be bound to carry person suffering from infectious or contagious diseases.

*Clause 168.*—This clause enables the Board to require, by notice, the disinfection of any building or articles therein in a cantonment to prevent or check the spread of infectious disease.

*Clause 169.*—This clause enables the Board or President to require the destruction of any infectious hut or shed in a cantonment to prevent the spread of any infectious disease and shall pay the compensation to the owner.

*Clause 170.*—This clause requires the Board to provide temporary shelter for inmates of infected or destroyed building or shed.

*Clause 171.*—This clause enables the Chief Executive Officer to require the disinfection of any building before letting the same, in case any person suffering from infectious disease has been living therein.

*Clause 172.*—This clause prohibits every person from disposing of any infected article without disinfection of the same.

*Clause 173.*—This clause makes it obligatory for the Board to provide proper place and means of disinfection.

*Clause 174.*—This clause lays down a penalty for the making or selling of food, etc., or washing of clothes by infected person in a cantonment.

*Clause 175.*—This clause enables the Chief Executive Officer to restrict or prohibit, by a public notice, the sale of certain food or drink when a cantonment is visited or threatened by an outbreak of any infectious disease.

*Clause 176.*—This clause enables the Chief Executive Officer on the advice by the Health Officer to exercise control over wells, tanks, etc., if the use of their water is likely to endanger or cause the spread of any disease.

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*Clause 177.*—This clause enables the Chief Executive Officer to exercise control over the disposal of infectious corpse in a cantonment.

*Clause 178.*—This clause provides that the Board may provide, maintain and aid as many hospitals or dispensaries in a cantonment as it thinks fit and Medical Officer appointed by the Board shall be in-charge of every hospital and dispensary and be responsible for the medical activities to the Health Officer and the Chief Executive Officer.

*Clause 179.*—This clause requires the Board to run a hospital or dispensary in accordance with orders of the Central Government and also make provision of drugs, instruments, apparatus, furniture and appliances and cots, etc.

*Clause 180.*—This clause provides for free treatment for poor patients or those suffering from infectious disease and other sick persons with the sanction of the Board in every hospital and dispensary of the Board.

*Clause 181.*—This clause enables the Board to levy fees or charges from a patient who is ineligible for free treatment.

*Clauses 182 and 183.*—These clauses enable the Health Officer or the Medical Officer in-charge of a hospital or dispensary to order a person believed to be suffering from infectious disease to attend for examination any hospital or dispensary by a notice in this regard and to direct a person refusing to comply with such notice to be removed from the cantonment.

*Clause 184.*—This clause enables the Board to prescribe suitable routes for pilgrims passing through a cantonment.

*Clause 185.*—This clause prohibits any person in the employment of essential services of the Board from resigning without reasonable cause or absent from duty without proper authority.

*Clauses 186 to 188.*—These clauses require the Board to provide or arrange for the provision of supply of pure water and carry out surveys and formulate proposals in this regard.

*Clause 189.*—This clause enables the Board, with previous sanction of the Central Government, to exercise control over sources of public water supply in a cantonment other than the sources which may be under the control of Military Engineer Service or Public Works Department.

*Clause 190.*—This clause enables the Chief Executive Officer to exercise control over and require the maintenance or closing of any private source of public drinking water supply in a cantonment.

*Clause 191.*—This clause enables the Chief Executive Officer subject to guidelines made by the Board, to permit the owner, lessee or occupier of any building or land to connect it with the source of public water supply.

*Clauses 192 and 193.*—These clauses enable the Chief Executive Officer to require the owner, lessee or occupier of a building or land to obtain water supply from a source of public water supply and supply water under an agreement subject to guidelines made by the Board in this regard.

*Clause 194.*—This clause provides for the Board not to be liable for any failure of supply of water or curtailment in its quantity due to accident, drought or other unavoidable cause.

*Clause 195.*—This clause lays down certain conditions of universal application to regulate the supply of water in a cantonment.

*Clause 196.*—This clause empowers the Board to supply, withdraw or curtail any supply of water to persons living outside the cantonment.

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*Clause 197.*—This clause provides for a penalty which may be levied on a person who uses water for a purpose other than for which the water is supplied.

*Clauses 198 and 199.*—These clauses enable the Board to lay wires, connections, etc., for the purpose lighting or of a water supply system, etc., and pay compensation to any owner or occupier of building or land if such laying of wires, etc., causes any substantial interference to him.

*Clause 200.*—This clause prohibits the taking of any connection from the main without permission of the Board.

*Clauses 201 and 202.*—These clauses enable the Chief Executive Officer to prescribe the size of ferrules and to establish meters, etc., for gas or water supply in a cantonment and require the laying of the same to his satisfaction.

*Clause 203.*—This clause enables the Board to fix rates and charges for laying of mains, pipes, etc.

*Clause 204.*—This clause provides for the application of the foregoing clauses to Government supply of water in a cantonment.

*Clause 205.*—This clause enables the Chief Executive Officer to require any dwellinghouse

without a proper supply of water for domestic consumption, to obtain such supply.

*Clause 206.*—This clause enables the Board to recover charges for the supply of water.

*Clauses 207 and 208.*—These clauses enable the Board to receive a bulk supply of water from Government water supply in a cantonment where it does not have its own source of water supply and pay charges for the same and functions of the Board in relation to distribution of bulk supply.

*Clauses 209 to 232.*—These clauses provide special provisions concerning drainage and sewage in a cantonment, namely, their construction and control, sewage disposal, certain matters not to be passed into cantonment drains, connection of private drains into cantonment drains, nor premises to be constructed without drains, appointment of places for emptying of drains; building, railways and private streets not to be constructed over drains or water works, etc.

*Clause 233.*—This clause enable the Chief Executive officer, with the approval of the Board to cause to be prepared a spatial plan for land use in the cantonment earmarking zones for residential, institutional, commercial and other activities.

*Clause 234.*—This clause provides for an erection or re-erection of a building to be made only with the previous sanction of the Board and of the Chief Executive Officer in case it is in a civil area.

*Clause 235.*—This clause provides for a notice to be given to the Chief Executive Officer for erection or re-erection of a building in a cantonment.

*Clause 236.*—This clause requires the specific mention of the purpose for which a building is proposed to be erected in the notice to be given under clause 235.

*Clause 237.*—This clause provides for the powers of Board under certain sections to be exercised by the Chief Executive Officer in the civil area in the cantonment.

*Clause 238.*—This clause enables the Board to refuse or sanction (either absolutely or with certain directions) the erection or re-erection of a building.

*Clause 239.*—This clause enables the Chief Executive Officer to order the stoppage of any erection of a building or works in case it is found to be contrary to the sanction issued under clause 238.

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*Clause 240.*—This clause enables the Central Government to sanction a general scheme of erection or re-erection of building within particular limits of a cantonment for the prevention of overcrowding and insanitation.

*Clause 241.*—This clause provides for protection to a Board against payment of any compensation in case any person sustains any damage in consequence of the refusal of the Board to sanction the erection of any building.

*Clause 242.*—This clause requires the person to whom sanction for erection or reerection has been given to deliver a notice regarding its completion and obtain a completion certificate from the Chief Executive Officer.

*Clause 243.*—This clause provides for the validity of the sanction of erection or re-erection for a period of two years unless it is extended by the Chief Executive Officer on application in this regard.

*Clause 244.*—This clause provides against the use of a building for any purpose other than for which it has been sanctioned to be used.

*Clause 245.*—This clause provides for the laying down of a period within which the erection or re-erection of a building shall be commenced and completed.

*Clause 246.*—This clause requires the giving of a notice for the completion of erection or re-erection of a building within thirty days.

*Clause 247.*—This clause provides for a penalty in case of illegal erection and reerection of a building in the cantonment.

*Clause 248.*—This clause enables the Board to direct the owner, lessee or occupier of any land in a cantonment to stop erection or re-erection of a building or demolish the same in case it is an offence under clause 247.

*Clause 249.*—This clause enables the Chief Executive Officer to direct the sealing of a

premises where unauthorised construction is being carried out and also provides for a penalty for contravention of this provision.

*Clause 250.*—This clause bars the Courts from entertaining any proceedings in respect of any order or notice for which provision of appeal exists and has not been exhausted.

*Clause 251.*—This clause enables the Board to make bye-laws pertaining to various procedures to be followed in connection with erection or re-erection of buildings in a cantonment.

*Clause 252.*—This clause provides for prohibition of structures or fixtures, which may cause obstruction in streets in the cantonment and also enables the Chief Executive Officer to remove the same. It also enables the Chief Executive Officer to permit the putting of verandas, balconies, etc., in certain cases.

*Clause 253.*—This clause enables the Chief Executive Officer to pull down or otherwise deal with the same any unauthorised buildings over drains, culverts water course, waterpipe, etc., or otherwise deal with the same.

*Clause 254.*—This clause enables the Chief Executive Officer to require the owner or lessee of a building or land to put up and keep in good condition, proper troughs and pipes, etc.

*Clause 255.*—This clause enables the Chief Executive Officer to attach brackets for lamps and other accessories to the outside of any building.

*Clause 256.*—This clause provides that all roads in civil area and those outside the civil area as may be vested in the Board and shall be maintained by the Board.

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*Clause 257.*—This clause enables the Chief Executive Officer to permit temporary occupation of any street or land for the purpose of depositing building material, etc., subject to conditions prescribed by the Board and payment of fee.

*Clause 258.*—This clause enables the Board to open any street for public use. It also enables the Board to close a street permanently, with sanction of the General Officer Commanding-in-Chief the Command or Principal Director.

*Clause 259.*—This clause enables the Board to determine the names of streets and numbers of buildings in a cantonment.

*Clause 260.*—This clause enables the Board to permit Group Housing Schemes in a cantonment in accordance with special bye-laws framed for the purpose.

*Clause 261.*—This clause enables the Chief Executive Officer to permit to remove or the erection of any boundary wall, hedges or fences in a cantonment or to remove the same if found unsightly or otherwise objectionable.

*Clause 262.*—This clause enables the Board to require the owner, lessee or occupier of any land in the cantonment to fell, lop and trim trees wherever the same is necessary for any reason.

*Clause 263.*—This clause provides for the imposition of a penalty in case of digging of public land without the permission of the Chief Executive Officer.

*Clause 264.*—This clause enables the Chief Executive Officer to prohibit the owner, lessee or occupier of any quarry from continuing the work for the purpose of preventing danger or abating nuisance likely to be caused thereby.

*Clause 265.*—This clause enables the Board to provide and maintain public markets and slaughter-houses together with stall, shops, sheds, etc., to such number as it may think fit.

*Clause 266.*—This clause prohibits any person from selling or exposing for sale any animal or article in a public market.

*Clause 267.*—This clause enables the Board to transfer by public auction, the right to occupy or use any stall, shop, standing shed, etc., in a public market or public slaughterhouse.

*Clause 268.*—This clause requires the Board to publish a table of stallages, rents, and fees leviable in a public market for regulating the use of such market.

*Clause 269.*—This clause provides that no place other than public market in a cantonment shall be used as a market unless licenced by the Board.

*Clauses 270 to 274.*—These clauses enable the Board or Chief Executive Officer to

grant licence for private market or slaughter-house, to impose penalty for keeping market or slaughter-house without licence or for using unlicensed market or slaughter-house, lays down prohibition and restrictions on the use of slaughter-house and power to inspect slaughter-house etc.

*Clause 275.*—This clause empowers the Board by order to regulate the matters relating to days and working hours, for the opening of the public market or public slaughter-house, their design and sanitation, etc.

*Clause 276.*—This clause enables the Board to make provision of suitable places for washermen, its fee and lays a penalty for the contravention of such provisions.

*Clause 277.*—This clause provides for the issue of yearly licences for carrying on of certain occupations in a cantonment and enables the Board to issue such licences on the charge of a fee.

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*Clause 278.*—This clause enables the Chief Executive Officer to stop the use of certain places as eating house, lodging house, hotel, etc., run in contravention of the term of a licence granted in this regard.

*Clause 279.*—This clause lays down certain conditions which may be attached to licences issued under clause 277.

*Clause 280.*—This clause enables the Board to vary a licence in case of place used under the licence is nuisance or is likely to be dangerous to life, health and property.

*Clause 281.*—This clause provides for a penalty for carrying on trade, etc., without licence or in contravention of clause 280.

*Clause 282.*—This clause provides for a penalty for feeding of animals kept for the purpose of supplying milk on filthy, deleterious substances.

*Clause 283.*—This clause enables the President, Vice-president, the Chief Executive Officer, the Health Officer, the Assistant Health Officer or any official of the Board so authorised to enter into any market, building, shop, stall or other places in the cantonment for inspection and seizure.

*Clause 284.*—This clause prohibits the import of cattle and flesh in a cantonment slaughtered outside the cantonment, without written permission of the Chief Executive Officer to be issued on the recommendation of the Health Officer.

*Clause 285.*—This clause provides for a penalty on the unauthorised sale of spirituous liquor or intoxicating drug by any person not a military person or a soldier in a cantonment or within such limits adjoining a cantonment as may be notified by the Central Government in the Official Gazette.

*Clause 286.*—This clause provides for a penalty on the unauthorised possession of spirituous liquor by any person subject to Army, Navy or Air Force, otherwise than as a military officer or a soldier or the wife or servant of any such person or of a soldier in a cantonment.

*Clause 287.*—This clause enables a Police Officer to arrest any person and seizure and confiscation of things for offence against the two last foregoing clauses without an order from a Judicial Magistrate.

*Clause 288.*—This clause exempts the application of the provisions of clauses 285 to 287 on articles sold or supplied for medicinal purposes.

*Clause 289.*—This clause elaborately provides for a penalty which may be imposed on any person for causing public nuisance in a cantonment.

*Clause 290.*—This clause enables the Board to make bye-laws for the registration and control of dogs in a cantonment.

*Clause 291.*—This clause provides for a penalty for violation of the traffic rules of the road in a cantonment.

*Clause 292.*—This clause enables the Chief Executive Officer to direct, by a public notice, that the roofs and external walls of huts and other building shall not be made of any inflammable materials without his permission.

*Clause 293.*—This clause enables the Board to prohibit, by a public notice, the stacking or collection of wood, dry grass or other inflammable materials in a cantonment.

*Clause 294.*—This clause prohibits the setting of naked light in a street or public place in such a manner as to cause danger of fire.

*Clause 295.*—This clause prohibits the exhibition of cinematographic and dramatic performances in the cantonment or elsewhere than in premises for which a licence has been granted by the Chief Executive Officer under this clause and penalty for such contravention.

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*Clause 296.*—This clause provides for a penalty to be imposed on whoever discharges fire-works, etc., which are likely to cause danger to passers by or dwellers in a locality.

*Clause 297.*—This clause enables the Chief Executive Officer to require buildings, wells, etc., in a cantonment to remove in case the same cause a nuisance or are dangerous to the passersby or dwellers in a locality.

*Clause 298.*—This clause enables the Chief Executive Officer to secure and enclose the waste land in a cantonment used for improper purposes.

*Clause 299.*—This clause empowers the Officer Commanding the Station or the Board to discontinue the use of a building as a brothel or for purposes of prostitution.

*Clause 300.*—This clause provides for a penalty for loiters for the purpose of prostitution or importunes any person to the commission of sexual immorality.

*Clause 301.*—This clause enables the Officer Commanding the Station or the Board to require a person residing in or frequenting the cantonment and believed to be a prostitute, or has been convicted of an offence, to be removed from the cantonment.

*Clause 302.*—This clause enables a Judicial Magistrate of the First Class to issue summons for and order the removal and exclusion from the cantonment any disorderly person and also prohibit him from re-entering the cantonment.

*Clause 303.*—This clause enables the Officer Commanding the Station to require removal and exclusion from the cantonment any seditious person who is likely to cause disloyalty, disaffection or breach of discipline among any portion of the forces.

*Clause 304.*—This clause provides for the imposition of a penalty on any person who fails to comply with an order prohibiting him from re-entering a cantonment or harbours any such person who has been ordered to be removed from the cantonment.

*Clause 305.*—This clause provides for the Central Government to make rules for the classification of defence lands in or outside a cantonment and their management.

*Clause 306.*—This clause provides for the defence lands to include all lands, within and outside a cantonment, which have been inherited, acquired, hired, requisitioned or obtained by any other means by the Central Government for the purposes of defence and other related purposes.

*Clause 307.*—This clause enables the Central Government to vest any defence land, inside or outside a cantonment in a Board for specific purposes and under specific terms.

*Clause 308.*—This clause provides for the role of Defence Estates Officer as the agent of the Central Government, in the management and development of defence lands and also describes his duties in this regard.

*Clause 309.*—This clause provides for the audit of all defence lands, within or outside the cantonment to be audited by the Defence Estates Officer, in the prescribed manner.

*Clause 310.*—This clause authorises the President, Vice-President, Chief Executive Officer, Health Officer, etc., to enter into or upon any building or land to make any inquiry, inspection, measurement, etc., as may be necessary for the purpose of the Bill.

*Clause 311.*—This clause enables the Board to authorise any Member of a Board to inspect any work or institution, book, register, etc., maintained by the Board.

*Clause 312.*—This clause enables the Board or the Chief Executive Officer to authorise any person to inspect any drain, privy, latrine, urinal, etc., with the purpose of prevention and removal of any nuisance arising therefrom.

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*Clause 313.*—This clause enables the Chief Executive Officer of a cantonment to enter on any land adjoining the land where an authorised work is in progress.

*Clause 314.*—This clause enables any person authorised under the Bill to break into any premises if such entry is considered necessary.

*Clause 315.*—This clause restricts any authorised entry to be made in the day time only.

*Clause 316.*—This clause provides for the obtaining of the owner's consent for making entry under the provisions of the Bill and also for giving four hours notice in such cases.

*Clause 317.*—This clause provides for the giving of due regard to the social and religious usages of the occupants of the place where entry is made under this Bill.

*Clause 318.*—This clause provides for a penalty for causing obstruction or molestation to any person acting on behalf of the Board, who is not a servant of the Board or has been lawfully contracted by the Board.

*Clause 319.*—This clause enables any member of the police force to arrest without a warrant, any person committing a breach of any provision of this Bill under Schedule IV.

*Clause 320.*—This clause requires all police officers to provide information to the Board about any attempt to commit any offence against the provisions of this Bill and also provide assistance to cantonment officers and servants in the exercise of their lawful authority.

*Clause 321.*—This clause provides to specify a reasonable time in a notice, requisitions or order made under this Bill.

*Clause 322.*—This clause provides for every notice, order or requisition issued by a Board under this Bill to be signed by the President of the Board or the Chief Executive Officer or the members of any committee especially authorised by the Board in this behalf.

*Clauses 323 and 324.*—These clauses lay down various methods of giving and serving a notice, order or requisition issued under this Bill.

*Clause 325.*—This clause enables the Board or the civil area committee or the Chief Executive Officer to take such action or steps as may be necessary for the non-compliance of the notices issued under this Bill.

*Clause 326.*—This clause enables the Board or the civil area committee or the Chief Executive Officer to issue notice to a person who obstructs the entry on a premises and to allow the same within eight days of the notice.

*Clause 327.*—This clause enables the board or the civil area committee or the Chief Executive Officer to require the occupier of a property to pay any amount recoverable from the owner of a property in case of default of the owner to pay the same.

*Clause 328.*—This clause enables a relief to the agent and trustee of a property not be liable to pay any sums due from the property if he does not have in his hand funds belonging to the owner sufficient for the purpose.

*Clause 329.*—This clause provides for the recovery of any dues under this Bill to be recovered with the cost of recovery by suit or application to a Judicial Magistrate having jurisdiction in the cantonment.

*Clauses 330 to 335.*—These clauses require the Board to convene a Committee of Arbitration to determine a matter in dispute in the event of disagreement as to the liability of a Board to pay any compensation under this Bill and lays down the procedure for convening the Committee of Arbitration and the constitution of such Committee of Arbitrations its meetings and powers and decisions.

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*Clause 336.*—This clause makes provision for adoption of procedure for prosecutions.

*Clause 337.*—This clause enables the Chief Executive Officer to compound an offence made punishable under this Bill other than an offence under Chapter XIV.

*Clause 338.*—This clause provides for a general penalty in cases where penalty is not expressly provided under this Bill.

*Clause 339.*—This clause provides for the responsibility of every person being incharge of or responsible to a company, to be deemed to be guilty where an offence under this Bill has been committed by a company.

*Clause 340.*—This clause enables the Board or the civil area committee, to cancel a licence or written permission or suspend it for such period as it thinks fit in case a licensee

commits a breach of any condition of the licence.

*Clause 341.*—This clause provides for the recovery of amount payable in respect of damage to a cantonment property, which in case of dispute, shall be determined by a Judicial Magistrate by whom the person incurring such penalty is being convicted.

*Clause 342.*—This clause lays down limitations for prosecution of any person made punishable by or under this Bill.

*Clause 343.*—This clause provides protection to the Board and other Officers involved in the administration of the cantonments from being prosecuted in any Court for anything done in good faith.

*Clause 344.*—This clause provides for a notice to be given if a suit is to be instituted against any Board, or against any member of a Board or an officer or employee of the Board in respect of any act done in pursuance of this Bill.

*Clause 345.*—This clause provides for filing of appeals from executive orders as described in Schedule V.

*Clause 346.*—This clause provides for the appeal to be filed by petition in writing to be presented to the authority which made the order against which the appeal is made, who shall be bound to forward it to the appellate authority.

*Clause 347.*—This clause provides for the suspension of all proceedings to enforce an order if an appeal has been admitted against the same.

*Clause 348.*—This clause provides for the filing of a revision of decision before the Central Government by either party after an appeal from an order made by the Board has been disposed of by the District Magistrate.

*Clause 349.*—This clause provides for the order of the appellate authority to be final, save as otherwise provided in clause 348.

*Clause 350.*—This clause provides for the right of every appellant to be heard in person or through a legal practitioner before an appeal is decided.

*Clauses 351 and 352.*—These clauses enable the Central Government after previous publication, to make rules to carry out the purposes and objects of this Bill, either generally for all cantonments or defence estates for the whole or any part of any one or more cantonments or Defence Estates.

*Clause 353.*—This clause enables the Board to make bye-laws for various matters as provided in the clauses of this Bill.

*Clause 354.*—This clause provides for a penalty to be charged for any breach of the bye-laws made by the Board under this Bill.

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*Clause 355.*—This clause provides certain supplementary provisions regarding making of bye-laws to be effective only after their publication in the Official Gazette on approval by the Central Government.

*Clause 356.*—This clause provided for all the Rules and Bye-laws made under this Bill to be kept at the office of the Board and be available for inspection and purchase by any inhabitant of the cantonment.

*Clause 357.*—This clause enables the Central Government to extend to any area beyond a cantonment, by notification in Official Gazette certain provisions of this Bill and Rules made thereunder.

*Clause 358.*—This clause enables the Board, by a resolution passed in this behalf, to delegate certain functions to the President, Vice-President, Chief Executive Officer or Health Officer to delegate all or any of its functions to the Vice-President, Chief Executive Officer or Health Officer.

*Clause 359.*—This clause provides for the application of certain provisions of the Transfer of Property Act, 1882 regarding transfer of property by registered instrument to every cantonment.

*Clause 360.*—This clause provides for no notice, order, requisition, etc., issued under this Bill to be invalid merely by reason of any defect of form.

*Clause 361.*—This clause provides for the admissibility of documents or entry as evidence in case the same is duly certified by the keeper of record or any person authorised



by the Chief Executive Officer.

*Clause 362.*—This clause provides that no officer or employee of a Board shall, in any legal proceeding to which the Board is not party, be required to produce any register or document the contents of which can be proved under clause 361 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.

*Clause 363.*—This clause provides that for the purpose of the Government Building Act, 1899, cantonment and Boards shall be deemed to be municipalities and municipal authorities respectively and the references to the State Government in section 4 of that Act shall be construed as references to Central Government.

*Clause 364.*—This clause empowers the Central Government to remove difficulty by order published in the Official Gazette.

*Clause 365.*—This clause repeals the Cantonment Act, 1924 and provides that all actions taken or re-taken under the said Act, as long as they do not contravene the provisions of this Bill, shall be construed to have been taken under this Bill.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

The Cantonments Bill, 2003 empowers the Central Government to make rules for the purposes of the Bill in clauses 31, 125, 305 and 351.

Clause 31 of the Bill empowers the Central Government to make rules for —

- (a) the division of a cantonment into wards,
- (b) the determination of the number of members to be elected in each ward,
- (c) the preparation, revision and final publication of electoral rolls,
- (d) the reservation of wards for election of the Scheduled Castes, Scheduled Tribes and women,
- (e) the registration of electors, the nomination of candidates, the time and manner of holding elections and method by which votes shall be recorded, and
- (f) the authority, fees and the manner to decide election disputes.

Clause 125 of the Bill empowers the Central Government to make rules governing conditions on which property may be acquired by the Cantonment Board or property vested in Board may be transferred by sale, mortgage, lease, exchange or otherwise.

This clause also empowers the Central Government to make rules for matter relating to the Cantonment Fund or the Cantonment Development Fund or Cantonment property.

Clause 305 empowers the Central Government to make rules for classification of lands including the defence lands situated, inside or outside cantonment; regulation, control, management of such lands; and the manner in which and conditions subject to which any permission to occupy the defence lands be granted.

Clause 351 of the Bill empowers the Central Government in general to make rules for carrying out the purposes and objects of the Act including—

- (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;
- (c) the allotment to a Board of a share of the rents and profits accruing from property entrusted to its management under the provisions of clause 63;
- (d) the appointment, promotion, transfer, tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence, discipline and other condition of service of employees of Boards;
- (e) the circumstances in which security shall be demanded from employees of Boards and the amount and nature of such security;
- (f) the keeping of accounts by Boards and the manner in which, such accounts shall be audited and published;
- (g) the manner in which, money may be paid out of a cantonment fund or

cantonment development fund;

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(h) the preparation of estimates of income and expenditure by Boards and the conditions subject to which such estimates may be sanctioned;

(i) the regulation of the procedure of Committees of Arbitration;

(j) the prescribing of registers, statements and forms to be used and maintained by any authority for the purposes of this Bill;

(k) the grant of leave to the members of the Board;

(l) the form of notice required to be sent under this Bill and the manner of their service; and

(m) any other matter which is required to be, or may be prescribed.

2. The Cantonments Bill also empowers the Cantonment Boards to make regulations and bye-laws in clauses 48, 204, 231, 251, 290 and 353.

Clause 48 of the Bill empowers the Board to make regulations consistent with the Bill and rules made thereunder for time, place, manner for conduct of business during Board's meeting and its sub committee's meetings.

Sub-clause (4) of clause 204 of the Bill empowers the Board to make regulations for the digging or use of bore wells in the cantonments.

Sub-clauses (4) and (7) of clause 231 of the Bill empowers the Board to make bye-laws for guidance of licensed plumbers, to exercise adequate control on all licensed plumbers, inspection of all work carried out by them and hearing and disposal of complaints made by owners or occupiers with regard to quality of work, material used and delay in execution of work.

Clause 251 of the Bill empowers the Board to make building bye-laws subject to provisions of the Bill.

Clause 290 of the Bill empowers the Board to make bye-laws for registration and control of dogs.

Clause 353 of the Bill empowers the Board, to make bye-laws, subject to the provisions of this Bill and the rules made thereunder by the Central Government, to provide for all or any of the following matters in the cantonment, namely :—

(1) the registration of births, deaths and marriages, and the taking of a census;

(2) the enforcement of compulsory vaccination and inoculation and levy of fees where such vaccination or innoculation is carried out at the houses of residents;

(3) the regulation of the collection and recovery of taxes, tolls and fees under this Bill and the refund of taxes;

(4) the regulation of any description of traffic in the streets and the enforcement of measures for the reduction of noise caused thereby or the prohibition of any description of such traffic.

(5) the manner in which vehicles standing, driven, led or propelled in the streets between sunset and sunrise shall be lighted;

(6) the seizure and confiscation of ownerless animals straying within the limits of the cantonments 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 persons working thereon;

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(9) the regulation in any manner provided for in this Bill of the construction, alteration, maintenance, preservation, cleaning and repairs of drains, ventilationshafts, pipes, water-closets, privies, latrines, urinals, cesspools and other drainage works;

(10) the regulation or prohibition of the discharge into, or deposit in,

- drains of sewage, polluted water and other offensive or obstructive matter;
- (11) the regulation or prohibition of the stabling or herding of animals, or of any class of animals, so as to prevent danger to public health;
- (12) the 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 or occupation;
- (14) the regulation and control of encamping grounds, sarais, hotels, dak-bungalows, lodging-houses, boarding-houses, buildings let in tenements, residential clubs, restaurants, eating-houses, cafes, refreshment-rooms, guest houses, holiday resorts, cinemas and places of public recreation, entertainment or resorts;
- (15) the regulation of the ventilation, lighting, cleansing, drainage and water-supply of the buildings used for the manufacture or sale of aerated or other potable waters and of butter, milk, sweetmeats and other articles of food or drink for human consumption;
- (16) the matters regarding which conditions may be imposed by licences granted under clause 295 or clause 277;
- (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 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;
- (20) 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 and levy of development charges.
- (21) 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;
- (22) the regulation of the grazing of animals and the fees chargeable in respect thereof;
- (23) the fixing and regulation of the use of public bathing and washing places;
- (24) the regulation of the posting of bills and advertisement, and of the position, size, shape or style or name-boards, sign-boards and sign-posts;
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- (25) the fixation of a method for the sale of articles whether by measure, weight, piece or any other method;
- (26) 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 or used for hawking articles;
- (c) for the proprietors of drivers of vehicles, boats or other conveyances, or of animals kept or plying for hire or used for hawking articles;
- (d) for persons impelling or carrying such vehicles or other conveyances; or

- (e) for persons practising as nurses, midwives or dais;
- (27) the prescribing of the fee payable for any licence required under clause (26), and of the conditions subject to which such licences may be granted, revised, suspended or withdrawn;
- (28) 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 (26);
- (29) the prescribing of fee payable for any licence except as otherwise specifically provided in the Bill, sanction or for any written permission granted by the Chief Executive Officer;
- (30) the regulation or prohibition, for purposes of sanitation or the prevention of disease or the promotion of public safety or convenience, of any act which occasions or is likely to occasion a nuisance, and for the regulation or prohibition of which no provision is made elsewhere by or under this Bill;
- (31) 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 Bill or any rule or bye-law made thereunder, persons residing within or near the cantonment;
- (32) the prevention of the spread of infectious or contagious diseases within the cantonment;
- (33) the segregation in, or the removal and exclusion from, the cantonment, or the destruction, of animals suffering from or reasonably suspected to be suffering from any infectious or contagious disease;
- (34) the supervision, regulation, conservation and protection from injury, contamination or trespass of sources and means of public water-supply and of appliances for the distribution of water whether within or without the limits of the cantonment;
- (35) 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;
- (36) the regulation of all matters and things relating to the supply and use of water including the collection and recovery of charges thereof and the prevention of evasion of the same;

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- (37) the maintenance of schools, and the furtherance of education generally;
- (38) the regulation of prohibition of the cutting or destruction of trees or shrubs, or of excavations, or of removal of soil or quarrying; where such regulation or prohibition appears to the Board 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 landslide 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;
- (39) the rendering necessary of licences for the use of premises within the cantonment as stables, kennels, sites or cow-houses or as accommodation for sheep, goats or fowls;
- (40) the control of the use in the cantonment of mechanical whistles, sirens or trumpets;
- (41) the regulation of supply of copies of official documents and prescribing the fee payable in respect thereof;
- (42) the regulation of permission for granting licence for use of loudspeakers and prescribing the fee payable in respect thereof; and

(43) generally for the regulation of the administration of the cantonment under this Bill.

3. Sub-clause (1) of clause 364 of the Bill confers power upon the Central Government to make, by notification in the Official Gazette, such provisions not inconsistent with the provisions of the proposed legislation as may appear to be necessary for removing the difficulty of implementing the new law. However, no such order shall be made after the expiry of two years from the date of commencement of the proposed legislation. Every order made under this clause shall be laid, as soon as may be after it is made, before each House of Parliament.

4. The matters in respect of which rules, regulations, bye-laws and notifications or orders may be made or issued are generally matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

RAJYA SABHA

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A

## BILL

to consolidate and amend the law relating to the administration of cantonments with a view to impart greater democratisation, improvement of their financial base to make provisions for developmental activities, proper regulation, control and management of defence lands including extension of cantonment laws to such lands situated throughout the territory of India and for matters connected therewith or incidental thereto.

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(*Shri George Fernandes, Minister of Defence*)

MGIPMRND—148RS—02.07.2004.

THE CANTONMENTS BILL, 2003

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## ARRANGEMENT OF CLAUSES

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#### REPRINT

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**Bill No. LXXIII of 2003**

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#### *Members*

32. Members not to vote on matter in which he is interested.
33. Liability of members.
34. Removal of members.
35. Consequences of removal.
36. Member of the Board to be deemed a public servant.

#### *Employees*

37. Disqualification of person as an employee of Board.
38. Cantonment employee to be deemed a public servant.

#### *Procedure*

39. Meetings.
40. Business to be transacted.
41. Quorum.
42. Presiding Officer.
43. Minutes.
44. Meetings to be public.
45. Method of deciding questions.
46. Civil Area.
47. Committees for civil areas.
48. Power to make regulations.
49. Joint action with other local authority.
50. Report on administration.

#### *Control*

51. Power of Central Government to require production of documents.
52. Inspection.
53. Power to call for documents.
54. Power to require execution of work, etc.
55. Power to provide for enforcement of direction under section 54.
56. Power to override decision of Board.
57. Power of Central Government to review.
58. Power of General Officer Commanding-in-Chief, the Command, on reference under section 56 or otherwise.
59. Power of Central Government on a reference made under section 56.
60. Supersession of Board.

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**SERVER 1/BILL 2004/RS:1148RS1148RS1.P65***Validity of proceedings*

61. Validity of proceedings, etc.

**CHAPTER IV****DUTIES AND DISCRETIONARY FUNCTIONS OF BOARDS**

62. Duties of Board.

63. Power to manage property.

64. Discretionary functions of Board.

65. Power of expenditure for educational, health and other purposes outside the cantonment.

**CHAPTER V****TAXES AND FEES***Imposition of Taxation*

66. General power of taxation.

67. Charging of fees.

68. Norms of Property Tax.

69. Framing of preliminary proposals.

70. Objections and disposal thereof.

71. Imposition of tax.

72. Power of Central Government to issue directions to the Board.

73. Definition of “annual rateable value”.

74. Incidence of taxation.

*Assessment list*

75. Assessment list.

76. Revision of assessment list.

77. Authentication of assessment list.

78. Evidential value of assessment list.

79. Amendment of assessment list.

80. Preparation of new assessment list.

81. Notice of transfers.

82. Notice of erection of buildings.

*Remission and refund*

83. Demolition, etc., of buildings.

84. Remission of tax.

85. Power to require entry in assessment list of details of buildings.

86. Notice to be given of the circumstances in which remission or refund is claimed.

87. What buildings, etc., are to be deemed vacant.

88. Notice to be given of every occupation of vacant building or house.

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*Charge on immovable property*

89. Tax on buildings and land to be a charge thereon.

*Octroi, terminal tax and toll*

90. Inspection of imported goods, octroi, terminal tax and toll, etc.

91. Power to seize, etc.

92. Lease of octroi, terminal tax or toll.

*Appeals*

93. Appeals against assessment.

94. Costs of appeal.

95. Recovery of costs from Board.

96. Conditions of right to appeal.

97. Finality of appellate orders.

*Payment and recovery of taxes*

98. Time and manner of payment of taxes.

99. Public notice for taxes due.

100. Notice of demand.

101. Recovery of tax.
102. Interest payable on taxes due.
103. Distress.
104. Disposal of distrained property.
105. Attachment and sale of immovable property.
106. Recovery from a person about to leave cantonment.
107. Power to institute suit for recovery.
- Special provisions relating to taxation, etc.*
108. Every Board to be a municipality for certain purposes.
109. Payment to be made to a Board as service charges by Central Government or State Government.
110. Power to make special provision for conservancy in certain cases.
111. Exemption in case of buildings.
112. General power of exemption.
113. Exemption of poor persons.
114. Composition.
115. Irrecoverable debts.
116. Obligation to disclose liability.
117. Immaterial error not to affect liability.
118. Distraint not to be invalid by reason of immaterial defect.

## CHAPTER VI

### CANTONMENT FUND AND PROPERTY

#### *Cantonment Fund and Cantonment Development Fund*

119. Cantonment fund.
120. Custody of Cantonment Fund and Cantonment Development Fund.
121. Power of Board to borrow money.

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#### *Property*

122. Property.
123. Application of cantonment fund, cantonment development fund and property.
124. Acquisition of immovable property.
125. Power to make rules regarding cantonment fund, cantonment development fund and property.

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### CONTRACTS

126. Contracts by whom to be executed.
127. Sanction.
128. Execution of contract.
129. Contracts improperly executed not to be binding on a Board.

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### SANITATION AND THE PREVENTION AND TREATMENT OF DISEASE

#### *Sanitary authorities*

130. Responsibility for sanitation.
131. General duties of Health Officer.

#### *Conservancy and Sanitation*

132. Public latrines, urinals and conservancy establishments.
133. Duty of occupier to collect and deposit rubbish, etc.
134. Power of Board to undertake private conservancy arrangement.
135. Deposits and disposal of rubbish, etc.
136. Cesspools, receptacles, for filth, etc.
137. Filling up of tank, etc.
138. Provision of latrines, etc.
139. Sanitation in factories, etc.
140. Private latrines.
141. Special provisions for collection of rubbish and solid waste management.



- 142. Removal of congested buildings.
- 143. Overcrowding of dwelling houses.
- 144. Power to require repair or alteration of building.
- 145. Power to require land or building to be cleansed.
- 146. Prohibition in respect of air pollutant.
- 147. Power to order disuse of house.
- 148. Removal of noxious vegetation.
- 149. Agriculture and irrigation.

*Burial and burning grounds*

- 150. Power to call for information regarding burial and burning grounds.
- 151. Permission for use of new burial or burning ground.
- 152. Power to require closing of burial or burning ground.
- 153. Exemption from operation of sections 150 to 152.
- 154. Removal of corpses.

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*Prevention of infectious, contagious or communicable diseases*

- 155. Obligation concerning infectious contagious or communicable diseases.
- 156. Blood Bank.
- 157. Special measures in case of outbreak of infectious or epidemic diseases.
- 158. Power to require names of dairyman's customers.
- 159. Power to require names of a washerman's customers.
- 160. Power to require names of patients or customers of a medical practitioner or paramedical workers.
- 161. Report after inspection of Dairy or Washerman or medical practitioner's place of business.
- 162. Action on report submitted by Health Officer.
- 163. Examination of milk, washed clothes or needles, syringes, etc.
- 164. Contamination of public conveyance.
- 165. Disinfection of public conveyance.
- 166. Penalty for failure to report.
- 167. Driver of conveyance not bound to carry person suffering from infectious or contagious disease.
- 168. Disinfection of buildings or articles therein.
- 169. Destruction of infectious hut or shed
- 170. Temporary shelter for inmates of disinfected or destroyed building or shed.
- 171. Disinfection of building before letting the same.
- 172. Disposal of infected article without disinfection.
- 173. Means of disinfection.
- 174. Making or selling of food, etc., or washing clothes by infected person.
- 175. Power to restrict or prohibit sale of food or drink.
- 176. Control over wells, tanks, etc.
- 177. Disposal of infectious corpse.

*Hospitals and dispensaries*

- 178. Maintenance or aiding of hospitals or dispensaries.
- 179. Medical supplies, appliances, etc.
- 180. Free patients.
- 181. Paying patients.
- 182. Power to order person to attend hospital or dispensary.
- 183. Power to exclude from cantonment persons refusing to attend hospital or dispensary.

*Control of traffic for hygienic purposes*

- 184. Routes for pilgrims and others.

*Special conditions regarding essential services*

- 185. Conditions of service of Safaikaramcharis and others.

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## WATER-SUPPLY, DRAINAGE AND SEWAGE COLLECTION

*Water Supply*

- 186. Maintenance of water-supply.
- 187. Terms of Water-Supply.
- 188. Board to carry out survey and formulate proposals.
- 189. Control over sources of public water-supply.
- 190. Power to require maintenance or closing of private source of public drinking water-supply.
- 191. Supply of water.
- 192. Power to require water-supply to be taken.
- 193. Supply of water under agreement.
- 194. Board not liable for failure of supply.
- 195. Conditions of universal application.
- 196. Supply to persons outside cantonment.
- 197. Penalty.

*Water, drainage and other connections*

- 198. Power of Board to lay wires, connections, etc.
- 199. Wires, etc., laid above surface of ground.
- 200. Connection with main not to be made without permission.
- 201. Power to prescribe ferrules and to establish meters, etc.
- 202. Power of inspection.
- 203. Power to fix rates and charges.

*Application of this Chapter to Government water supplies*

- 204. Government water-supply.
- 205. Water supply for domestic consumption.
- 206. Recovery of charges.
- 207. Supply of water from Government water-supply to the Board.
- 208. Functions of the Board in relation to distribution of bulk supply.
- 209. Special provisions concerning drainage and sewage.
- 210. Construction of and Control of drains and sewage collection and disposal works.
- 211. Certain matters not to be passed into cantonment drains.
- 212. Application by owners and occupiers to drain into cantonment drains.
- 213. Drainage of undrained premises.
- 214. New premises not to be erected without drains.
- 215. Power to drain group or block of premises by combined operations.
- 216. Power to close or limit the use of private drains in certain cases.
- 217. Use of drain by a person other than the owner.
- 218. Sewage and rain water drains to be distinct.
- 219. Power to require owner to carry out certain works for satisfactory drainage.
- 220. Appointment of places for the emptying of drains and collection of sewage.

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*Miscellaneous*

- 221. Connection with water works and drains not to be made without permission.
- 222. Buildings, railways and private streets not to be erected or constructed over drains or water works without permission.
- 223. Rights of user of property for aqueducts, lines, etc.
- 224. Power of owner of premises to place pipes and drains through land belonging to other persons.
- 225. Power to require railway level, etc. to be raised or lowered.
- 226. Power to execute work after giving notice to the person liable.
- 227. Power to affix shafts, etc., for ventilation of drain or cesspool.
- 228. Power to examine and test drains, etc., believed to be defective.
- 229. Bulk delivery of sewage by the Board.

- 230. Employment of Government agencies for repair, etc.
- 231. Work to be done by licensed plumber.
- 232. Prohibition of certain acts.

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##### TOWN PLANNING AND CONTROL OVER BUILDINGS, ETC.

- 233. Preparation of land use plan.
- 234. Sanction for building.
- 235. Notice of new buildings.
- 236. Conditions of valid notice
- 237. Powers of Board under certain sections exercisable by Chief Executive Officer.
- 238. Power of Board to sanction or refuse.
- 239. Order of stoppage of building or works in certain cases and disposal of things removed.
- 240. Power to sanction general scheme for prevention of overcrowding, etc.
- 241. Compensation.
- 242. Completion notice.
- 243. Lapse of sanction.
- 244. Restrictions on use of buildings.
- 245. Period for completion of building.
- 246. Completion Certificate.
- 247. Illegal erection and re-erection.
- 248. Power to stop erection or re-erection or to demolish.
- 249. Power to seal unauthorised constructions.
- 250. Courts not to entertain proceedings in certain cases.
- 251. Power to make bye-laws.
- 252. Prohibition of structures or fixtures which cause obstruction in streets.
- 253. Unauthorised buildings over drains, etc.
- 254. Drainage and sewer connections.
- 255. Power to attach brackets for lamps and other accessories.
- 256. Maintenance of Roads.

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##### *Streets*

- 257. Temporary occupation of street, land, etc.
- 258. Closing and opening of streets.
- 259. Names of streets and numbers of buildings.
- 260. Group Housing Schemes
- 261. Boundary walls, hedges and fences.
- 262. Felling, lopping and trimming of trees.
- 263. Digging of public land.
- 264. Improper use of land.

#### CHAPTER XI

##### MARKETS, SLAUGHTER-HOUSES, TRADES AND OCCUPATIONS

- 265. Public markets and slaughter-houses.
- 266. Use of public market.
- 267. Power to transfer by public auction, etc.
- 268. Stallages, rents, etc., to be published.
- 269. Private markets and slaughter-houses.
- 270. Conditions of grant of licence for private market or slaughter-house.
- 271. Penalty for keeping market or slaughter-house open without licence, etc.
- 272. Penalty for using unlicensed market or slaughter-house.
- 273. Prohibition and restriction of use of slaughter-house.
- 274. Power to inspect slaughter-houses.
- 275. Power to regulate certain activities.

##### *Trades and occupations*

- 276. Provision of washing places.

- 277. Licences required for carrying on of certain occupations.
- 278. Power to stop use of premises used in contravention of licenses.
- 279. Conditions which may be attached to licences.

*General provisions*

- 280. Power to vary licence.
- 281. Carrying on trade, etc., without licence or in contravention of section 280.
- 282. Feeding animals on dirt, etc.

*Entry, inspection and seizure*

- 283. Powers of entry and seizure.

*Import of cattle and flesh.*

- 284. Import of cattle and flesh.

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CHAPTER XII

SPIRITUOUS LIQUORS AND INTOXICATING DRUGS

- 285. Unauthorised sale of spirituous liquor or intoxicating drug.
- 286. Unauthorised possession of spirituous liquor.
- 287. Arrest of persons and seizure and confiscation of things for offences against the two last foregoing sections.
- 288. Saving of articles sold or supplied for medicinal purposes.

CHAPTER XIII

PUBLIC SAFETY AND SUPPRESSION OF NUISANCES

*General Nuisances*

- 289. Penalty for causing nuisances

*Dogs*

- 290. Registration and control of dogs

*Traffic*

- 291. Traffic Rule of the road.

*Prevention of fire, etc.*

- 292. Use of inflammable materials for building purposes.
- 293. Stacking or collecting inflammable materials.
- 294. Care of naked lights.
- 295. Regulation of cinematographic and dramatic performance.
- 296. Discharging fire-works, fire-arms, etc.
- 297. Power to require buildings, wells, etc., to be rendered safe.
- 298. Enclosure of wasteland used for improper purposes.

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REMOVAL AND EXCLUSION FROM CANTONMENT AND SUPPRESSION OF SEXUAL IMMORALITY

- 299. Power to remove Brothels and Prostitutes.
- 300. Penalty for loitering and importuning for purposes of prostitution.
- 301. Removal of persons from cantonment.
- 302. Removal and exclusion from cantonment of disorderly persons.
- 303. Removal and exclusion from cantonment of seditious persons.
- 304. Penalty.

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MANAGEMENT OF DEFENCE LANDS

- 305. Management of Defence Lands.
- 306. Application of Act to Defence Lands.
- 307. Vesting of land in a Board.
- 308. Role of Defence Estates Officer and local Military Authorities.
- 309. Land audit.

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POWERS, PROCEDURES, PENALTIES AND APPEALS

*Entry and inspection*

- 310. Power of entry
- 311. Power of inspection by Member of a Board
- 312. Power of inspection, etc.
- 313. Power to enter land adjoining land where work is in progress.
- 314. Breaking into premises
- 315. Entry to be made in the day time.
- 316. Owners consent ordinarily to be obtained.
- 317. Regard to be had to social and religious usages.
- 318. Penalty for obstruction.

*Powers and duties of Police Officers*

- 319. Arrest without warrant.
- 320. Duties of Police Officers.

*Notices*

- 321. Notices to fix reasonable time.
- 322. Authentication and validity of notices issued by Board.
- 323. Service of notice, etc.
- 324. Method of giving notice.
- 325. Powers of Board in case of non-compliance with notice, etc.
- 326. Occupier not to obstruct owner when complying with notice.

*Recovery of Money*

- 327. Liability of occupier to pay in default of owner.
- 328. Relief to Agents and Trustees.
- 329. Method of recovery.

*Committees of Arbitration*

- 330. Application for a Committee of Arbitration.
- 331. Procedure for convening Committee of Arbitration.
- 332. Constitution of the Committee of Arbitration.
- 333. No person to be nominated who has direct interest or whose services are not immediately available.
- 334. Meetings and powers of Committee of Arbitration.
- 335. Decisions of Committee of Arbitration.

*Prosecutions*

- 336. Prosecutions.
- 337. Composition of offence.

*General Penalty Provisions*

- 338. General penalty.
- 339. Offences by companies.
- 340. Cancellation or suspension of licenses, etc.
- 341. Recovery of amount payable in respect of damage to cantonment property.

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*Limitation*

- 342. Limitation for prosecution.

*Suits*

- 343. Protection of Action of the Board etc.
- 344. Notice to be given of suits.

*Appeals and Revision*

- 345. Appeals from executive orders.
- 346. Petition of Appeal.
- 347. Suspension of Action Pending Appeal.
- 348. Revision.
- 349. Finality of the Appellate Orders.
- 350. Right of appellant to be heard.

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RULES AND BYE-LAWS

- 351. Power to make rules.

352. Supplemental provisions respecting rules.

353. Power to make bye-laws.

354. Penalty for breach of bye-laws.

355. Supplemental provisions regarding bye-laws and regulations.

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

#### CHAPTER XVIII

##### SUPPLEMENTAL PROVISIONS

357. Extension of certain provisions of the Act and rules to place beyond cantonments.

358. Power to delegate functions to the President, etc.

359. Registration.

360. Validity of notices and other documents.

361. Admissibility of documents or entry as evidence.

362. Evidence by officer or employee of the Board.

363. Application of Act 4 of 1899.

364. Power to remove difficulties.

365. Repeal and savings.

##### SCHEDULE I.

##### SCHEDULE II.

##### SCHEDULE III.

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##### SCHEDULE V.

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