

**JOINT SELECT COMMITTEE  
REPORTS OF LEGISLATIVE  
ASSEMBLY - 1923**

**The Cantonment (House Accommodation)  
Amendment Bill**



## LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Joint Committee to which the Bill further to amend the Cantonments (House-Accommodation) Act, 1922, was referred, have considered the Bill and have now the honour to submit this our Report.

2. At our first meeting, we elected Mr. E. Burdon, C.I.E., to be our Chairman. At that meeting we drew up a preliminary Report which was presented to the Legislative Assembly on the 11th of September. In that Report we explained our reasons for recommending that the provisions of the Bill should be incorporated in a measure re-enacting with amendments the existing law, and instructions were given to us in accordance with this recommendation. The Bill annexed to this Report is, therefore, an amending and consolidating Bill.

3. The following notes on the clauses of the Bill refer to all the changes of importance which we have made in the existing law as proposed to be amended by the original Bill. In addition to these, we have made a number of minor amendments to which we do not think it is necessary to draw attention in detail.

*Clause 1.*—In order to give time for the authorities to make necessary arrangements to enable effect to be given to the amended law, we have provided that the Act shall not come into force until the first day of April, 1923.

*Clause 2.*—We have included in the definition of "military officer" officers of the Royal Air Force. We also made it clear that a Chaplain is only included in the definition when he is on duty with troops in the cantonment.

In the definition of "a state of reasonable repair" which was contained in clause 2 of the amending Bill, we have substituted the word "properly" for the word "newly" as the latter might, we think, give rise to unnecessary disputes.

*Clause 4.*—Some of our members were anxious to insert here a provision avoiding all executive regulations, rules and instructions hitherto in force for the guidance of military officers in administering the law relating to the provision of house accommodation, on the ground that various illegalities have been committed thereunder. We realise, however, that in so far as these instructions are *ultra vires*, it would be a work of supererogation to declare them void. Another objection which has been raised to these regulations, rules and instructions is that many of them are confidential, and the remainder are not published in such a way as to be readily accessible to the public. In the end, we have decided to leave the clause as it stands in the present Act without amendment on the assurance, which has been conveyed to us on behalf of the Government, that these regulations, etc., will be completely overhauled; that those, if there are any such, which are found to be inconsistent with the Act, and those which are found to be unnecessary, will be cancelled whether they are confidential or not, and that they will not be re-issued; and that, of the remainder, those that are required as such will be enacted as rules made under the Act, and the rest, if still required as executive instructions, and if not for military reasons of a confidential nature, will be published in a convenient form.

*Clause 6.*—This clause and clauses 7, 16, 17 and 20 provide for the procedure which we recommend in the case of house appropriation. In the present Act, the power of deciding whether a house should be appropriated and of carrying the appropriation into effect is vested in the Cantonment Authority. We understand that it is the intention of Government shortly to introduce a measure liberalising the administration of cantonments, under which the Cantonment Authority will cease to be practically an official body and will, to a considerable extent, acquire the character of a municipal committee. We think it is necessary that the administration of a measure of this nature should be left in the hands of the military authorities, who are in fact entrusted with it at present. This proposal involves consequential amendments of the Bill in the above-mentioned clauses and elsewhere.

The first step towards appropriation will be an inspection of the house on behalf of the Commanding Officer of the cantonment. A notice will then be issued to the owner requiring him to execute the lease, vacate the house and put it in a state of reasonable repair. The proposed rent will be stated in the notice, as also a statement of the repairs which are considered necessary in order to put the house in a state of reasonable repair, and of the estimated cost of those repairs. If the owner does not repair the house within the time required, the Commanding Officer of the cantonment may by notice require him to do so in fifteen days. Against this notice the owner has a right of reference to a Committee of Arbitration and from its decision an appeal to the Civil Court on the questions of the amount of rent and of the necessity for the repairs. If the owner by failing to appeal allows the notice or the decision of the Committee to become final and still does not execute the repairs, or if he fails to execute any repairs in accordance with an appellate decision, the repairs may be carried out at the expense of the Government and the amount will be recoverable from the rent.

*Clause 7.*—We have added in sub-clause (3) a provision making it incumbent upon the Government or its tenant to maintain any garden belonging to the house.

*Clause 22.*—We have provided for a non-official Chairman to be nominated by the Commanding Officer of the cantonment.

*Clause 27.*—We have here laid down that the rent of an appropriated house shall be calculated on the actual market-value of the house at the time at which it is appropriated, and that the rate of rent to be taken shall be that obtainable in the case of a similar property in the cantonment.

*Clause 29.*—Some of our members were in favour of increasing the period allowed for an appeal to the Civil Court. In view, however, of the fact that during the period of limitation and for some time previously the house might be uninhabitable by reason of the necessity of repair, whilst at the same time the Government would be bound to pay rent, we decided by a majority that it is unnecessary to allow more than one month to the owner for the purpose of making up his mind whether to appeal or not.

*Clause 35.*—We have not made any addition in sub-clause (2) to cover specifically any rules which may be made in order to replace the executive instructions to which we have referred in our remarks on clause 4. We intend that they shall, if necessary, be made under the power conferred by sub-clause (1) of this clause.

*Clause 39.*—This clause is merely consequential on the decision to consolidate.

4. The Bill was published in the Gazette of India, dated the 1st April, 1922.

5. We think that the Bill has not been so altered as to require re-publication, and we recommend that the consolidating Bill proposed by us be passed.

HABOON JAFFER.

JOGENDRA SINGH.

RAM SARAN DAS.\*

TEK CHAND.

SAIYID ZAHIR-UD-DIN.

W. M. HUSSANALLY.\*

J. P. COTELINGAM.

PYARE LAL.

E. BURDON.

DELHI;

The 15th January, 1923.

I have signed the report of the Select Committee subject to the following note of dissent—

(a) *Section 22 (b).*—I am of opinion that the discretion of the owner to select his arbitrators should be left unfettered and the words “who shall be persons ordinarily resident, and liable to pay taxes, in the cantonment” should be deleted. There appears no reason why the two arbitrators should not belong to outside the cantonment limits.

(b) *Section 22 (c).*—Here, again, I don't see the necessity of the limitations imposed in the latter part of the section as to the qualifications of a Chairman. Nor do I see why the Commanding Officer should nominate him. In my opinion, the Chairman should be selected by a majority of the four members; and, in case there is no majority, the power should rest in the District Magistrate. I would, therefore, delete all the words from “and” in line 3 to the end, and substitute the following:—

“to be elected by the four members nominated under (a) and (b) or a majority of them. Should there be no majority in favour of any person, the District Magistrate shall, on the request of the Commanding Officer of the cantonment, nominate the Chairman of his own selection.”

(c) The criterion for fixing the percentage of rent, contained in the concluding clause, *viz.*, “as is for the time being recoverable by way of annual rent on the market value of similar houses in the cantonments,” is not a proper or equitable one, for the reason that hardly any new buildings have been put up in cantonment areas in recent years, and in the case of the old buildings which therefore would form the criterion or even of new ones if any, the rents have been fixed by the Cantonment Authorities, arbitrarily, at most nominal rates which are far from anything like an adequate return on the outlay. This however affects cantonments pure and simple and has no bearing on a composite cantonment like Karschi, Part Civil and part cantonment in the case of which the section in its present form would be highly inequitable and should be modified so as to base the rent of cantonment buildings on the percentage recoverable on similar buildings in the civil area in the vicinity. I am recasting clause 27 as follows showing in *italics* the additions I propose:—

27. In determining the amount of rent to be paid for a house, the Committee of Arbitration shall estimate the market value of the house at the date on which the notice was served on the owner under section 7, and in places where there are no populated civil areas adjoining cantonment areas, shall fix the annual rent at such percentage on that value as is for the time being recoverable by way of annual rent of the market-value of similar houses in the cantonment.

*Where, however, there are populated civil areas adjoining cantonment areas, the annual rent on cantonment buildings shall be fixed at such percentage on their market value as is for the time being recoverable by way of annual rent on the market value of similar houses in the adjoining civil area in the locality concerned.*

W. M. HUSSANALLY.

RAM SARAN DAS.

*Dated the 31st December, 1922.*

[Words printed in italics indicate new matter not contained in the Act or the amending Bill as introduced.]

A  
BILL

*Further to amend and to consolidate the law relating to the provision of house-accommodation for military officers in cantonments.*

WHEREAS it is expedient further to amend and to consolidate the law relating to the provision of house-accommodation for military officers in cantonments; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

[Section 1.] 1. (1) This Act may be called the Cantonments Short title, extent (House-Accommodation) and commencement. Act, 1923.

(2) It extends to the whole of British India (inclusive of British Baluchistan) except Aden.

[New.] (3) It shall come into force *on the first day of April, 1923*, but it shall not become operative in any cantonment or part of a cantonment until the issue, or otherwise than in pursuance, of a notification as hereinafter provided by section 3:

*Provided that any notification made under section 3 of the Cantonments (House-Accommodation) Act, 1902, which is in force at the commencement of this Act, shall be deemed to be a notification made under section 3 of this Act.* II of 1912

[Section 2. Clause 2.] 2. (1) In this Act, unless there is anything repugnant in the subject or context,—  
Definitions.

(a) " Brigade area " means one of the Brigade areas, whether occupied by a brigade or not, into which India is for military purposes for the time being divided, and includes any area which the Governor General in Council may, by notification in the Gazette of India, declare to be a Brigade area for all or any of the purposes of this Act;

(b) " Cantonment Authority " means a Cantonment Committee, or, in the case of a cantonment for which such a Committee has not been constituted or has ceased to exist or cannot be convened, the Commanding Officer of the cantonment;

(c) " Command " means one of the Commands into which India is for military purposes for the time being divided, and includes any area which the Governor General in Council may, by notification in the Gazette of India, declare to be a Command for all or any of the purposes of this Act;

(d) " Commanding Officer of the cantonment " means the officer for the time being in command of the forces in a cantonment;

- (e) "District" means one of the Districts into which India is for military purposes for the time being divided; it includes a Brigade area which does not form part of any such District and any area which the Governor General in Council may, by notification in the Gazette of India, declare to be a District for all or any of the purposes of this Act;
- (f) "house" means a house suitable for occupation by a military officer or a military mess, and includes the land and buildings appurtenant to a house;
- (g) "military officer" means a commissioned or warrant officer of His Majesty's military or air forces on military or air-force duty in a cantonment, and includes a Chaplain on duty with troops in a cantonment, a Cantonment Magistrate and any person in Army departmental employment whom the Officer Commanding the District may at any time, by an order in writing, place on the same footing as a military officer for the purposes of this Act;
- (h) "owner" includes the person who is receiving, or is entitled to receive, the rent of a house, whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent, or be entitled to receive it, if the house were let to a tenant;
- (i) "President of the Cantonment Committee" means, in the case of a cantonment for which such a Committee has not been constituted or has ceased to exist, the Commanding Officer of the cantonment; and
- (j) a house is said to be in a state of reasonable repair when—
- (i) all floors, walls, pillars and arches are sound and all roofs sound and water-tight,
  - (ii) all doors and windows are intact, properly painted or oiled, and provided with proper locks or bolts or other secure fastenings, and
  - (iii) all rooms, out-houses and other appurtenant buildings are properly colour-washed or white-washed.

(2) If any question arises whether any land or building is appurtenant to a house, it shall be decided by the *President of the Cantonment Committee*, whose decision thereon shall, subject to revision by the District Magistrate, be final.

## CHAPTER II.

### APPLICATION OF ACT.

[Section 3.] 3. (1) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare this Act to be operative in any cantonment or part of a cantonment situate in the *Province*, other than a cantonment situate within the limits of a presidency-town.

(2) Before issuing a notification under subsection (1) in respect of any cantonment or part of a cantonment, the Local Government shall cause

local inquiry to be made with a view to determining whether it is expedient to issue such notification, and what portion (if any) of the area proposed to be included therein should be excluded therefrom.

- [Section 4.] 4. Nothing in this Act shall affect the provisions of any written instrument executed by or on behalf of the East India Company or the Government, unless the other party entitled and the Secretary of State for India in Council consent in writing to be bound by the terms of this Act.

### CHAPTER III.

#### APPROPRIATION OF HOUSES.

- [Section 5.  
Clause 3.] 5. Every house situate in a cantonment or part of a cantonment in respect of which a notification under sub-section (1) of section 3 is for the time being in force shall be liable to appropriation by the Government on a lease in the manner *and subject to the conditions* hereinafter provided.

- [Section 6.  
Clause 4.] 6. (1) Where the *Commanding Officer of the cantonment* considers that the liability imposed by section 5 should be enforced in respect of any house, he shall *serve a notice on the owner of the house requiring him to permit the house to be inspected, measured and surveyed by such person and on such day, not being less than three days from the service of the notice, and at such time as may be specified in the notice.*

(2) *On the day and at the time so specified, the owner shall be bound to afford all reasonable facilities to the person specified in the notice for the purpose of the inspection, measurement and survey of the house, and, if he refuses or neglects to do so, the said person may, subject to rules made under this Act, enter on the premises and do all such things as may be reasonably necessary for the said purpose.*

- [Section 6.  
Clause 4.] 7. (1) *If, on the report of such person as aforesaid, the Commanding Officer of the cantonment is satisfied that the house is suitable for occupation by a military officer or a military mess, he may, with the previous sanction of the Officer Commanding the District, by notice—*

- (a) require the owner to execute a lease of the house to the Government for a specified period which shall not be less than five years;
- (b) require the existing occupier, if any, to vacate the house; and
- (c) require the owner to execute within such time as may be specified in the notice such repairs as may, in the opinion of the Commanding Officer of the cantonment, be necessary for the purpose of putting the house into a state of reasonable repair.

(2) Every notice issued under sub-section (1) shall state the amount of the annual rent proposed as reasonable for the house, calculated on the assumption that the owner will carry out the required repairs, if any. It shall also contain an estimate of the cost of such repairs.

(i) The following shall be deemed to be conditions of every lease executed under sub-section (1), namely :—

- (a) that the house shall, on the expiration of the lease, be re-delivered to the owner in a state of reasonable repair, and
- (b) that the grounds and the garden, if any, appertaining to the house shall be maintained in the condition in which they are at the time at which the lease is executed.

[Section 9.  
Clause 6.]

8. The Officer Commanding the District shall not sanction the issue of any notice under section 7 unless he is satisfied—

Procedure to be observed before taking a house on lease.

- (i) that the house in respect of which it is proposed to issue the notice is suitable for occupation by a military officer or a military mess, and
- (ii) that there is not in the cantonment, or, if this Act is in force in a part only of the cantonment, then in that part thereof, a sufficient number of houses already available and suitable for occupation by military officers or military messes whose accommodation in the cantonment, or a part thereof, as the case may be, is in his opinion necessary or expedient.

[Section 10.  
Clause 8.]

9. No house in any cantonment or part of a cantonment in which this Act is operative shall, unless it was so occupied at the date of the issue of the notification declaring this Act or the *Cantonments (House-Accommodation) Act, 1902*, as the case may be, to be operative, be occupied for the purposes of a hospital, school, school hostel, bank, hotel, or shop, or by a railway administration, a company or firm engaged in trade or business or a club, without the previous sanction of the Officer Commanding the District given with the concurrence of the Commissioner or, in a province where there are no Commissioners, of the Collector.

Sanction to be obtained before a house is occupied as a hospital, etc.

Act is operative shall, unless it was so occupied at the date of the issue of the notification declaring this Act or the

*Cantonments (House-Accommodation) Act, 1902*, II of 1902.

as the case may be, to be operative, be occupied for the purposes of a hospital, school, school hostel, bank, hotel, or shop, or by a railway administration, a company or firm engaged in trade or business or a club, without the previous sanction of the Officer Commanding the District given with the concurrence of the Commissioner or, in a province where there are no Commissioners, of the Collector.

[Section 11.  
Clause 9.]

10. No notice shall be issued under section 7 if the house—  
Houses not to be appropriated in certain cases.

- (a) was, at the date of the issue of the notification declaring this Act or the *Cantonments (House-Accommodation) Act, 1902*, as the case may be, to be operative in the cantonment or part of the cantonment, or is, with such sanction as is required by section 9, occupied as a hospital, school, school hostel, bank, hotel or shop, and has been so occupied continuously during the three years immediately preceding the time when the occasion for issuing the notice arises, or
- (b) was, at the date of such a notification as is referred to in clause (a), or is, with such sanction as aforesaid, occupied by a railway administration or by a company or firm engaged in trade or business or by a club, or
- (c) is occupied by the owner, or
- (d) has been appropriated by the Local Government with the concurrence of the Officer Commanding the District, or by the

Governor General in Council, for use as a public office or for any other purpose.

[Section 12.  
Clause 10.]

11. (1) If a house is unoccupied, a notice issued under section 7 may require the owner to give possession of the same to the *Commanding Officer of the cantonment* within four days from the service of the notice.

(2) If a house is occupied, a notice issued under section 7 shall not require its vacation in less than thirty days from the service of the notice.

(3) Where a notice has been issued under section 7 and the house has been vacated in pursuance thereof, the lease shall be deemed to have commenced on the date on which the house was so vacated.

[Section 13.  
Clause 11.]

12. If the owner fails to give possession of a house to the *Commanding Officer of the cantonment* in pursuance of a notice issued under section 7, or if the existing occupier fails to vacate a house in pursuance of such a notice, the District Magistrate, by himself or by another person generally or specially authorised by him in this behalf, shall enter on the premises and enforce the surrender of the house.

[Section 14.  
Clause 12.]

13. (1) If a house, in respect of which a notice is issued under section 7, is shown to the satisfaction of the Local Government, or is proved by a decree or order of a Court of competent jurisdiction, to have been erected—

- (a) under any conditions, rules, regulations or orders which were in force in Bengal prior to the eighth day of December, 1864, and conferred on the owner the option of offering the house for sale to the military officer applying for its appropriation for his occupation or to the East India Company or the Government, or
- (b) under any conditions, rules, regulations or orders which were in force in Bombay prior to the first day of June, 1875, and conferred such an option as is described in clause (a),

then the owner shall have the option of either complying with the notice or offering the house for sale to the Government.

(2) If the owner elects to sell the house, and the Government is willing to purchase it, the question of the amount of the purchase-money to be paid shall, in the event of disagreement, be referred to a Committee of Arbitration.

[Section 15.  
Clause 13.]

14. (1) If a house, in respect of which a notice is issued under section 7, is occupied by a tenant holding in good faith and for valuable consideration under

a registered lease for any term exceeding one year, the Secretary of State for India in Council shall, for the term of one year from the date on which the house is vacated in pursuance of the notice, or for the unexpired term of the lease whichever is the shorter, be liable to the owner for the rent fixed by the registered lease instead of for the rent payable under this Act if the rent so fixed exceeds the rent so payable.

(2) If a house, in respect of which a notice is issued under section 7, is occupied by a tenant

holding in good faith and for valuable consideration under a registered lease from year to year, the Secretary of State for India in Council shall be liable as aforesaid for the term of six months from the date on which the house is vacated in pursuance of the notice.

(3) Nothing in this section shall be deemed—

(a) to render the said Secretary of State in Council so liable unless an application in writing in this behalf is made by the owner to the *Commanding Officer of the cantonment* within fifteen days from the service of the notice; or

(b) to limit or otherwise affect any agreement between the said Secretary of State in Council and the owner.

[Section 18.  
Clause 16.]

15. (1) If the owner considers that the rent stated in a notice issued under section 7 is not reasonable, he may, within a period of fifteen days from the service of such notice, require that the matter be referred by the *Commanding Officer of the cantonment* to a Committee of Arbitration.

(2) If the owner does not make such a requisition within the said period, he shall be deemed to have accepted the rent so offered.

[Section 19.  
Clause 11  
(2).]

16. (1) If the owner fails to execute any repairs to a house as required by a notice issued to him under section 7, the *Commanding Officer of the cantonment* may by notice require the owner to execute the repairs within such period, not being less than fifteen days, as may be specified in the notice.

(2) If the owner objects to any requisition contained in a notice issued under sub-section (1), he may, within fifteen days from the service of the notice, require that the matter be referred by the *Commanding Officer of the cantonment* to a Committee of Arbitration.

[Section 22.  
Clause 11  
(2).]

17. Where—

Power to have repairs executed and recover cost.

(a) the owner fails to comply with a notice issued under sub-section (1) of section 16 and has not, within fifteen days from the service of such notice, required that the matter be referred to a Committee of Arbitration, or

(b) a Committee of Arbitration decides that repairs are necessary and the extent to which they are necessary, and specifies the period within which they are to be executed, and the owner fails to execute them within such period, and has not within one month from the date of the decision appealed therefrom to the *Civil Court* as hereinafter provided, or

(c) the owner fails to execute within such period as may be specified by the *Civil Court* hearing such appeal such repairs as the Court may decide to be necessary,

the *Military Works Services* or the *Public Works Department* shall, on the application of the *Commanding Officer of the cantonment*, cause the repairs specified in the notice or, if the matter has been referred to a Committee of Arbitration, in the decision of the Committee or the *Civil Court*, as the case may be, to be executed at the expense of

the Government, and the cost thereof may be deducted from the rent payable to the owner.

[Section 23.  
Clause 17.]

18. Every person on whom devolves, by transfer, by succession or by operation of law, the interest of an owner in any house, or in any part of any house, situate in a cantonment or part of a cantonment in respect of which a notification under sub-section (1) of section 3 is for the time being in force, shall be bound to give notice of the fact to the Commanding Officer of the cantonment within one month from the date of such devolution, and, if he, without reasonable cause, fails to do so, he shall be punishable with fine which may extend to fifty rupees.

## CHAPTER IV.

### COMMITTEES OF ARBITRATION.

[Section 24.]

19. In the event of any disagreement as to the amount of the purchase-money of a house to be sold under sub-section (2) of section 13, the Commanding Officer of the cantonment shall forthwith proceed to convene a Committee of Arbitration to determine it.

[Section 25.  
Clause 16.]

20. Where a requisition is made to the Commanding Officer of the cantonment by an owner under section 15 or section 16, the Commanding Officer of the cantonment shall forthwith proceed to convene a Committee of Arbitration—

- (a) to determine the amount of the rent to be paid, or
- (b) to determine whether any, and (if any) what, repairs are necessary, the extent to which they are necessary, and the period within which they are to be executed, or
- (c) otherwise to determine the question in dispute.

[Section 27.  
Clause 20.]

21. (1) Where a Committee of Arbitration is to be convened, the Commanding Officer of the cantonment shall forthwith cause an order to be published in Station Orders stating the matter to be determined.

(2) The Commanding Officer of the cantonment shall forthwith send a copy of such order to the District Magistrate and to the parties concerned, and, as soon as may be, shall by notice call upon the owner concerned to make, and shall himself make, nominations in accordance with the provisions of sections 22 and 23.

[Section 28.  
Clause 21.]

22. (1) Every Committee of Arbitration shall consist of five members, namely:—

- (a) two members nominated by the Commanding Officer of the cantonment, one of whom shall, if possible, be an officer of the Military Works Services or of the Public Works Department;
- (b) two members nominated by the owner concerned, who shall be persons ordinarily

resident, and liable to pay taxes, in the cantonment; and

(c) a chairman who shall be a person not in the service of the Government or the Cantonment Authority and not having any interest in house-property in the cantonment, which has been appropriated or is liable to appropriation under this Act, and who shall be nominated by the Commanding Officer of the cantonment.

(2) If the Commanding Officer of the cantonment or the owner concerned fails without reasonable cause to nominate, within seven days from the date on which the owner has been called upon to make nominations under section 21, any member whom he is entitled to nominate under sub-section (1) or if any member who has been nominated neglects or refuses to act and the person by whom such member was nominated fails to nominate another member in his place within seven days from the date on which he may be called upon to do so by the District Magistrate, the District Magistrate shall forthwith appoint a member or members to fill the vacancy or vacancies.

[Section 23. Clause 22.]

23. (1) No person who has a direct interest in the matter under reference or whose services are not immediately available for the purposes of the Committee shall be nominated a member of a Committee of Arbitration.

(2) If, in the opinion of the District Magistrate, any person who has been nominated has a direct interest in the matter under reference, or is otherwise disqualified for nomination, or if the services of any such person are not immediately available as aforesaid, and if the person by whom any such person was nominated fails to nominate another member within seven days from the date on which 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 22.

[Section 24. Clause 23.]

24. (1) When a Committee of Arbitration has been duly constituted, the Commanding Officer of the cantonment shall by notice inform each of the members of the fact, and the Committee shall meet as soon as may be thereafter.

(2) The Committee shall receive and record evidence and shall have power to administer oaths to witnesses, and 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.

[Section 25.]

25. The Chairman of the Committee of Arbitration shall fix the time and place of meeting, and shall have power to adjourn the meeting from time to time as may be necessary.

[Section 26. Clause 24.]

26. In determining the amount of the purchase-money to be paid for a house to be sold under sub-section (2) of section 13, the Committee of Arbitration shall estimate the market-value of the house at the date on which the notice was served on the owner under section 7.

[Section 33.  
Clause 25.] 27. In determining the amount of rent to be paid for a house, the Committees of Arbitration shall estimate the market-value of the house at the date on which the notice was served on the owner under section 7, and shall fix the annual rent at such percentage on that value as is for the time being recoverable by way of annual rent on the market-value of similar houses in the cantonment.

[Section 34.  
Clause 26.] 28. (1) The decision of every Committee of Decisions of Committees 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) Save as provided in this Act, the decision of a Committee of Arbitration shall be final and shall not be questioned in any Court.

## CHAPTER V.

### APPEALS.

[Clause 27.] 29. (1) If the Commanding Officer of the Appeal to Civil Court, or the owner of a house in respect of which any matter has been referred to a Committee of Arbitration, is dissatisfied with any decision of the Committee of Arbitration, he may, within one month from the date of such decision, appeal to the principal Civil Court having ordinary original civil jurisdiction in the cantonment, and the decision of such Court shall be final.

(2) A Civil Court hearing an appeal under this section shall, so far as may be, follow the same procedure and have the same powers as it follows and has when hearing an appeal under the Code of Civil Procedure, 1908.

V of 1908.

[Section 35.  
Clause 28.] 30. (1) The owner or any tenant of a house in respect of which a notice has been issued under section 7 may appeal to the Officer Commanding the District or, if that officer is the Commanding Officer of the cantonment, to the General Officer Commanding-in-Chief, the Command, against the decision of the Commanding Officer of the cantonment to appropriate the house.

(2) No such appeal shall be admitted unless made within a period of twenty-one days from the service of the notice aforesaid, and such period shall be computed in accordance with the provisions of the Indian Limitation Act, 1908, with respect to the computation of periods of limitation thereunder.

IX of 1908.

[Section 36.  
Clause 29.] 31. (1) Every petition of appeal shall be in writing and accompanied by a copy of the notice appealed against.

(2) Any such petition may be presented to the Commanding Officer of the cantonment, and that officer shall be bound to forward it to the authority empowered by section 30 to hear the appeal, and may attach thereto any report which he may desire to make in explanation of the notice appealed against.

(3) If any such petition is presented direct to the Officer Commanding the District and an immediate order on the petition is not necessary,

the Officer Commanding the District may refer the petition to the Commanding Officer of the cantonment for report.

[Section 37.  
Clause 30.] **32.** The decision on any such appeal of the Officer Commanding the District or of the General Officer Commanding-in-Chief, the Command, as the case may be, shall be final, and shall not be questioned in any Court otherwise than on the ground that the house is situate in a cantonment, or part of a cantonment, in which this Act is not operative:

Provided that no appeal shall be decided until the appellant has been heard or has had a reasonable opportunity of being heard in person or through a legal practitioner.

[Section 38.] **33.** Where an appeal has been presented Suspension of action under section 30 within pending appeal. the period prescribed by sub-section (2) of that section, all action on the notice shall, on the application of the appellant, be held in abeyance pending the decision of the appeal.

## CHAPTER VI.

### SUPPLEMENTAL PROVISIONS.

[Section 40.  
Clause 32.] **34.** Every notice or requisition prescribed by this Act shall be in writing, signed by the person by whom it is given or made or by his duly appointed agent, and may be served by post on the person to whom it is addressed, or, in the case of an owner who does not reside in or near the cantonment, on his agent appointed under *the Cantonments Act, 1910*, or XV of 1911 any rule made thereunder.

[Section 41.] **35. (1)** The Governor General in Council may 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—

(a) regulate the procedure of Committees of Arbitration; and

(b) define the powers of entry, inspection, measurement or survey which may be exercised in carrying out the purposes and objects of this Act or of any rule made hereunder.

[Section 42.] **36. (1)** The power to make rules under section 35 shall be subject to the condition of the rules being made after previous publication and of their not taking effect until they have been published in the Gazette of India and in such other manner (if any) as the Governor General in Council may direct.

(2) Any rule under section 35 may be general for all cantonments or parts of cantonments in British India in which this Act is for the time being operative, or may be special for any of such cantonments or parts as the Governor General in Council may direct.

(3) A copy of the rules under section 35 for the time being in force in a cantonment shall be kept open to inspection free of charge at all reasonable times in the office of the Cantonment Authority.

(4) In making any rule under clause (b) of sub-section (2) of section 35, the Governor General in Council may direct that whoever obstructs any

person, not being a public servant within the meaning of section 21 of the Indian Penal Code, in making any entry, inspection, *measurement or survey*, shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing offence, with fine which, in addition to such fine as aforesaid, may extend to five rupees for every day after the first during which such offence continues. P.L.V. of 1960.

[Section 43.] 37. No Judge or Magistrate shall be deemed, within the meaning of section 556 of the Code of Criminal Procedure, 1898, to be a party to, or personally interested in, any prosecution for an offence constituted by or under this Act merely because he is a member of the Cantonment Committee or has ordered or approved the prosecution. V of 1898.

[Section 44.] 38. No suit or other legal proceeding shall lie against any person for anything in good faith done, or intended to be done, under this Act or in pursuance of any lawful notice or order issued under this Act.

[New.] 39. *On and from the commencement of this Act, the enactments mentioned in the Schedule shall be repealed to the extent specified in the fourth column thereof.*

#### THE SCHEDULE.

(See section 39.)

*Enactments repealed.*

<i>Year.</i>	<i>No.</i>	<i>Short title.</i>	<i>Extent of repeal.</i>
1902	II	<i>The Cantonments (House-Accommodation) Act, 1902.</i>	<i>The whole.</i>
1909	V	<i>The Amending (Army) Act, 1909.</i>	<i>So much as has not been repealed.</i>
1914	IV	<i>The Decentralization Act, 1914.</i>	<i>So much of the Schedule as relates to the Cantonments (House-Accommodation) Act, 1902.</i>

GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

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Report of the Joint Committee on the Bill  
further to amend the Cantonments  
(House-Accommodation) Act, 1902,  
with the Bill as amended.