

ACT No. XV OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
30th March, 1942.)

An Act further to amend the Cantonments Act, 1924.

II of 1924.

WHEREAS it is expedient further to amend the Cantonments Act, 1924, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Cantonments (Amendment) Act, 1942. Short title.

II of 1924.

2. In section 17 of the Cantonments Act, 1924 (hereinafter referred to as the said Act),— Amendment of section 17, Act II of 1924.

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

“ Provided that where there are more outgoing members qualified and willing to serve than there are vacancies to be filled under this sub-section, the outgoing members so deemed to have been re-elected shall, failing agreement amongst such members, be determined by lot under the supervision of the President of the Board and in such manner as he may decide.” ;

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

“(2) Vacancies arising in any of the following cases shall be filled by nomination by the Central Government after consultation with the Officer Commanding-in-Chief, the Command, namely :—

(a) where at a casual election no member is elected ;

(b) where at an ordinary election no member or an insufficient number of members is elected, or an elected member is unwilling to serve on the Board and the outgoing member is not qualified or is not willing to serve or is dead or cannot be found within a reasonable time ;

(c) where

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Cantonments (Amendment). [ACT XV

(c) where at an election held when a Board is constituted for the first time no member or an insufficient number of members is elected or an elected member is unwilling to serve on the Board.”;

(c) sub-section (3) shall be renumbered as sub-section (4) and after sub-section (2) the following sub-section shall be inserted, namely :—

“ (3) For the purposes of sub-section (2) of section 16, a member nominated in pursuance of sub-section (2) of this section shall, where there has been a division of the cantonment into wards or of the inhabitants thereof into classes, be deemed to have been elected by such ward or class, as the case may be, as the Central Government may at the time of making the nomination or at any time thereafter declare.”

Amendment of section 20, Act II of 1924. 3. To sub-section (3) of section 20 of the said Act the following words shall be added, namely :—

“ in accordance with such procedure as the Central Government may by rule prescribe ”.

Amendment of section 27, Act II of 1924. 4. In sub-section (1) of section 27 of the said Act, after clause (c) the following *Explanation* shall be inserted, namely :—

“ *Explanation.*—When any place is declared a cantonment for the first time or when any local area is first included in a cantonment, residence in the area comprising the cantonment on the aforesaid date shall be deemed to be residence in the cantonment for the purposes of this sub-section.”

Amendment of section 28, Act II of 1924. 5. In section 28 of the said Act, after sub-section (1) the following sub-section shall be inserted, namely :—

“ (1A) No person shall be qualified for nomination as a member of a Board if he is subject to any of the disqualifications specified in sub-section (2) of section 27.”

Amendment of section 34, Act II of 1924. 6. In section 34 of the said Act,—

(a) in clause (a) of sub-section (1), after the word “ becomes ” the words “ or is found to have been at the time of his election or nomination ” shall be inserted ;

(b) in sub-section (3), after the word “ under ” the words, brackets and figures “ sub-section (1) or sub-section (2) of ” shall be inserted.

7. To

OF 1942.] *Cantonments (Amendment).*

7. To section 76 of the said Act the following proviso shall be added, namely :—

Amendment of section 76, Act II of 1924.

“ Provided that in any cantonment which the Central Government, by notification in the official Gazette, has declared to be a hill cantonment and in respect of which the Central Government by the same or a like notification has declared a portion of the year to be the season for the cantonment, when any building or land is leased for occupation through the season only, but the rent charged is the full annual rent, no remission or refund shall be admissible under this section in respect of any time outside the season during which the building or land remains vacant, but in respect of any time, not being less than sixty consecutive days during which within the season such building or land has remained vacant and unproductive of rent, the Board shall remit or refund such portion of any tax assessed on the annual value thereof as bears to the whole of the tax so assessed the same proportion as the number of days during which the building or land has remained vacant and unproductive of rent bears to the total length of the season.”

8. In sub-section (2) of section 99 of the said Act, after the words “ any tax on property ” the words “ other than a tax imposed to cover the cost of specific services rendered by the Board ” shall be inserted.

Amendment of section 99, Act II of 1924.

9. (1) Section 117 of the said Act shall be renumbered as sub-section (1) of that section, and in the said section so renumbered,—

Amendment of section 117, Act II of 1924.

- (a) in clause (j), after the word “ works ; ” the word “ or ” shall be added ;
- (b) in clause (k), the word “ or ” occurring at the end of the clause shall be omitted ;
- (c) clause (l) shall be omitted.

(2) To the said section as so renumbered the following sub-section shall be added, namely :—

“ (2) A Board may, either within or outside the cantonment, make provision for the doing of anything on which expenditure is declared by the Central Government, or by the Board with the sanction of the Central Government, to be an appropriate charge on the cantonment fund.”

10. To section 233 of the said Act the following sub-section shall be added, namely :—

Amendment of section 233, Act II of 1924.

“ (3) The provisions of section 222 shall be applicable in respect of the supply of water by agreement to the Board by the Officer for use for

Cantonments (Amendment). [ACT XV OF 1942.]

any purpose other than a domestic purpose in like manner as they are applicable to such supply to the owner, lessee or occupier of any building or land in the cantonment."

Amendment of section 234A, Act II of 1924.

11. In sub-section (1) of section 234A of the said Act, after the words "the Board may" the words "and so long as the Board is unable to provide a water-supply of its own, it shall" shall be inserted.

Amendment of section 282, Act II of 1924.

12. In clause (25) of section 282 of the said Act,—

- (a) the word "or" occurring at the end of sub-clause (c) shall be omitted;
- (b) in sub-clause (d), after the word "conveyances;" the word "or" shall be added;
- (c) after sub-clause (d) the following sub-clause shall be added, namely :—
" (e) for persons practising as nurses, midwives or *dais* ;".