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ACT No. II OF 1902.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th February, 1902.)

An Act to make better provision for securing house-accommodation for military officers in cantonments.

WHEREAS various conditions, rules, regulations and orders have from time to time been laid down by, or by the authority of, the Government, in regard to the grant of land and the occupation of land and houses in cantonments, with the object of securing, amongst other things, that houses built on such land should be made available when required for the accommodation of military officers ;

And whereas, notwithstanding the said conditions, rules, regulations and orders, difficulties have frequently been experienced in obtaining house-accommodation in cantonments for military officers, and it is expedient to make better provision for that purpose ;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Cantonments (House-Accommodation) Act, 1902.

(2) It extends to the whole of British India (inclusive of British Baluchistan), except Aden ; and

(3) It shall come into force at once, 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.

2. (1) In

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

- (a) “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 :
- (b) “Command” means one of the principal portions into which the army of India is for the time being divided :
- (c) “General Officer of the Command” means the General Officer commanding the forces in a Command :
- (d) “house” means a house suitable for occupation by a military officer, and includes the land and buildings appurtenant to such house :
- (e) “military officer” means a commissioned or warrant officer of His Majesty’s regular forces on military duty in a cantonment, and includes a Chaplain, a Cantonment Magistrate and any person in Army departmental employment whom the General Officer of the Command may at any time, for the purposes of this Act, place on the same footing as a military officer :
- (f) “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 : and
- (g) the expression “repairs” to a house includes such repairs as are usually made to houses in the neighbourhood, but does not include additions, improvements or alterations, except in so far as they are necessary to carry

28 *Cantonments (House-Accommodation).* [ACT II
(Chapter II.—Application of Act.—Sections 3-4.
Chapter III.—Appropriation of Houses for Occupation by Military Officers.—Section 5.)

carry out such repairs as aforesaid or have been made with the owner's consent.

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

CHAPTER II.

APPLICATION OF ACT.

Cantonments or parts of cantonments, in which Act to be operative.

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 territories under its administration, other than a cantonment situate within the limits of a Presidency-town.

(2) Before issuing a notification under sub-section (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.

Saving of written instruments.

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 FOR OCCUPATION BY MILITARY OFFICERS.

Liability of houses to appropriation

5. Every house situate in a cantonment or part of

(Chapter III.—Appropriation of Houses for Occupation by Military Officers.—Sections 6-8.)

of a cantonment in respect of which a notification under section 3, sub-section (1), is for the time being in force, shall be liable, subject to the provisions hereinafter contained, to appropriation at any time for occupation by a military officer.

6. Where the Cantonment Authority, on application made to it as hereinafter provided by section 8 and subject to the requirements of that section, considers that the liability imposed by section 5 should be enforced on behalf of a military officer, it may, if the house is not already occupied by a military officer, by notice—

- (a) require the owner to let the house to the military officer named in the notice, and
- (b) require the existing occupier (if any) to vacate the same.

7. If a house is already occupied by a departmental military officer, and the Cantonment Authority, on application made to it as hereinafter provided by section 8 and subject to the requirements of that section, considers that the liability imposed by section 5 should be enforced on behalf of a regimental officer, or *vice versa*, it may, by notice, require the officer in occupation to vacate the house; and may, if necessary, by further notice require the owner to accept the change of tenancy.

8. (1) Where a military officer considers that a notice should be issued in his behalf under section 6 or section 7, as the case may be, he may request the Commanding Officer of his regiment, or (in the case of a departmental military officer) the local head of his department, to make an application to that effect to the Cantonment Authority.

(2) On receipt of an application made under sub-section (1), the Cantonment Authority shall inquire into the case, and it shall not issue the notice applied for unless it is satisfied—

- (a) that it is necessary or expedient for the military

for occupation by military officers.

Appropriation of house for military officer, where not already occupied by a military officer.

Appropriation of house for regimental military officer, where already occupied by departmental military officer.

Procedure to be observed before appropriating house.

30 Cantonments (*House Accommodation*). [ACT II
(Chapter III.—*Appropriation of Houses for Occupation by Military Officers.*—Sections 9-10.)

tary officer to reside in the cantonment, or, if this Act is in force in part of the cantonment only, then in that part;

- (b) that the circumstances are such as to require its intervention;
- (c) that the monthly rent proposed for the house is reasonable; and
- (d) that the house is suitable for the residence of the officer and, if it is occupied, that there is no vacant house in the cantonment or the said part of the cantonment, as the case may be, which is suitable for his residence.

Explanation I.—Where the rent of a house is registered in the office of the Cantonment Authority, the rent so registered shall be presumed, until the contrary is shown, to be the reasonable rent for the house.

Explanation II.—In considering whether a house is suitable for the residence of a military officer, regard shall be had to—

- (i) the locality in which his duties chiefly lie,
- (ii) his rank, and
- (iii) the number of persons dependent upon, and residing with, him.

9. Every notice to an owner issued under section 6 or section 7 shall state the amount of monthly rent proposed as reasonable for the house.

10. (1) No house in any cantonment or part of a cantonment in which this Act has been declared by a notification under section 3, sub-section (1), to be operative shall, unless it was so occupied at the date of such notification, be occupied for the purposes of a hospital, bank, hotel, shop or school, or by a railway administration, without the previous sanction of the General Officer of the Command, given with the concurrence of the Local Government.

(2) Before

Notice to state that reasonable rent is offered.

Sanction to be obtained before a house is occupied as a hospital, bank, hotel, shop or school, or by a railway administration.

(Chapter III.—*Appropriation of Houses for Occupation by Military Officers.*—Section 11.)

(2) Before application is made for such sanction as aforesaid, the Commanding Officer of the cantonment shall certify whether or not in his opinion the number of houses in the cantonment, as compared with the strength of the existing or probable garrison, renders it likely that such occupation as aforesaid would—

- (a) cause any difficulty in obtaining accommodation in the cantonment, or in the part of the cantonment in which the house is situate, for military officers, or
- (b) necessitate the acquisition of land at some future time for the extension of the cantonment.

11. No notice shall be issued under section 6, if the house—

- (a) was occupied prior to the date of a notification under section 3, sub-section (1), declaring the Act to be operative in the cantonment or part of the cantonment, or is occupied with the sanction required by section 10, as a hospital, bank, hotel, shop or school, 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 occupied prior to the date of such a notification as is referred to in clause (a), or is occupied, with the sanction aforesaid, by a railway administration, or
- (c) is occupied by the owner, or
- (d) is appropriated by the Local Government, with the concurrence of the General Officer of the Command, or by the Governor General in Council, for use as a public office or for any other purpose.

Houses not to be appropriated for military officers in certain cases.

12. (1) If

32 *Cantonments (House-Accommodation)*. [ACT II
(Chapter III.—Appropriation of Houses for Occupa-
tion by Military Officers.—Sections 12-14.)

Time to be
allowed for
giving
possession
of house.

12. (1) If a house is unoccupied, a notice issued under section 6 may require the owner to give possession of the same to the proposed tenant within four days from the service of the notice.

(2) If a house is occupied, a notice issued under section 6 or section 7 shall not require its vacation in less than thirty days from the service of the notice.

Surrender
of house
when to be
enforced.

13. If the owner fails to give possession of a house to the proposed tenant in pursuance of a notice issued under section 6 or section 7, or if the existing occupier fails to vacate a house in pursuance of such a notice, the Cantonment Magistrate, by himself or by another person generally or specially authorized by him in this behalf, shall enter on the premises and enforce the surrender of the house.

Option in
certain cases
for owner on
whom notice
is issued
under section
6 or section
7 to call
upon the
military
officer con-
cerned or the
Government
to purchase.

14. (1) If a house in respect of which a notice is issued under section 6 or 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 military officer in whose behalf the notice was issued, or to the Government.

(2) If

(Chapter III.—*Appropriation of Houses for Occupation by Military Officers.—Section 15.*)

(2) If the owner elects to sell the house, and such military officer or the Government is willing to purchase it, the amount of the purchase-money to be paid shall, in the event of disagreement, be determined by a Committee of Arbitration.

15. (1) If a house is occupied by a tenant holding in good faith and for valuable consideration under a registered lease for any term exceeding one year, or from year to year, no notice shall be issued under section 6 or section 7 without the previous sanction of the Officer Commanding the District.

Provision where tenant required to vacate holds under a long lease.

(2) If a house, in respect of which a notice is issued under section 6 or 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 payable under this Act or, if no rent is so payable, for the rent fixed by the registered lease.

(3) If a house, in respect of which a notice is issued under section 6 or 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.

(4) 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 Cantonment Authority 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.

16. (1) Subject

34 *Cantonments (House-Accommodation).* [ACT II
(Chapter III.—*Appropriation of Houses for Occupation by Military Officers.*—Sections 16-17.)

Terms of
tenancy ap-
plicable to
military
officers.

16. (1) Subject to the terms of any agreement in writing between an owner and a military officer, and to the provisions of this section, every lease of a house to such an officer shall be deemed to be a lease from month to month, terminable,—

- (a) without notice, in the case of a Committee of Arbitration deciding, as hereinafter provided, that the house has become unfit for occupation,
- (b) by half a month's notice to the owner, in the case of the departure of the officer from the cantonment on duty or under medical certificate, and
- (c) by one month's notice to the owner, in any other case.

(2) The Cantonment Magistrate shall, if the military officer so desires, cause the notice required by sub-section (1), clause (b) or clause (c), to be served on the owner.

(3) Where a military officer has, in pursuance of sub-section (1), clause (a), given up his occupation of a house without notice and has occupied the house during a portion only of the calendar month in which his occupation ceased, he shall be liable to pay as rent for that portion a sum bearing the same proportion to the monthly rent as the said portion bears to the whole month.

(4) Where a notice in respect of a house has been issued under section 6 or section 7 and the house has been vacated in pursuance thereof, the tenancy of the military officer in whose behalf the notice was issued, shall be deemed to have commenced on the date on which the house was vacated.

Sub-lease
voidable at
option of
owner.

17. If the tenant of a house, being a military officer, sub-lets the same without the consent of the owner, the sub-lease shall be voidable at the option of the owner.

18. (1) If

(Chapter III.—*Appropriation of Houses for Occupation by Military Officers.—Sections 18-20.*)

18. (1) If the owner considers that the rent stated in a notice in accordance with section 9 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.

Power for owner to require reference to arbitration on question of rent.

(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.

(3) The rent fixed by a Committee of Arbitration or accepted by the owner under this section shall be deemed to be the rent payable by the military officer in whose behalf the notice was issued, as from the commencement of his tenancy, and the amount of such rent shall not be called in question by either party, except in the circumstances mentioned in section 21, clause (a).

19. (1) If the owner fails to execute any repairs to a house which the tenant, being a military officer, considers necessary, the Cantonment Authority may, at the request of the tenant and if it is satisfied that such repairs or any of them are necessary, by notice require the owner to execute such repairs, or such of them as it may consider necessary, within a period, not less than fifteen days, to be specified in the notice.

Power for owner to require reference to arbitration on question of repairs.

(2) If the owner objects to comply with 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.

20. If the tenant of a house, being a military officer, considers that his lease should be terminable without notice in consequence of the house having become unfit for occupation, he may require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration.

Power for military tenant to require reference to arbitration on question whether house has become unfit for occupation.

21. If

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36 *Cantonments (House-Accommodation)*. [ACT II
(Chapter III.—Appropriation of Houses for Occupation by Military Officers.—Sections 21-23.)

21. If the owner and the tenant of a house, being a military officer, disagree—

(a) as to any change in the rent of the house which is proposed in consequence of dilapidations or additions to buildings or for any other similar reason, or

(b) on any matter relating to rent or repairs not otherwise provided for by this Act,

either the owner or the tenant may require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration.

22. Where—

(a) the owner fails to comply with a notice issued under section 19, sub-section (1), 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,

the Military Works Services or the Public Works Department shall, on the application of the tenant of the house, being a military officer, 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, to be executed at the expense of the tenant, and the tenant may deduct the cost thereof from the rent, or otherwise recover it from the owner.

23. 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

Power for either owner or military tenant to require reference to arbitration on other questions.

Power for military tenant to have repairs executed and recover cost.

Notice to be given of devolution of interest in house in cantonment.

respect of which a notification under section 3, sub-section (1), is for the time being in force, shall be bound to give the Cantonment Magistrate notice of the fact within one month from the date of such devolution, and, if he, without reasonable cause, fails to do so, shall be punishable with fine which may extend to fifty rupees.

CHAPTER IV.

COMMITTEES OF ARBITRATION.

24. In the event of any disagreement as to the amount of the purchase-money of a house to be sold under section 14, sub-section (2), the Cantonment Authority shall apply to the Commanding Officer of the cantonment to refer the matter to a Committee of Arbitration, and the Commanding Officer of the cantonment shall forthwith proceed to convene a Committee of Arbitration to determine it.

Convening of Committees of Arbitration in cases falling under section 14, sub-section (2).

25. Where a requisition is made to the Commanding Officer of the cantonment by an owner under section 18, section 19 or section 21, the Commanding Officer of the cantonment shall forthwith proceed to convene a Committee of Arbitration—

Convening of Committees of Arbitration on requisition of owners.

(a) to determine the amount of monthly 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.

26. (1) Where a requisition is made to the Commanding Officer of the cantonment by a military officer under section 20 or section 21, the Commanding Officer of the cantonment may, after such inquiry

Convening of Committees of Arbitration on requisition of military officers.

as he may think fit to make, proceed to convene a Committee of Arbitration—

- (a) to determine whether the house has become unfit for occupation, or
- (b) to determine the amount of monthly rent to be paid, or
- (c) 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
- (d) otherwise to determine the question in dispute.

(2) In the exercise of the discretion vested in him by sub-section (1), the Commanding Officer of the cantonment may refuse to convene a Committee of Arbitration on the ground that the application therefor is groundless or frivolous.

Procedure for
convening
Committees
of Arbitration
generally.

27. (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 Cantonment Magistrate shall forthwith send a copy of such order to the District Magistrate and to the parties concerned, and shall forthwith by notice require the parties to nominate members of the Committee in accordance with the provisions of sections 28 and 29.

Constitution
of Com-
mittees of
Arbitration.

28. Every Committee of Arbitration shall consist of—

- (a) a chairman, who shall be the District Magistrate, or, if the District Magistrate is unable to act on the Committee, some Magistrate, being a Justice of the Peace or Magistrate of the first class, and not being the Cantonment Magistrate, appointed by the District Magistrate to act in his stead;

(b) a

- (b) a member to be nominated by the military officer concerned; and
- (c) a member to be nominated by the owner concerned:

Provided that, if the military officer and the owner, at any time before the meeting of the Committee, join in nominating, by notice to the Cantonment Magistrate, any other person as chairman, such person shall be the chairman instead of the District Magistrate or the Magistrate (if any) appointed by the District Magistrate under clause (a); and

Provided, also, that,—

- (i) if the officer or the owner fails, without reasonable cause, to nominate a member within seven days from the date on which he may be called upon to do so, or,
- (ii) if any member, who has been nominated, neglects or refuses to act, and the officer or the owner, as the case may be, fails to nominate another member in his place within seven days from the date on which he is called upon to do so,

the District Magistrate shall forthwith appoint a member in the place of the nominee of the officer or owner, as the case may be.

29. (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 or appointed a member of a Committee of Arbitration.

(2) If any person who has been nominated has, in the opinion of the District Magistrate, a direct interest in the matter under reference, or if his services are not immediately available as aforesaid, and if the officer or the owner, as the case may be, fails to nominate another member in his place within seven days from the date on which he is called on so

Members of Committees of Arbitration to be persons who have no direct interest and whose services are immediately available.

to

40 *Cantonments (House-Accommodation).* [ACT II
(Chapter IV.—Committees of Arbitration.—Sections
30-34.)

to do, such failure shall be deemed to constitute a failure to make a nomination within the meaning of section 28.

Meeting and powers of Committees of Arbitration.

30. (1) When a Committee of Arbitration has been duly constituted, the Cantonment Magistrate 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 have power to receive evidence and to administer oaths to witnesses, and the Cantonment 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.

Powers of chairman of Committee of Arbitration as to meetings.

31. 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.

Calculation of amount of purchase-money by Committees of Arbitration.

32. In determining the amount of the purchase-money to be paid for a house to be sold under section 14, sub-section (2), the Committee of Arbitration convened under section 24 shall estimate the market-value of the house at the date on which the notice was served on the owner under section 6 or section 7, as the case may be.

Calculation of rent by Committees of Arbitration.

33. Subject to the presumption mentioned in the first explanation to section 8, in determining the amount of monthly rent to be paid for a house, the Committee of Arbitration shall estimate the letting-value of the house, and shall have regard to, amongst other things, the circumstances of the neighbourhood and the period of time and season for which the house is likely to be occupied during the year.

Decisions of Committees of Arbitration.

34. (1) The decision of every Committee of Arbitration shall be in accordance with the majority of

of votes taken at a meeting at which the chairman and at least one 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.

CHAPTER V.

APPEALS.

35. (1) If any owner or any tenant of a house is aggrieved by a notice issued under section 6 or section 7, he may appeal to the General Officer of the Command. Appeal when allowed.

(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, 1877, with respect to the computation of periods of limitation thereunder.

36. (1) Every petition of appeal shall be in writing and accompanied by a copy of the notice appealed against. Petition of appeal.

(2) Any such petition may be presented to the Cantonment Authority; and that Authority shall be bound to forward it to the General Officer of the Command, and may attach thereto any report which it may desire to make in explanation of the notice appealed against.

(3) If any such petition is presented direct to the General Officer of the Command and an immediate order on the petition is not necessary, the General Officer of the Command may refer the petition to the Cantonment Authority for report.

37. The decision of the General Officer of the Command on any such appeal shall be final: Order in appeal final.

Provided

42 *Cantonments (House-Accommodation)*. [ACT II
(Chapter V.—Appeals.—Section 38. Chapter VI.
—Supplemental Provisions.—Section 39.)

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

Suspension
of action
pending
appeal.

38. Where an appeal from a notice has been presented within the period prescribed by section 35, sub-section (2), all action on such notice shall, on the application of the appellant, be held in abeyance pending the decision of the appeal.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

Recovery of
rents from
military
tenants in
cantonments.

39. (1) If a military officer is given possession of a house in pursuance of a notice issued under section 6 or section 7, the rent payable by such officer under this Act shall be registered by the Cantonment Authority in a register to be maintained in such form as the Local Government may, by rule, prescribe.

(2) If such officer fails, before the fifteenth day of any month, to pay the rent so registered and due from him in respect of the month immediately preceding, the Cantonment Authority, if so satisfied, shall, on the application of the owner made before the end of the later month, report the matter, through the proper channel, to the Officer Commanding the District.

(3) The Officer Commanding the District may, if he is satisfied that the amount claimed is still due, order that it be withheld from the salary and allowances of the defaulting officer, and, upon notice of the order to the officer whose duty it is to disburse such salary and allowances, such disbursing officer shall, unless such salary and allowances are under attachment by order of a Civil Court, withhold and remit to the Cantonment Authority, for payment to the owner, the amount specified in the order.

(4) If, within two months from the date of an application made by the owner under sub-section (2)

on

on which the Officer Commanding the District has made an order under sub-section (3), the amount of the rent in respect of which such application and order were made is not paid to the owner, the Cantonment Magistrate shall, on the application of the owner, require the defaulting officer to vacate the house within four days, and, if such officer fails to do so, the Cantonment Magistrate shall, by himself or by another person generally or specially authorized by him in this behalf, enter on the premises and enforce the surrender of the house.

40. 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 is absent from the cantonment, on his agent appointed under section 226 of the Cantonment Code, 1899.

Service of
notice and
requisitions.

41. (1) The Governor General in Council may make rules to carry out the purposes and objects of this Act.

Power for
Governor
General in
Council to
make rules.

(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 inspection and entry which may be exercised in carrying out the purposes and objects of this Act or of any rule thereunder.

42. (1) The power to make rules under section 41 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.

Further
provisions
respecting
rules.

(2) Any rule under section 41 may be general for all cantonments or parts of cantonments in

British

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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 41 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 section 41, subsection (2), clause (b), 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 inspection or entry, 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.

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Inapplicability of section 556 of the Code of Criminal Procedure, 1898, to trials of offences against rules.

Protection to persons acting under Act.

43. 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 against any rule under this Act merely because he is a member of the Cantonment Committee or has ordered or approved the prosecution.

V. of 1898

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