

THE CANTONMENTS ACT, 1910
(XV OF 1910.)

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ACT No. XV OF 1910.

[PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.]

(Received the assent of the Governor General on the 5th August 1910.)

An Act to consolidate and amend certain Acts relating to Cantonments.

WHEREAS it is expedient to consolidate and amend certain Acts relating to cantonments; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title and extent.

1. (1) This Act may be called the Cantonments Act, 1910.

(2) It extends to the whole of British India.

Interpretation.

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

(a) “officer” means—

(i) a person who, being an officer within the meaning of the Army Act, is commissioned and in pay as an officer doing military duty with His Majesty’s regular forces as defined in that Act or as an officer doing such duty in any arm, branch or part of those forces; and

(ii) a person doing military duty as a warrant officer with those forces or with any arm, branch or part thereof, whether he is or is not an officer within the meaning of the Army Act :

(b) “soldier” means a person who is a soldier of His Majesty’s regular forces within the

44 & 45
Viot., c. 58.

(Chapter II.—Cantonments and Cantonment Authorities, Courts and Police.)

the meaning of the Army Act, and is not an officer within the meaning of this Act :

- (c) "spirituous liquor" means any fermented liquor, any wine, any alcoholic liquid obtained by distillation, and the sap of any kind of palm-tree, and includes any other liquid consisting of or containing alcohol which the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, declare to be a spirituous liquor for the purposes of this Act :
- (d) "intoxicating drug" means opium, ganja, bhang, charas and every preparation and admixture thereof, and includes any other intoxicating substance or liquid which the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, declare to be an intoxicating drug for the purposes of this Act : and
- (e) "owner" includes the person who is receiving or entitled to receive the rent of any building or land, 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 building or land were let to a tenant.

CHAPTER II.

CANTONMENTS AND CANTONMENT AUTHORITIES,
COURTS AND POLICE.*Cantonments.*

3. (1) The Local Government, with the previous sanction of the Governor General in Council, may, by

Definition of
Cantonments.

(Chapter II.—Cantonments and Cantonment Authorities, Courts and Police.)

by notification in the official Gazette, declare any place in which any of His Majesty's regular forces are quartered within the territories administered by such Government to be a cantonment for the purposes of this Act and of all other enactments for the time being in force.

(2) The Local Government, with the like sanction, may also, by a like notification, define the limits of any cantonment for the like purposes.

Cantonment Authorities and Magistrates.

Cantonment
authority and
Magistrate.

4. For every cantonment beyond the limits of a Presidency-town there shall be a cantonment authority and a Cantonment Magistrate.

Cantonment
authority.

5. (1) The expression "cantonment authority" as used in this Act means a cantonment committee or, where a cantonment committee has not been constituted or has in pursuance of an order of the Local Government ceased to exist, or for any reason cannot be convened, then, subject to any rules made under section 24, clause (5), the commanding officer of the cantonment.

(2) The Local Government shall determine, with respect to every cantonment in which troops are for the time being quartered, whether or not a cantonment committee is to be constituted.

(3) The cantonment authority shall be deemed to be a local authority as defined in the Cattle-trespass Act, 1871, the Local Authorities Loan Act, 1879, the Indian Telegraph Act, 1885, and the General Clauses Act, 1897.

I of 1871.
XI of 1879.
XIII of 1885.
X of 1897.

Cantonment
Magistrate

6. The Cantonment Magistrate shall be a Magistrate appointed by the Local Government under section 12 of the Code of Criminal Procedure, 1898, and, as such, subordinate to the District Magistrate or to the District Magistrate and the Sub-divisional Magistrate, as the case may be, under section 17 of that Code.

V of 1898.

Cantonment

(Chapter II.—Cantonments and Cantonment Authorities, Courts and Police.)

Cantonment Court of Small Causes.

IX of 1887.

7. (1) When the Local Government appoints the Cantonment Magistrate to be the Judge of a Court of Small Causes established within a cantonment under the Provincial Small Cause Courts Act, 1887, it shall, in its order appointing him to be such Judge, declare, and may by notification in the official Gazette vary, within a limit of five hundred rupees, the value of the suits which are to be cognizable by him under that Act.

Appointment of Cantonment Magistrate as Judge of Cantonment Court of Small Causes.

(2) The provisions of section 15, sub-section (3), of the said Act shall not apply to a Court of Small Causes of which a Cantonment Magistrate is the Judge.

IX of 1887.

8. When the Local Government appoints an Additional Judge of a Court of Small Causes, of which a Cantonment Magistrate is the Judge, it shall, in its order appointing him to be such Additional Judge, declare, and may by notification in the official Gazette vary, within a limit of fifty rupees, the value of the suits with respect to which the functions of the Judge of the Court may be assigned to, and discharged by, the Additional Judge under section 8 of the Provincial Small Cause Courts Act, 1887.

Appointment of Additional Judge of Cantonment Court of Small Causes.

9. A Cantonment Magistrate as Judge of a Court of Small Causes may, whatever may be the value of the suits cognizable by him as such Judge, dispose of any suit which was within the pecuniary limits of the jurisdiction of the Judge presiding over the Court at the time of the institution of the suit, and may entertain and dispose of any proceeding after decree in any such suit.

Continuance of jurisdiction of Cantonment Court of Small Causes in certain cases notwithstanding reduction of jurisdiction of Judge.

Cantonment Police.

10. (1) The police-force employed in a cantonment beyond the limits of a Presidency town shall, for

Police.

(Chapter III.—*Spirituuous Liquors and Intoxicating
Drugs.*)

for the purposes of the Madras District Police Act, XXIV of 1859. or the Police Act, 1861, or the Bombay District Police Act, 1890, as the case may be, be deemed to V of 1861. be part of the general police-establishment under the Bom. IV of 1890. superintendence of the Local Government in whose territories the cantonment is situated.

(2) The area comprised within the limits of a cantonment shall be deemed to be a town for the purposes of section 34 of the Police Act, 1861.

V of 1861.

CHAPTER III.

SPIRITUOUS LIQUORS AND INTOXICATING DRUGS.

Unauthorised
sale of spiri-
tuuous liquor
or intoxicat-
ing drug.

11. If within a cantonment, or within such limits around a cantonment as the Local Government may, by notification in the official Gazette, prescribe in this behalf, any person not subject to military law or any person subject to military law otherwise than as an officer or soldier knowingly barter, sells or supplies, or offers or attempts to barter, sell or supply, any spirituous liquor or intoxicating drug to or for the use of any soldier or follower or soldier's wife, without the written permission of the commanding officer of the cantonment or of some person authorised by the commanding officer to grant such permission, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Unauthorised
possession of
spirituous
liquor.

12. If within a cantonment, or within such limits around a cantonment as the Local Government may, by notification in the official Gazette, prescribe in this behalf,—

- (a) any person subject to military law otherwise than as an officer or soldier, or
- (b) the wife or servant of any such person or of a soldier,

has

(Chapter III.—*Spirituous Liquors and Intoxicating Drugs.*)

has in his or her possession except on behalf of the Government or for the private use of an officer more than one quart of any spirituous liquor other than fermented malt-liquor without the written permission of the commanding officer of the cantonment or of some person authorised by the commanding officer to grant such permission, he or she shall be punishable in the case of a first offence against this section with fine which may extend to fifty rupees, and in the case of a subsequent offence against this section with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months.

13. (1) Any police-officer or excise-officer may, without an order from a Magistrate and without a warrant, arrest any person whom he finds committing an offence against section 11 or section 12, 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.

Arrest of persons and seizure and confiscation of things for offences against the two last foregoing sections.

(2) Where a person accused of an offence against section 11 has been previously convicted of an offence against that section, an officer in charge of a police-station may, with the written permission of a Magistrate, seize and detain any spirituous liquor or intoxicating drug within the cantonment, or within the limits prescribed under section 11, which at the time of the alleged commission of the subsequent offence belonged to, or was in the possession of, the person.

(3) The Court convicting a person of an offence against section 11 or section 12 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 XLIII of the Code of Criminal Procedure, 1898, anything seized under sub-section (1) or sub-section (2) and not

(Chapter III.—*Spirituous Liquors and Intoxicating Drugs.* Chapter IV.—*Taxation and Cantonment Fund.*)

not confiscated under sub-section (3) shall be restored to the person from whom it was taken.

Saving of articles sold or supplied for medicinal purposes.

14. The foregoing provisions of this Chapter shall not apply to the sale or supply of any article for medicinal purposes by a medical practitioner, chemist or druggist.

CHAPTER IV.

TAXATION AND CANTONMENT FUND.

Taxation.

General tower of taxation.

15. (1) With the previous sanction of the Governor General in Council, the Local Government may, by notification in the official Gazette,—

- (a) impose in any cantonment which is not included in a municipality any tax which, under any enactment in force at the date of the notification, can be imposed in any municipality within the territories administered by such Government; and
- (b) abolish or modify any tax so imposed.

(2) When any tax is leviable in a cantonment in pursuance of a notification under sub-section (1), the Local Government, subject to the like sanction, may, by a like notification, apply or adapt to the cantonment the provisions of any enactment or rules in force at the date of the notification in any municipality within the territories administered by such Government relating to—

- (a) the assessment, collection or recovery of any tax;
- (b) the refund or revision of, or exemption from, any such tax; and
- (c) the punishment of any breach of such enactment or rules.

16. (1) The

(Chapter IV.—Taxation and Cantonment Fund.)

16. (1) The Local Government may, by notification in the official Gazette, extend the provisions of the Bengal Chaukidari Act, 1856, to any cantonment which is not included in a municipality and which is situated in any part of British India in which that Act is in force, and the Cantonment Magistrate may exercise all the powers of the Magistrate under that Act, subject only to the control of the District Magistrate and the Local Government.

Extension of Act XX of 1856 to certain cantonments.

(2) The Local Government may order that a cantonment to which the provisions of the Bengal Chaukidari Act, 1856, have been extended shall be divided into any number of cantonment divisions, and may determine the nature of the tax to be levied in each such division according to section 10 of that Act.

17. While a tax assessed according to the circumstances, and the property to be protected, of the persons liable thereto, or according to the annual value of houses and grounds, is levied under the Bengal Chaukidari Act, 1856, in a cantonment, a tax on persons practising any profession or art or carrying on any trade or calling or a tax on buildings and lands, as the case may be, shall not be leviable in the cantonment in pursuance of a notification under section 15 of this Act.

Restriction of power of taxation in cantonments in which Act XX of 1856 is in force.

18. (1) Notwithstanding anything in any enactment for the time being in force, the Governor General in Council may, by notification in the Gazette of India, prohibit the levy of the whole or any part of any tax imposed in a cantonment, or exempt any person by name or in virtue of his office or any class of persons, or any property or any class of property, from the operation of any such tax.

Power to prohibit or exempt from taxation.

(2) Where the area subject to the authority of a municipal committee as defined in section 2 of the Municipal Taxation Act, 1881, includes the whole or part of a cantonment, nothing in section 4 or section 5 of that Act or in any other like enactment for the

the

XX of 1856.

XX of 1856.

XX of 1856.

XI of 1881.

(Chapter IV.—Taxation and Cantonment Fund.)

the time being in force shall apply to so much of that area as is comprised in the cantonment.

Cantonment Fund.

Cantonment
fund.

19. (1) There shall be formed for every cantonment which is not included in a municipality a cantonment fund, and there shall be placed to the credit thereof, among other sums, the following, namely :—

- (a) subject to deductions under section 545 of the Code of Criminal Procedure, 1898, ^{V of 1898,} or under any other enactment for the time being in force or under any order of the Local Government, all fines recovered from persons convicted of offences committed within the cantonment against this Act or against any enactment extended or rule made thereunder, or against the provisions of section 34 of the Police Act, 1861, or the corresponding ^{V of 1861.} enactment for the time being in force in the territories administered by the Governor of Fort St. George in Council or by the Governor of Bombay in Council, or against the provisions of Chapter XIII or Chapter XIV of the Indian Penal Code or of section 156 of the Army ^{XLV of 1860,} Act; ^{44 & 45 Vict.,} ^{c. 58.}
- (b) the proceeds of taxes imposed under section 15 or levied under the Bengal Chaukidari Act, 1856, in the cantonment; and ^{XX of 1856.}
- (c) rents and profits accruing from property placed by the Government under the management of the cantonment authority.

(2) Notwithstanding anything in any enactment as to the purposes to which the proceeds of a tax are to be appropriated, the cantonment fund shall be applicable, subject to the rules under this Act, to the maintenance of the police-force employed in the
cantonment

(Chapter IV.—Taxation and Cantonment Fund.
(Chapter V.—Supplemental Provisions.)

cantonment and to the other purposes of this Act within the cantonment and, with the general or special sanction of the Local Government, to like objects, within or without British India, beyond the limits of the cantonment in cases in which, in the opinion of the Local Government, the application of the fund beyond those limits is for the benefit of the inhabitants of the cantonment or of any military force ordinarily quartered therein or of any detachment of any such force.

20. (1) Where, in or near a cantonment, there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over, the cantonment fund shall be kept in the treasury, sub-treasury or bank. Custody of cantonment fund.

(2) Where there is no such treasury, sub-treasury or bank, the cantonment fund may be deposited with any banker or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the District Magistrate may in each case think sufficient.

21. The cantonment fund shall be vested in His Majesty, and, subject to the provisions of this Act and of the rules thereunder and to the control of the Local Government, the management of the fund shall be entrusted to the cantonment authority. Vesting and management of cantonment fund.

22. The cantonment fund shall be deemed to be "public revenues" within the meaning of the proviso to section 6 of the Land Acquisition Act, 1894, and any property acquired at the cost of the cantonment fund shall vest in His Majesty. Acquisition of immovable property at cost of cantonment fund.

I of 1894.

CHAPTER V.

SUPPLEMENTAL PROVISIONS.

23. The Governor General in Council may, by notification in the Gazette of India, extend to all cantonments or to any cantonment or to any part of Extension of enactments to cantonments.
any

(Chapter V.—Supplemental Provisions.)

any cantonment any enactment for the time being in force in any municipality in British India, and declare its extension to be subject to such restrictions and modifications, if any, as he thinks fit.

Matters respecting which rules may be made.

24. The Governor General in Council may make rules consistent with this Act to provide for all or any of the following matters, namely:—

- (1) 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;
- (2) the conditions to be annexed to every such permission given in pursuance of such an application;
- (3) the preparation and maintenance of registers of immoveable property in cantonments;
- (4) the constitution of cantonment committees, the functions to be discharged by them, the conduct of, and the control to be exercised over, their proceedings, and the division of duties among the members of such committees;
- (5) the functions to be discharged by the commanding officer of a cantonment where a cantonment committee has not been constituted, or has in pursuance of an order of the Local Government ceased to exist, or for any reason cannot be convened;
- (6) the executive duties of the Cantonment Magistrate and his position in relation to the commanding officer of the cantonment;
- (7) the purposes to which the cantonment fund may be applied;
- (8) the authority on which money may be paid from the cantonment fund;
- (9) the

(Chapter V.—Supplemental Provisions.)

- (9) the investment of any balance of that fund;
- (10) the execution of contracts by, or on behalf of, the cantonment authority;
- (11) the accounts to be kept by the cantonment authority, and the manner in which those accounts are to be audited and published;
- (12) the definition and abatement of nuisances for which sufficient provision has not, in the opinion of the Governor General in Council, been made under section 23;
- (13) the requisitions which may be made on persons having the control of sewers, drains, latrines or other things creating, or likely to create, nuisances, and the mode of enforcing such requisitions;
- (14) the prevention of the overcrowding of buildings and places in a cantonment;
- (15) the construction and maintenance, to the satisfaction of the cantonment authority, of buildings and of boundary-walls, hedges and other fences;
- (16) the regulation of the practice of agriculture and irrigation in a cantonment, the keeping of lands therein in proper order, and the felling, lopping and trimming of trees on such lands;
- (17) the regulation of encamping-grounds, sarais, markets and slaughter-houses, of traffic on roads and across unenclosed spaces under the control of the cantonment authority, and of processions and public assemblies;
- (18) the use and management of burial and burning grounds;
- (19) the supervision and the regulation of the use of public wells, tanks, rivers, streams, springs or other sources from which water is or may be made available for public

(Chapter V.—Supplemental Provisions.)

public use, and of the lands in the vicinity thereof;

- (20) the parts of a cantonment in which persons practising any profession or carrying on any trade, calling or occupation may be required to reside for the purpose of practising the profession or carrying on the trade, calling or occupation, and the conditions, if any, to be observed by such persons;
- (21) the prevention of the spread of infectious or contagious disorders within a cantonment, and the appointment and regulation of hospitals or other places within or without a cantonment for the reception and treatment of persons suffering from any disease;
- (22) the segregation in, or the removal and exclusion from, a cantonment, or the destruction of animals suffering or supposed to be suffering from any infectious or contagious disease;
- (23) the suppression of mendicancy and of loitering or importuning for the purpose of prostitution, and the removal and exclusion from a cantonment of disorderly persons, of persons who have been convicted of any offence against Chapter XVII of the Indian Penal Code, or section 156 of the Army Act, or have been ordered under the Code of Criminal Procedure, 1898, to execute a bond for their good behaviour, and of persons whom the commanding officer deems it expedient to exclude from the cantonment with or without assigning any reason for excluding them therefrom;
- (24) the prevention of cruelty to animals and the care of animals while grazing;
- (25) the

XLV of 1860.
44 & 45 Viot.,
o. 58.

V of 1898.

Chapter V.—Supplemental Provisions.)

- (25) the prevention and extinction of fires;
- (26) the registration of births and deaths;
- (27) the appointment by owners of buildings and lands in cantonments, who are absent from cantonments, of persons residing within or near cantonments, to act as their agents for all or any of the purposes of this Act or any enactment extended or rule made thereunder;
- (28) the powers of inspection, entry and search which may be exercised in carrying out any of those purposes, and the cases in which breaches of enactments extended or rules made under this Act are to be cognizable offences;
- (29) the mode in which summonses, notices, requisitions and other documents are to be served on the persons to whom they are addressed;
- (30) the cases, authorities and conditions in, to and on which executive orders passed under this Act or any enactment extended or rule made thereunder may be appealed from; and
- (31) generally, the carrying out of the purposes of this Act.

25. (1) The power to make rules under section 24 is 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 as the Governor General in Council prescribes.

Supplemental provisions respecting rules.

(2) A rule under section 24 may be general for all cantonments in British India or for all cantonments not expressly excepted from its operation, or may be special for the whole or any part of any one or more than one cantonment, as the Governor General in Council directs.

(3) A

(Chapter V.—Supplemental Provisions.)

(3) A copy of the rules 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 Magistrate.

(4) In making any rule under clause (12) or any of the following clauses of section 24, the Governor General in Council may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days, and, when the breach is a continuing breach, with fine which, in addition to such fine or imprisonment as aforesaid, may extend to five rupees for every day after the first during which the breach continues.

Extension of certain enactments and rules to places beyond cantonments.

26. The Local Government may, by notification in the official Gazette, and subject to any conditions as to compensation or otherwise which it may see fit to impose, extend to any area beyond the cantonment and in the vicinity thereof—

(a) any enactment which, with or without restriction or modification, has been extended to the cantonment or any part thereof under section 23, or

(b) any rule in force in the cantonment or any part thereof under clause (12) or any of the following clauses of section 24, as well as any direction there in force under sub-section (4) of section 25;

and the enactment, rule or direction specified in the notification shall, so long as the notification remains uncanceled, apply to that area as if the area were included in the cantonment.

Cantonments in Presidency towns.

27. Where a cantonment is situated within the limits of a Presidency-town, the functions assigned to any authority by this Act or any enactment extended or rule made thereunder shall, subject to the provisions of any enactment for the time being in force, be discharged by such authority as the Local Government may appoint in this behalf.

28. A

(Chapter V.—Supplemental Provisions. Chapter VI.—Repeals and Savings.)

28. A suit or prosecution shall not be entertained in any Court against any cantonment authority, authority appointed under section 27, Cantonment Magistrate or commanding, medical or other officer for anything in good faith done or purporting to be done in pursuance of powers conferred by or under this Act on such authority, Magistrate or officer, whether the thing done was or was not authorised by the powers so conferred.

Protection of cantonment-authority, Magistrate and commanding officer.

XV of 1882.

29. (1) Section 54, paragraphs 2 and 3, and sections 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 in British India.

Registration.

XVI of 1908.

(2) Where a cantonment has not been constituted a sub-district or district for the purposes of the Indian Registration Act, 1908, under section 9 of that Act, the Registrar of the district in which the cantonment is situated shall cause a copy of such entries in Indexes Nos. I and II as relate to immovable property within the limits of the cantonment to be forwarded to the Cantonment Magistrate annually or at such shorter intervals as the Local Government may prescribe.

30. The Governor General in Council may, by notification in the Gazette of India, exclude from the operation of the whole or any part of this Act the whole or any part of any cantonment.

Limitation of the operation of this Act.

CHAPTER VI.

REPEALS AND SAVINGS.

31. The enactments mentioned in the Schedule are repealed to the extent specified in the fourth column thereof.

Repeals.

32. All

(Chapter VI.—Repeals and Savings. The Schedule.—Enactments repealed.)

Savings.

32. All licenses and permits given under the Cantonments Act, 1889, or under any enactment repealed by that Act, and in force at the commencement of this Act, shall be deemed to have been given under this Act. XIII of 1889.

THE SCHEDULE.

ENACTMENTS REPEALED.

(See section 31.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1889	XIII	The Cantonments Act, 1889.	So much as has not been repealed.
1891	I	The Cattle-trespass Act (1871) Amendment Act, 1891.	Section 11.
"	XII	The Amending Act, 1891.	So much of Part I of the Second Schedule as relates to the Cantonments Act, 1889.
1896	XII	The Excise Act, 1896	So much of the Schedule as relates to the Cantonments Act, 1889.
1897	XV	The Cantonments Act, 1897.	The whole.
1898	V	The Code of Criminal Procedure, 1898.	So much of Schedule I as relates to the Cantonments Act, 1889.
1903	I	The Repealing and Amending Act, 1903.	So much of Part II of the Second Schedule as relates to the Cantonments Act, 1889.
1909	V	The Amending (Army) Act, 1909.	So much of the Schedule as relates to the Cantonments Act, 1889.