

ACT No. IX OF 1930.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 20th
March, 1930.)

An Act further to amend the Cantonments (House-Accommodation) Act, 1923, for certain purposes.

of 1923. **W**HEREAS it is expedient further to amend the Cantonments (House-Accommodation) Act, 1923, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Cantonments (House-Accommodation Amendment) Act, 1930. Short title.

of 1923. **2.** In section 2 of the Cantonments (House-Accommodation) Act, 1923 (hereinafter referred to as the said Act),— Amendment of section 2, Act VI of 1923.

(a) clause (b) of sub-section (1) shall be omitted and clause (bb) shall be re-lettered as clause (b);

(b) in clause (d) of sub-section (1), after the words "in a cantonment" the following words shall be added, namely:—

"or, if that officer is the Officer Commanding the District, the military officer who would be in command of those forces in the absence of the Officer Commanding the District"; and

(c) in sub-section (2), for the words "District Magistrate" the word "Collector" shall be substituted.

3. For section 6 of the said Act the following section shall be substituted, namely:— Substitution of new section for section 6, Act VI of 1923.

"6. (1) Where—

(a) a military officer who is stationed in or has been posted to the cantonment, or a President of a military mess in the cantonment, applies in writing to the Officer Commanding the Station stating that he is

unable

1 Conditions on which houses may be appropriated.

unable to secure suitable accommodation in the cantonment for himself or the mess on reasonable terms by private agreement, and that no suitable house or quarter belonging to Government is available for his occupation or for the occupation of the mess, and the Officer Commanding the Station is satisfied on inquiry of the truth of the facts so stated; or

- (b) the Officer Commanding the Station is satisfied on inquiry that there is not in the cantonment a sufficient and assured supply of houses available at reasonable rates of rent by private agreement to meet the requirements of the military officers and military messes whose accommodation in the cantonment is in his opinion necessary or expedient,

the Officer Commanding the Station may, with a view to enforcing the liability under section 5, serve a notice on the owner of any house which appears to him to be suitable for occupation by a military officer or a military mess, as the case may be, within the cantonment, or, if this Act is in force in part only of the cantonment, within that part, requiring the owner to permit the house to be inspected, measured and surveyed by such person and on such date, not being less than three clear days from the service of the notice, and at such time between sunrise and sunset, as may be specified in the notice.

(2) On the date 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, such person may, subject to any rules made under this Act, enter on the premises and do all such things as may be reasonably necessary for the said purpose."

4. In section 7 of the said Act,—

- (a) in sub-section (1), the words "with the previous sanction of the Officer Commanding the District," shall be omitted; and

- (b) to sub-section (3) the following proviso shall be added, namely:—

"Provided that nothing in this sub-section shall be deemed to affect the right of the Government to avoid

Amendment of
section 7, Act
VI of 1923.

avoid the lease in any such event as is specified in clause (e) of section 108 of the Transfer of Property Act, 1882."

5. Section 8 of the said Act shall be omitted.

Omission of section 8, Act VI of 1923.

6. In sub-section (2) of section 13 of the said Act, for the words "a Committee of Arbitration" the words "a Civil Court, in accordance with the provisions of Chapter IV" shall be substituted.

Amendment of section 13, Act VI of 1923.

7. In section 15 of the said Act,—

Amendment of section 15, Act VI of 1923.

(a) in sub-section (1), for the word "fifteen" the word "thirty" shall be substituted, and for the words "require that the matter be referred by the Officer Commanding the Station to a Committee of Arbitration" the words and figures "refer the matter to a Civil Court, in accordance with the provisions of Chapter IV" shall be substituted; and

(b) in sub-section (2), for the word "requisition" the word "reference" shall be substituted.

8. In section 16 of the said Act,—

Amendment of section 16, Act VI of 1923.

(a) in sub-section (1), for the word "fifteen" the word "thirty" shall be substituted;

(b) in sub-section (2), for the word "fifteen" the word "thirty" shall be substituted, and for the words "require that the matter be referred by the Officer Commanding the Station to a Committee of Arbitration" the words and figures "refer the matter to a Civil Court, in accordance with the provisions of Chapter IV" shall be substituted; and

(c) after sub-section (2), the following sub-section shall be added, namely:—

"(3) Every reference under sub-section (2) shall be accompanied by an estimate of the repairs, if any, which the owner considers necessary in order to put the house into a state of reasonable repair."

9. For section 17 of the said Act the following section shall be substituted, namely:—

Substitution of new section for section 17, Act VI of 1923.

"17. If the owner fails to comply with a notice issued under sub-section (1) of section 16, the Military Engineer Services or the Public Works Department

Power to have repairs executed and recover cost.

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Cantonments (House-Accommodation Amendment). [ACT IX

ment may, with the previous sanction of the Officer Commanding the Station and notwithstanding any right of reference conferred by that section, cause the repairs specified in the notice to be executed at the expense of the Government, and the cost thereof, or, where a reference has been made, the amount finally determined by the Civil Court, may be deducted from the rent payable to the owner."

Substitution of new Chapter for Chapter IV, Act VI of 1923.

10. For Chapter IV of the said Act, the following Chapter shall be substituted, namely:—

" CHAPTER IV.

PROCEDURE IN REFERENCES.

Jurisdiction in references.

19. All references under this Act shall be made by application to, and tried by, the Court of the District Judge.

Procedure and powers of the Court.

20. References under this Act shall be deemed to be proceedings within the meaning of section 141 of the Code of Civil Procedure, 1908, and in the trial thereof the Court may exercise any of its powers under that Code.

Restriction of scope of inquiry.

21. The scope of the inquiry in a reference under this Act shall be restricted to a consideration of the matters referred to the Court in accordance with the provisions of this Act."

Substitution of new section for section 29, Act VI of 1923.

11. For section 29 of the said Act the following section shall be substituted, namely:—

Appeal to High Court.

" 29. (1) An appeal shall lie to the High Court against the decision of the Court of the District Judge upon a reference tried by it.

(2) No appeal under this section shall be admitted unless it is made within thirty days from the date of the decision against which it is preferred.

(3) An appeal preferred under this section shall be deemed to be an appeal from an order within the meaning of section 108 of the Code of Civil Procedure, 1908."

Substitution of new section for section 30, Act VI of 1923.

12. For section 30 of the said Act the following section shall be substituted, namely:—

Appeal to Officer Commanding the District.

" 30. The owner or any tenant of a house in respect of which a notice has been issued under section 7 may,

OF 1930.] *Cantonments (House-Accommodation Amendment).*

may, within a period of twenty-one days from the date of the service thereof, appeal to the Officer Commanding the District against the decision of the Officer Commanding the Station to appropriate the house."

13. In section 32 of the said Act,—

(a) the words " or of the General Officer Commanding-in-Chief, the Command, as the case may be " shall be omitted; and

Amendment of section 32, Act VI of 1923.

(b) after the proviso, the words " and in giving a decision the Officer Commanding the District shall record briefly the grounds therefor " shall be added.

14. In section 33 of the said Act, for the words " by sub-section (2) of that section " the word " therein " shall be substituted.

Amendment of section 33, Act VI of 1923.

15. After section 34 of the said Act the following section shall be inserted, namely:—

Insertion of new section 34A in Act VI of 1923.

" 34A. The period prescribed for making any reference or preferring any appeal under this Act shall be computed in accordance with the provisions of the Indian Limitation Act, 1908."

Computation of periods of limitation.

16. In section 35 of the said Act, clause (a) of sub-section (2) shall be omitted.

Amendment of section 35, Act VI of 1923.