

ACT NO. XXIV OF 1936.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
31st October, 1936.)

An Act further to amend the Cantonments Act, 1924,
for certain purposes.

WHEREAS it is expedient further to amend the
Cantonments Act, 1924, for the purposes here-
inafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Cantonments Short title, ex-
tent and com-
mencement.
(Amendment) Act, 1936.

(2) It extends to the whole of British India, including
British Baluchistan but excluding Burma.

(3) It shall come into force at once, but the Governor
General in Council may, by notification in the Gazette
of India, direct either generally or in respect of a parti-
cular cantonment that a specified section or sections
shall not take effect until such date as he may by a
like notification appoint in this behalf.

2. In section 2 of the Cantonments Act, 1924 (here- Amendment of
section 2, Act
II of 1924.
inafter referred to as the said Act),—

(a) for clause (iv) the following clause shall be
substituted, namely:—

“(iv) ‘building’ means a house, outhouse,
stable, latrine, shed, hut or other roofed
structure whether of masonry, brick, wood,
mud, metal or other material, and any
part thereof, and includes a well and a wall
(other than a boundary wall not exceeding
eight feet in height and not abutting on
a street) but does not include a tent or other
portable and temporary shelter;”;

(b) clause (v) shall be omitted;

(c) after clause (xi) the following clause shall be
inserted, namely:—

“(xii) ‘entitled consumer’ means a person in a
cantonment who is paid from the Defence
Services

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Price anna 1 or 1½d.

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Services Estimates and is authorised by general or special order of the Governor General in Council to receive a supply of water for domestic purposes from the Military Engineer Services or the Public Works Department on such terms and conditions as may be specified in the order ; ” ;

(d) in clause (xvi), after the words “ in a cantonment ” the following shall be inserted, namely :—

“ or where more than one such officer has charge of the military works in a cantonment such one of those officers as the Officer Commanding the Station may designate in this behalf ” ;

(e) clause (xv) shall be omitted ;

(f) after clause (xx) the following clause shall be inserted, namely :—

“ (xxa) ‘ Military Estates Officer ’ means the officer appointed by the Governor General in Council to perform the duties of the Military Estates Officer under rules made under clauses (a) and (b) of sub-section (2) of section 280 ; ” ;

(g) in clause (xxi),—

(i) in paragraph (a), after the words “ Air Force Act,” the words and figures “ or the Indian Air Force Act, 1932,” shall be inserted ; and

(ii) to paragraph (b) the words “ , or the Indian Air Force Act, 1932 ” shall be added ;

(h) after clause (xxvi) the following clause shall be inserted, namely :—

“ (xxvii) a person is deemed to reside in a cantonment if he maintains therein a house or a portion of a house which is at all times available for occupation by himself or his family even though he may himself reside elsewhere, provided that he has not abandoned all intention of again occupying such house either by himself or his family ” ;

(i) in clause (xxviii), for the words “ , passage or open space ” the words “ or passage ” shall be substituted ;

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(j) in clause (xxxviii), the word "and" occurring at the end shall be omitted; and

(k) after clause (xxxix) the following word and clause shall be inserted, namely:—

"and

(xl) 'year' means the year commencing on the first day of April."

3. To section 3 of the said Act the following sub-section shall be added, namely:—

Amendment of section 3, Act II of 1924.

"(3) When any place is declared a cantonment for the first time, the Governor General in Council may, until a Board is constituted in accordance with the provisions of this Act, by order make any provision which appears necessary to him either for the administration of the Cantonment or for the constitution of the Board."

4. In section 9 of the said Act, for the words "specified in the notification in which there is no Board" the following clauses shall be substituted, namely:—

Amendment of section 9, Act II of 1924.

"(a) situated within the limits of a Presidency-town; or

(b) in which the Board is superseded under section 54,"

5. For sections 10 to 14 of the said Act the following sections shall be substituted, namely:—

Substitution of new sections for sections 10 to 14, Act II of 1924.

"10. For every cantonment there shall be a Cantonment Board and an Executive Officer.

Cantonment Board and Executive Officer.

11. Every Board shall, by the name of the place by reference to which the cantonment is known, be a body corporate having perpetual succession and a common seal with power to acquire and hold property both moveable and immovable and to contract and shall, by the said name, sue and be sued.

Incorporation of Cantonment Board.

12. (1) The Executive Officer of every cantonment shall be appointed by the Governor General in Council, or by such person as the Governor General in Council may authorise in this behalf, from the Service of Executive Officers constituted by rules made under section 280:

Appointment of Executive Officer.

Provided

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Provided that an Executive Officer appointed before the commencement of the Cantonments (Amendment) Act, 1936, shall, unless the Governor General in Council otherwise directs in any case, be deemed to have been duly appointed in accordance with this sub-section.

(2) Not less than half the cost of the salary of the Executive Officer shall be paid by Government and the balance from the cantonment fund :

Provided that the salary of an Executive Officer appointed before the commencement of the Cantonments (Amendment) Act, 1936, shall, until the Governor General in Council otherwise directs, continue to be paid from the source from which it was being paid at the commencement of the said Act.

(3) The Executive Officer shall be the Secretary of the Board and of every committee of the Board, but shall not be a member of the Board or of any such committee.

Constitution of
Cantonment
Boards.

13. (1) Cantonments shall be divided into three classes, namely :—

- (i) Class I Cantonments, in which the civil population exceeds ten thousand ;
- (ii) Class II Cantonments, in which the civil population exceeds two thousand five hundred, but does not exceed ten thousand ; and
- (iii) Class III Cantonments, in which the civil population does not exceed two thousand five hundred :

Provided that the Governor General in Council may, by notification in the Gazette of India, place in Class II any cantonment in the North-West Frontier Province or in British Baluchistan which if it were situated elsewhere would be a Class I Cantonment, or place in Class III any such cantonment which if it were situated elsewhere would be a Class II Cantonment.

(2) For the purposes of sub-section (1), the civil population shall be calculated in accordance with the latest official census, or, if the Governor General in Council, by general or special order, so directs, in accordance with a special census taken for the purpose.

(3) In

(3) In Class I Cantonments, the Board shall consist of the following members, namely :—

- (a) the Officer Commanding the station or, if the Governor General in Council so directs in respect of any cantonment, such other military officer as may be nominated in his place by the Officer Commanding-in-Chief, the Command ;
- (b) a Magistrate of the first class nominated by the District Magistrate ;
- (c) the Health Officer ;
- (d) the Executive Engineer ;
- (e) four military officers nominated by name by the Officer Commanding the station by order in writing ;
- (f) seven members elected under this Act.

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

- (a) the Officer Commanding the station or, if the Governor General in Council so directs in respect of any cantonment, such other military officer as may be nominated in his place by the Officer Commanding-in-Chief, the Command ;
- (b) a Magistrate of the first class nominated by the District Magistrate ;
- (c) the Health Officer ;
- (d) the Executive Engineer ;
- (e) (i) in cantonments of which the civil population exceeds seven thousand five hundred, three military officers,
(ii) in cantonments of which the civil population exceeds five thousand, but does not exceed seven thousand five hundred, two military officers,
(iii) in cantonments of which the civil population does not exceed five thousand and in cantonments which the Governor General in Council, by notification under the proviso to sub-section (1), has placed in Class II, whatever be the population, one military officer, nominated by name by the Officer Commanding the station by order in writing ;

(f) such

(f) such number of members elected under this Act as is equal to the number of members constituted or nominated by or under clauses (b) to (e).

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

(a) the Officer Commanding the station, or if the Governor General in Council so directs in respect of any cantonment, such other military officer as may be nominated in his place by the Officer Commanding-in-Chief, the Command ;

(b) one military officer nominated by name by the Officer Commanding the station by order in writing ;

(c) one member elected under this Act.

(6) The Officer Commanding the station may, if he thinks fit, with the sanction of the Officer Commanding-in-Chief, the Command, nominate in place of any military officer whom he is empowered to nominate under clause (e) of sub-section (3), clause (e) of sub-section (4) or clause (b) of sub-section (5), any person, whether in the service of the Government or not, who is ordinarily resident in the cantonment or in the vicinity thereof.

(7) Every election or nomination of a member of a Board and every vacancy in the membership thereof shall be notified by the Local Government in the local official Gazette.

Power to vary constitution of Boards in special circumstances.

14. (1) Notwithstanding anything contained in section 13, if the Governor General in Council is satisfied—

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

(b) after consultation with the Local Government, that, for the administration of the cantonment, it is desirable,

to vary the constitution of the Board in any cantonment under this section, the Governor General in Council may, by notification in the Gazette of India, make a declaration to that effect.

(2) Upon

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(2) Upon the making of a declaration under sub-section (1), the Board in the cantonment shall consist of the following members, namely :—

- (a) the Officer Commanding the station ;
- (b) one military officer nominated by name by the Officer Commanding the station by order in writing ;
- (c) one member, not being a person in the service of the Government nominated by the Officer Commanding the station.

(3) Every nomination of a member of a Board constituted under this section, and every vacancy in the membership thereof, shall be notified by the Local Government in the local official Gazette.

(4) The term of office of a Board constituted by a declaration under sub-section (1) shall not ordinarily extend beyond one year :

Provided that the Governor General in Council may from time to time, by a like declaration, extend the term of office of such a Board by any period not exceeding one year at a time :

Provided also that the Governor General in Council shall forthwith direct that the term of office of such a Board shall cease if, in the opinion of the Governor General in Council, the reasons stated in the declaration whereby such Board was constituted, or its term of office was extended, have ceased to exist.

(5) When the term of office of a Board constituted under this section has expired or ceased, the Board shall be replaced by the former Board which, but for the declaration under sub-section (1), would have continued to hold office, or, if the term of office of such former Board has expired, by a Board constituted under section 13."

6. In section 15 of the said Act,—

- (a) in sub-sections (1) and (4), for the words, brackets and figures "sub-section (2) of section 14" the words, brackets and figures "sub-section (7) of section 13" shall be substituted ; and

Amendment of
section 15, Act
II of 1924.

(b) to

- (b) to sub-section (1) the following proviso shall be added, namely:—

“Provided that the Governor General in Council may, when satisfied that it is necessary in order to avoid administrative difficulty, extend the term of office of all the elected members of a Board by such period, not exceeding one year, as he thinks fit.”

Amendment of section 20, Act II of 1924.

7. In section 20 of the said Act,—

(a) in sub-section (1), after the words “Officer Commanding the station”, where they first occur, the words “if a member of the Board” shall be inserted; and

(b) for sub-section (2) the following sub-sections shall be substituted, namely:—

“(2) Where the Officer Commanding the station is not a member of the Board, the military officer nominated in his place under clause (a) of sub-section (3), sub-section (4) or sub-section (5) of section 13 shall be President of the Board.

(3) In every Board in which there is more than one elected member, there shall be a Vice-President elected by the elected members only and from among their number.”

Amendment of section 21, Act II of 1924.

8. For sub-section (1) of section 21 of the said Act the following sub-section shall be substituted, namely:—

“(1) The term of office of a Vice-President shall be three years or the residue of his term of office as a member, whichever is less.”

Amendment of section 25, Act II of 1924.

9. In clause (a) of the proviso to section 25 of the said Act, the words “where there is a Board” shall be omitted.

Amendment of section 26, Act II of 1924.

10. In sub-section (1) of section 26 of the said Act,—

(a) the words, brackets and figures “Where a Board is to be constituted in any cantonment otherwise than in accordance with the proviso to sub-section (1) of section 14,” shall be omitted; and

(b) for

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(b) for the words "the Cantonment Authority" the following shall be substituted, namely :—

"The Board or, where a Board is not constituted in any place declared by notification under sub-section (1) of section 3 to be a cantonment, the Officer Commanding the station,".

11. In section 27 of the said Act,—

Amendment of
section 27, Act
II of 1924.

(a) In sub-section (1),—

(i) in sub-clause (iii) of clause (b), for the words "is a graduate" the words "has passed the Matriculation or other equivalent examination" shall be substituted;

(ii) sub-clause (iv) of clause (b) shall be re-numbered as sub-clause (v) and the following shall be inserted as sub-clause (iv), namely :—

"(iv) is a person whose name is entered on the current electoral roll of the constituency of which the cantonment forms part for the purposes of the Central or Provincial Legislatures; or";

(iii) in clause (c), for the word "during" the word "for" shall be substituted; and

(b) in sub-section (2),—

(i) in clause (v), for the words "six months" the words "two years" shall be substituted and after the word "transportation" the words "for an offence which is declared by the Governor General in Council to be such as to unfit him to become an elector" shall be inserted, and the words "or has been ordered to find security for good behaviour under the Code of Criminal Procedure, 1898" shall be omitted; and

(ii) after the proviso, the following proviso shall be added, namely :—

"Provided further that any disqualification incurred by a person under clause (v) shall terminate on the lapse of three years from the expiry of the sentence or order."

12. In section 28 of the said Act,—

Amendment of
section 28, Act
II of 1924.

(a) in sub-section (1), for the words "a stipendiary Magistrate or a military officer or soldier"

the

the

the words "a person in the military or civil service of the Crown in India" shall be substituted;

(b) in sub-section (2),—

(i) in clause (a), for the words "the Cantonment Authority" the following shall be substituted, namely:—

"a Board or an authority which, before the commencement of the Cantonments (Amendment) Act, 1936, exercised and performed the powers and duties of a Cantonment Authority under this Act;" and

(ii) after clause (d), the following clause shall be inserted, namely:—

"(dd) is an officer or servant, permanent or temporary, of a Board; or".

Amendment of
section 36, Act
II of 1924.

13. After sub-section (3) of section 36 of the said Act the following sub-section shall be added, namely:—

"(4) Every person applying for employment as a servant of a Board shall, if he is related by blood or marriage to any member of the Board or to any person, not being a menial servant, in receipt of remuneration from the Board, notify the fact and the nature of such relationship to the appointing authority before the appointment is made, and if he has failed to do so, his appointment shall be invalid but without prejudice to the validity of anything previously done by him."

Amendment of
section 39, Act
II of 1924.

14. In section 39 of the said Act,—

(a) in sub-section (1),—

(i) after the word "Board", where it occurs first, the words "in which there is more than one elected member" shall be inserted; and

(ii) the proviso shall be omitted; and

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) The quorum necessary for the transaction of business at a meeting of a Board constituted

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constituted under sub-section (5) of section 13 or under sub-section (1) of section 14, shall be two.”

15. For section 40 of the said Act the following section shall be substituted, namely:—

Substitution of
new section 40
in Act II of
1924.
Presiding officer.

“40. In the absence of—

- (a) both the President and the Vice-President from any meeting of a Board in which there is more than one elected member,
- (b) the President from a meeting of a Board constituted under sub-section (5) of section 13 or sub-section (1) of section 14,

the members present shall elect one from among their own number to preside.”

16. In sub-section (2) of section 41 of the said Act, for the words “and the District Magistrate” the words “the District Magistrate and the Military Estates Officer” shall be substituted.

Amendment of
section 41, Act
II of 1924.

17. After section 43 of the said Act the following section shall be inserted, namely:—

Insertion of
new section
43A in Act
II of 1924.

- “43A. (1) Every Board constituted under section 13 in a Class I Cantonment or Class II Cantonment shall appoint a committee consisting of the elected members of the Board, the Health Officer and the Executive Engineer for the administration of such areas in the cantonment as the Governor General in Council may, by notification in the Gazette of India, declare to be bazar areas, and may delegate its powers and duties to such committee in the manner provided in clause (e) of sub-section (1) of section 44.
- (2) The Vice-President of the Board shall be the Chairman of the committee appointed under sub-section (1).”

Committees for
Bazars.

18. In section 45 of the said Act,—

Amendment of
section 45, Act
II of 1924.

(a) in sub-section (1),—

- (i) in sub-clause (ii) of clause (a), for the words “either of the said authorities” the words “the Board or by such other local authority” shall be substituted; and

(ii) in

(ii) in clause (b),—

(1) after the words “with the previous sanction of” the words “the Officer Commanding-in-Chief, the Command, and” shall be inserted;

(2) for the words “authorities so contracting” the words “Board and by such other local authority” shall be substituted; and

(3) for the words “said authorities” the words “Board and such other local authority” shall be substituted; and

(b) in sub-section (2), for the word “authorities” the words “Board and other local authority” shall be substituted.

Insertion of new section 45A in Act II of 1924.

Report on administration.

19. After section 45 of the said Act the following section shall be inserted, namely :—

“45A. Every Board shall, as soon as may be after the close of the year and not later than the date fixed in this behalf by the Governor General in Council, submit to the Governor General in Council through the Officer Commanding-in-Chief, the Command, a report on the administration of the cantonment during the preceding financial year, in such form and containing such details as the Governor General in Council may direct. The comments, if any, of the Officer Commanding-in-Chief, the Command, on such report shall be communicated by him to the Board which shall be allowed a reasonable time to furnish a reply thereto, and the comments together with the reply, if any, shall be forwarded to the Governor General in Council along with the report.”

Amendment of section 48, Act II of 1924.

20. In section 48 of the said Act, the words “The Governor General in Council or” occurring at the beginning shall be omitted.

Amendment of section 49, Act II of 1924.

21. In section 49 of the said Act, for the words “under section 47” the words “under section 46 or section 47” shall be substituted.

22. In

22. In section 52 of the said Act,—

(a) in clause (b) of sub-section (1), after the words
“cancel the suspension or” the words “after
giving the Board a reasonable opportunity of
showing cause why such direction should not
be made,” shall be inserted; and

(b) for clause (c) of sub-section (2) the following
clause shall be substituted, namely:—

“(c) after giving the Board a reasonable
opportunity of showing cause why such
direction should not be made, direct that the
decision shall not be carried into effect or
that it shall be carried into effect by the Board
with such modifications as he may specify.”

23. For section 60 of the said Act the following section
shall be substituted, namely:—

“60. (1) The Board may, with the previous sanc-
tion of the Local Government, impose in any
cantonment any tax which, under any enact-
ment for the time being in force, may be
imposed in any municipality in the province
wherein such cantonment is situated:

Provided that, where the previous sanction of the
Governor General in Council is required to the
imposition of any tax in a municipality, such
sanction shall also be required to its imposition
in a cantonment.

(2) Any tax imposed under this section shall take
effect from the date of its notification in the
local official Gazette.”

24. For sections 61, 62 and 63 of the said Act the
following sections shall be substituted, namely:—

“61. When a resolution has been passed by the
Board proposing to impose a tax under section
60, the Board shall in the manner prescribed
in section 255 publish a notice specifying—

(a) the tax which it is proposed to impose;
(b) the persons or classes of persons to be made
liable and the description of the property
or other taxable thing or circumstance in
respect of which they are to be made liable;
and

(c) the rate at which the tax is to be levied.

62. (1) Any

Amendment of
section
52,
Act II of 1924.

Substitution of
new section 60
in Act II of
1924.

General power
of taxation.

Substitution
of new sections
for sections 61,
62 and 63, Act
II of 1924.

Framing of
preliminary
proposals.

Objections
and disposal
thereof.

62. (1) Any inhabitant of the cantonment may, within thirty days from the publication of the notice under section 61, submit to the Board an objection in writing to all or any of the proposals contained therein and the Board shall take any objection into consideration and pass orders thereon by special resolution.
- (2) If the Board decides to modify its proposals or any of them, it shall re-publish the modified proposals in the manner provided by section 61 indicating that the proposals are in modification of the proposals previously published; and the provisions of sub-section (1) of this section shall apply to such modified proposals.
- (3) When the Board has finally settled the proposals, it shall submit them along with the objections, if any, made in connection therewith to the Local Government through the Officer Commanding-in-Chief, the Command.

Imposition of
tax.

63. The Local Government may authorise the Board to impose the tax either in the original form or, if any objection has been submitted, in that form or any such modified form as it thinks fit."

Amendment of
section 65, Act
II of 1924.

25. In sub-section (1) of section 65 of the said Act, for the words "from the Secretary of State in Council or from" the words "granted by or on behalf of the Secretary of State in Council or" shall be substituted.

Amendment of
section 68, Act
II of 1924.

26. In sub-section (4) of section 68 of the said Act, the words "where there is a Board" shall be omitted, and for the word "thereof" the words "of the Board" shall be substituted.

Amendment of
section 71, Act
II of 1924.

27. In section 71 of the said Act,—
- (a) for sub-section (1) the following sub-section shall be substituted, namely:—
- "(1) The Board may amend the assessment list at any time—
- (a) by inserting or omitting the name of any person whose name ought to have been or ought to be inserted or omitted, or

(b) by

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- (b) by inserting or omitting any property which ought to have been or ought to be inserted or omitted, or
- (c) by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, whether on the part of the Board or of the Assessment Committee or of the assessee, or
- (d) by revaluing or reassessing any property the value of which has been increased, or
- (e) in the case of a tax payable by an occupier, by changing the name of the occupier :

Provided that no person shall by reason of any such amendment become liable to pay any tax or increase of tax in respect of any period prior to the commencement of the year in which the assessment is made.”; and

- (b) after sub-section (1) the following sub-section shall be inserted as sub-section (1a), namely :—

“(1a) Before making any amendment under sub-section (1) the Board shall give to any person affected by the amendment notice of not less than one month that it proposes to make the amendment.”

28. To section 73 of the said Act the following sub-section shall be added, namely :—

Amendment of section 73, Act II of 1924.

- “(5) the Executive Officer shall record every transfer on devolution of title notified to him under sub-section (1) or sub-section (2) in the assessment list and other tax registers of the Board.”

29. In section 75 of the said Act, after the word “owner” the words “or occupier” shall be inserted.

Amendment of section 75, Act II of 1924.

30. In section 76 of the said Act, the words “other than a hill cantonment” shall be omitted and in sections 76 and 77 of the said Act,—

Amendment of sections 76 and 77, Act II of 1924.

- (a) for the word “ninety” the word “sixty” shall be substituted ;

(b) the

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(b) the words " during any year " shall be omitted ;
and

(c) the words " and payable in respect of that
year " shall be omitted.

Amendment of
section 82, Act
II of 1924. 31. To sub-section (2) of section 82 of the said Act
the words " and shall give a receipt specifying the
items seized " shall be added.

Amendment of
section 84, Act
II of 1924. 32. In the proviso to sub-section (1) of section 84 of
the said Act, the words " there is a Board and " shall be
omitted.

Amendment of
section 93, Act
II of 1924. 33. In sub-section (1) of section 93 of the said Act,—
(a) after the words " wherever it may be found "
the words " in the cantonment " shall be
inserted ; and
(b) after the words " any moveable property of "
the words " or standing timber, growing crops
or grass belonging to " shall be inserted.

Amendment of
section 102,
Act II of 1924. 34. In section 102 of the said Act,—
(a) after the word " tax ", in each place where it
occurs, the words " or rate " shall be inserted ;
and
(b) at the end, the following proviso shall be added,
namely :—
" Provided that, where the sum written off in favour
of any one person exceeds fifty rupees, the
sanction of the Officer Commanding-in-Chief,
the Command, shall be first obtained."

Amendment of
section 107,
Act II of 1924. 35. In sub-section (3) of section 107 of the said
Act, for the words " Local Government ", where they
occur for the first time, the words " Officer Commanding-
in-Chief, the Command " shall be substituted.

Amendment of
section 114, Act
II of 1924. 36. In sub-section (1) of section 114 of the said Act,
the words " where there is a Board ", in both places
where they occur, and the words " or, where there is
no Board, be signed by the Officer Commanding the
station and be sealed with the official seal of the
Cantonment Authority " shall be omitted.

Amendment of
section 116,
Act II of 1924. 37. In clause (n) of section 116 of the said Act, after
the word " maintaining " the words " or assisting "
shall be inserted.

38. In

38. In section 126 of the said Act,—

(a) after the word “owner” the words “or part-owner or person claiming to be the owner or part-owner thereof, or, failing any of them, the occupier” shall be inserted; and

(b) for the words “protect or enclose” the words “or to protect or to enclose” shall be substituted.

39. For clause (d) of sub-section (1) of section 138 of the said Act the following clause shall be substituted, namely :—

“(d) Where the cantonment is a Class I or Class II cantonment, two non-official members of the Board, or where the cantonment is a Class III cantonment, one non-official member of the Board.”

40. In sub-section (2) of section 162 of the said Act, the words “, or, where there is no Board, the Officer Commanding the station” shall be omitted.

41. In sub-section (3) of section 166 of the said Act, the words “, or, where there is no Board, the Officer Commanding the station,” shall be omitted.

42. In clause (b) of sub-section (1) of section 171 of the said Act, after the word “dispensary” the words “or veterinary hospital” shall be inserted.

43. In section 173 of the said Act, after the words “may receive medical” the words “or surgical” shall be inserted.

44. In section 174 of the said Act, after the word “medical” the words “or surgical” shall be inserted.

45. In Chapter XI of the said Act, before section 179, the following section shall be inserted, namely :—

“178A. No person shall erect or re-erect a building on any land in a cantonment, except with the previous sanction of the Board, nor otherwise than in accordance with the provisions of this Chapter and of the rules and bye-laws made under this Act relating to the erection and re-erection of buildings.”

46. In sub-section (1) of section 179 of the said Act, for the words “give notice” the words “apply for sanction by giving notice” shall be substituted.

47. For

Amendment of
section 181, Act
II of 1924.

47. For sub-sections (2), (3) and (4) of section 181 of the said Act the following sub-sections shall be substituted, namely :—

- “(2) The Board may refuse to sanction the erection or re-erection of any building, either on grounds sufficient in the opinion of the Board affecting the particular building, or in pursuance of a general scheme sanctioned by the Officer Commanding-in-Chief, the Command, restricting the erection or re-erection of buildings within specified limits for the prevention of overcrowding or in the interests of persons residing within such limits or for any other public purpose.
- (3) The Board, before sanctioning the erection or re-erection of a building on land which is under the management of the Military Estates Officer, shall refer the application to the Military Estates Officer for ascertaining whether there is any objection on the part of Government to such erection or re-erection ; and the Military Estates Officer shall return the application together with his report thereon to the Board within thirty days after it has been received by him.
- (4) The Board may refuse to sanction the erection or re-erection of any building—
- (a) when the land on which it is proposed to erect or re-erect the building is held on a lease from Government, if the erection or re-erection constitutes a breach of the terms of the lease, or
- (b) when the land on which it is proposed to erect or re-erect the building is not held on a lease from Government, if the right to build on such land is in dispute between the person applying for sanction and the Government.
- (5) If the Board decides to refuse to sanction the erection or re-erection of the building, it shall communicate in writing the reasons for such refusal to the person by whom notice was given.
- (6) Where the Board neglects or omits, for one month after the receipt of a valid notice, to make and to deliver to the person who has given the

the notice any order of any nature specified in this section, and such person thereafter by a written communication sent by registered post to the Board calls the attention of the Board to the neglect or omission, then, if such neglect or omission continues for a further period of fifteen days from the date of such communication the Board shall be deemed to have given sanction to the erection or re-erection, as the case may be, unconditionally:

Provided that, in any case to which the provisions of sub-section (3) apply, the period of one month herein specified shall be reckoned from the date on which the Board has received the report referred to in that sub-section."

48. In section 183 of the said Act, for the words "without fresh sanction obtained in the manner hereinbefore provided" the words "unless the Board on application made therefor has allowed an extension of that period" shall be substituted. Amendment of section 183, Act II of 1924.

49. After section 183 of the said Act the following section shall be inserted, namely:— Insertion of new section 183A in Act II of 1924.

"183A. A Board, when sanctioning the erection or re-erection of a building as hereinbefore provided, shall specify a reasonable period after the work has commenced within which the erection or re-erection is to be completed, and, if the erection or re-erection is not completed within the period so fixed, it shall not be continued thereafter without fresh sanction obtained in the manner hereinbefore provided, unless the Board on application made therefor has allowed an extension of that period: Period for completion of building.

Provided that not more than two such extensions shall be allowed by the Board in any case."

50. To clause (c) of section 184 of the said Act the words "or has been suspended by the Officer Commanding-in-Chief, the Command, under clause (b) of sub-section (1) of section 52" shall be added. Amendment of section 184, Act II of 1924.

51. Section

Amendment of section 185, Act II of 1924. 51. Section 185 of the said Act shall be re-numbered as sub-section (1) of that section and—

(a) in that section as so re-numbered,—

(i) after the words “in any such case” the following words shall be inserted, namely:—

“or in any other case in which the Board considers that the erection or re-erection of a building is an offence under section 184, within six months of the completion of such erection or re-erection”; and

(ii) the following proviso shall be added, namely:—

“Provided further that the Board shall not, without the previous concurrence of the Officer Commanding-in-Chief, the Command, accept any sum by way of composition under the foregoing proviso in respect of any building on land which is not under the management of the Board.”; and

(b) to that section as so re-numbered the following sub-section shall be added, namely:—

“(2) A Board shall by notice in writing direct the owner, lessee or occupier of any land in the cantonment to stop the erection or re-erection of a building in any case in which the order under section 181 sanctioning the erection or re-erection has been suspended by the Officer Commanding-in-Chief, the Command, under clause (b) of sub-section (1) of section 52, and shall in any such case in like manner direct the demolition or alteration, as the case may be, of the building or any part thereof so erected or re-erected where the Officer Commanding-in-Chief, the Command, thereafter directs that the order of the Board sanctioning the erection or re-erection of the building shall not be carried into effect or shall be carried into effect with modifications specified by him:

Provided that the Board shall pay to the owner of the building compensation for any loss actually incurred by him in consequence of the demolition or alteration of any building which
has

has been erected or re-erected prior to the date on which the order of the Officer Commanding-in-Chief, the Command, has been communicated to him."

52. In section 186 of the said Act,—

Amendment of
section 186,
Act II of 1924.

- (a) in clause (c), the word " and " shall be omitted ;
and
- (b) after clause (d) the following clauses shall be added, namely :—
- "(e) the circumstances in which a mosque, temple or church or other sacred building may be erected or re-erected ; and
- (f) with reference to the erection or re-erection of buildings, or of any class of building, all or any of the following matters, namely :—
- (i) the line of frontage where the building abuts on a street ;
- (ii) the space to be left about the building to secure free circulation of air and facilities for scavenging and for the prevention of fire ;
- (iii) the materials and method of construction to be used for external and party-walls, roofs and floors ;
- (iv) the position, the material and the method of construction of fire-places, chimneys, drains, latrines, privies, urinals and cess-pools ;
- (v) height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on ;
- (vi) the level and width of the foundation, the level of the lowest floor and the stability of the structure ;
- (vii) the number and height of the storeys of which the building may consist ;
- (viii) the means to be provided for egress from the building in case of fire ;
- (ix) the safeguarding of wells from pollution ;
or

(x) the
21.

Cantonments.

[Act XXIV

(x) the materials and method of construction to be used for godowns intended for the storage of foodgrains in excess of fifty maunds in order to render them rat proof."

Amendment of section 193, Act II of 1924. 53. After sub-section (2) of section 193 of the said Act the following sub-section shall be added, namely:—

"(3) When a number has been affixed to any building under sub-section (1), the owner of the building shall maintain the number in order, and shall replace it if removed or defaced, and if he fails to do so the Board may by notice in writing require him to replace it."

Amendment of section 207, Act II of 1924. 54. In sub-section (1) of section 207 of the said Act, the words "if any," shall be omitted.

Amendment of section 210, Act II of 1924. 55. In section 210 of the said Act,—

(a) in sub-section (1),—

(i) in clause (p), the word "and", where it occurs for the second time, shall be omitted; and

(ii) after clause (q) the following shall be inserted, namely:—

"and

(r) barbers and keepers of shaving saloons;";

(b) in sub-section (2), for the words "for one year" the words "until the end of the year in which it is issued" shall be substituted; and

(c) in sub-section (4), after the word "fees" the words ", not exceeding the cost of granting the licences," shall be inserted.

Amendment of section 215, Act II of 1924. 56. In sub-section (1) of section 215 of the said Act, the words "of a Board" shall be omitted.

Amendment of section 233, Act II of 1924. 57. In section 233 of the said Act, for the words "this section and in section 234" the words "this Chapter" shall be substituted.

Amendment of section 234, Act II of 1924. 58. In section 234 of the said Act, after the word "apply" the following shall be inserted, namely:—

"and in which the Board is not receiving a bulk supply of water under section 234A,".

59. After

OF 1936.]

Cantonments.

59. After section 234 of the said Act the following sections shall be inserted, namely :—

Insertion of new sections 234A and 234B in Act II of 1924.

“ 234A. (1) Where in any cantonment there is a water-supply such as is referred to in sub-section (1) of section 233, the Board may receive from the Engineer Services or the Public Works Department, as the case may be, at such point or points as may be agreed upon between the Board and the Officer, a supply of water adequate to the requirements for domestic use of all persons in the cantonment other than entitled consumers.

Supply of water from Government water supply to the Board.

(2) Any supply of water received under sub-section (1) shall be a bulk supply, and the Board shall make such payments to the Officer for all water so received as may be agreed upon between the Board and the Officer, or, in default of such agreement, as may be determined by the Governor General in Council to be reasonable having regard to the actual cost of supplying the water in the cantonment and the rate charged for water in any adjacent municipality :

Provided that, notwithstanding anything contained in this Act, the Board shall not charge for the supply to persons in the cantonment of water received by the Board under this section a rate calculated to produce more than the sum of the payments made to the Officer for water received and the actual cost of the supply thereof by the Board to consumers.

(3) If any dispute arises between the Board and the Officer regarding the amount of water adequate to the requirements of persons in the cantonment other than entitled consumers, the dispute shall be referred to the Governor General in Council whose decision shall be final.

234B. Where under the provisions of sub-section (1) of section 234A a bulk supply of water is received by the Board, the Board shall be solely responsible for the supply of water to all persons in the cantonment other than entitled consumers ; and the provisions of this Act shall apply as if such bulk supply were a source of public water-supply under the control of the Board and as if the communications from and connections with such bulk supply for the purpose of supplying water to such persons were a system of water-supply established and maintained by the Board.”

Functions of the Board in relation to distribution of bulk supply.

Cantonments.

[ACT XXIV

Amendment of section 253, Act II of 1924. **60.** In clause (a) of section 253 of the said Act, the words "where there is a Board," and the words "where there is no Board, by the Executive Officer ; or " shall be omitted.

Substitution of new section for section 259, Act II of 1924. **61.** For section 259 of the said Act the following section shall be substituted, namely :—

Method of recovery.

" 259. (1) Notwithstanding anything elsewhere contained in this Act, arrears of any tax and any other money recoverable by a Board under this Act may be recovered together with the cost of recovery either by suit or, on application to a Magistrate having jurisdiction in the cantonment or in any place where the person from whom such tax or money is recoverable may for the time being be residing, by the distress and sale of any moveable property of, or standing timber, growing crops or grass belonging to, such person which is within the limits of such Magistrate's jurisdiction, and shall, if payable by the owner of any property as such, be a charge on the property until paid :

Provided that the tools of artisans shall be exempt from such distress or sale.

(2) An application to a Magistrate under sub-section (1) shall be in writing and shall be signed by the President or Vice-President of the Board or by the Executive Officer, but shall not require to be personally presented."

Amendment of section 262, Act II of 1924. **62.** In clause (c) of sub-section (1) of section 262 of the said Act, the words " who shall be persons liable to pay taxes in the cantonment and ordinarily resident therein or in the immediate vicinity thereof " shall be omitted.

Amendment of section 266, Act II of 1924. **63.** Section 266 of the said Act shall be re-numbered as sub-section (1) of that section, and to the said section as so re-numbered the following sub-section shall be added, namely :—

" (2) No offence made punishable under this Act shall be tried by any Magistrate or by any Bench, if such Magistrate or any of the Magistrates composing the Bench is a member of the Board."

Amendment of section 272, Act II of 1924. **64.** In section 272 of the said Act, the words " or authority appointed under sub-section (2) of section 10 " shall be omitted.

65. In

of 1936.]

Cantonments.

65. In sub-section (1) of section 277 of the said Act, ^{Amendment of section 277, Act II of 1924.} for the words " the Cantonment Authority ", where they occur for the second time, the words " either party to the proceedings " shall be substituted.

66. In sub-section (2) of section 280 of the said Act, — ^{Amendment of section 280, Act II of 1924.}

(a) after clause (c) the following clause shall be inserted, namely:—

" (cc) the constitution of a Service of Executive Officers and the appointment, control, supervision, conditions of service, pay and allowances, suspension, removal, dismissal and punishment of the members thereof;" and

(b) clause (hh) shall be omitted.

67. In sub-section (2) of section 285 of the said Act, ^{Amendment of section 285, Act II of 1924.} for the words " for sale to the public " the words " and shall be sold to the public at cost price singly, or in collections at the option of the purchaser " shall be substituted.

68. In Schedule V to the said Act, —

^{Amendment of Schedule V, Act II of 1924.}

(a) in column 3, to the words " Officer Commanding-in-Chief, the Command ", wherever they appear, the following words shall be added, namely:—

" , or other authority authorised in this behalf by the Governor General in Council "; and

(b) in column 4 against section 181, for the words " Thirty days from date of refusal " the words " Thirty days from the date on which the refusal shall have been communicated to the person applying for sanction " shall be substituted.

69. In the said Act, for the expressions " Cantonment Authority ", " Cantonment Authorities " and " Cantonment Authority's ", ^{Substitution of " Board " for " Cantonment Authority " throughout Act II of 1924.} wherever they occur, the words " Board ", " Boards " and " Board's ", respectively, shall be substituted.