

First draft of amendments proposed in the Cantonment Act, 2006

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The Cantonments Bill, 2020

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THE CANTONMENTS BILL, 2020
ACT NO. [*] OF 2020

[[*], 2020.]

An Act to consolidate and amend the law relating to cantonments with a view to imparting greater democratisation, modernisation and efficiency in the administration thereof, to achieve greater developmental objectives in alignment with municipalities, and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventy-First Year of the Republic of India as follows:—

CHAPTER I - PRELIMINARY

1. Short title, extent and commencement. —

- (1) This Act may be called the Cantonments Act, 2020.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions.—

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

- (a) “Assistant Health Officer” means the medical officer appointed by the General Officer Commanding-in-Chief, the Command, to be the Assistant Health Officer for a cantonment;
- (b) “Board” means a Cantonment Board constituted under Chapter III of this Act;
- (c) “boundary wall” means a wall which abuts on a street and does not exceed two and a half metres in height;
- (d) “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 but does not include a tent or other portable and temporary shelter;
- (e) “cantonment” means any area notified as such in accordance with section 3;
- (f) “casual election” means an election held to fill a casual vacancy;
- (g) “casual vacancy” means a vacancy occurring otherwise than by efflux of time in the office of the Vice-President of a Board or any other elected member of a Board and includes a vacancy in such office, arising under sub-section (2) of section 15;

- (h) "Chief Executive Officer" means the person appointed under section 30 to be the Chief Executive Officer of a cantonment;
- (i) "civil area" means an area declared to be a civil area by the Central Government under sub-section (1) of section 48;
- (j) "civil area committee" means a committee appointed under sub-section (1) of section 49;
- (k) "Command" means one of the Commands into which India is for military purposes for the time being divided, and includes any area which the Central Government may, by notification in the Official Gazette, declare to be a Command for all or any of the purposes of this Act
- (l) "dairy" includes any farm, cattle-shed, milk-store, milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale or is manufactured for the sale into butter, ghee, cheese or curds, and in relation to a dairyman who does not occupy any premises for the sale of milk, includes any place in which he keeps the vessels used by him for the storage or sale of milk;
- (m) "dairyman" includes the keeper of a cow, buffalo, goat or other animal, the milk of which is offered or is intended to be offered for sale for human consumption, and any supplier of milk and any occupier of a dairy;
- (n) "dangerous disease" means cholera, measles, typhoid, tuberculosis, dengue, malaria, diphtheria, plague, influenza, sexually transmitted diseases, hepatitis, Acquired Immune Deficiency Syndrome and any other epidemic, endemic, infectious or communicable disease which the Board may, by a public notice, declare to be an infectious, contagious or communicable disease for the purposes of this Act;
- (o) "Defence Estates Circle" means one of the circles into which India is, for the purposes of defence estates management, for the time being divided, and includes any area which the Central Government may, by notification in the Official Gazette, declare to be a Defence Estates Circle for all or any of the purposes of this Act;
- (p) "Defence Estates Officer" means the officer appointed by the Central Government to perform the duties of the Defence Estates Officer for the purpose of this Act and the rules made thereunder;
- (q) "Director General" means an officer of the Indian Defence Estates Service (IDES) appointed by the Central Government to perform the duties of the Director General, Defence Estates for the purpose of this Act and includes Senior Additional Director General and Additional Director General;
- (r) "Director" means the officer appointed by the Central Government to perform the duties of the Director, Defence Estates, the Command, for the purposes of this Act and the rules made thereunder;
- (s) "entitled consumer" means a person in a cantonment who is paid from the Defence Service Estimates and is authorised by a general or special order of the Central Government 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;
- (t) "essential services" means services in which any officer, employee or other person is employed by or on behalf of the Board and which are specified in Schedule V;
- (u) "Executive Engineer" means the officer of the Military Engineer Services of that grade, having charge of the military works in a cantonment 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, and includes the officer of whatever grade in immediate executive engineering charge of a cantonment;
- (v) "factory" means a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (63 of 1948);
 - (w) "Forces" means the regular Army, Navy and Air Force or any part of any one or more of them;
 - (x) "General Officer Commanding-in-Chief, the Command (GOC-in-C, Command)" means the officer commanding any of the Commands;
 - (y) "General Officer Commanding the Area" means the Officer Commanding any one of the areas into which India is for military purposes for the time being divided, or any sub-area which does not form part of any such area, or any area which the Central Government may, by notification in the Official Gazette, declare to be an area for all or any of the purposes of this Act;
 - (z) "group housing" means a group of houses for dwelling purposes and may comprise all or any of the following, namely: (i) a dwelling unit; (ii) open spaces intended for recreation and ventilation; (iii) roads, paths, sewers, drains, water-supply and ancillary installations, street lighting and other amenities; or (iv) convenient shopping place, schools, community hall or other amenities for common use;
 - (aa) "Government" in relation to this Act means the Central Government;
 - (bb) "Health Officer" means the senior executive medical officer in military employed on duty in a cantonment;
 - (cc) "hospital" includes family welfare centre, child welfare centre, maternity centre and health centre;
 - (dd) "hut" means any building, no material portion of which above the plinth level is constructed of masonry or of squared timber framing or of iron framing;
 - (ee) "inhabitant", in relation to a cantonment, or local area means any person ordinarily living or carrying on business or owning or occupying immovable property therein, or declared as such by the Chief Executive Officer and in case of a dispute, as decided by the District Magistrate;
 - (ff) "intoxicating drug" includes a narcotic drug and psychotropic substance as defined in the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);
 - (gg) "local authority" means a municipality or a panchayat, as defined in clause (e) and clause (f) of article 243P of the Constitution of India, a Cantonment Board constituted under the provisions of this Act and any other authority, by whatever name called, established under an Act of the Parliament or a State Legislature to administer the civic affairs of the areas under its jurisdiction;
 - (hh) "market" includes any place where persons assemble for the sale of, or for the purpose of, exposing for sale, meat, fish, fruits, vegetables, animals intended for human food or any other articles of human food whatsoever, with or without the consent of the owner of such place, notwithstanding that there may be no common regulation for the concourse of buyers and sellers and whether or not any control is exercised over the business of, or the persons frequenting the market by the owner of the place or by any other person, but shall not include a single shop or group of shops not being more than six in number and shops within unit lines;
 - (ii) "military" includes Army, Air Force, Navy and other defence related establishments;
 - (jj) "military officer" means a person who, being an officer within the meaning of the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) or the Air Force Act, 1950 (45 of 1950), is commissioned, gazetted or in pay as an officer doing army, naval or air force duty with the

- Army, Navy or Air Force, or is an officer doing such duty in any arm, branch or part of any of those Forces;
- (kk) "Nuisance" includes any act, omission, place, animal or thing, which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep, or which is or may be dangerous to life or injurious to health or property;
 - (ll) "occupier" includes an owner in occupation of, or otherwise using his own land or building;
 - (mm) "Officer Commanding the station" or "Station Commander" means the military officer for the time being in command of the Forces in a cantonment and if such officer is likely to be absent for more than thirty days, the General Officer Commanding-in-Chief, the Command may nominate, by an order, another military officer as "Officer Commanding the station" or "Station Commander";
 - (nn) "ordinary election" means an election held to fill a vacancy in the office of a Vice-President of a Board or any other elected member of a Board arising by efflux of time;
 - (oo) "owner" includes any person who is receiving or is entitled to receive the rent of any building or land whether on his own account or on behalf of himself and others or 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;
 - (pp) "party wall" means a wall forming part of a building and used or constructed to be used for the support or separation of adjoining buildings belonging to different owners, or constructed or adapted to be occupied by different persons;
 - (qq) "President" means the person appointed under section 28 as the President of a Board;
 - (rr) "Principal Director" means the officer appointed by the Central Government to perform the duties of the Principal Director, Defence Estates, the Command for the purpose of this Act and the rules made thereunder;
 - (ss) "private market" means a market which is not maintained by a Board and which is licensed by a Board under the provisions of this Act;
 - (tt) "public building" shall have the same meaning ascribed to it under sub-section (w) of section 2 of the Persons with Disabilities Act, 2016 (49 of 2016);
 - (uu) "public market" means a market maintained by a Board;
 - (vv) "public place" means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not;
 - (ww) "public slaughter-house" means a slaughter-house maintained by a Board;
 - (xx) "resident", in relation to a cantonment, means a person who 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;
 - (yy) "regulation" means a regulation made by a Board under this Act by notification in the Official Gazette;
 - (zz) "rule" means a rule made by the Central Government under this Act by notification in the Official Gazette;
 - (aaa) "shed" means a slight or temporary structure for shade or shelter;
 - (bbb) "slaughter-house" means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;

- (ccc) "soldier" means any person who is a soldier or sailor or an airman, subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) or the Air Force Act, 1950 (45 of 1950), as the case may be, and who is not a military officer;
- (ddd) "spirituous liquor" means any fermented liquor, any wine, or any alcoholic liquid obtained by distillation or the sap of any kind of palm tree, and includes any other liquid containing alcohol which the Central Government may, by notification in the Official Gazette, declare to be a spirituous liquor for the purposes of this Act;
- (eee) "street" includes any way, road, lane, square, court, alley or passage in a cantonment, whether a thoroughfare or not and whether built upon or not, over which the public have a right of way and also the roadway or foot-way over any bridge or causeway;
- (fff) "sub-area" means one of the sub-areas into which India is for military purposes for the time being divided and includes, for all or any of the purposes of this Act, any territory which the Central Government may, by notification in the Official Gazette, declare to be a sub-area for such purposes;
- (ggg) "trade premises" means any premises used or intended to be used for carrying on any trade, commerce or industry;
- (hhh) "vehicle" means a wheeled conveyance of any description which is capable of being used on a street, and includes a motorcar, motor lorry, motor omnibus, cart, locomotive, tramcar, handcart, truck, motor-cycle, bicycle, tricycle and rickshaw;
- (iii) "Vice-President" means the person elected under section 29 as the Vice-President of a Board;
- (jjj) "water-works" includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, water-trucks, sluices mains, pipes, culverts, hydrants, stand-pipes, and conduits and all machinery, lands, buildings, bridges and things used for or intended for the purpose of supplying water to a cantonment; and
- (kkk) "year" means a period of twelve months commencing on the first day of April.

CHAPTER II - DELIMITATION OF CANTONMENTS

3. Definition of cantonments. —

- (1) The Central Government may, by notification in the Official Gazette, declare any place or places along with boundaries in which any part of the Forces is quartered or which, being in the vicinity of any such place or places, is or are required for the service of such Forces to be a cantonment for the purposes of this Act and of all other enactments for the time being in force, and may, by a like notification, declare that any cantonment shall cease to be a cantonment.
- (2) The Central Government may, by a like notification, define the limits of any cantonment for the aforesaid purposes.
- (3) When any place is declared a cantonment under sub-section (1), the Central Government shall constitute a Board within a period of one year in accordance with the provisions of this Act:

Provided that the Central Government may, for reasons to be recorded in writing, extend the said period of one year for a further period of six months at a time:

Provided further that the Central Government may, until a Board is constituted, by order make necessary provisions for the efficient administration of the cantonment.

- (4) The Central Government may, by notification in the Official Gazette, direct that in any place declared a cantonment under sub-section (1) the provisions of any enactment relating to local self-government other than this Act shall have effect only to such extent or subject to such modifications, or that any authority constituted under any such enactment shall exercise authority only to such extent, as may be specified in the notification.

4. Alteration of limits of cantonments. —

- (1) The Central Government may, after consulting the State Government and the Board concerned, by notification in the Official Gazette, declare its intention to include within the cantonment any local area situated in the vicinity thereof or to exclude from the cantonment any local area comprised therein.
- (2) Any inhabitant of a cantonment or local area in respect of which notification has been published under sub-section (1) may, within eight weeks from the date of notification, submit in writing to the Central Government through the General Officer Commanding-in-Chief, the Command, an objection to the notification, and the Central Government shall take such objection into consideration.
- (3) On the expiry of eight weeks from the date of the notification, the Central Government may, after considering the objections, if any, which have been submitted under sub-section (2), by notification in the Official Gazette, include the local area in respect of which the notification was published under sub-section (1), or any part thereof, in the cantonment or, as the case may be, exclude such area or any part thereof from the cantonment.

5. Effect of including local area in cantonment. —

When, by a notification under section 4, any local area is included in a cantonment, such area shall thereupon become subject to this Act and to all other enactments for the time being in force throughout the cantonment and to all notifications, rules, regulations, bye-laws, orders and directions issued or made thereunder.

6. Disposal of cantonment fund and cantonment development fund when area ceases to be a cantonment under section 3. —

- (1) When, by a notification under section 3, any cantonment ceases to be a cantonment and the local area comprised therein is immediately placed under the control of a local authority, the balance of the cantonment fund or the cantonment development fund and other property vesting in the Board shall vest in such local authority, and the liabilities of the Board shall be transferred to such local authority.

- (2) When, in like manner, any cantonment ceases to be a cantonment and the local area comprised therein is not immediately placed under the control of a local authority, the balance of the cantonment fund or the cantonment development fund and other property vesting in the Board shall vest in the Central Government, and the liabilities of the Board shall be transferred to that Government.

7. Disposal of cantonment fund and cantonment development fund when area ceases to be included in a cantonment under section 4. —

- (1) When, by a notification under section 4, any local area forming part of a cantonment ceases to be under the control of a particular Board and is immediately placed under the control of some other local authority, such portion of the cantonment fund or the cantonment development fund and other property vesting in the Board and such portion of the liabilities of the Board, as the Central Government may, by general or special order, direct, shall be transferred to that other local authority.
- (2) When, in like manner, any local area forming part of a cantonment ceases to be under the control of a particular Board and is not immediately placed under the control of some other local authority, such portion of the cantonment fund or the cantonment development fund and other property vesting in the Board shall vest in the Central Government, and such portion of the liabilities of the Board shall be transferred to that Government, as the Central Government may, by general or special order, direct.

8. Application of funds and property transferred under sections 6 and 7.—

Any cantonment fund or cantonment development fund or a portion thereof or other property of a Board vesting in the Central Government under section 6 or section 7 shall be applied in the first place to satisfy any liabilities of the Board transferred under such provisions to that Government, and in the second place for the benefit of the inhabitants of the local area which has ceased to be a cantonment or, as the case may be, part of a cantonment.

9. Limitation of operation of Act. —

The Central Government may, by notification in the Official Gazette, exclude from the operation of any part of this Act the whole or any part of a cantonment, or direct that any provision of this Act shall, in the case of any cantonment—

- (a) situated within the limits of a metropolitan area; or
 - (b) in which the Board is superseded under section 60,
- apply with such modification as may be so specified.

CHAPTER III - CANTONMENT BOARDS

Boards

10. **Cantonment Board. —**

- (1) For every cantonment there shall be a Cantonment Board.
- (2) Every Board shall be deemed to be a municipality under clause (e) of Article 243P of the Constitution of India for the purposes of—
 - (a) receiving grants and allocations; or
 - (b) implementing the Central Government schemes of social welfare, public health, hygiene, safety, water-supply, sanitation, urban renewal and education.

11. **Incorporation of Cantonment Board.—**

- (1) 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 movable and immovable and to contract and shall by the said name, sue and be sued.
- (2) A Board may make regulations consistent with this Act and with the rules made thereunder to provide for the custody of the common seal of the Board and the purposes for which it shall be used.

12. **Constitution of Cantonment Boards. —**

- (1) Cantonments shall be divided into four categories, namely—
 - (a) Category I Cantonments, in which the population exceeds fifty thousand;
 - (b) Category II Cantonments, in which the population exceeds ten thousand, but does not exceed fifty thousand;
 - (c) Category III Cantonments, in which the population exceeds two thousand five hundred, but does not exceed ten thousand; and
 - (d) Category IV Cantonments, in which the population does not exceed two thousand five hundred.
- (2) For the purposes of sub-section (1), the population shall be calculated in accordance with the latest official census, or, if the Central Government, by general or special order, so directs, in accordance with a special census taken for the said purpose.
- (3) In Category I Cantonments, the Board shall consist of the following members, namely—
 - (a) the Officer Commanding the station as *ex officio* or, if the Central Government so directs in respect of any cantonment, such other military officer as may be nominated in his place by the General Officer Commanding-in-Chief, the Command;
 - (b) the Vice-President elected in accordance with the provisions of this Act and the rules made thereunder;

- (c) the District Magistrate or an Executive Magistrate not below the rank of Additional District Magistrate nominated by him;
 - (d) the Chief Executive Officer;
 - (e) the Health Officer *ex officio*;
 - (f) the Executive Engineer *ex officio*;
 - (g) four military officers nominated by name by the Officer Commanding the station by order in writing; and
 - (h) eight members elected under this Act.
- (4) In Category II Cantonments, the Board shall consist of the following members, namely—
- (a) the Officer Commanding the station as *ex officio* or, if the Central Government so directs in respect of any cantonment, such other military officer as may be nominated in his place by the General Officer Commanding-in-Chief, the Command;
 - (b) the Vice-President elected in accordance with the provisions of this Act and the rules made thereunder;
 - (c) the District Magistrate or an Executive Magistrate not below the rank of Additional District Magistrate nominated by him;
 - (d) the Chief Executive Officer;
 - (e) the Health Officer *ex officio*;
 - (f) the Executive Engineer *ex officio*;
 - (g) three military officers nominated by name by the Officer Commanding the station by order in writing; and
 - (h) seven members elected under this Act.
- (5) In Category III Cantonments, the Board shall consist of the following members, namely—
- (a) the Officer Commanding the station as *ex officio* or, if the Central Government so directs in respect of any cantonment, such other military officer, as may be nominated in his place by the General Officer Commanding-in-Chief, the Command;
 - (b) the Vice-President elected in accordance with the provisions of this Act and the rules made thereunder;
 - (c) the District Magistrate or an Executive Magistrate nominated by him;
 - (d) the Chief Executive Officer;
 - (e) the Health Officer *ex officio*;
 - (f) the Executive Engineer *ex officio*;
 - (g) two military officers nominated by name by the Officer Commanding the station by order in writing; and
 - (h) six members elected under this Act.
- (6) In Category IV Cantonments, the Board shall consist of the following members, namely—
- (a) the Officer Commanding the station *ex officio* or, if the Central Government so directs in respect of any cantonment, such other military officer as may be nominated in his place by the General Officer Commanding-in-Chief, the Command;

- (b) the Vice-President elected in accordance with the provisions of this Act and the rules made thereunder;
 - (c) the Chief Executive Officer;
 - (d) the Health Officer *ex officio* or a legally qualified medical practitioner who is residing in the cantonment and is nominated by the Officer Commanding the station; and
 - (e) two members elected under this Act.
- (7) The Officer Commanding the station may, if he thinks fit, with the sanction of the General Officer Commanding-in-Chief, the Command, nominate in place of any military officer whom he is empowered to nominate under clause (g) of sub-section (3), clause (g) of sub-section (4) or clause (g) 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.
- (8) Every election of a member of a Board and every vacancy in the elected membership thereof shall be notified by the Central Government in the Official Gazette.
- (9) The Member of Parliament and Member of Legislative Assembly representing constituencies which comprises wholly or partly a cantonment, shall be special invitees for the meetings of the Board but without a right to vote.
- (10) A Board may make regulations consistent with this Act and the rules made thereunder to provide for the appointment of committees, determination of all matters relating to the constitution and procedure of such committees, and the delegation to such committees, subject to any conditions which the Board thinks fit to impose, of any of the powers or duties of the Board under this Act, other than a power to make regulations or bye-laws.

13. **Power to vary the constitution of Cantonment Boards in special circumstances. —**

- (1) Notwithstanding anything contained in section 12, if the Central Government is satisfied, —
- (a) that by reason of military operations, it is necessary, or
 - (b) that, in the event of a disaster, or for the purposes of national security, it is desirable to vary the constitution of the Board in any cantonment under this section, the Central Government may, by notification in the Official Gazette, make a declaration to that effect.

Explanation. —In this clause, “disaster” means a disaster as defined in the Disaster Management Act, 2005 (53 of 2005).

- (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) the Chief Executive Officer; and
 - (c) one member, not being a person in the service of the Government, nominated by the Central Government in consultation with the General Officer Commanding-in-Chief, the Command.

- (3) The nomination of a member of a Board constituted under this section, and the vacancy in the membership thereof shall be notified by the Central Government in the 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 Central Government 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 Central Government shall forthwith direct that the term of office of such a Board shall cease if, in the opinion of the Central Government, 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) or sub-section (4), would have continued to hold office, or, if the term of office of such former Board has expired, by a Board constituted under section 12.

14. Term of office of members. —

- (1) Save as otherwise provided in this section, the term of office of a member of a Board shall be five years and shall commence—
 - (a) in case of any elected member, from the date of notification of his election under sub-section (8) of section 12, or from the date on which the vacancy has occurred to which he is elected, whichever is later;
 - (b) in case of a nominated member, from the date of nomination under clauses (c) and (g) of sub-section (3), clauses (c) and (g) of sub-section (4), clauses (c) and (g) of sub-section (5) and clause (d) of sub-section (6) of section 12 , [or the date of vacancy under sub-section (2) of section 18, whichever is later, and the member so nominated shall be able to take part in the proceedings of the Board]; and
 - (c) in case of the Chief Executive Officer, from the date of appointment under sub-section (1) of section 30:

Provided that the Central Government 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 it thinks fit:

Provided further that a member whose term of office has been so extended, shall cease to hold office on the date of the notification of the election of his successor under sub-section (8) of section 12.

- (2) The term of office of an *ex officio* member of a Board shall continue so long as he holds the office by virtue of which he is such a member.
- (3) The term of office of a member elected to fill a casual vacancy shall commence from the date of the notification of his election, and shall continue so long only as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.
- (4) An outgoing member shall, unless the Central Government otherwise directs, continue in office until the election of his successor is notified under sub-section (8) of section 12 or the nomination of his successor, as the case may be.
- (5) Any outgoing member may, if qualified, be re-elected or re-nominated.

15. **Filling of vacancies. —**

- (1) Vacancies arising by efflux of time in the office of any elected member of a Board shall be filled by an ordinary election to be held on such date as the Central Government may, by notification in the Official Gazette, direct.
- (2) A casual vacancy in the office of any elected member of a Board shall be filled by a casual election, the date of which shall be fixed by the Central Government by notification in the Official Gazette, and shall be, as soon as may be, after the occurrence of the vacancy:

Provided that no casual election shall be held to fill a vacancy that occurs within six months preceding any date on which the vacancy will occur by efflux of time, but such vacancy shall be filled at the next ordinary election.

16. **Vacancies in special cases. —**

- (1) If for any cause at an election no member is elected, or if the elected member is unwilling to serve on the Board, fresh election shall be held to fill up such vacancy.
- (2) If a person is elected to more than one seat in a Board, then, unless he resigns all but one of the seats within fourteen days from the date on which he is declared elected, or where the dates on which he is declared elected are different in respect of different seats, from the last of such dates, all the seats shall become vacant:

Provided that, if a person is elected both as a member and as a Vice-President of the Board, or a person being a member of the Board is elected as Vice-President thereof, then such person shall resign as a member of the Board within fourteen days from the date on which he is declared elected as Vice-President, or where the dates on which he is declared elected are different in respect of Vice-President and member, from the last of such dates.

- (3) Vacancies arising in any of the following cases shall be filled by nomination by the Central Government after consultation with the General Officer Commanding-in-Chief, the Command, namely—
 - (a) where at a casual election no member is elected; or
 - (b) 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.
- (4) For the purposes of sub-section (2) of section 15, a member nominated in pursuance of sub-section (3) of this section shall, where there has been a division of the cantonment into wards, be deemed to have been elected by such ward as the Central Government may at the time of making the nomination or at any time thereafter declare.
- (5) The term of office of a member nominated under this section shall expire at the time at which it would have expired if he had been elected at the casual election.

17. Oath or affirmation. —

Every person who is by virtue of his office, or who is nominated or elected to be, a member of the Board shall, before taking his seat, make and subscribe at a meeting of the Board an oath or affirmation of his allegiance to the Constitution of India in the form set forth in Schedule I.

18. Resignation. —

- (1) Any elected member of a Board who wishes to resign his office may give his resignation in writing to the President of the Board who shall forward it for acceptance and notification to the Central Government under intimation to the General Officer Commanding-in-Chief, the Command.
- (2) Any nominated member of a Board who wishes to resign his office may forward his resignation in writing through the President of the Board to the General Officer Commanding-in-Chief, the Command for orders.
- (3) If the Central Government or the General Officer Commanding-in-Chief, the Command, as the case may be, accepts the resignation, such acceptance shall be communicated to the Board, and thereupon the seat of the member resigning shall become vacant.
- (4) Notwithstanding anything contained in sub-section (3), the resignation of any person elected to more than one seat in a Board from all but one of the seats in pursuance of sub-section (2) of section 16 shall take effect when such resignation is received by the President of the Board.

19. Removal of members. —

- (1) The Central Government may remove from a Board any member thereof, who—
- (a) has absented himself for more than three consecutive meetings or three months (whichever is later) of the Board and is unable to explain such absence to the satisfaction of the Board;

Explanation. —In computing the aforesaid period of three consecutive months, no account shall be taken of any period of absence with the leave of the Board;

- (b) has knowingly contravened the provisions of section 44;
- (c) being a legal practitioner, acts or appears on behalf of any other person against the Board in any legal proceeding or against the Government in any such proceeding relating to any matter in which the Board is or has been concerned or acts or appears on behalf of any person in any criminal proceeding instituted by or on behalf of the Board against such person;
- (d) has himself done or aided or abetted encroachments and illegal constructions on defence land in contravention of the provisions of this Act and the rules, regulations and bye-laws made thereunder; or
- (e) in the opinion of the Central Government, has so abused in any manner his position as a member of the Board as to render his continuance as a member detrimental to public interest:

Provided that no elected member of the Board including the Vice-President shall be removed by the Central Government under this sub-section unless a resolution for this purpose has been passed by a majority of not less than two-thirds of the total number of members then holding office and attending the meeting convened for this purpose.

- (2) The General Officer Commanding-in-Chief, the Command may, on receipt of a report from the Officer Commanding the station, remove from a Board any military officer nominated as a member of the Board who is, in the opinion of the Officer Commanding the station, unable to discharge his duties as a member of the Board and has failed to resign his office.
- (3) Notwithstanding anything contained in sub-sections (1) and (2), the Central Government may remove from a Board any member thereof, who becomes or is found to have been at the time of his election or nomination subject to any of the disqualifications specified in section 24 or in section 25.
- (4) No member shall be removed from a Board under this section unless he has been given a reasonable opportunity of showing cause against his removal.

20. Consequences of removal. —

- (1) A member removed under clause (b) of sub-section (1) or under sub-section (3) of section 19 shall, if otherwise qualified, be eligible for re-election or re-nomination.
- (2) A member removed under clause (c) or clause (d) of sub-section (1) of section 19 shall not be eligible for re-election or nomination for the period during which, but for such removal, he would have continued in office.
- (3) A member removed under sub-section (2) of section 19 shall not be eligible for re-election or nomination until the expiry of three years from the date of his removal.

21. Allowances and leave of members. —

- (1) Each elected member of the Board shall be entitled to receive such allowances, as the Central Government may, by rules, prescribe.
- (2) The Central Government may, by rules, prescribe the manner in which, and the conditions subject to which, leave is granted to each member of the Board.

22. Member of the Board to be deemed a public servant. —

Every member of the Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860) and clause (c) of section 2 of the Prevention of Corruption Act, 1988 (49 of 1988).

General Provisions relating to Election of Members to Cantonment Boards

23. Electoral rolls. —

- (1) 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, shall prepare and publish an electoral roll showing the names of persons qualified to vote at elections to the Board.
- (2) An electoral roll referred to in sub-section (1) shall be revised and published in such manner and on such date as the Central Government may, by rules, prescribe.
- (3) Every person whose name appears in the electoral roll shall, so long as the roll remains in force, be entitled to vote at an election to the Board, and no other person shall be so entitled.
- (4) When a cantonment has been divided into wards, the electoral roll shall be divided into separate lists for each ward.

- (5) If a revised electoral roll is not published in any year on the date prescribed, the Central Government may direct that the revised electoral roll from the previous year shall continue in operation until the roll is revised and published.

24. Qualification of electors. —

- (1) Subject to any other disqualification contained in the Act or the rules prescribed thereunder, a person shall not be entitled to be enrolled as an elector unless he, as on the qualifying date, —
- (a) is at least eighteen years of age; and
- (b) has been an inhabitant in the cantonment for a period of not less than six months immediately preceding such date.

Explanation I.—In this section, the expression “qualifying date” means the date as may be fixed by the Central Government in this behalf by notification in the Official Gazette.

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

- (2) A person notwithstanding that he is otherwise qualified under sub-section (1), shall not be entitled to be enrolled as an elector if he on the qualifying date—
- (a) is not a citizen of India;
- (b) is an illegal migrant, as defined under the Citizenship Act, 1955 (57 of 1955);
- (c) has been adjudged by a competent court to be of unsound mind; or
- (d) has been sentenced by a Criminal Court to imprisonment for a term exceeding two years for an offence which is declared by the Central Government to be such as to make him unfit to become an elector or has been sentenced by a Criminal Court for any offence under Chapter IXA of the Indian Penal Code (45 of 1860):

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

- (3) If any person having been enrolled as an elector in any electoral roll subsequently becomes subject to any of the disqualifications referred to in sub-section (2), his name shall be removed from the electoral roll unless, in the case referred to in clause (c), the disqualification is removed by the Central Government.

25. Qualification for being a member of the Board. —

No person shall be qualified for being chosen, whether by election or nomination as, and for being a member of a Board, if he—

- (a) is subject to any of the disqualifications specified in sub-section (2) of section 24;
- (b) is less than twenty-one years of age;
- (c) has not been an inhabitant in the cantonment or has been an inhabitant for a period of less than six months immediately preceding the qualifying date;
- (d) holds any office of profit under the Central Government or a State Government;
- (e) holds any place of profit at the disposal of the Board, or is a police officer, or is in the employment of a member of the Board, or is the employer of a member of the Board;
- (f) is interested in a subsisting contract made with, or in work being done for, the Board except as a shareholder other than a director in an incorporated company;
- (g) is an officer or employee, permanent or temporary, of a Board or of any other local authority;
- (h) is a member of any other local authority;
- (i) has, by the authority referred to in clause (f) of section 27 found to be guilty of any of the corrupt practices specified in sub-section (2) of section 26 unless a period of five years has elapsed since the date of the decision of the authority;
- (j) fails to pay any arrears of any kind due by him otherwise than as an agent, receiver, trustee or an executor, to the Board within thirty days after the notice in this behalf has been served upon him;
- (k) is an undischarged insolvent; or
- (l) is disqualified under any other provision of this Act:

Provided that a person shall not be deemed to have any interest in any contract or work as is referred to in clause (f) by reason only of his having a share or interest in—

- (i) any lease or sale or purchase of immovable property or any agreement for the same; or
- (ii) any agreement for the loan of money or any security for the payment of money only; or
- (iii) any newspaper or electronic media in which any advertisement relating to the affairs of the Board is inserted; or
- (iv) the sale to the Board of any article in which he regularly trades or the purchase from the Board of any article, of value in either case not exceeding twenty-five thousand rupees in the aggregate in any year during the period of the contract or work.

26. **Definition of corrupt practices. —**

- (1) For the purposes of sections 23, 24 and 25, 'person' means an individual.
- (2) The following shall be deemed to be corrupt practices within the meaning of clause (i) of section 25, namely—
 - (1) "bribery" that is to say—
 - (A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his agent of any gratification to any person whomsoever, with the object, directly or indirectly of inducing—
 - (a) a person to stand or not to stand as, or to withdraw or not to withdraw from being, a candidate at an election; or
 - (b) an elector to vote or refrain from voting at an election, or as a reward to—
 - (i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or
 - (ii) an elector for having voted or refrained from voting;
 - (B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—
 - (a) by a person for standing or not standing as, or for withdrawing or not withdrawing, from being a candidate; or
 - (b) by any person whomsoever for himself or any other person for voting or refraining from voting or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation.—For the purpose of this clause, the term "gratification" is not restricted to pecuniary gratification or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election.

- (2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his agent with the free exercise of any electoral right:

Provided that—

- (a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—
 - (i) threatens any candidate or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

- (ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause; and

- (b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right shall not be deemed to interfere within the meaning of this clause.
- (3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as national flag or the national emblem for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.
- (4) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of a candidate or his agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.
- (5) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.
- (6) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his agent or the use of such vehicle or vessel for the free conveyance of any elector other than the candidate himself, the members of his family or his agent to or from any polling station or place fixed for the poll:

Provided that the hiring of a vehicle or vessel by any elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation. —In this clause, the expression “vehicle” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

- (7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his agent, any assistance other than the giving of vote for the furtherance of the prospects of that candidate's election, from any person in the service of the Central Government, State Government or the Board:

Provided that where any person, in the service of the Central Government, State Government, or the Board in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his agent whether by reason of the office held by the candidate or for any other reason, such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

Explanation. —In this section, the expression “agent” includes any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

27. Power to make rules regulating elections. —

The Central Government may, either generally or specially for any cantonment or group of cantonments, after previous publication, make rules consistent with this Act to regulate all or any of the following matters for the purpose of the holding of elections under this Act, namely—

- (a) the division of a cantonment into wards;
- (b) the determination of the number of members to be elected by each ward;
- (c) the preparation, revision and final publication of electoral rolls;
- (d) the reservation of wards for election of members belonging to the category of Scheduled Castes, Scheduled Tribes and women;
- (e) the registration of electors, the nomination of candidates, the time and manner of holding elections and the method by which votes shall be recorded;
- (f) the authority who may be an officer of the State Government, and the manner in which disputes relating to electoral rolls or arising out of elections shall be decided by such authority, the powers and duties of such authority and the circumstances in which such authority may declare a casual vacancy to have been created or any candidate to have been elected;
- (g) the fee to be paid for admission and consideration of any application relating to election or election disputes;
- (h) any other matter relating to elections or election disputes in respect of which the Central Government is empowered to make rules under this Chapter or in respect of which this Act makes no provision or makes insufficient provision and further provision is, in the opinion of the Central Government, necessary.

Specific Provisions relating to President, Vice-President and Chief Executive Officer

28. **President. —**

- (1) The Officer Commanding the station if a member of the Board shall be the President of the Board:

Provided that when a military officer holding the office of the President ceases to be the Officer Commanding the station merely by reason of a temporary absence from the station for a period not exceeding thirty consecutive days, he shall not vacate the office of President.

- (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), sub-section (5) or sub-section (6) of section 12 shall be the President of the Board.

29. **Vice-President. —**

- (1) In every Board, there shall be a Vice-President elected directly by all the electors in the cantonment in accordance with such procedure as the Central Government may, by rules, prescribe:

Provided that, in the event of any vacancy in the office of the Vice-President, unless the Central Government otherwise directs, the President shall perform any duty or function and exercise any power delegated to the Vice-President under the provisions of this Act until the election of a successor to the Vice-President is notified under sub-section (8) of section 12.

- (2) The Vice-President of the Board shall be entitled to receive such allowances, as the Central Government may, by rules, prescribe.

30. **Appointment of Chief Executive Officer. —**

- (1) For every cantonment there shall be a Chief Executive Officer appointed by the Central Government or by such person as the Central Government may authorise in this behalf:

Provided that, in the event of temporary absence of the Chief Executive Officer, not exceeding ninety days, the Principal Director shall designate an officer under his jurisdiction to perform the duties of the Chief Executive Officer during such period.

- (2) Not less than one-half of the salary of the Chief Executive Officer shall be paid by the Central Government and the balance from the cantonment fund.
- (3) The Chief Executive Officer shall be the Member-Secretary of the Board and of every committee of the Board.

31. Duties of President. —

- (1) It shall be the duty of the President of every Board—
- (a) unless prevented by reasonable cause, to convene and preside at all meetings of the Board and to regulate the conduct of business thereat;
 - (b) to control, direct and supervise the financial and executive administration of the Board;
 - (c) to perform all the duties and exercise all the powers specifically imposed or conferred on the President by or under this Act;
 - (d) subject to any restrictions, limitations and conditions imposed by this Act, to exercise executive power for the purpose of carrying out the provisions of this Act and to be directly responsible for the fulfilment of the purposes of this Act; and
 - (e) in case of gross misconduct during the course of meeting, to suspend a member other than a Chief Executive Officer from attending the unconcluded part of the meeting of the Board.
- (2) The President may, by order in writing, empower the Vice-President to exercise all or any of the powers and duties referred to in clause (b) of sub-section (1) other than any power, duty or function which he is by resolution of the Board expressly forbidden to delegate.
- (3) The exercise or discharge of any powers, duties or functions delegated by the President under this section shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the President and to the control of, and to revision by, the President.
- (4) Every order made under sub-section (2) shall forthwith be communicated to the Board and to the General Officer Commanding-in-Chief, the Command.

32. Duties of Vice-President. —

It shall be the duty of the Vice-President of every Board, —

- (a) in the absence of the President and unless prevented by reasonable cause, to preside at meetings of the Board and when so presiding to exercise the authority of the President under sub-section (1) of section 31;
- (b) during the incapacity or temporary absence of the President or pending his appointment or succession to perform any other duty and exercise any other power of the President;
- (c) to exercise any power and perform any duty of the President which may be delegated to him under sub-section (2) of section 31-duties of President;
- (d) to act as the chairman of all committees of the Board in which he is a member and the President is not a member; and

- (e) to perform all the duties and exercise all the powers specifically imposed or conferred on the Vice-President by or under this Act.

33. Duties of Chief Executive Officer. —

Subject to the provisions of clause (c) and clause (d) of sub-section (1) of section 31, the Chief Executive Officer shall—

- (a) exercise all the powers and perform all the duties conferred or imposed upon him by or under this Act or any other law for the time being in force;
- (b) subject to any restrictions, limitations and conditions imposed by this Act, to exercise executive power to ensure that the administration of the Board is carried out in accordance with provisions of this Act;
- (c) prescribe the duties of, and exercise supervision and control over the acts and proceedings of all officers and employees of the Board;
- (d) be responsible for the custody of all records of the Board;
- (e) arrange for the performance of such duties relative to the proceedings of the Board or of any committee of the Board or of any Committee of Arbitration constituted under this Act, as those bodies may respectively impose on him; and
- (f) comply with every requisition of the Board on any matter pertaining to the administration of the cantonment.

34. Special power of Chief Executive Officer. —

- (1) The Chief Executive Officer may direct the execution of any work or the doing of any act, in public interest and in accordance with the provisions of this Act and the rules made thereunder, and incur such expenditure as may be necessary in executing such work or doing such act, as the case may be, subject to the financial limits which the Board may by resolution determine, subject to general guidelines issued by the Director General, Defence Estates with the approval of the Central Government.
- (2) The Chief Executive Officer may, in case of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of the Board and immediate execution or doing of which is in his opinion, necessary for the service or safety of the public, and the Chief Executive Officer may direct that the expense of executing such work or doing such act shall be paid from the cantonment fund:

Provided that—

- (a) he shall not act under this section without the previous sanction of the President or, in his absence, of the Vice-President;
- (b) he shall not act under this section in contravention of any order of the Board prohibiting the execution of any particular work or the doing of any particular act; and
- (c) he shall report forthwith the action taken under this section and the reasons there for to the Board.

Employees of Cantonment Boards

35. Disqualifications, conditions of service, etc. of employees of the Board. —

- (1) No person or employee of a Board shall be qualified to become or remain an employee of such Board, as the case may be, if he —
 - (a) has directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of a Board, or in any employment under, by or on behalf of a Board, otherwise than as an employee of the Board;
 - (b) knowingly acquires or continues to have directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of the Board or, in any employment under, by or on behalf of, the Board, otherwise than as an employee of the Board;
 - (c) applies for employment as an employee of the Board without notifying to the Board that he is related by blood or marriage to any member of the Board or to any person not being a lower grade employee in receipt of remuneration from the Board:

Provided that nothing in this sub-section shall apply to any share or interest in any contract with, by or on behalf of, or employment under, by or on behalf of a Board if the same is a share in a company contracting with, or employed by, or on behalf of, the Board or is a share or interest acquired or retained with the permission of the General Officer Commanding-in-Chief, the Command in any lease or sale to, or purchase by the Board of land or building or in any agreement for the same:

Provided further that if an employee of a Board acts in the manner provided in clause (b) above, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code (45 of 1860).

- (2) The Central Government may make rules consistent with this Act to provide for all or any of the following matters, namely—

- (a) the appointment, promotion, transfer, tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence, discipline and other conditions of service of employees of Boards;
- (b) the circumstances in which security shall be demanded from employees of Boards and the amount and nature of such security.

36. Cantonment employee to be deemed a public servant. —

Every officer or employee, permanent or temporary of a Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860) and clause (c) of section 2 of the Prevention of Corruption Act, 1988 (49 of 1988).

Conduct of business by Cantonment Boards

37. Meetings.—

- (1) Every Board shall meet at least once in a month to transact its business on such day as may be fixed by the President and in his absence by the Vice-President.
- (2) The President may, whenever he thinks fit, and shall, upon a requisition in writing by not less than one-fourth of the members of the Board, convene a special meeting.
- (3) Any meeting may be adjourned until the next or any subsequent day, and an adjourned meeting may be further adjourned in like manner but not more than twice except in case of a public emergency.
- (4) A Board may make regulations consistent with this Act and with the rules made thereunder to provide for the time, place, manner of giving notice and adjournments of, and the conduct of proceedings at, its meetings.

38. Business to be transacted.—

Subject to any regulation made by the Board, any business may be transacted at any meeting:

Provided that no business relating to the imposition, abolition or modification of any tax shall be transacted at a meeting unless notice of the same and of the date fixed therefor has been sent to each member not less than seven days before that date.

39. **Quorum.—**

- (1) The quorum necessary for the transaction of business at a meeting of the Board shall be one-half of the number of members of the Board holding the office:

Provided that if the number of members of the Board holding office at a particular time is an odd number, the quorum shall be one-half of the number obtained by adding one to the number of such members.

- (2) If a quorum is not present, the President or in his absence, the Vice-President or in the absence of both, the Member-Secretary shall adjourn the meeting and the business which would have been brought before the original meeting if there had been a quorum present thereat shall be brought before, and may be transacted at, an adjourned meeting, whether there is a quorum present or not.

40. **Presiding Officer.—**

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; or
- (b) the President from a meeting of a Board constituted under sub-section (2) of section 13, the members present shall elect one from among their own members to preside.

41. **Minutes.—**

- (1) The minutes of the proceedings of each meeting shall be recorded in a book and shall be signed by the presiding officer of such meeting and the Chief Executive Officer, before the close of the meeting and shall, at such times and in such place as may be fixed by the Board, be open to inspection free of charge by any inhabitant of the cantonment and its authenticated copies may be made available to him on request, at a nominal cost to be decided by the Board.
- (2) Copies of the minutes shall, as soon as possible after each meeting, be forwarded for information to every member of the Board, the General Officer Commanding-in-Chief, the Command, the District Magistrate and the Defence Estate Officer and in cantonments where Navy or Air Force stations are located copies of the minutes shall be forwarded for information to the Command Headquarters of the Navy or, as the case may be, the Air Force.

42. **Meetings to be public.—**

Every meeting of a Board shall be open to the public unless in any case the presiding officer, for reasons to be recorded in the minutes, otherwise directs.

43. Method of deciding questions.—

- (1) All questions coming before a meeting shall be decided by the majority of the votes of the members present and voting.
- (2) In the case of an equality of votes, the presiding officer, shall have a second or casting vote.
- (3) The dissent of any member from any decision of the Board shall, if the member so requests, be entered in the minutes, together with a short statement of the ground for such dissent.

44. Member not to vote on matter in which he is interested.—

- (1) No member of a Board shall vote at a meeting of the Board or of any committee of the Board on any question relating to his own conduct or vote or take part in any discussion on any matter, other than a matter affecting generally the inhabitants of the cantonment, which affects his own pecuniary interest or the valuation of any property in respect of which he is directly or indirectly interested, or of any property of or for which he is a manager or agent.
- (2) Where any member of the Board present at the meeting of the Board or any committee of the Board believes that the presiding officer has pecuniary or other interest in any matter under discussion and moves a motion to that effect, then in such case, the presiding officer—
 - (a) shall not be entitled to vote on such motion; and
 - (b) shall, if such motion is carried, absent himself from the meeting during such discussion.

45. Liability of members.—

Every member of a Board shall be liable for the loss, waste or misapplication of any money or other property belonging to, vested in, or entrusted to the management of, the Board if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while such member; and a suit for compensation for the same may be instituted against him either by the Board or by the Central Government.

46. Validity of proceedings, etc.—

- (1) No act or proceeding of a Board or of any committee of a Board shall be invalid by reason only of the existence of a vacancy in the Board or committee.

- (2) No disqualification or defect in the election, nomination or appointment of a person acting as the President, Vice-President or a member of a Board or of any such committee shall vitiate any act or proceeding of the Board or committee if the majority of the persons present at the time of the act being done or the proceeding being taken were duly qualified members thereof.
- (3) Any document or minutes which purport to be the record of the proceedings of a Board or any committee of a Board shall, if made and signed substantially in the manner prescribed for the making and signing of the record of such proceedings, be presumed to be a correct record of the proceedings of a duly convened meeting, held by a duly constituted Board or committee, as the case may be, whereof all the members were duly qualified.

47. Joint action with other local authority.—

- (1) A Board may—
 - (a) join with any other local authority—
 - (i) in appointing a joint committee for any purpose in which they are jointly interested and in appointing a chairman of such committee;
 - (ii) in delegation to such committee the power to frame terms binding on the Board and such other local authority as to the construction and future maintenance of any joint work or to exercise any power which might be exercised by the Board or by such other local authority; and
 - (iii) in making regulations for regulating the proceedings of any such committee relating to the purposes for which it has been appointed; or
 - (b) with the previous sanction of the General Officer Commanding-in-Chief, the Command, and the State Government concerned, enter into an agreement with any other local authority regarding the levy of any tax or toll whereby the said tax or toll respectively leviable by the Board and by such other local authority may be levied together instead of separately within the limits of the area hereafter in this section referred to as the aggregate area subject to the control of the Board and such other local authority.
- (2) If any difference of opinion arises between any Board and other local authority acting together under this section, the decision thereon of the Central Government or of an officer appointed by the Central Government in this behalf shall be final.
- (3) When any agreement such as is referred to in clause (b) of sub-section (1) has been entered into, then—

- (a) where the agreement relates to toll tax, the party to the agreement (the Board, or as the case may be, such other local authority) which is specified in this behalf in the agreement, —
 - (i) shall have the same powers to establish places for the collection of toll tax within the aggregate area as it has within the area ordinarily subject to its control; and
 - (ii) shall have the same powers of collecting toll tax in the aggregate area and the provisions of any enactment in force relating to the levy of toll tax by it shall apply in the same manner as if the aggregate area were comprised within the area ordinarily subject to its control;
- (b) the total of the collection of such toll tax made in the aggregate area and the costs thereby incurred shall be divided between the cantonment fund and the fund subject to the control of such other local authority, in such proportion, as may have been determined by the agreement.

Administration of Civil Areas

48. Civil area.—

- (1) The Central Government may, by notification in the Official Gazette, declare the area in a cantonment which is inhabited largely by civilian population to be a civil area for the purposes of this Act.
- (2) The Central Government may in consultation with the Board undertake, as and when required, and shall undertake after every census, a review of the boundaries of the civil area in each cantonment.

49. Committees for civil areas.—

- (1) Every Board constituted under section 12 in a cantonment shall appoint a civil area committee consisting of the elected members of the Board, the Health Officer and the Executive Engineer for the administration of the civil area in the cantonment as notified under section 48 of this Act and may delegate its powers and duties to such committee in the manner provided in sub-section (10) of section 12.
- (2) The Vice-President of the Board shall be the chairman of a civil area committee.
- (3) The powers, duties and functions of the Board under subsections (1) and (2) of section 138, sub-sections (1) and (2) of section 141, , section 144, sub-section (2) of section 146, clauses (c)

and (d) of sub-section (1) of section 151, sub-section (3) of section 151, and section 229 shall be exercised or discharged in respect of a civil area by the civil area committee:

Provided that if the Health Officer dissents from any decision arrived at by the civil area committee under sub-sections (1) and (2) of section 141, sub-sections (1) and (2) section 138, section 144, sub-section (2) of section 146, clauses (c) and (d) of sub-section (1) of section 151, sub-section (2) of section 151 on health grounds, the matter may be referred to the Board by the President for decision.

- (4) In respect of areas other than civil areas, the civil area committee may provide advice or assistance to the Board as may be required by the Board from time to time in connection with the matters referred to in sub-section (3) above.

Overseeing the working of Cantonment Boards

50. **Report on administration and keeping of accounts, etc.—**

- (1) 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 Central Government, submit to the Central Government through the General Officer Commanding-in-Chief, the Command, a report on the administration of the cantonment during the preceding year, in such form and containing such details as the Central Government may, by rules, prescribe.
- (2) The comments, if any, of the General 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 Central Government along with the report.
- (3) The Central Government may make rules consistent with this Act to provide for all or any of the following matters, namely: —
 - (a) the form and manner in which the Board shall keep accounts and the manner in which such accounts shall be audited and published; and
 - (b) the prescribing of registers, statements and forms to be used and maintained by any authority for the purposes of this Act.

51. **Power of Central Government to require production of documents. —**

The Central Government or such officer or authority as may be authorised by the Central Government in this behalf may at any time require a Board—

- (a) to produce any record, correspondence, plan or other document in its possession or under its control;
- (b) to furnish any return, plan, estimate, statement, account or statistics relating to its proceedings, duties or works; or
- (c) to furnish or obtain and furnish any report.

52. Power of other bodies to call for documents.—

The General Officer Commanding-in-Chief, the Command or the Principal Director, may, by an order in writing,—

- (a) call for any book or document in the possession or under the control of the Board; or
- (b) require the Board to furnish such statements, accounts, reports and copies of documents relating to its proceedings, duties or works as he thinks fit.

53. Inspection.—

The Central Government or the General Officer Commanding-in-Chief, the Command or the Director General or the Principal Director, may depute any person in the service of the Government to inspect or examine any department of the office of, or any service or work undertaken by, or thing belonging to, a Board, and to report thereon, and the Board and its officers and employees shall be bound to afford the person so deputed access at all reasonable times to the premises and property of the Board and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties.

54. Power to require execution of work, etc.—

If, on receipt of any information or report obtained under section 51, section 52 or section 53, the Central Government or the General Officer Commanding-in-Chief, the Command or the Director General or the Principal Director is of the opinion—

- (a) that any duty imposed on a Board by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner; or
- (b) that adequate financial provision has not been made for the performance of any such duty,

it or he may direct the Board, within such period as it or he thinks fit, to make arrangements to its or his satisfaction for the proper performance of the duty, or as the case may be, to make financial provision to its or his satisfaction for the performance of the duty:

Provided that unless in the opinion of the Central Government or the General Officer Commanding-in-Chief, the Command or the Director General or the Principal Director, as the case may be, the immediate execution of such order is necessary, it or he shall, before making any direction under this section, give the Board an opportunity of showing cause why such direction should not be made.

55. Power for enforcement of direction under section 54.—

If, within the period fixed by a direction made under section 54, any action the taking of which has been directed under that section has not been duly taken, the Central Government or the General Officer Commanding-in-Chief, the Command or the Director General, or the Principal Director, as the case may be, may make arrangements for the taking of such action, and may direct that all expenses connected therewith shall be defrayed out of the cantonment fund.

56. Power to suspend decision of Board.—

- (1) If the President dissents from any decision of the Board which he considers prejudicial to the health, welfare, discipline or security of the Forces in the cantonment, he may, for reasons to be recorded in the minutes, by order in writing, direct the suspension of action thereon for any period not exceeding one month and, if he does so, shall forthwith refer the matter to the General Officer Commanding-in-Chief, the Command.
- (2) If the District Magistrate considers any decision of the Board to be prejudicial to public health, safety or convenience, he may, after giving notice in writing of his intention to the Board, refer the matter to the Central Government, and pending the disposal of the reference to the Central Government, no action shall be taken on the decision.
- (3) If any Magistrate who is a member of the Board, being present at a meeting, dissents from any decision which he considers prejudicial to public health, safety or convenience, he may, for reasons to be recorded in the minutes and after giving notice in writing of his intention to the President, report the matter to the District Magistrate and the President shall, on receipt of such notice, direct the suspension of action on the decision for a period sufficient to allow for a communication being made to the District Magistrate and of his taking proceedings as provided in sub-section (2).
- (4) If the Chief Executive Officer considers any decision of the Board taken at a meeting to be in contravention of the provisions of this Act, rules, regulations or bye-laws made thereunder and the general guidelines, orders or directions issued by the Central Government from time to time in this regard, he may, for reasons to be recorded in writing and after informing the President in this behalf, forthwith refer the matter to the Principal Director who shall, if

considered appropriate, direct the suspension of action on the said decision for a period not exceeding one month.

- (5) The Principal Director shall, for reasons to be recorded in writing on the reference made under sub-section (4), refer the matter to the General Officer Commanding-in-Chief, the Command along with recommendation on whether or not the said decision of the Board should be revoked and inform the matter to the Director General, Defence Estates.

57. Power of Central Government on reference made under section 56.—

When any decision of a Board has been referred to the Central Government under section 56, the Central Government may, after consulting the General Officer Commanding-in-Chief, the Command, by order in writing, —

- (a) direct that no action be taken on the decision; or
- (b) direct that the decision be carried into effect either without modification or with such modifications as it may specify.

58. Power of General Officer Commanding-in-Chief, the Command on reference under section 56 or otherwise.—

(1) The General Officer Commanding-in-Chief, the Command may, at any time, —

- (a) direct that any matter or any specific proposal other than the one which has been referred to the Central Government under section 56 be considered or reconsidered by the Board; or
- (b) direct the suspension, for such period as may be stated in the order, of action on any decision of a Board, other than a decision which has been referred to him under sub-section (1) of section 56, and thereafter cancel the suspension or after giving the Board a reasonable opportunity to show 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 with such modifications as he may specify.

(2) When any decision of a Board has been referred to the General Officer Commanding-in-Chief, the Command under sub-sections (1) and (5) of section 56, he may, by an order in writing,—

- (a) cancel the order given by the President directing the suspension of action;
- (b) extend the duration of the order for such period as he thinks fit; or

- (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.

59. General power of Central Government to review.—

The Central Government may, at any time, review any decision or order of the Board or the General Officer Commanding-in-Chief, the Command, and pass such orders thereon as it may deem fit:

Provided that where it is proposed to modify a decision or order of the Board reasonable opportunity shall be given to the Board to show cause why the decision or order in question should not be modified.

60. Supersession of Board. —

- (1) If, in the opinion of the Central Government, any Board is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act or the rules framed thereunder or otherwise by law, or exceeds or abuses its powers, the Central Government may by an order published, together with the statement of the reasons there for, in the Official Gazette, declare the Board to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for such period as may be specified in the order:

Provided that no Board shall be superseded unless a reasonable opportunity has been given to it to show cause against the supersession.

- (2) When a Board is superseded by an order under sub-section (1)—
 - (a) all members of the Board shall, on such date as may be specified in the order, vacate their offices as such members but without prejudice to their eligibility for election or nomination under clause (c);
 - (b) during the supersession of the Board, all powers and duties conferred and imposed upon the Board by or under this Act shall be exercised and performed by the Officer Commanding the station, or by such officer as may be authorised by the Central Government, subject to such reservation if any, as the Central Government may prescribe in this behalf; and
 - (c) before the expiry of the period of supersession elections shall be held and nominations made for the purpose of reconstituting the Board.

CHAPTER IV - DUTIES AND DISCRETIONARY FUNCTIONS OF BOARDS

61. Duties of Board.—

- (1) It shall be the duty of every Board, so far as the funds at its disposal permit, to make reasonable provision within the cantonment for—
 - (a) lighting, watering and cleansing streets and other public places;
 - (b) cleaning drains, abating nuisances and removing noxious vegetation;
 - (c) regulating offensive, dangerous or obnoxious trades, callings and practices;
 - (d) removing, on the ground of public safety, health or convenience, undesirable obstructions and projections in streets and other public places, securing or removing dangerous buildings and places;
 - (e) acquiring, maintaining, changing and regulating places for the disposal of the dead;
 - (f) constructing, altering and maintaining streets, culverts, bridges, causeways, markets, slaughter-houses, latrines, privies, urinals, modern toilets, drains, drainage works and sewerage works, regulating their use as may be required and acquiring land for these purposes;
 - (g) protecting the environment and promoting ecological aspects, including planting and maintaining trees near streets, water bodies and in parks and other public places;
 - (h) providing or arranging for a sufficient supply of potable water, where such supply does not exist, preventing the use of polluted water and guarding against human consumption of such water;
 - (i) protecting and managing all water sources and promoting water conservation methods;
 - (j) constructing and maintaining works and structures, including for treatment and reuse of waste water and to supply non-potable water for public and private purposes;
 - (k) establishing and maintaining a farm or other place for the disposal and treatment of sewage;
 - (l) registering births and deaths;
 - (m) preventing and checking the spread of dangerous diseases, establishing and maintaining a system of public vaccination and inoculation for the said objective;

- (n) establishing and maintaining or supporting public hospitals, maternity and child welfare centres and dispensaries, and providing public medical relief;
- (o) giving relief on the occurrence of epidemics, floods, famines or other natural calamities by the establishment or maintenance of relief work or otherwise;
- (p) establishing and maintaining or assisting primary schools;
- (q) rendering assistance in extinguishing fires, and protecting light and property when fire occurs;
- (r) maintaining and developing the value of property vested in, or entrusted to, the management of the Board;
- (s) establishing and maintaining civil defence services;
- (t) preparing and implementing town planning schemes and acquiring land for the construction of buildings;
- (u) preparing and implementing plans for social justice and economic development, including establishing and undertaking remunerative projects and exploring opportunities for collaboration with the private sector;
- (v) preparing and implementing solid waste management plans;
- (w) naming and numbering of streets and premises;
- (x) maintaining all roads in the civil area as well as maintaining all roads outside the civil area that have been vested in the Board;
- (y) according or refusing sanction to erect or re-erect buildings;
- (z) celebrating Independence Day and Republic Day and incurring any expenditure in relation to the same;
- (aa) constructing, establishing or maintaining public parks and gardens;
- (bb) constituting, maintaining and managing supply and distribution of electricity to public and private premises;
- (cc) conservation and maintenance of ancient and historical monuments, archaeological sites and remains or place of public importance in the cantonment; and
- (dd) fulfilling any other obligation imposed upon it by or under this Act or any other law for the time being in force.

Explanation. —For the purposes of clause (cc)—

- (a) “conservation” means the supervision, management and maintenance of a place to retain its historical, architectural, aesthetic or cultural significance or of environment and includes the protection, improvement, preservation, restoration, reconstruction and adoption or a combination of more than one of these activities, and the use of such place in a way that ensures the social as well as economic benefits;
 - (b) “ancient and historical monuments, archaeological sites and remains or place of public importance” include buildings, artefacts, structures, areas, or precincts of historical or aesthetical or educational or scientific or cultural or environmental significance, and those natural features of environmental significance or scenic beauty, as may be declared by the Board.
- (2) In addition to anything contained in sub-section (1), so far as the funds at its disposal permit, it shall also be the duty of every Board to make reasonable provision for the use of information technology in service delivery and adopt e-governance methods while discharging its duties, powers and functions under this Act, including but not limited to facilitating through online means:
- (a) receipt, to itself or any member, officer or employee thereof, of any notice, proposal, application, objection, declaration or any other information from any person in relation to the provisions of this Act, rules, regulations or bye-laws made thereunder;
 - (b) issuance of any license, permission, approval, sanction, opinion, requisition, notice, order or any communication, or any modification, suspension or cancellation thereof;
 - (c) payment and receipt of any fees, taxes, interest, rents, charges or other sums of money due or payable under this Act, rules, regulations or bye-laws made thereunder; and
 - (d) facilitating the form and service of any notice in accordance with the provisions of Chapter XV.
- (3) In addition to anything contained in clause (i) of sub-section (1), it shall also be the duty of every Board to practise and propagate modern scientific methods of water harvesting that may include, but are not limited to:
- (a) the harvesting of rainwater for use within the cantonment;
 - (b) making arrangements for the preservation and recharge of sources of groundwater, including underground aquifers and specifying bye-laws for the digging or use of bore wells in the cantonment in accordance with any applicable laws, policies and norms which may be prescribed in this regard by the Central Government; and
 - (c) to preserve and improve the quality of water in rivers, streams, springs and other natural sources of water within and in the vicinity of the cantonment.
- (4) In addition to anything contained in clause (bb) of sub-section (1), it shall also be, as far as possible, the duty of every Board to:

- (a) promote the use of non-conventional and renewable energy sources such as solar energy and wind energy;
- (b) Encourage the construction and erection of new energy-efficient buildings, and the incorporation of mechanisms or use of modern technology that would render existing buildings as energy-efficient as possible; and
- (c) devise an appropriate system to ensure that all compostable or biodegradable waste in the cantonment is recycled and used for generating manure, bio-gas or any other form of energy.

62. Board to manage property.—

A Board may, subject to any conditions imposed by the Central Government, manage any property entrusted to its management by the Central Government on such terms as to the sharing of rents and profits accruing from such property as the Central Government may, by rules, prescribe.

63. Discretionary functions of Board.—

- (1) A Board may, within the cantonment, make provision for—
 - (a) constructing, establishing or maintaining offices, dairies, bathing or washing places, drinking fountains, tanks, wells and other works of public utility;
 - (b) reclaiming unhealthy localities;
 - (c) furthering educational objects by measures other than the establishment and maintenance of primary schools;
 - (d) setting up or supporting higher schools and colleges, vocational, professional and special education facilities;
 - (e) taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics;
 - (f) making a survey;
 - (g) registering marriages;
 - (h) securing or assisting in securing suitable places for the carrying on of any offensive dangerous or obnoxious trade, calling or occupation;

- (i) constructing, subsidising or guaranteeing tramways or other means of locomotion, electric lighting or electric power work;
- (j) arranging for civic reception with prior approval of the Officer Commanding the station;
- (k) providing housing accommodation for any class of inhabitants;
- (l) developing land resources under the management of the Board;
- (m) preparing and implementing group housing schemes;
- (n) establishing and undertaking remunerative projects;
- (o) developing small-scale and cottage industries;
- (p) developing expertise in different areas of urban governance and local self-government to be able to provide consultancy to other local authorities;
- (q) adopting any measure, other than a measure specified in section 61 or in the foregoing provisions of this section, likely to promote the safety, health or convenience of the inhabitants of the cantonment;
- (r) establishing and maintaining or supporting libraries, museums, art galleries, botanical or zoological collections;
- (s) establishing and maintaining or supporting stadia, gymnasia, akharas and places for sports and games;
- (t) establishing theatres, cinemas, community and convention halls;
- (u) organising, promoting or supporting cultural and sports activities, fairs and exhibitions;
- (v) Safeguarding the interests of and providing relief to the weaker sections of society, including through the construction and maintenance of rest-houses, infirmaries, children's homes, houses for deaf and dumb and for disabled and handicapped children, shelters for destitute and disabled persons, asylums for persons of unsound mind, old age homes and working women's hostels;
- (w) establishing and managing laboratories including chemical or bacteriological laboratories for the examination or analysis of water, food and drugs for detecting diseases or research connected with public health or medical relief;
- (x) establishing and maintaining veterinary hospitals;
- (y) constructing and maintaining warehouses and godowns;

- (z) constructing, establishing and managing garages, sheds and stands for vehicles, cattle sheds and pounds; and
- (aa) holding seminars, workshops, public debates and similar activities particularly on issues of civic importance.
- (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 or the cantonment development fund.

64. Incurrence of expenditure outside the cantonment.—

A Board may make provision subject to availability of funds for—

- (a) educational objects in a cantonment;
 - (b) the objectives of public health and medical care;
 - (c) works relating to water-supply, drainage and lighting;
 - (d) the preservation, improvement and upgradation of environment,
- outside the cantonment, if it is satisfied that the interests of the residents of the cantonment will be served thereby.

CHAPTER V - TAXES AND FEES

Power of Cantonment Board to impose taxes and fees

65. General power of taxation.—

- (1) The Board shall, with the previous sanction of the Central Government, impose the following taxes for the purposes of this Act—
 - (a) property tax; and
 - (b) tax on trades, professions, callings and employments:

Provided that the tax mentioned in clause (b) of sub-section (1) shall not exceed the ceiling prescribed in this behalf by clause (2) of Article 276 of the Constitution of India.

- (2) In addition to the taxes specified in sub-section (1) the Board may, for the purposes of this Act, impose any tax which under any enactment for the time being in force may be imposed in any municipality in the State in which the cantonment is situated:

Provided that the Board shall revise every five years, the rates of taxes imposed under sub-sections (1) and (2):

Provided further that the Board shall not abolish any tax imposed under this section or vary it to the Board's financial disadvantage without the prior sanction of the Central Government and the tax mentioned in sub-section (2) shall not exceed the ceiling prescribed in this behalf by clause (2) of article 276 of the Constitution of India.

- (3) The taxes specified in sub-sections (1) and (2) shall be imposed, assessed and collected in accordance with the provisions of this Act, rules and the bye-laws made thereunder.
- (4) Any tax imposed under this section shall take effect from the date of its notification in the Official Gazette or from such later date, where a later date is specified in this behalf in the notification.

66. Charging of fees.—

The Board shall, for the purposes of this Act, charge the following fees, namely—

- (a) licence fee on vehicles and animals;
- (b) licence fee on advertisements erected, exhibited, fixed or retained upon or over any land, street, tree, building, wall, hoarding, frame, post or structure or upon or in any vehicle, or displayed to public view such that it is visible from a street or public place, including any advertisement exhibited by means of cinematograph;
- (c) fee relating to maintenance of property records;
- (d) processing fee on buildings payable along with application for sanction of the building plan;
- (e) licence fee on entry of vehicles;
- (f) betterment fee on the increase in land value caused by the execution of any development work; and
- (g) such other fee which the Board may specify through bye-laws:

Provided that the fee charged under clause (g) of this section shall not be less than the cost incurred by the Board for or in connection with the specific service to which the fee relates.

Imposition of taxation

67. Issue of notice proposing to impose taxes.—

When a resolution has been passed by the Board proposing to impose a tax under section 65, the Board shall in the manner prescribed in section 282 publish a notice specifying—

- (a) the tax which it proposes 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.

68. Objections and disposal thereof.—

(1) Any inhabitant of the cantonment may, within thirty days from the publication of the notice under section 67, submit to the Board an objection in writing to any or all of the proposals contained therein and the Board shall take such objection into consideration and pass orders thereon by resolution that has been passed by a majority of not less than two-thirds of the total number of members then holding office and attending the meeting convened for this purpose.

(2) Unless the Board decides to abandon its proposals contained in the notice published under section 67, it shall submit to the Central Government through the General Officer Commanding-in-Chief, the Command, all such proposals along with the objections, if any, received in connection therewith together with its opinion thereon and any modifications proposed in accordance with such opinion and the notice published under the said section.

69. Imposition of tax.—

The Central 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.

70. Power of Central Government to issue directions to the Board.—

(1) Notwithstanding anything contained in section 67, where the Central Government is of the opinion that it is necessary for securing adequate financial provision for the efficient discharge of the duties and functions of a Board, it may issue directions to the Board requiring it to—

- (a) impose within the cantonment any tax which it is empowered under this Act to impose and which is not already imposed within the said area; or
- (b) enhance any existing tax in such a manner or to such an extent as the Central Government considers fit,

and the Board shall, in accordance with such direction, forthwith impose or enhance such tax in accordance with the provisions of this Chapter.

(2) Notwithstanding anything contained in sub-section (1) above—

- (a) no such direction shall be issued without giving the Board and the inhabitants of the cantonment, an opportunity of showing cause why such directions should not be issued;

- (b) the Central Government shall take into consideration any objection which the Board or any inhabitant of the cantonment may make against the imposition or enhancement of such tax; and
 - (c) it shall not be lawful for the Board to modify or abolish such tax when imposed or enhanced without the sanction of the Central Government.
- (3) The Central Government may, at any time, cancel or modify any direction issued by it under sub-section (1) with effect from such date as may be specified in the direction and the imposition or enhancement of such tax shall cease or be modified accordingly.

Property tax

71. Norms of property tax.—

Save as otherwise provided in this Act, the rate at which property tax shall be levied on lands and buildings in the cantonment shall consist of not less than ten and not more than thirty per cent of the annual rateable value of such lands and buildings.

Provided that the Board may, when fixing the rate at which the property tax shall be levied during any year, determine that the rate leviable in respect of lands and buildings, or portions of lands and buildings, in which any particular class of trade or business is carried on, shall be higher than the rate determined in respect of other lands and buildings or portions of other lands and buildings by an amount not exceeding one half of the rate so fixed:

Provided further that the tax may be levied on a graduated scale, if the Board so determines.

Explanation. — Where any portion of a land or building is liable to a higher rate of tax, then such portion of land or building shall be deemed to be a separate property for the purpose of municipal taxation alone.

72. Definition of “annual rateable value”.—

- (1) For the purposes of this Chapter, “annual rateable value” means the annual value of the property arrived at by multiplying the unit area value assigned to the zones into which the cantonment is divided, by the covered area of the property and the factors for occupancy, age, structure and use of the property.
- (2) Subject to sub-section (1), the Board may, through bye-laws, specify the detailed method, formulation and any other information that may be relevant for calculating the annual rateable value.
- (3) Notwithstanding anything contained in sub-section (1), where the annual rateable value of any building is, by reason of exceptional circumstances, in the opinion of the President

excessive if calculated in the aforesaid manner, the President may fix the annual rateable value at any less amount which appears to him to be just.

73. Incidence of property taxation.—

- (1) Save as otherwise expressly provided in the notification imposing the tax, every tax assessed on the annual rateable value of buildings, or lands, or of both, shall be leviable primarily upon the actual occupier of the property upon which the said tax is assessed, if he—
 - (a) owns the buildings or land;
 - (b) holds the buildings or land on a building lease or any other lease granted by or on behalf of the Government, or the Board; or
 - (c) holds the buildings or lands on a building lease from any person.
- (2) In any other case, the tax shall be primarily leviable as follows, namely—
 - (a) if the property is let, upon the lessor;
 - (b) if the property is sub-let, upon the superior lessor; or
 - (c) if the property is unlet, upon the person in whom the right to let the same vests.
- (3) The liability of the several owners of any building which is, or purports to be, severally owned in parts or flats or rooms or separate tenements for the payment of such tax or any installment thereof payable during the period of such ownership shall be joint and several.
- (4) On failure to recover any sum due on account of such tax from the person primarily liable, these may be recovered from the occupier of any part of the buildings or lands in respect of which the tax is due, such portion of the sum due as bears to the whole amount due, the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list.
- (5) An occupier who makes any payment for which he is not primarily liable under this section shall, in the absence of any contract to the contrary, be entitled to be reimbursed by the person primarily liable for the payment, and, if so entitled, may deduct the amount so paid from the amount of any rent from time to time becoming due from him to such person.

74. Property tax on buildings and land to be a charge thereon.—

A tax assessed on the annual rateable value of any building or land shall, subject to the prior payment of the land-revenue, if any, due to the Government thereon, be a first charge upon the building or land.

Assessment list

75. Definitions of Cantonment Valuation Committee and Appellate Committee—

- (1) For the purposes of this Chapter, "Cantonment Valuation Committee" means a committee constituted by the Board which shall consist of—
 - (a) the Chief Executive Officer (Member-Secretary);
 - (b) the Executive Engineer;
 - (c) one independent expert in the field of valuation (chairman);
 - (d) one independent expert in the field of taxation or law; and
 - (e) one independent expert in the field of municipal management.

- (2) For the purposes of this Chapter, "Appellate Committee" means a committee constituted by the Board which shall consist of—
 - (a) the President (chairman);
 - (b) the Vice-President;
 - (c) the Chief Executive Officer (Member-Secretary); and
 - (d) two independent members who are not members of the Cantonment Valuation Committee.

- (3) In relation to the Cantonment Valuation Committee and the Appellate Committee, the Central Government may make rules consistent with this Act to provide for all or any of the following matters, namely—
 - (a) terms and conditions of appointment of members;
 - (b) qualifications of independent members;
 - (c) tenure of members;
 - (d) procedure for removal of independent members; and
 - (e) salaries and allowances of independent members.

76. Assessment list.—

- (1) When a tax assessed on the annual rateable value of buildings or lands, or both, is imposed, the Cantonment Valuation Committee shall cause an assessment list of all buildings or lands in the cantonment, or of both, as the case may be, to be prepared in such form and in such manner as the Central Government may, by rules, prescribe.

- (2) The Cantonment Valuation Committee shall prepare a new assessment list at least once in every five years, and for this purpose the provisions of sections 77 to 80 shall apply in like

manner as they apply for the purpose of the preparation of an assessment list for the first time as mentioned in sub-section (1).

77. Revision of assessment list.—

- (1) The Cantonment Valuation Committee shall, at the same time, give public notice of a date, not less than one month thereafter, when it shall proceed to consider the valuation and assessments entered in the assessment list, and, in all cases in which any property is for the first time assessed or the assessment is increased, shall also give written notice thereof to the owner and to any lessee or occupier of the property.
- (2) Any objection to a valuation or assessment shall be made in writing to the Appellate Committee before the date fixed in the notice, and shall state in what respect the valuation or assessment is disputed, and all objections so made shall be recorded in a register to be kept for the purpose by the Appellate Committee.
- (3) The objections so made under sub-section (2) shall be inquired into and investigated, and the persons making them shall be allowed an opportunity of being heard either in person or by his authorised agent by the Appellate Committee.

78. Authentication of assessment list.—

- (1) When all objections made under section 77 have been disposed of, and the revision of the valuation and assessment has been completed, the final assessment list shall be authenticated by the signatures of the Chief Executive Officer and the President, who shall, certify that except in the cases if any, in which amendments have been made as shown therein, no valid objection has been made to the annual rateable value or any other matters entered in the said list:

Provided that whenever the General Officer Commanding-in-Chief, the Command or the Principal Director comes to the conclusion that the assessment lists or any entries therein have not been correctly prepared and are prejudicial to the interests of the Board or of the Central Government, they may *suo moto* re-open the said assessment and issue such directions as deemed fit.

- (2) The assessment list so authenticated shall be deposited in the office of the Board, and shall there be open, free of charge, during office hours to all owners, lessees and occupiers of property comprised therein or the authorised agents of such persons, and a public notice that it is so open shall forthwith be published.

79. Evidentiary value of assessment list.—

Subject to such alterations as may thereafter be made in the assessment list under the provisions of this Chapter and to the result of any appeal made thereunder, the entries in the assessment list authenticated and deposited as provided in section 78 shall be accepted as conclusive evidence—

- (a) for the purposes of assessing any tax imposed under this Act, of the annual rateable value or other valuation of all buildings and lands to which such entries respectively refer; and
- (b) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon during the year to which such list relates.

80. Amendment of assessment list.—

- (1) The Chief Executive Officer may, after obtaining the approval of President, 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 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 administration or assessees; or
 - (d) by revaluing or re-assessing 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.

- (2) Before making any amendment under sub-section (1) the Chief Executive Officer shall give to any person affected by the amendment, notice of not less than one month that he proposes to make the amendment.
- (3) Any person interested in any such amendment may tender an objection to the Chief Executive Officer in writing before the time fixed in the notice, and shall be allowed an opportunity of being heard in support of the same in person or by authorised agent.

81. Notice of transfer of property.—

- (1) Whenever the title of any person primarily liable for the payment of a tax on the annual rateable value of any building or land to or over such building or land is transferred, the person whose title is transferred and the person to whom the same is transferred shall, within

three months after the execution of the instrument of transfer or after its registration, if it is registered, or after the transfer is effected, if no instrument is executed, give notice of such transfer to the Chief Executive Officer.

- (2) In the event of the death of any person primarily liable as aforesaid, the person on whom the title of the deceased devolves shall give notice of such devolution to the Chief Executive Officer within six months from the death of the deceased.
- (3) The notice to be given under this section shall be in such form as the Central Government may, by rules, prescribe, and the transferee or other person on whom the title devolves shall, if so required, be bound to produce before the Chief Executive Officer any documents evidencing the transfer or devolution.
- (4) Every person who makes a transfer as aforesaid without giving such notice to the Chief Executive Officer shall continue to be liable for the payment of all taxes assessed on the property transferred until he gives notice or until the transfer has been recorded in the registers of the Board, but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax.
- (5) The Chief Executive Officer shall record every transfer or 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.
- (6) Any failure to comply with the provisions contained in sub-sections (1) to (3) shall be punishable with fine which may extend to forty-thousand rupees.

82. Notice of erection of buildings.—

- (1) If any building is erected or re-erected within the meaning of section 207, the owner shall give notice thereof to the Chief Executive Officer within thirty days from the date of its completion or occupation, whichever is earlier.
- (2) Any person failing to give the notice required by sub-section (1) shall be punishable with fine which may extend to twenty thousand rupees or ten times the amount of the tax payable on the said building, as erected or re-erected, as the case may be, in respect of a period of three months, whichever is greater.

Remission and refund of taxes

83. Remission or refund in case demolition, etc., of buildings.—

- (1) If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the Board may, on the application in writing of the owner or occupier, remit or refund such portion of any tax assessed on the annual rateable value thereof as it thinks fit.
- (2) Notwithstanding anything contained in sub-section (1), no remission or refund of any portion of the tax assessed shall take effect in respect of any period commencing more than two months before the delivery of such application.

84. Remission or refund where building or land is vacant, etc.—

- (1) In a cantonment when any building or land has remained vacant and unproductive of rent for sixty or more consecutive days the Chief Executive Officer shall remit or refund, as the case may be, one-half of such portion of any tax assessed on the annual rateable value thereof as may be proportionate to the number of days during which the said building or land has remained vacant and unproductive of rent:

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—

- (a) 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 anytime outside the season during which the building or land remains vacant;
- (b) when such building or land has remained vacant and unproductive of rent, in respect of any time, not being less than sixty consecutive days during which within the season, the Chief Executive Officer shall remit or refund one-half of such portion of any tax assessed on the annual rateable 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.

Explanation.—For the purposes of this section, no building or land shall be deemed vacant if maintained as a resort or town or country house or be deemed unproductive of rent if let to a tenant who has a continuing right of occupation thereof, whether he is in actual occupation or not.

- (2) No remission or refund under this section shall be made unless notice in writing of the fact that the building or land has become vacant and unproductive of rent, has been given to the Chief Executive Officer and no remission or refund shall take effect in respect of any period commencing more than fifteen days before the delivery of such notice.

85. Remission or refund where tenement is vacant, etc.—

- (1) For the purpose of obtaining a partial remission or refund of tax, the owner of a building composed of separate tenements may request the Cantonment Valuation Committee at the time of the assessment of the building, to enter in the assessment list, in addition to the annual rateable value of the whole building, a note recording in detail the annual rateable value of each separate tenement.
- (2) When any tenement, the annual value of which has been thus separately recorded, has remained vacant and unproductive of rent for sixty or more consecutive days one-half of such portion of any tax assessed on the annual rateable value of the whole building shall be remitted or refunded as would have been remitted or refunded if the tenement had been separately assessed.

Explanation.—For the purposes of this section, no tenement shall be deemed vacant if maintained as a resort or town or country house or be deemed unproductive of rent if let to a tenant who has a continuing right of occupation thereof, whether he is in actual occupation or not.

- (3) No remission or refund under this section shall be made unless notice in writing of the fact that the tenement has become vacant and unproductive of rent, has been given to the Chief Executive Officer and no remission or refund shall take effect in respect of any period commencing more than fifteen days before the delivery of such notice.

86. Burden of proof while claiming remission or refund.—

The burden of proving all facts entitling any person to claim relief under section 83 , section 84, and section 85 shall be upon him.

87. Notice to be given of re-occupation of vacant building, land or tenement.—

- (1) The owner of any building, tenement or land in respect of which a remission or refund of tax has been given under section 84 or section 85 shall give notice of the re-occupation of such building, tenement or land within fifteen days of such re-occupation.
- (2) Any owner failing to give the notice required by sub-section (1) shall be punishable with fine which shall not be less than twice the amount of the tax payable on such building, tenement or land in respect of the period during which it has been re-occupied and which may extend to ten thousand rupees, or to ten times the amount of the said tax, whichever sum is greater.

Toll Tax

88. **Inspection of toll tax.—**

Every person bringing or receiving any vehicles within the limits of any cantonment in which toll tax is leviable shall, when so required by an officer duly authorised by the Chief Executive Officer in this behalf, so far as may be necessary for ascertaining the amount of tax chargeable—

- (a) permit that officer to inspect, examine or weigh such vehicles; and
- (b) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which such person may possess relating to such vehicles.

89. **Power to seize, etc.—**

- (1) Any person who takes or attempts to take past any station, booth, plaza or any other place appointed within a cantonment for the collection of toll tax for any vehicles, on account of which toll tax is leviable and thereby evades, or attempts to evade, the payment of such toll tax and any person who abets any such evasion or attempt at evasion, shall be punishable with fine which may extend either to ten times the value of such toll tax, or to ten thousand rupees, whichever is greater, and which shall not be less than twice the value of such toll tax, as the case may be.
- (2) In case of non-payment of any toll tax on demand, the officer empowered to collect the same may seize any vehicles on which the toll tax is chargeable or any part or number thereof which is of sufficient value to satisfy the demand and shall give a receipt specifying the items seized.
- (3) The Chief Executive Officer, or an officer of the Board authorised by him, after the lapse of five days from the seizure, and after the issue of a notice in writing to the person in whose possession the vehicles were at the time of seizure, fixing the time and place of sale, may cause the property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand and meet expenses occasioned by the seizure, custody and safe thereof, unless the demand and expenses are in the meantime paid:

Provided that the Chief Executive Officer may, in any case, order that any article of a perishable nature which cannot be kept for five days without serious risk of damage, or which cannot be kept safe at a cost which, together with the amount of toll tax is likely to exceed its value, shall be sold after the lapse of such shorter times as he may, having regard to the nature of the article, think proper.

- (4) If, at any time before the sale has begun, the person whose property has been seized tenders to the Chief Executive Officer the amount of all expenses incurred and of the toll tax due, the Chief Executive Officer shall release the property seized.

- (5) The surplus, if any, of the sale proceeds shall be credited to the cantonment fund, and shall, on application made to the Chief Executive Officer within six months after the sale, be paid to the person in whose possession the property was at the time of seizure, and, if no such application is made, shall become the property of the Board.

90. Lease of toll tax.—

It shall be lawful for the Chief Executive Officer, with the previous sanction of the Board, to lease the collection of any toll tax for any period not exceeding one year and the lessee and all persons employed by him in the management and collection of the toll tax shall, in respect thereof,—

- (a) be bound by any orders made by the Chief Executive Officer for their guidance;
- (b) have such powers exercisable by officers or employees of the Board under this Act as the Board may confer upon them; and
- (c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the Board for the management and collection of the toll tax, as the case may be:

Provided that no article distrained may be sold except under the orders of the Chief Executive Officer.

Appeals against assessment, levy or refusal to refund tax

91. Appeals.—

- (1) An appeal against the assessment or levy of, or against the refusal to refund, any tax under this Act shall lie to the District Court.
- (2) If the District Court, on the hearing of an appeal under this section, entertains reasonable doubt on any question as to the liability to, or the principle of assessment of, a tax, the Court may, either on its own motion or on the application of the appellant, draw up statement of the facts of the case and the point on which doubt is entertained, and refer the statement with its opinion on the point for the decision of the High Court.
- (3) On a reference being made under sub-section (2), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in order XLVI of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908).

Explanation.—For the purposes of this section and sections 92, 93, 94, 95, and 100, “District Court”, in relation to a cantonment, means the Principal Civil Court of original jurisdiction having jurisdiction over the area in which that cantonment is situated, and includes such other Civil Court having jurisdiction over that area as the Central Government may, by notification in the Official Gazette, specify in this behalf, in consultation with the High Court having jurisdiction over that area.

92. Conditions of right to appeal.—

No appeal shall be heard or determined under this Chapter unless—

- (a) the appeal is, in the case of a tax assessed on the annual rateable value of buildings or lands or both, brought within thirty days next after the date of the authentication of the assessment list under section 78 (exclusive of the time required for obtaining a copy of the relevant entries therein), or, as the case may be, within thirty days of the date on which an amendment is finally made under section 80 and in the case of any other tax, within thirty days next after the date of the receipt of the notice of assessment or of alteration of assessment or, if no notice has been given, within thirty days next after the date of the presentation of the first bill in respect thereof:

Provided that an appeal may be admitted after the expiration of the period prescribed there for by this section if the appellant satisfies the District Court before whom the appeal is preferred that he had sufficient cause for not preferring it within that period;

- (b) the amount including the assessed tax or duty, if any, in dispute in the appeal shall be deposited by the appellant every year on or before the due date in the office of the Board till the appeal is decided by the District Court.

93. Finality of appellate orders. —

The order of a District Court confirming, setting aside or modifying an order in respect of any valuation or assessment or liability to assessment or taxation shall be final:

Provided that it shall be lawful for the District Court, upon application or on its own motion, to review any order passed by it in appeal if application in this behalf is made within three months from the date of the original order.

94. Costs of appeal. —

In every appeal the costs shall be as per the discretion of the District Court hearing the appeal.

95. **Recovery of costs from Board. —**

- (1) If the Board fails to pay any cost awarded to an appellant within ten days after the date of the order for payment thereof, the District Court awarding the costs may order the person having the custody of the balance of the cantonment fund to pay the amount.
- (2) Where the appellant fails to pay any costs awarded to the Board within ten days after the date of the order for payment thereof, the same shall be recoverable by the Board in the same manner as money recoverable by the Board under section 287.

Payment and recovery of taxes

96. **Time and manner of payment of taxes.—**

Save as otherwise expressly provided under this Act, any tax imposed under the provisions of this Act shall be payable on such date and in such manner, as the Chief Executive Officer may, by public notice, direct.

97. **Public notice for taxes due.—**

- (1) When any tax has become due, the Chief Executive Officer shall cause a separate bill and public notice to be issued as well as published in a local newspaper or on the website of the relevant cantonment, specifying the tax and the period for which it is due for payment.
- (2) The tax shall become due for payment from the date of issue of public notice under sub-section (1).
- (3) Any non-receipt of a bill by a person shall not be a cause for non-payment of the tax notified under sub-section (1).

98. **Notice of demand.—**

- (1) If the amount of tax for which public notice has been issued or a bill has been presented is not paid within thirty days from the issue of public notice or presentation of the bill, as the case may be, the Chief Executive Officer may cause to be served upon the person liable for the payment of the same a notice of demand in the form set forth in Schedule II.
- (2) For every notice of demand which the Chief Executive Officer causes to be served on any person under this section, a fee of such amount, not exceeding eight hundred rupees as shall

in each case be fixed by the Chief Executive Officer, shall be payable by the said person and shall be included in the costs of recovery.

99. Recovery of tax.—

- (1) If the person liable for the payment of any tax does not, within thirty days from the service of the notice of demand, pay the amount due, or show sufficient cause for non-payment of the same to the satisfaction of the Chief Executive Officer, such sum, with all costs of recovery, may be recovered under a warrant, issued in the form set forth in Schedule III, by distress and sale of the movable property or attachment and sale of the immovable property of the defaulter:

Provided that the Chief Executive Officer shall not recover any sum the liability for which has been remitted on appeal under this Chapter:

Provided further that the sale of any immovable property attached under this sub-section shall not be made except under the orders of the Board.

- (2) Every warrant issued under this section shall be signed by the Chief Executive Officer.

100. Interest payable on taxes due.—

- (1) If a person on whom a notice of demand has been served under section 98, does not, within thirty days from the service of such notice, pay the sum demanded in the notice, he shall be liable to pay by way of interest, in addition to the sum and other charges due, one percent of the sum due for each complete month from the date of expiry of the period of thirty days as aforesaid.
- (2) The amount of interest shall be recoverable in the same manner as money recoverable by the Board under section 287.

Provided that—

- (a) where no appeal has been preferred, the Chief Executive officer with the previous sanction of the Board; and
- (b) in any other case, the District Court hearing the appeal under section 91 may remit the whole or any part of the interest payable in respect of any period.

101. Distress.—

- (1) It shall be lawful for any official of the Board to whom a warrant issued under section 99 is addressed to distrain, wherever it may be found in the cantonment, any movable property of or standing timber, growing crops or grass belonging to the person therein named as defaulter, subject to the following conditions, exceptions and exemptions, namely—
 - (a) the following property shall not be distrained—
 - (i) the necessary wearing apparel and bedding of the defaulter or of his wife or of his children;
 - (ii) tools of artisans;
 - (iii) books of account; or
 - (iv) when the defaulter is an agriculturist, his implements of husbandry, seeds, grains, and such cattle as may be necessary to enable the defaulter to earn his livelihood;
 - (b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which, in the opinion of the Chief Executive Officer, should not have been distrained, it shall forthwith be returned.
- (2) The person charged with the execution of a warrant of distress shall forthwith make an inventory of the property which he seizes under such warrant, and shall, at the same time, give a written notice in the form in Schedule IV to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

102. Disposal of distrained movable property.—

- (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is, when added to the amount to be recovered, likely to exceed its value, the Chief Executive Officer shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.
- (2) If the warrant is not in the meantime suspended by the Chief Executive Officer, or discharged, the property seized shall, after the expiry of the period mentioned in the notice served under sub-section (2) of section 101 (Distress), be sold by public auction by order of the Chief Executive Officer.
- (3) For every distraint made under this Chapter a fee of such amount, not exceeding eight hundred rupees, as shall in each case be fixed by the Chief Executive Officer shall be charged, and the said fee shall be included in the costs of recovery.

103. Attachment and sale of immovable property.—

- (1) When a warrant is issued for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that such property would be sold unless the amount of tax due with all costs of recovery is paid in the office of the Board within fifteen days from the date of attachment.
- (2) An order under sub-section (1) shall be displayed at some place on or adjacent to such property by pasting the same conspicuously and by publishing the same in a newspaper having circulation in the area in which the property is situated or by any other means or mode as may be considered appropriate by the Chief Executive Officer, including, but not limited to publishing such order on the website of the cantonment.
- (3) Any transfer of or charge on the property attached or any interest thereon made without the written permission of the Chief Executive Officer shall be void as against all claims of the Board enforceable under the attachment.
- (4) Where the sum due to the Board with the cost incurred by the Board in the sale of the property, including publication of notice in newspaper or on the website of the cantonment and a sum equal to five per cent. of the purchase money for payment to the purchaser is paid by the defaulter, before the confirmation of the sale under sub-section (5), the attachment, if any, of the immovable property shall be deemed to have been removed.
- (5) After the sale of the property by auction as aforesaid, it shall be confirmed in writing by the Chief Executive Officer who shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.
- (6) The Central Government may make rules consistent with this Act to provide for all or any of the following matters, namely—
 - (a) the regulation of the manner of execution of warrants for the attachment and sale of immovable property;
 - (b) the charging of fees for the attachment and sale of immovable property, to be included in the cost of recovery of the tax due;
 - (c) the summary determination of any claim made by any person other than the person liable for the payment of any tax, in respect of any property attached in execution of warrant under this section.

104. Recovery from a person about to leave cantonment and refund of surplus sale proceeds, if any.—

- (1) If the Chief Executive Officer has reason to believe that any person from whom any sum is due or is about to become due on account of any tax is about to move from the cantonment, he may direct the immediate payment by such person of the sum so due or about to become due, and cause a notice of demand for the same to be served on such person.
- (2) If, on the service of such notice, such person does not forthwith pay the sum so due or about to become due, the amount shall be leviable by distress and sale of movable property or attachment and sale of immovable property in the manner hereinbefore provided in this Chapter, and the warrant of such distress and sale or attachment and sale may be issued and executed without any delay.
- (3) The surplus of the sale proceeds arising out of section 102, section 103 and this section, if any, shall immediately after the sale of the property, be credited to the cantonment fund, and the notice of such credit shall immediately be given to the person whose property has been sold, or to his legal representative and, if such money is claimed, within a period of one year from the date of notice, a refund thereof shall be made to the said person or his representative.
- (4) Any surplus of the sale proceeds not claimed within one year as aforesaid shall be the property of the Board.

105. Power to institute suit for recovery.—

Instead of proceeding against a defaulter by distress and sale of movable property or attachment and sale of immovable property as hereinbefore provided in this Chapter, or after a defaulter has been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, from such defaulter on account of a tax may be recovered from him by a suit in any court of competent jurisdiction.

106. Irrecoverable debts.—

The Board may write off any sum due on account of any tax or rate or of the costs of recovering any tax or rate if such sum is, in its opinion, irrecoverable:

Provided that, where the sum written off in favour of any one person exceeds ten thousand rupees, the sanction of the General Officer Commanding-in-Chief, the Command shall be first obtained.

Exemption from taxation

107. General power of exemption.—

The Central Government may, by notification in the Official Gazette, exempt, either wholly or in part from the payment of any tax imposed under this Act, any person, or class of persons or any property or goods or class of property or goods.

108. Exemption of poor persons.—

A Board may exempt, for a period not exceeding one year at a time, from the payment of any tax, or any portion of a tax imposed under this Act, any person who, in its opinion, is by reason of poverty unable to pay the same.

109. Exemption from property tax in certain cases.-

The following buildings and lands shall be exempt from any property tax other than a tax imposed to cover the cost of specific services rendered by the Board, namely—

- (a) places set apart for public worship and either actually so used or used for no other purpose and rendering services free of cost without deriving any income whatsoever;
- (b) buildings used for educational purposes, public libraries, playgrounds and dharamshalas which are open to the public and from which no income is derived;
- (c) hospitals and dispensaries maintained wholly by charitable contributions;
- (d) burning and burial grounds, not being the property of the Central Government or a Board, which are controlled under the provisions of this Act;
- (e) buildings or lands vested in a Board; and
- (f) any buildings or lands, or portion of such buildings or lands, which are the property of the Government.

110. Exemption in case of buildings.—

- (1) A Board may make special provisions for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management and may fix a special rate, conditions and the dates for periodical payment thereof, which shall be determined by a written agreement with the person liable for payment of any tax in the nature of a conservancy tax in respect of such factory, hotel, club or group of buildings or lands:

Provided that in fixing the amount, regard shall be had to the probable cost to the Board of the services to be rendered.

- (2) Where, under sub-section (1), a Board has fixed a special rate for the cleansing of any factory, hotel, club or group of buildings or lands, such premises shall be exempted from the payment of any tax in the nature of a conservancy tax imposed in the cantonment.

Special provisions relating to taxation

111. Payment of service charges to a Board by Central Government or State Government.—

The Central or the State Government, as the case may be, shall pay to a Board annually, service charges for providing collective municipal services or development work in a cantonment where the Central Government or State Government properties are situated, as stipulated by the Board based on the guidelines issued in this regard by the Central Government or the State Government, as the case may be.

112. Obligation to disclose liability.—

- (1) The Chief Executive Officer may, by written notice, call upon any inhabitant of the cantonment to furnish such information as may be necessary for the purpose of ascertaining—
- (a) whether such inhabitant is liable to pay, or has correctly paid, any tax imposed under this Act; or
 - (b) at what amount he should be assessed; or
 - (c) the annual rateable value of the building or land which he occupies and the name and address of the owner or lessee thereof.
- (2) If any person, when called upon under sub-section (1) to furnish information, neglects to furnish it within the period specified in this behalf by the Chief Executive Officer or furnishes information which is not true to the best of his knowledge or belief, he shall be punishable with fine which may extend to twenty thousand rupees and shall also be liable to be assessed on account of tax in accordance with the provisions of this Act.

113. Composition of tax amounts.—

- (1) The Board may, with the previous sanction of the General Commanding Officer-in-Chief, the Command, allow any person to compound for any tax payable under this Act.
- (2) Every sum due by reason of the composition of a tax under sub-section (1) shall be recoverable as if it were a tax.

114. Immaterial error not to affect liability.—

No assessment and no charge or demand on account of any tax or fee shall be impeached or affected by reason only of any mistake in the name of any person liable to pay such tax or fee, or in the description of any property or thing, or any mistake in the amount of the assessment, charge or demand, if the directions contained in this Act and the rules and bye-laws made thereunder have in substance and effect been complied with:

Provided that any person who sustains any special damage by reason of any such mistake may be entitled to recover appropriate compensation for the same from the Board.

115. Distraint or attachment not to be invalid by reason of immaterial defect.—

No distress levied or attachment made under this Chapter shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account only of any defect of form in the notice of demand, warrant of distress or attachment and sale or other proceeding relating thereto nor shall any such person be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him:

Provided that any person who sustains any special damage by reason of any such irregularity may be entitled to recover appropriate compensation for the same from the Board.

CHAPTER VI - FUNDS AND PROPERTY

116. Cantonment fund and cantonment development fund.—

(1) For every cantonment, there shall be the following funds—

- (a) cantonment fund; and
- (b) cantonment development fund.

(2) In every cantonment fund, there shall be placed to the credit thereof the following sums, namely—

- (a) the balance if any, of the cantonment fund formed for the cantonment under the Cantonments Act, 1924 (2 of 1924) or the Cantonments Act, 2006 (41 of 2006); and
- (b) all sums received by or on behalf of the Board in accordance with the provisions of this Act.

- (3) In every cantonment development fund, there shall be placed to the credit thereof the following sums, namely—
- (a) any sum received from the Central Government or any State Government by way of contributions, grants, subsidies or by any other way for the implementation of any specific scheme or for the execution of any specific project;
 - (b) any sum received from any individual or association of individuals or body corporate by way of gift or deposit; and
 - (c) any sum raised or borrowed under section 118 for the execution of specific development projects.
- (4) The cantonment fund and the cantonment development fund shall be kept in separate accounts, maintained in the State Bank of India or any of its subsidiary banks, or any nationalised bank, or any scheduled commercial bank having its branch either in the cantonment, or in the municipal area adjoining the cantonment.

Explanation.—In this section,—

- (a) “nationalised bank” means corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980);
- (b) “State Bank of India” means the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955);
- (c) “subsidiary bank” means a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959).

117. Investment of funds.—

- (1) The Chief Executive Officer may, with the previous sanction of the Board, invest any portion of the cantonment fund or the cantonment development fund in securities of the Central Government or in such other securities, including fixed deposits in banks, in the best interest of the Board and may dispose of such investments or vary them for other investments of a like nature.
- (2) The income from any fixed deposit or any security referred to in sub-section (1) or from the proceeds of the sale of any such security shall be credited to the cantonment fund or the cantonment development fund, as the case may be.

- (3) The Board shall have the power to issue directions from time to time, as it may consider necessary, under this section.

118. Power of Board to borrow money.—

A Board may, from time to time, by a resolution passed in this behalf, borrow any sum of money from another Board, on mutually agreeable terms for any scheme or project covered under this Act.

119. Property of Board.—

Subject to any special reservation made by the Central Government, all property of the nature hereinafter in this section specified which has been acquired or provided or is maintained by a Board shall vest in and belong to that Board, and shall be under its direction, management and control, that is to say,—

- (a) all markets, slaughter-houses, manure and night-soil depots, and buildings of every description, whether owned wholly or in part by the Board;
- (b) all water-works for the supply, storage or distribution of water for public purposes and all bridges, buildings, engines, materials, and things connected therewith or appertaining thereto;
- (c) all sewers, drains, culverts and water-courses, and all works, materials and things appertaining thereto;
- (d) all lamps, lamp-posts and apparatus connected therewith or appertaining thereto;
- (e) all lands or other property transferred to the Board by the Central Government or
- (f) a State Government, or by gift, purchase or otherwise for local public purposes;
- (g) all streets and pavements, stones and other materials thereof, and all trees, erections, materials, implements and things existing on or appertaining thereto; and
- (h) all matters expressly categorised as property of the Board under this Act.

120. Acquisition of immovable property.—

When there is any hindrance to the permanent or temporary acquisition, upon payment, of any land required by a Board for the purposes of this Act, the Central Government may, on the recommendation of the Board, procure the acquisition thereof under the provisions of the Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013), and on payment by the Board of the compensation awarded under that Act and of the charges incurred by the Central Government in connection with the proceedings, the land shall vest in the Board.

121. Application of cantonment fund, cantonment development fund and property.—

- (1) The cantonment fund, cantonment development fund and all property vested in a Board shall be applied for the purposes, whether express or implied, for which, by or under this Act or any other law for the time being in force, powers are conferred or duties or obligations are imposed upon the Board.
- (2) Notwithstanding anything contained in sub-section (1), a Board shall not incur any expenditure for acquiring or renting land beyond the limits of the cantonment or for constructing any work beyond such limits except—
 - (a) with the sanction of the Central Government, and
 - (b) on such terms and conditions as the Central Government may impose:

Provided that sub-section (2) shall not apply to any expenditure incurred by a Board for the maintenance of any property which is owned by it, whether wholly or in part, beyond the limits of the cantonment.

- (3) Notwithstanding anything contained in sub-sections (1) and (2), priority shall be given in the order hereinafter set forth to the following liabilities and obligations of a Board, that is to say,—
 - (a) to the liabilities and obligations arising from a trust legally imposed upon or accepted by the Board;
 - (b) to the repayment of, and the payment of interest on, any loan incurred under the provisions of this Act or any other law for the time being in force in the cantonment;
 - (c) to the payment of establishment charges; and
 - (d) to the payment of any sum the payment of which is expressly required by the provisions of this Act or any rule or regulation or bye-law made thereunder.

122. Power to make rules regarding cantonment fund, cantonment development fund and property.—

The Central Government may make rules consistent with this Act to provide for all or any of the following matters, namely—

- (a) the conditions on which property may be acquired by Boards, or on which property vested in a Board may be transferred by sale, mortgage, lease, exchange or otherwise;
- (b) the preparation of estimates of income and expenditure by Boards and the definition of the persons by whom, and the conditions subject to which, such estimates may be sanctioned; and
- (c) any other matter relating to the cantonment fund, cantonment development fund or property, in respect of which no provision or insufficient provision is made by or under this Act and provision is, in the opinion of the Central Government, necessary.

CHAPTER VII - CONTRACTS EXECUTED BY CANTONMENT BOARDS

123. Cantonment Board competent to enter into contracts.—

Subject to the provisions of this Chapter, every Board shall be competent to enter into and perform any contract necessary for the purposes of this Act.

124. Sanction.—

- (1) Every contract—
 - (a) for which budget provision does not exist, or
 - (b) which involves, a value or amount exceeding four lakh rupees for Category I and II cantonments, and a value or amount exceeding two lakh rupees for Category III and IV cantonments,

shall require the sanction of the Board.

- (2) Every contract other than a contract referred to in sub-section (1) shall be sanctioned by the Chief Executive Officer on behalf of the Board.

125. Execution of contract.—

- (1) Every contract made by or on behalf of a Board, the value or amount of which exceeds the amount referred to in clause (b) of sub-section (1) of section 124, shall be in writing and every such contract shall be signed by two members, of whom the President or the Vice-President

shall be one, and be countersigned by the Chief Executive Officer and be sealed with the common seal of the Board.

- (2) Where the Chief Executive Officer executes a contract on behalf of the Board sanctioned under sub-section (2) of section 124, he shall submit a report on the execution of the contract to the Board at its next meeting.

126. Contracts improperly executed not to be binding on a Board.—

If any contract is executed by or on behalf of a Board, otherwise than in conformity with the provisions of this Chapter, it shall not be binding on the Board.

CHAPTER VIII - PUBLIC HEALTH, SANITATION AND CONSERVANCY

Sanitation and conservancy

127. Sanitation authorities.—

The following officers shall, for the purposes of sanitation, have control over and be responsible for maintaining in a sanitary condition, those parts of a cantonment, respectively, which are specified in the case of each, that is to say—

- (a) the officer commanding the army in the cantonment—all buildings and lands which are occupied or used for army purposes;
- (b) the officer commanding the navy in the cantonment—all buildings and lands which are occupied or used for naval purposes;
- (c) the officer commanding the air force in the cantonment—all buildings and lands which are occupied or used for air force purposes;
- (d) the Officer Commanding the station in the cantonment—all buildings and lands, occupied or used for any defence purpose, other than those referred to in clauses (a), (b) and (c);
- (e) the head of any civil department or railway administration occupying as such any part of the cantonment—all buildings and lands in his charge as head of that department or administration;

- (f) the head of any establishment or installation of the Defence Research and Development Organisation in the cantonment—buildings and lands which are occupied or used for the purposes of the Defence Research and Development Organisation in the cantonment;
- (g) the head of a Public Sector Undertaking—the buildings and lands belonging to such undertaking in the cantonment; and
- (h) the Chief Executive Officer—the buildings and lands in the civil area of the cantonment and all other buildings and lands not covered in clauses (a) to (g) above.

128. General duties of Health Officer.—

- (1) The Health Officer shall be the advisor to the Board on all matters relating to sanitation, exercise general supervision over sanitation in the cantonment and periodically submit a report along with his recommendations at least once in every month to the Board.
- (2) The Assistant Health Officer shall perform such duties in connection with the sanitation of the cantonment as are, subject to the control of the Board, allotted to him by the Health Officer.

129. Duty of occupier to collect and deposit filth, rubbish and other offensive matter.—

It shall be the duty of an occupier of a building or land—

- (a) to make adequate arrangements for the cleaning of the building or land;
- (b) to provide receptacles of the type and in the manner prescribed by the Chief Executive Officer for the collection therein of all filth, rubbish and other offensive matter from such building or land and to keep such receptacle in good condition and repair as may be required; and
- (c) to collect all filth, rubbish and other offensive matter in receptacles and to remove and deposit the same in public receptacles, depots or places provided or appointed under sub-section (1) of section 131.

130. Power of Board to undertake private conservancy arrangement. —

- (1) On the application of or with the consent of the occupier of any building or land, or where the occupier of any building or land fails to make arrangements to the satisfaction of the Chief Executive Officer in relation to section 129, then without such consent, and after giving notice in writing to the occupier in either instance, the Chief Executive Officer may undertake the cleaning of any building or land in the cantonment for such period as he thinks fit, on such

terms as he may specify in this behalf and recover the expenses from the occupier as an arrear of tax under this Act.

- (2) Where the Chief Executive Officer has undertaken the duties referred to in this section, all matter removed in the performance of such duties shall be the property of the Board.

131. Deposit, collection and disposal of rubbish, etc. in public receptacles, depots or places.—

- (1) Every Board shall provide or appoint in proper and convenient places, public receptacles, depots or places for the temporary deposit or disposal of household rubbish, filth, sewage, carcasses of dead animals and other offensive matter.
- (2) The Chief Executive Officer may, by public notice, issue directions as to the time at which, the manner in which, and the conditions subject to which, any matter referred to in sub-section (1) may be removed along a street or may be deposited or otherwise disposed of.
- (3) The Board shall also devise schemes for collecting rubbish and garbage from each house in the cantonment and may, if it considers necessary, enter into arrangements with residents' welfare associations or such other non- governmental organisation for this purpose.
- (4) All matter deposited in receptacles, depots or places provided or appointed under this section shall be the property of the Board.

132. Public latrines and urinals.—

All public latrines and urinals provided or maintained by a Board shall be—

- (a) constructed in such manner so as to provide separate compartments for each sex and each compartment so constructed shall be made accessible to and barrier free for persons with disabilities;
- (b) provided with all necessary conservancy establishments; and
- (c) regularly cleansed and kept in proper order.

133. Sanitation in establishments other than factories, etc.—

Every person employing, whether on behalf of the Government or otherwise, more than ten workmen or labourers, and every person managing or having control of a market, school, theatre or other place of public resort, in a cantonment shall—

- (a) give notice of the fact to the Chief Executive Officer;
- (b) provide such latrines and urinals and employ such number of sweepers as the Chief Executive Officer thinks fit; and
- (c) cause such latrines and urinals to be kept clean and in proper order.

134. **Private latrines.—**

Subject to the provisions of the Employment of Manual Scavenger and Construction of Dry Latrine (Prohibition) Act, 1993 (46 of 1993) and the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (25 of 2013), the Chief Executive Officer or any official of the Board authorised by him may, by a notice in writing,—

- (a) require the owner or any person having control of any private latrine or urinal in the cantonment not to put the same to public use; or
- (b) where any plan for the construction of private latrines or urinals has been approved and copies thereof may be obtained free of charge on application—
 - (i) require any person repairing or constructing any private latrine or urinal not to allow the same to be used until it has been inspected by an official of the Board authorised by the Chief Executive Officer, or under the direction of the Health Officer, and approved by him as conforming with such plan; or
 - (ii) require any person having control of any private latrine or urinal to re-build or alter the same in accordance with such plan.
- (c) require the owner or any person having control of any private latrine or urinal which, in the opinion of the Chief Executive Officer, constitutes a nuisance, to remove such latrine or urinal; or
- (d) require any person having control, whether as owner, lessee or occupier of any land or building in the cantonment,—
 - (i) to have any latrine therein closed by a roof, wall or fence from the view of persons passing by or dwelling in the neighbourhood; and
 - (ii) to cleanse in such manner as the Chief Executive Officer may specify in the notice any latrine or urinal belonging to the land or building; or
- (e) require any person being the owner and having the control of any drain in the cantonment to provide, within ten days from the service of the notice, such covering as may be specified in the notice.

135. General power in relation to sanitation and conservancy measures.—

The Chief Executive Officer may, by a notice in writing,—

- (a) require the owner or lessee of any building or land in the cantonment to provide, in such manner as may be specified in the notice, any latrine, urinal, cesspool, dust-bin or other receptacle for filth, sewage or rubbish, or any additional latrine, urinal, cesspool or other receptacle as aforesaid, which should, in his opinion, be provided for the building or land; or
- (b) require any person having the control, whether as owner, lessee or occupier, of any land or building in the cantonment—
 - (i) to close any cesspool appertaining to the land or building which, in the opinion of the Chief Executive Officer, is a nuisance;
 - (ii) to keep in a clean condition, in such manner as may be prescribed by notice, any receptacle for filth or sewage accumulating on the land or in a building;
 - (iii) to prevent the water of any private latrine, urinal, sink or bathroom or any other offensive matter, from soaking, draining, flowing or being put from the land or building upon any street or other public place or into any water-course or into any drain not intended for that purpose; or
 - (iv) to collect and deposit for removal by the conservancy establishment of the Board, within such time and in such receptacle or place, as may be specified in the notice, any offensive matter or rubbish which such person has allowed to accumulate or remain under, in or on such building or land;
- (c) require any person to desist from making or altering any drain leading into a public drain; or
- (d) require any person having the control of a drain or water body in the cantonment to cleanse, purify, desilt, repair or alter the same, or otherwise put it in good order, within such time as may be specified in the notice.

136. Special provision regarding solid waste management.—

With respect to solid waste material generated in a cantonment, the Board shall have the duties and responsibilities of a municipality under the Solid Waste Management Rules, 2016 framed under the Environment Protection Act, 1986 (19 of 1986).

Other powers of Cantonment Boards in relation to public health

137. Removal of congested buildings.—

- (1) Where it appears to a Board that any block of buildings in a cantonment is in an unhealthy condition by reason of the manner in which the buildings are crowded together, or of the narrowness or closeness of the street, or of the want of proper drainage or ventilation, or of the impracticability of cleansing the buildings or other similar cause, it may cause the block to be inspected by a committee consisting of—
 - (a) the Health Officer;
 - (b) the Civil Surgeon of the district or if his services are not available, another medical officer in the service of the Central Government;
 - (c) the Executive Engineer or a person deputed by the Executive Engineer in this behalf; and
 - (d) two non-official members of the Board.
- (2) The committee shall make a report in writing to the Board regarding the sanitary condition of the block and, if it considers that the condition thereof is likely to cause risk of disease to the inhabitants of the building or of the neighbourhood or otherwise endangers public health, it shall clearly indicate, on a plan verified by the Executive Engineer or the person deputed by him to serve on the committee, the buildings which should, in its opinion, wholly or in part be removed in order to abate the unhealthy condition of the block.
- (3) If, upon receipt of such report, the Board is of the opinion that all or any buildings indicated should be removed, it may, by a notice in writing, require the owners thereof to remove them:

Provided that the Board shall pay compensation as it thinks fit to the owners for any buildings so removed, where such buildings have been erected under proper authority:

Provided further that the Board may, if it considers it equitable in the circumstances so to do, pay to the owners such sum as it thinks fit as compensation for any buildings so removed, where such buildings have not been erected under proper authority.

- (4) For the purposes of this section, "building" includes enclosure, walls and fences appertaining to the building.

138. Overcrowding of dwelling houses.—

- (1) Where it appears to a Board that any building or part of a building in a cantonment which is used as a dwelling house is so overcrowded as to endanger the health of the inmates thereof, it may, after such inquiry as it thinks fit, by a notice in writing require the owner or occupier of the building or part thereof, as the case may be, within such time not being less than one month as may be specified in the notice, to abate the overcrowding of the same by reducing the number of lodgers, tenants, or other inmates to such number as may be specified in the notice.

- (2) Notwithstanding anything contained in sub-section (1), if a Board is satisfied that any building or part of a building in a cantonment which is intended for or used as a dwelling place is unfit for human habitation, it may cause a notice to be pasted on some conspicuous part of the building prohibiting the owner or occupier thereof from using the building or room for human habitation or allowing it to be so used, until it has been rendered fit for such use to the satisfaction of the Board.
- (3) Any person who fails, without reasonable cause, to comply with a requisition made upon him under sub-section (1) shall be punishable with fine which may extend to two thousand five hundred rupees and in the case of a continuing offence, to an additional fine which may extend to two hundred fifty rupees for every day after the first during which the failure is continued.

139. Repair or alteration of buildings.—

- (1) Where any building in a cantonment is so ill-constructed or dilapidated as to be, in the opinion of the Board, in an unsanitary state, the Board may, by a notice in writing, require the owner, within such time as may be specified in the notice, to execute such repairs or to make such alterations as it thinks necessary for the purpose of removing such defects.
- (2) A copy of the notice issued under sub-section (1) shall be conspicuously pasted on the building to which it relates.
- (3) A notice issued under sub-section (1) shall be deemed to have been complied with if the owner of the building to which it relates has, instead of executing the repairs or making the alterations directed by the notice, removed the building.

140. Cleaning of land or building.—

- (1) If any building or land, whether tenantable or otherwise, is—
 - (a) in an unsanitary, filthy or unwholesome state;
 - (b) in the opinion of the Chief Executive Officer, a nuisance to persons residing in the neighbourhood; or
 - (c) overgrown with prickly-pear or rank and noisome vegetation,

the Chief Executive Officer may, by a notice in writing, require the owner, lessee or occupier of such building or land to clean, lime-wash internally or externally, clear or otherwise put such building or land in a proper state within such period as may be specified in the notice.

- (2) Any person who fails to comply with the notice issued under sub-section (1) shall be punishable with fine which may extend to five thousand rupees, and, in the case of a continuing offence, with an additional fine which may extend to two hundred fifty rupees for every day after the first during which the failure is continued.

141. Filling up of well, tanks, etc.—

- (1) Where any well, tank, cistern, reservoir, container, desert cooler or any other receptacle or place in the cantonment where water is stored or accumulated, whether within any private enclosure or not, is in such a condition as to create a nuisance or is, in the opinion of the Health Officer, likely to be a breeding place for mosquitoes, the Board may, by notice in writing, require the owner, lessee or occupier thereof within such period as may be specified in the notice, to fill up or cover such well, tank, cistern, reservoir, container, cooler or receptacle, or to drain off or remove the water, as the case may be.
- (2) The Board may, from time to time, take such measures as are necessary in its opinion for preventing the breeding of mosquitoes, insects, or any bacterial or viral carriers of disease in public places under the control or management of the Board.
- (3) The Board may, if it thinks fit, meet the whole or any portion of the expenses incurred in execution of work mentioned in sub-sections (1) and (2) of this section.

142. Prohibition in respect of air pollutant. —

No owner, occupier or lessee of any premises in a cantonment shall allow or cause to be allowed any air pollutant above the standards laid down under clause (g) of sub-section (1) of section 17 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981).

143. Removal of noxious vegetation. —

The Chief Executive Officer may, by a notice in writing, require the owner, lessee or occupier of any land in a cantonment to clear away and remove any thick or noxious vegetation or undergrowth which appears to him to be injurious to health or offensive to persons residing in the neighbourhood.

144. Agriculture and irrigation. —

Where, in the opinion of a Board, the cultivation in the cantonment of any description of crop or the use therein of any kind of manure or the irrigation of any land therein in any specified manner

is likely to be injurious to the health of persons dwelling in the neighbourhood, the Board may, by public notice, prohibit such cultivation, use or irrigation after such date as may be specified in the notice or may, by a like notice, direct that it shall be carried out subject to such conditions as the Board thinks fit:

Provided that if, when a notice is issued under this section, any land to which it relates has been lawfully prepared for cultivation or any crop is sown therein or is standing thereon, the Board shall, if it directs that the notice is to take effect on a date earlier than that by which the crop would ordinarily be sown or reaped, as the case may be, make compensation to all persons interested in the land or crop for the loss, if any, incurred by them respectively by reason of compliance with the notice.

Burial and burning grounds

145. Power to call for information regarding burial and burning grounds. —

The Chief Executive Officer may, by a notice in writing, require the owner or person in charge of any burial or burning ground in the cantonment to supply such information as may be specified in the notice concerning the condition, management or position of such ground.

146. Permission for use of new burial or burning ground. —

- (1) No place in a cantonment which has not been used as a burial or burning ground before the commencement of this Act shall be so used without the permission in writing of the Board.
- (2) Such permission may be granted subject to any condition which the Board thinks fit to impose for the purpose of preventing annoyance to, or danger to the health of, persons residing in the neighbourhood.

147. Power to require closing of burial or burning ground.—

- (1) Where a Board, after making or causing to be made any inquiry, is of the opinion that any burial or burning ground in the cantonment has become offensive to, or dangerous to the health of, persons living in the neighbourhood, it may, with the previous sanction of the Central Government by a notice in writing, require the owner or person in charge of such ground to close the same from such date as may be specified in the notice.
- (2) Where the Central Government sanctions the issue of any notice under sub-section (1) it shall declare the conditions on which the burial or burning ground may be reopened, and a copy of such declaration shall be annexed to the notice.

- (3) Where the Central Government sanctions the issue of any notice under sub-section (1), it shall require a new burial or burning ground to be provided at the expense of the cantonment fund, or if the community concerned is willing to provide a new burial or burning ground, the Central Government shall require a grant to be made from the cantonment fund towards the cost of the same.
- (4) No corpse shall be buried or burnt in any burial or burning ground in respect of which a notice issued under this section is for the time being in force.

148. Exemption from operation of sections 145 to 147.—

The provisions of sections 145, 146 and 147 shall not apply in the case of any burial or burning ground which is for the time being managed by or on behalf of the Government.

149. Removal of corpses.—

The Board may, by a public notice, prescribe routes in the cantonment by which alone corpses may be removed to burial or burning grounds.

Prevention of infectious, contagious or communicable diseases and epidemics

150. Obligations concerning infectious, contagious or communicable diseases.—

- (1) Any person being in charge of, or in attendance, whether as a medical practitioner or otherwise, upon any person in a cantonment whom he knows or has reason to believe to be suffering from an infectious, contagious or communicable disease, or being the owner, lessee or occupier of any building in a cantonment in which he knows that any person is so suffering, shall forthwith give information to the Board in relation to the existence of such disease.
- (2) No person shall—
 - (a) knowing that he is suffering from an infectious, contagious or communicable disease, expose other persons to the risk of infection by his presence or conduct in any street, public place or public conveyance;
 - (b) having the care of a person whom he knows to be suffering from an infectious, contagious or communicable disease cause or permit that person to expose other persons to the risk of

infection by his presence or conduct in any street, public place or public conveyance as aforesaid;

- (c) having the care of a corpse of a person who has died from an infectious, contagious or communicable disease cause that corpse to expose other persons to the risk of infection by its presence in any street, public place or public conveyance as aforesaid;
 - (d) place or cause to be placed in a dustbin or other receptacle for the deposit of rubbish any matter which he knows or has reason to believe to have been exposed to infection from an infectious, contagious or communicable disease and which has not been disinfected properly;
 - (e) throw or cause to be thrown into any latrine or urinal any matter which he knows or has reason to believe to have been exposed to infection from an infectious, contagious or communicable disease and which has not been disinfected properly;
 - (f) without previous disinfection, give, lend, sell, transmit or otherwise dispose of to another person any article or thing which he knows or has reason to believe has been exposed to contamination by any infectious, contagious or communicable disease and is likely to be used in, or taken into, a cantonment; or
 - (g) knowing that he is suffering from an infectious, contagious or communicable disease, or is in circumstances in which he is likely to spread any such disease, make, carry or offer for sale in a cantonment any article of food, drink, medicine or drug for human consumption, or any article of clothing or bedding for personal use or wear, or take any part in the business of washing or carrying of clothes.
- (3) Nothing contained in sub-section (1) or sub-section (2) shall apply in the case of venereal disease where the person suffering therefrom is under specific and adequate medical treatment and is by reason of his habits and conditions of life and residence unlikely to spread the disease.
- (4) Whoever—
- (a) fails to give information or gives false information to the Board under sub-section (1); or
 - (b) contravenes the provisions of sub-section (2) ,

shall be punishable with fine which may extend to five thousand rupees:

Provided that no person shall be punishable for failure to give information if he had reasonable cause to believe that the information had already been duly given.

151. Measures to be taken by Board in case of outbreak of an infectious disease or epidemic.—

- (1) In the event of a cantonment being visited or threatened by an outbreak of any infectious, contagious or communicable disease among the inhabitants thereof or of any epidemic among any animals therein, the Board or any officer authorised by it in this behalf may take measures and give directions to provide for all or any of the following matters, namely—
 - (a) the inspection of the place of business of a dairyman, washerman, medical practitioner or paramedical worker, the examination of relevant articles found therein, the requirement of the names of their customers or patients, and the taking of any necessary action pursuant thereto;
 - (b) the disinfection of public conveyances;
 - (c) the destruction of infectious huts or sheds;
 - (d) the cleansing or disinfection of buildings or any part thereof or any articles therein;
 - (e) the means of disinfection, including the provision of proper places with necessary attendants and apparatus, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection, and the destruction of any article likely to retain infection;
 - (f) the restriction or prohibition of the sale or presentation of any article of food or drink for human consumption;
 - (g) the regulation of wells, tanks and other sources of drinking water, including their inspection, disinfection and the prohibition of use of water from such sources;
 - (h) the regulation of the disposal of infectious corpses; and
 - (i) such other steps as may be considered expedient to prevent or control the outbreak or spread of any infectious, contagious or communicable disease or epidemic.
- (2) The Board shall pay compensation and provide free of charge temporary shelter to persons affected by the destruction of infectious huts or sheds carried out under clause (c) of sub-section (1).
- (3) The Board shall provide free of charge temporary shelter to persons who have been compelled to leave their dwelling by reason of the cleansing or disinfection of buildings or articles carried out under clause (d) of sub-section (1).
- (4) The Board may pay such compensation as it thinks fit for the destruction of any article that had been exposed to infection and was likely to retain the infection pursuant to clause (e) of sub-section (1).

152. Special measures in case of outbreak of an infectious disease or epidemic.—

(1) Notwithstanding anything contained in section 151, in the event of a cantonment being visited or threatened by an outbreak of any infectious, contagious or communicable disease among the inhabitants thereof or of any epidemic among any animals therein, the Officer Commanding the station, if he thinks that the provisions of this Act or of any law for the time being in force in the cantonment are insufficient for the purpose, may, with the previous sanction of the Central Government,—

(a) take such special measures, and

(b) by public notice, give such directions to be observed by the public or by any class or section of the public, as he thinks necessary to prevent the outbreak or the spread of the disease or epidemic:

Provided that where in the opinion of the Officer Commanding the station, immediate measures are necessary, he may take action without such sanction as aforesaid and if he does so, he shall forthwith report such action to the Central Government.

(2) Whoever commits a breach of any direction given under this sub-section (1) shall be deemed to have committed an offence under section 188 of the Indian Penal Code (45 of 1860).

153. Control of traffic for hygiene purposes.—

(1) A Board may provide or prescribe suitable routes for the use of persons passing through the cantonment—

(a) on their way to or from fairs, places of pilgrimage or other places of public resort; or

(b) during times when an infectious, contagious or communicable disease or epidemic is prevalent, and may, by a public notice, require such persons as aforesaid to use such routes and no other route.

(2) All routes provided or prescribed under sub-section (1) shall be clearly and sufficiently indicated by the Board.

Hospitals and dispensaries

154. Maintenance or aiding of hospitals or dispensaries.—

(1) A Board may—

- (a) provide and maintain either within or outside the cantonment as many hospitals, veterinary hospitals and dispensaries as it thinks fit; or
 - (b) make, upon such terms as it thinks fit to impose, a grant-in-aid to any hospital, dispensary or veterinary hospital, whether within or outside the cantonment, not maintained by it.
- (2) The Board shall appoint a medical officer for every hospital or dispensary maintained or aided under sub-section (1).
 - (3) Every hospital or dispensary maintained or aided under sub-section (1) shall have attached to it a ward or wards for the treatment of persons suffering from infectious, contagious or communicable diseases.
 - (4) The medical officer appointed under sub-section (2) shall be in charge of every hospital and dispensary maintained or aided under this section, and shall be responsible to the Health Officer for all medical activities and to the Chief Executive Officer for overall administrative activities of the hospital or the dispensary, as the case may be.
 - (5) Every hospital or dispensary maintained or aided under sub-section (1) shall be maintained in accordance with any general or special orders of the Central Government for the conduct of hospitals and dispensaries or in accordance with the said orders modified in such manner as the Central Government may think fit.

155. Medical supplies, appliances, etc.—

The Board shall cause every such hospital or dispensary to be provided with all requisite drugs, instruments, apparatus, furniture and appliances, and with sufficient cots, bedding and clothing for in-patients.

156. Free patients.—

At every hospital or dispensary maintained or aided under section 154, the sick poor of the cantonment and other inhabitants of the cantonment suffering from any infectious, contagious or communicable disease, and, with the sanction of the Board, any other sick person, may receive medical or surgical treatment free of cost, and, if treated as in-patients, shall be either dieted gratuitously or, if the medical officer in charge so directs, shall be granted subsistence allowance on such scale as the Board may fix.

157. Paying patients.—

Any sick person who is ineligible to receive medical or surgical treatment free of cost in any hospital or dispensary under section 156 may be admitted for treatment therein upon such terms as the Board thinks fit.

158. Power to order person to attend hospital or dispensary.—

- (1) If the Health Officer or the medical officer in charge of a hospital or dispensary maintained or aided under section 154 has reason to believe that any person living in the cantonment is suffering from an infectious, contagious or communicable disease, he may, by a notice in writing, call upon such person to attend for examination at any such hospital or dispensary at such time as may be specified in the notice and not to leave such examination without the permission of such medical officer, and, on the arrival of such person at the hospital or dispensary, the medical officer thereof may examine him for the purpose of satisfying himself whether or not such person is suffering from an infectious, contagious or communicable disease:

Provided that if, having regard to the nature of the disease or the condition of the person suffering therefrom, or the general environment and circumstances of such person, the Health Officer or the medical officer, as the case may be, considers that the attendance of such person at a hospital or dispensary is likely to prove unnecessary or inexpedient, he shall examine such person at such person's own residence.

- (2) If any person on examination under sub-section (1) is found to be suffering from an infectious, contagious or communicable disease, then the Health Officer or the medical officer, as the case may be, may require such person to be admitted in the hospital or dispensary, as the case may be, until such person is completely cured of such disease:

Provided that if, having regard to the nature of the disease or the condition of the person suffering therefrom, or the general environment and circumstances of such person, the Health Officer or the medical officer, as the case may be, considers that the admission of such person at a hospital or dispensary is unnecessary or inexpedient, he shall discharge such person and take such measures or give such directions in the matter as he thinks necessary.

- (3) Notwithstanding anything contained in sub-sections (1) and (2), the Health Officer may also call upon or require such persons to attend for examination or to be admitted, as the case may be, at any hospital or dispensary other than hospitals or dispensaries maintained or aided under section 154.
- (4) If any person fails to comply with a notice or direction issued under this section, he shall be deemed to have committed an offence under Section 188 of the Indian Penal Code (45 of 1860).

Special conditions relating to essential services

159. Conditions of service of essential service providers in a cantonment.—

- (1) No person employed in any essential service under a Board in a cantonment shall, in the absence of any contract, resign without reasonable cause or absent himself from duty without proper authority and in case of such resignation or absence from duty, he shall be punishable with imprisonment which may extend to one month.
- (2) The conditions of service specified in sub-section (1) shall be mentioned in the appointment letter of the persons employed to the said essential service.
- (3) The Central Government may, by notification in the Official Gazette, direct that on and from such date as may be specified in the notification, the provisions of this section shall apply in the case of any specified class of employees employed by a Board whose functions intimately concern the public health or safety.

CHAPTER IX - WATER-SUPPLY, DRAINAGE AND SEWAGE COLLECTION

160. Interpretation.—

In this Chapter, unless the context otherwise requires, the following words and expressions in relation to water-supply shall have the respective meanings given below, namely—

- (1) "communication pipe" means—
 - (a) where the premises supplied with water abut on the part of the street in which the main is laid, and the service pipe enters those premises otherwise than through the outer wall of a building abutting on the street and has a stopcock placed in those premises and as near to the boundary of that street as is reasonably practicable, so much of the service pipe as lies between the main and that stopcock;
 - (b) in any other case, so much of the service pipe as lies between the main and the boundary of the street in which the main is laid, and includes the ferrule at the junction of the service pipe with the main, and also,—
 - (i) where the communication pipe ends at in a stopcock, that stopcock; and
 - (ii) any stopcock fitted on the communication pipe between the end thereof and the main.
- (2) "fittings" includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water.

- (3) "main" means a pipe laid by the Board for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe.
- (4) "service pipe" means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main or would be so subject but for the closing of some tap.
- (5) "supply pipe" means so much of any service pipe as is not a communication pipe.
- (6) "trunk main" means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir, or for the purpose of conveying water in bulk from one part of the limits of supply to another part of those limits, or for the purpose of giving or taking a supply of water in bulk.

Water-supply

161. Maintenance of water-supply.—

- (1) In every cantonment, where a sufficient supply of potable water for domestic use does not exist, the Board shall provide or arrange for the provision of such supply.
- (2) The Board shall, as far as possible, make adequate provision that such supply shall be continuous throughout the year and that the water shall be at all times fit for human consumption.

162. Board to carry out survey and formulate proposals.—

- (1) The Board may, when so required,—
 - (a) carry out a survey of the existing consumption of and demand for water- supplies in the cantonment and of the water resources in or likely to be made available in the cantonment;
 - (b) prepare an estimate of the future water-supply requirements of the cantonment; and
 - (c) formulate proposals as to the existing or future water-supply requirements of the cantonment, including proposals for the manner in which water harvesting such as rainwater harvesting methods may be implemented in the cantonment.
- (2) If the Board is of the opinion that the works and other properties for the time being vested in the Board are inadequate for the purpose of sufficient supply of water, it may take steps in accordance with the provisions of this Act for the construction of additional works, whether

within the cantonment or outside the cantonment with the approval of the Principal Director and for the acquisition of additional properties for such works.

163. Control over public sources of water-supply.—

- (1) The Board may, with the previous sanction of the Central Government, by a public notice, declare any lake, stream, spring, well, tank, reservoir or other source, whether within or outside the limits of the cantonment, other than a source of water-supply under the control and in use of the Military Engineer Services or the Public Works Department or any local authority or a private agency, from which water is or may be made available for the use of the public in the cantonment to be source of public water-supply.
- (2) Every such source shall be under the control of the Board and it shall be the duty of the Board to preserve and maintain such source.

164. Power to require maintenance of private sources of public drinking water-supply.—

The Chief Executive Officer may, by a notice in writing, require the owner or any person having the control of any source of public water-supply which is used for drinking purposes—

- (a) to keep the same in good order and to clear it from time to time of silt, refuse and decaying vegetation;
- (b) to protect the same from contamination in such manner as the Chief Executive Officer may direct; or
- (c) if the water therein is proved to the satisfaction of the Chief Executive Officer to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the public from having access to or using such water:

Provided that, in the case of a well, such person as aforesaid may, instead of complying with the notice, signify in writing his desire to be relieved of all responsibility for the proper maintenance of the well and his readiness to place it under the control and supervision of the Board for the use of the public and if he does so, he shall not be bound to carry out the requisition and the Board shall undertake the control and supervision of the well.

165. Supply of water.—

- (1) Subject to the guidelines made by the Board in this regard, the Chief Executive Officer may permit the owner, lessee or occupier of any building or land to connect the building or land

with a source of public water-supply by means of communication pipes of such size and description as may be specified for the purpose of obtaining water for domestic use.

- (2) The occupier of every building so connected with the water-supply shall be entitled to have for domestic use, in return for the water tax, if any, such quantity of water as the Chief Executive Officer may determine.
- (3) All water supplied in excess of the quantity to which such supply is limited under sub-section (2) and, in a cantonment in which a water tax is not imposed, all water supplied under this section, shall be paid for at such rate as the Board may fix keeping in view its financial viability.
- (4) The supply of water for domestic use shall not be deemed to include any supply for—
 - (a) animals or for washing vehicles where such animals or vehicle are kept for sale or hire;
 - (b) any trade, manufacture or business;
 - (c) fountains, swimming baths or any ornamental or mechanical purpose;
 - (d) gardens or for purposes of irrigation;
 - (e) making or watering roads or paths; or
 - (f) building purposes.

166. Power to require supply of water to be taken.—

- (1) Where it appears to the Chief Executive Officer that any dwelling house in the cantonment is without supply of water for domestic consumption and that such a supply can be given from mains which is not more than one hundred feet distance from any part of such dwelling house, the Chief Executive Officer may, by a notice in writing, require the owner to obtain supply and to execute all such works as may be necessary for this purpose.
- (2) Notwithstanding anything contained in sub-section (1), if it appears to the Chief Executive Officer that any building or land in the cantonment is without a proper supply of potable water, the Chief Executive Officer may, by a notice in writing, require the owner, lessee or occupier of the building or land to obtain from a source of public water-supply such quantity of water as is adequate to the requirements of the persons usually occupying or employed upon the building or land, and to provide communication pipes of the prescribed size and description, and to take all necessary steps for the above purposes.
- (3) It shall not be lawful for the owner of any premises which may be constructed or reconstructed, to occupy it or cause or permit it to be occupied until he has obtained a certificate from the Chief Executive Officer that there is provided within, or within a reasonable distance of the house, supply of wholesome water as appears to the Chief Executive Officer to be sufficient for domestic consumption and use of the inmates of the house.

167. Supply of water under agreement.—

- (1) Subject to the guidelines made by the Board in this regard, the Chief Executive Officer may, by an agreement, supply from any source of public water-supply, to the owner, lessee or occupier of any building or land in the cantonment with any water for any purpose, other than a domestic purpose, on such terms and conditions consistent with this Act, rules, regulations and bye-laws made thereunder, as may be agreed upon between the Chief Executive Officer and such owner, lessee or occupier.
- (2) The Chief Executive Officer may withdraw such supply or curtail the quantity thereof at any time if it should appear necessary to do so for the purpose of maintaining sufficient supply of water for domestic use by inhabitants of the cantonment.

168. Conditions for supply of water.—

Notwithstanding anything herein before contained or contained in any agreement under section 167, the supply of water by a Board to any building or land shall be, and shall be deemed to have been, granted subject to the following conditions, namely:—

- (a) the owner, lessee or occupier of any building or land in or on which water supplied by the Board is wasted by reason of the pipes, drains or other works being out of repair shall, if he has knowledge thereof, give notice of the same to such officer as the Chief Executive Officer may appoint in this behalf;
- (b) the Chief Executive Officer or any other officer or employee of the Board authorised by him in writing in this behalf may enter into or on any premises supplied with water by the Board for the purpose of examining all pipes, taps, works and fittings connected with the supply of water and of ascertaining whether there is any waste or misuse of such water;
- (c) the Chief Executive Officer may, after giving a notice in writing, cut off the connection between any source of public water-supply and any building or land to which water is supplied for any purpose therefrom or turn off such supply if—
 - (i) the owner or occupier of the building or land neglects to pay the water tax or water rate or other charges connected with the water-supply within one month from the date on which such tax or rate or charge falls due for payment; or
 - (ii) the occupier refuses to admit the Chief Executive Officer or other authorised officer or employee of the Board into the building or land for the purpose of making any examination or inquiry authorised by clause (b) or prevents the making of such examination or inquiry; or
 - (iii) the occupier wilfully or negligently misuses or causes wastage of water; or
 - (iv) the occupier wilfully or negligently injures or damages his meter or any pipe or tap conveying water from the water-works; or

- (v) any pipes, taps, works or fittings connected with the supply of water to the building or land are found on examination by any officer or employee of the Board authorised by the Chief Executive Officer in writing in this behalf to be out of repair to such an extent as to cause waste of water;
- (d) the expense of cutting off the connection or of turning off the water in any case referred to in clause (c) shall be paid by the owner or occupier of the building or land; and
- (e) no action taken under or in pursuance of clause (c) shall relieve any person from any penalty or liability which he may otherwise have incurred.

169. Penalty for misuse of water.—

Whoever—

- (a) uses for, other than domestic purposes, any water supplied by a Board for domestic use; or
- (b) where water is supplied by agreement with a Board for a specified purpose, uses that water for any other purposes,

shall be punishable with fine which may extend to two thousand five hundred rupees and in addition, the Board shall be entitled to recover from him the cost of the water misused.

170. Board not liable for failure of supply.—

Notwithstanding any obligation imposed on Boards under this Act, a Board shall not be liable to any forfeiture, penalty or damages for failure to supply water or for curtailing the quantity thereof if the failure or curtailment, as the case may be, arises from accident or from drought or other unavoidable cause unless, in the case of an agreement for the supply of water under section 167, the Board has made express provision for forfeiture, penalty or damages in the event of such failure or curtailment.

171. Supply of water to persons outside cantonment.—

A Board may allow any person not residing within the limits of the cantonment to take or be supplied with water for any purpose from any source of public water-supply on such terms as it may prescribe and may, at any time, withdraw or curtail such supply.

Application of this Chapter to Government and other sources of water-supply

172. Government and other sources of water-supply.—

- (1) Where, in any cantonment, there is a water-supply (other than a public water-supply under the control of the Board) under the control of the Military Engineer Services or the Public Works Department or any local authority or a private agency, the officer or person of the Military Engineer Services or the Public Works Department or the local authority or the private agency, as the case maybe, in charge of such water-supply may publish in the cantonment in such manner as he thinks fit a notice declaring any lake, stream, spring, well, tank, reservoir or other source, whether within or outside the limits of the cantonment other than a source of public water-supply and such officer or person may, for the purpose of keeping any such source in good order or of protecting it from contamination or from use, require the Board to exercise any power conferred upon it by section 164.
- (2) In the case of any water-supply such as is referred to in sub-section (1), the following provisions of this Chapter, namely, the provisions of sections 165, 167, 168, 169, 170, 198, 199, 200, 201, 202, and 203 shall, as far as may be, be applicable in respect of the supply of water to the cantonment and for the purpose of such application, references to the Board shall be construed as references to the officer or person referred to in sub-section (1) and references to the Chief Executive Officer or other officer or employee of the Board shall be construed as references to any other person as may be authorised in this behalf by the said officer or person.
- (3) The provisions of section 167 shall be applicable in respect of the supply of water by agreement to the Board by the officer or person referred to in sub-section (1) for use for 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.
- (4) In any case in which the provisions of this section apply and in which the Board is not receiving a bulk supply of water under section 173, the water-tax, if any, imposed in the cantonment and all other rates arising out of the supply of water which may be imposed under the provisions of this Chapter as applied by this section shall be recovered by the Board and all monies so recovered or such proportion thereof as the Central Government may in each case determine, shall be paid by the Board to the officer or person referred to in sub-section (1).

173. Supply of water from Government and other sources of water-supply to the Board.—

- (1) Where, in any cantonment, there is a water-supply such as is referred to in sub-section (1) of section 172, the Board may, and so long as the Board is unable to provide a water-supply of its own, receive from the Military Engineer Services or the Public Works Department or any local

authority or a private agency, as the case may be, at such point or points as may be agreed upon between the Board and the Military Engineer Services or Public Works Department or the local authority or the private agency, as the case may be, a supply of water adequate to the requirements for the domestic use of all persons in the cantonment, other than entitled consumers.

- (2) Any supply of water received under sub-section (1) shall be a bulk supply and the Board shall make such payments to the Military Engineer Services or Public Works Department or the local authority or the private agency, as the case may be, for all water so received as may be agreed upon between the Board and the Military Engineer Services or Public Works Department or the local authority or the private agency, as the case may be, or in default of such agreement, as may be determined by the Central Government to be reasonable having regard to the actual cost of supplying the water in the cantonment and the rate charge 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 Military Engineer Services or Public Works Department or the local authority or the private agency, as the case may be, 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 Military Engineer Services or Public Works Department or the local authority or the private agency, as the case may be, regarding the rate and amount of water adequate for the requirements of persons in the cantonment other than entitled consumers, the disputes shall be referred to the Central Government, whose decision shall be final.

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

Where under the provisions of sub-section (1) of section 173 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.

Drainage and sewage

175. Special provisions concerning drainage and sewage.—

- (1) All public drains, all drains in, alongside or under any public street, except those vesting in the Military Engineer Services or any department of the Central Government or a State Government or any autonomous body under the Central Government or a State Government and all sewage collection works, whether constructed out of the cantonment fund or otherwise, and all works, material and things appertaining thereto, which are situated in the cantonment shall vest in the Board.
- (2) All public and other drains, which are vested in the Board are hereafter in this Act referred to as cantonment drains.
- (3) For the purposes of enlarging, deepening or otherwise repairing or maintaining any such drain or sewage collection work so much of the sub-soil appertaining thereto as may be necessary for the said purpose shall be deemed also to vest in the Board.
- (4) All drains and ventilation shafts, pipes and all appliances and fittings connected with drainage works constructed, erected or set up out of the cantonment fund in or upon premises not belonging to the Board whether—
 - (a) before or after the commencement of this Act; and
 - (b) for the use of the owner or occupier of such premises or not, shall unless the Board has otherwise determined, or does at any time otherwise determine, vest and be deemed always to have vested in the Board.

176. Construction of and control of drains and sewage collection and disposal works.—

- (1) All cantonment drains, all sewage collection, and all works, materials and things appertaining thereto shall be under the control of the Board.
- (2) The Chief Executive Officer shall maintain and keep in repair all cantonment drains, and sewage collection and sewage disposal works when authorised by the Board.
- (3) The Board shall construct as many new drains, and sewage collection and sewage disposal works as may, from time to time, be necessary for effectual drainage and sewage collection.

177. Certain matters not to be passed into cantonments drains.—

No person shall throw, empty or turn into any cantonment drain or into any drain communicating with a cantonment drain—

- (a) any matter likely to injure the drain or to interfere with the free flow of its contents or to affect prejudicially the treatment and disposal of its contents; or
- (b) any chemical, refuse or waste stream, or any liquid of a temperature higher than forty-five degrees centigrade, being refuse or stream which, or liquid which when so heated is, either alone or in combination with the contents of the drain be dangerous, or the cause of a nuisance, or prejudicial to health; or
- (c) any petroleum which may be considered dangerous in nature under the provisions of any law for the time being in force.

178. Application by owners and occupiers to drain into cantonment drains.—

- (1) Subject to such conditions as may be prescribed by bye-laws made in this behalf, the owner or occupier of any premises having a private drain or the owner of any private drain within a cantonment may apply to the Chief Executive Officer to have his drain made to communicate with the cantonment drains and thereby to discharge foul water and surface water from those premises or that private drain:

Provided that nothing in this sub-section shall entitle any person—

- (a) to discharge directly or indirectly into any cantonment drain—
 - (i) any trade effluent from any trade premises except in accordance with bye-laws made in this behalf; or
 - (ii) any liquid or other matter the discharge of which into cantonment drains is prohibited by or under this Act or any other law for the time being in force; or
- (b) where separate cantonment drains are provided for foul water and for surface water to discharge directly or indirectly—
 - (i) foul water into a drain provided for the surface water; or
 - (ii) except with the permission of the Chief Executive Officer, surface water into a drain provided for foul water; or
 - (iii) to have his drains made to communicate directly with a storm-water overflow drain.
- (2) Any person desirous of availing himself of the provisions of sub-section (1) shall give to the Chief Executive Officer notice of his proposals and at any time within one month after receipt thereof, the Chief Executive Officer may by notice to him refuse to permit the communication to be made, if it appears to him that the mode of construction or condition of the drain is such that the making of the communication would be prejudicial to the drainage system, and for the purpose of examining the mode of construction and condition of the drain, he may, if necessary, require it to be laid open for inspection.
- (3) The Chief Executive Officer may, if he thinks fit, construct such parts of the work necessary for having a private drain made to communicate with a cantonment drain, as is in or under a

public street and in such a case, the expenses incurred by the Chief Executive Officer shall be paid by the owner or occupier of the premises, or as the case may be, the owner of the private drain and shall be recoverable from the owner or occupier as an arrears of tax under this Act.

179. Drainage of undrained premises.—

- (1) Where any premises is, in the opinion of the Chief Executive Officer, without sufficient means of effectual drainage and a cantonment drain or some place approved by the Chief Executive Officer for the discharge of filth and other polluted and obnoxious matter is situated at a distance of not exceeding thirty metres from any part of the said premises, he may, by a written notice, require the owner of the said premises—
 - (a) to make a drain emptying into such cantonment drain or place;
 - (b) to provide and set up all such appliances and fittings as may appear to the Chief Executive Officer necessary for the purposes of gathering and receiving the filth and other polluted and obnoxious matter from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith;
 - (c) to remove any existing drain or other appliance or thing used or intended to be used for drainage which is injurious to health;
 - (d) to provide a closed drain in substitution of an open drain or to provide such other appliance or thing either newly or in substitution of any existing appliance or thing or to provide both a closed drain and such other appliance or thing in substitution of the existing open drain and other appliance or thing, which is or is likely to be injurious to health;
 - (e) to provide and set up all such appliances and fitting as may appear to the Chief Executive Officer to be necessary for the purpose of gathering and receiving the waste water from floors and galleries of buildings when they are washed, and conveying the same through spouts, by down-take pipes so as to prevent such waste water from discharging directly on streets or inside any lower portion of the premises; or
 - (f) to carry out any work to improve or remodel an existing drain which is inadequate, insufficient or faulty.
- (2) Where in any case not provided for in sub-section (1) any premises is, in the opinion of the Chief Executive Officer, without sufficient means of effectual drainage, he may, by a written notice, require the owner of the premises—
 - (a) to construct a drain up to a point to be prescribed in such notice but not at a distance of more than thirty meters from any part of the premises; or

- (b) to construct a closed cesspool or soakage pit, and drain or drains emptying into such cesspool or soakage pit.
- (3) Any requisition for the construction of any drain under sub-section (2) may contain any of the details specified in sub-section (1).

180. New premises not to be erected without drains.—

- (1) It shall not be lawful to erect or to re-erect any premises in a cantonment or to occupy any such premises unless—
 - (a) a drain be constructed of such size, materials and description, at such level and with such fall as shall appear to the Chief Executive Officer to be necessary for the effectual drainage of such premises; and
 - (b) there have been provided and set up on such premises such appliances and fittings as may appear to the Chief Executive Officer to be necessary for the purposes of gathering or receiving the filth and other polluted and obnoxious matter from, and conveying the same off the said premises and of effectually flushing the drain of the said premises and every fixture connected therewith.
- (2) The drain so constructed shall empty into a cantonment drain situated at a distance of not exceeding thirty meters from the premises;

Provided that if no cantonment drain is situated within that distance then such drain shall empty into a cesspool situated within that distance to be specified by the Chief Executive Officer for the purpose.

181. Drainage of group or block of premises by combined operations.—

- (3) If it appears to the Chief Executive Officer that any group or block of premises may be drained more economically or advantageously in combination than separately, and a cantonment drain of sufficient size already exists or is about to be constructed within thirty metres of any part of that group or block of premises, the Chief Executive Officer may cause that group or block of premises to be drained by a combined operation.
- (4) The expenses incurred in carrying out any work under sub-section (1) in respect of any group or block of premises shall be paid by the owners of such premises in such proportions as the Chief Executive Officer may determine and shall be recoverable from them as an arrears of tax under this Act.

- (5) Not less than fifteen days before any such work is commenced, the Chief Executive Officer shall give to each such owner—
 - (a) written notice of the nature of the proposed work; and
 - (b) an estimate of the expenses to be incurred in respect thereof and of the proportion of such expenses payable by him.
- (6) The Chief Executive Officer may require the owners of such groups or block of premises to maintain the work executed under this section.

182. Close or limit the use of private drains in certain cases.—

Where a drain connecting any premises with a cantonment drain is sufficient for the effectual drainage of such premises and is otherwise unobjectionable but is not, in the opinion of the Chief Executive Officer, adapted to the general system of drainage in the cantonment, he may, by a written notice addressed to the owner of the premises, direct—

- (a) that such drain be closed, discontinued or destroyed and that any work necessary for that purpose be done;
- (b) that such drain shall, from such date as may be specified in the notice in this behalf, be used for filth and polluted water only or for rain water and unpolluted sub-soil water only:

Provided that—

- (i) no drain may be closed, discontinued or destroyed by the Chief Executive Officer under clause (a) except on condition of his providing another drain equally effectual for the drainage of the premises and communicating with any cantonment drain which he thinks fit; and
- (ii) the expenses of the construction of any drain so provided by the Board and of any work done under clause (a) may be paid out of the cantonment fund.

183. Use of drain by a person other than the owner.—

- (1) Where the Chief Executive Officer, either on receipt of an application from the owner of any premises or otherwise, is of the opinion that the only or the most convenient means of effectual drainage of the premises into a cantonment drain is through a drain belonging to another person, the Chief Executive Officer may, by a notice in writing, require the owner of such drain to show cause within a period specified in the notice as to why an order under this section should not be made.
- (2) Where no cause is shown within the specified period or the cause shown appears to the Chief Executive Officer invalid or insufficient, the Chief Executive Officer may by an order in writing, either authorise the owner of the premises to use the drain or declare him to be a joint owner

thereof.

- (3) An order made under sub-section (2) may contain directions as to all or any of the following—
 - (a) the payment of rent or compensation by the owner of the premises;
 - (b) the construction of a drain for the premises for the purpose of connecting it with the aforesaid drain;
 - (c) the entry upon the land in which the aforesaid drain is situated with assistants and workmen at all reasonable hours;
 - (d) the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the aforesaid drain.

184. Sewage and rainwater drains to be distinct. —

Wherever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the Chief Executive Officer to require that there shall be one drain for filth and polluted water and an entirely distinct drain for rain water and unpolluted sub-soil water or both rain water and unpolluted sub-soil water, each emptying into separate cantonment drains or other suitable places.

185. Owner to carry out certain works for satisfactory drainage.—

- (1) The Chief Executive Officer may, by a notice in writing, require the owner or lessee of any building or land in any street, at his own expense and in such manner as he thinks fit, to put up and keep in good condition, proper troughs and pipes for receiving and carrying rainwater from the building or land and for discharging the same or to establish and maintain any other connection or communication between such buildings or land and a drain or sewer or a water-harvesting structure or facility.
- (2) For the purpose of efficiently draining any building or land in the cantonment, the Chief Executive Officer may, by notice in writing, require the owner or lessee of the building or land—
 - (a) to pave with such materials and in such manner as he thinks fit, any courtyard, alley or passage between two or more buildings;
 - (b) to keep any such paving in proper repair; or
 - (c) to make such arrangements as may be specified by the Board under bye-laws to deliver rainwater from rooftop to the water harvesting facility created or arranged by the Board.

186. Appointment of places for the emptying of drains and collection of sewage. —

The Chief Executive Officer may cause any or all of the cantonment drains to empty into, and all sewage to be collected at, such place or places as he considers suitable:

Provided that no place which has not been, before the commencement of this Act, used for any of the purposes specified in this section shall, after such commencement, be used therefor without the approval of the Board:

Provided further that on and after such date as may be appointed by the Central Government in this behalf, no sewage shall be discharged into any water course until it has been so treated so as not to affect prejudicially the purity and quality of the water into which it is discharged.

187. Affixing shafts, etc., for ventilation of drain or cesspool. —

For the purpose of ventilating any drain or cesspool, whether vested in the Board or not, the Chief Executive Officer may, in accordance with bye-laws made in this behalf, erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as may appear to him to be necessary.

188. Examining and testing of drains, etc., believed to be defective.—

(1) Where it appears to the Chief Executive Officer that there are reasonable grounds for believing that a private drain or cesspool is in such condition as to be prejudicial to health, or is a nuisance, or that a private drain communicating directly or indirectly with a cantonment drain is so defective as to admit sub-soil water, he may examine its condition and for that purpose may apply any test, other than a test by water under pressure, and if he deems it necessary, open the ground.

(2) If on examination the drain or cesspool is found to be in proper condition, the Chief Executive Officer shall, as soon as possible, reinstate any ground which has been opened by him and make good any damage done by him.

189. Specific obligations of the Board towards sewage collection and treatment.-

(1) The Board may, when so required, carry out a survey of the existing quantity of sewage collection, and formulate proposals as to the existing or future sewage collection requirement in a cantonment, including proposals for the manner in which and the place or places at which sewage should be carried, collected and treated.

- (2) If the Board is of the opinion that the works and other properties for the time being vested in the Board are inadequate for the purpose of efficient collection and treatment of sewage under this Act, it may take steps in accordance with the provisions of this Act for the construction of additional works, whether within the cantonment or outside the cantonment with the approval of the Principal Director and for the acquisition of additional properties for such works.
- (3) The Board shall ensure that all sewage effluents are treated in accordance with all applicable laws, rules, policies and norms relating to pollution before it is dispersed into a river, stream, lake or open land.

190. **Bulk delivery of sewage by the Board.—**

- (1) The Board shall deliver in bulk all the sewage to the authority prescribed by the Central Government or the State Government, subject to such charges for the delivery of sewage of the area of cantonment as may be determined by means of an agreement entered into between that other authority and the Board.
- (2) The agreement mentioned in sub-section (1) shall also provide for a stipulation therein that in case of any dispute about the payments to be made to that other authority by the Board, the matter shall be referred to the Central Government whose decision thereon shall be final and binding on both parties.

Other provisions relating to water-supply, drainage and sewage collection

191. **Buildings, railways and private streets not to be erected or constructed over drains or water-works without permission.—**

- (1) No railway works shall be constructed on any cantonment drain or any water-works constructed or maintained by or vested in the Board without the written permission of the Central Government.
- (2) No private street shall be constructed and no building, wall, fence or other structure shall be erected on any cantonment drain or on any water-works constructed or maintained by or vested in the Board without the written permission of the Board.
- (3) If any railway works, or private street, or any building, wall, fence or structure, is constructed or erected on any drain or water-works in contravention of sub-sections (1) and (2), as may be applicable, then the Chief Executive Officer may remove or otherwise deal with the same as he thinks fit.

- (4) The expenses incurred by the Chief Executive Officer under this section shall be paid by the owner of the private street or of the building, fence wall or other structure or, as the case may be, by the railway administration or the person offending and shall be recoverable as an arrears of tax under this Act.

192. Rights of user of property for aqueducts, lines, etc.—

- (1) The Chief Executive Officer may place and maintain aqueducts, conduits and lines of mains or pipes or drains over, under, along or across any immovable property whether within or outside the local limits of the cantonment without acquiring the same and may at any time for the purpose of examining, repairing, altering or removing any aqueducts, conduits or lines of mains or pipes or drains, enter on any property over, under, along or across which the aqueducts, conduits or lines of mains or pipes, or drains have been placed:

Provided that the Board shall not acquire any right other than a right of user in the property over, under, along or across which any aqueduct, conduit or line of mains or pipes, or drain is placed.

- (2) The power conferred under sub-section (1) shall not be exercisable in respect of any property vested in the Central Government or under the control or management of the Central Government or railway administration or vested in any local authority save with the permission of the Central Government or railway administration or the local authority, as the case may be, and in accordance with any bye-laws made in this behalf:

Provided that the Chief Executive Officer may, without such permission, repair, renew, or amend any existing works of which the character or position is not to be altered if such repair, renewal or amendment is urgently necessary in order to maintain without interruption the supply of water, drainage or collection of sewage or is such that delay would be dangerous to health, human life or property.

- (3) In exercise of the powers conferred upon him by this section, the Chief Executive Officer shall cause as little damage and inconvenience as may be possible and shall make full compensation for any damage or inconvenience caused by him.

193. Railway level to be raised or lowered.—

If the Board places or carries any pipe or drain or does any other work connected with the water supply or drainage across any railway line, it may, with the sanction of the Central Government and at the cost of the cantonment fund, require the railway administration to raise or lower the level thereof.

194. **Owner of premises to place pipes and drains through land belonging to other persons. —**

- (1) If it appears to the Chief Executive Officer that the only or the most convenient means of water supply to, and drainage of, any premises is by placing or carrying any pipe or drains over, under, along or across the immovable property of another person, the Chief Executive Officer may, by order in writing, authorise the owner of the premises to place or carry such pipe or drain over, under, along or across such immovable property:

Provided that before making any such order, the Chief Executive Officer shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be prescribed by bye-laws made in this behalf as to why the order should not be made:

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such pipe or drain is placed or carried.

- (2) Upon the making of an order under sub-section (1), the owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of placing a pipe or drain over, under, along or across such immovable property or for the purpose of repairing the same.

- (3) In placing or carrying a pipe or drain under this section, as little damage as possible shall be done to the immovable property and the owner of the premises shall—

- (a) cause the pipe or drain to be placed or carried with the least practicable delay;
- (b) fill in, reinstate and make good at his own cost and with the least practicable delay, any land opened, broken up or removed for the purpose of placing or carrying such pipe or drain; and
- (c) pay compensation to the owner of the immovable property and to any other person who sustains damage by reason of the placing or carrying of such pipe or drain.

- (4) If the owner of the immovable property, over, under, along or across which a pipe or drain has been placed or carried under this section whilst such immovable property was not built upon, desires to erect any building on such property, the Chief Executive Officer, shall, by notice in writing, require the owner of the premises to close, remove or divert the pipe or drain in such manner as shall be approved by him and to fill in, reinstate and make good the immovable property as if the pipe or drain had not been placed or carried over, under, along or across the same:

Provided that no such requisition shall be made unless in the opinion of the Chief Executive Officer it is necessary or expedient for the construction of proposed building or the safe enjoyment thereof that the pipe or drain should be closed, removed or diverted.

Miscellaneous

195. Power to execute work after giving notice to the person liable.—

- (1) When under the provisions of this Chapter, any person may be required or is liable to execute any work, the Chief Executive Officer may, in accordance with the provisions of this Act and of any bye-laws made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by him for this purpose.
- (2) The expenses incurred or likely to be incurred by the Chief Executive Officer in the execution of any such work shall be payable by the said person and the expenses incurred by the Chief Executive Officer in connection with the maintenance of such work or the enjoyment of amenities and conveniences rendered possible by such work shall be payable by the person or persons enjoying such amenities and conveniences.
- (3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable there for as an arrears of tax under this Act.

196. Employment of Government agencies for repair, etc.—

The Central Government may, for reasons to be recorded, direct that any specified work, repair, renewal or replacement which is to be undertaken by or for the Board under this Chapter, shall be carried out on behalf of the Board by the Central Government and the Board shall pay the charges thereof at the rates and subject to the terms for the time being applicable in the case of works constructed by that Government on behalf of a local authority.

197. Works to be done by licensed plumber.—

- (1) No person other than a licensed plumber shall execute any work described in this Chapter and no person shall permit any such work to be executed except by a licensed plumber:

Provided that if in the opinion of the Chief Executive Officer, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

- (2) Every person who employs a licensed plumber to execute any work shall, when so required, furnish to the Chief Executive Officer the name of such plumber.

- (3) When any work is executed except in accordance with the provisions of sub-section (1), such work shall be liable to be dismantled at the discretion of the Chief Executive Officer, without prejudice to the right of the Board to prosecute under this Act, the person at whose instance such work has been executed.
- (4) The Board may make bye-laws for the guidance of licensed plumbers and a copy of all such bye-laws shall be attached to every licence granted to a plumber by the Board.
- (5) The Board may, from time to time, prescribe the charges to be paid to licensed plumber for any work done by them under or for any of the purposes of this Chapter.
- (6) No licensed plumber shall, for any work referred to in sub-section (5), demand or receive more than the charges prescribed therefor under that sub-section.
- (7) The Board shall make bye-laws providing for—
 - (a) the exercise of adequate control on all licensed plumbers;
 - (b) the inspection of all works carried out by them; and
 - (c) the hearing and disposal of complaints made by the owners or occupiers of premises with regard to the quality of work done, material used, delay in execution of work and the changes made by a licensed plumber.
- (8) No licensed plumber shall contravene any of the bye-laws made under this section or execute carelessly or negligently any work under this Act or make use of bad materials, appliances or fittings.
- (9) If any licensed plumber contravenes sub-section (8), his licence may be suspended or cancelled whether he is prosecuted under this Act or not.

198. Power of Board to lay connections.—

A Board may carry any cable, wire, pipe, drain, sewer or channel of any kind—

- (a) for the purpose of carrying out, establishing or maintaining any system of water-supply, lighting, drainage, or sewerage, through, across, under or over any road or street or any place laid out or intended as a road or street or, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or up side of any building, situated within the cantonment; or
- (b) for the purpose of supplying water or for the introduction or distribution of outflow of water or for the removal or outflow of sewage, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or up side of any building, situated outside the cantonment and may, at all times, do all acts and things which may be necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain,

sewer or channel in an effective state for the purpose for which the same may be used or is intended to be used:

Provided that no nuisance shall be caused in excess of what is reasonably necessary for the proper execution of the work:

Provided further that compensation shall be payable to the owner or occupier for any damage sustained by him which is directly occasioned by the carrying out of any such operation.

199. Connections laid above ground surface.—

In the event of any cable, wire, pipe, drain, sewer or channel being laid or carried above the surface of any land or through, over or up side of any building, such cable, wire, pipe, drain, sewer or channel shall be so laid or carried as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building, and compensation shall be payable by the Board in respect of any substantial interference with the right to any such enjoyment.

200. Connections not to be made without permission.—

No person shall, for any purpose whatsoever, at any time, make or cause to be made any connection or communication with any cable, wire, pipe, drain including any cantonment drain, water-works, sewer or channel constructed or maintained by, or vested in, a Board, without the permission of such Board.

201. Power to prescribe ferrules and to establish meters.—

The Chief Executive Officer may prescribe the size of the ferrules to be used for the supply of gas, if any, and may establish meters or other appliances for the purpose of measuring the quantity of any water or gas, or testing the quality thereof, supplied to any premises by the Board.

202. Power to inspect ferrules, connections, etc.—

The ferrules, communication pipes, connections, meters, stand pipes and all fittings thereon or connected therewith leading from mains or from pipes, drains, sewers or channels into any house or land, to which water or gas is supplied by a Board, and the pipes, fittings and works inside any such house or within the limits of any such land, shall in all cases be installed or executed subject to the inspection and to the satisfaction of the Chief Executive Officer.

203. Power of Board to fix rates and charges.—

A Board may fix the charges to be paid for the establishment by them or through their agency, or for communications from, and connections with, mains or pipes for the supply of water or gas, or for meters or other appliances for measuring the quantity, or testing the quantity thereof supplied, and may levy such charges accordingly.

204. Prohibition of certain acts.—

- (1) No person shall—
- (a) wilfully obstruct any person acting under the authority of the Board, or the Chief Executive Officer, in setting out the lines of any works or pull up or remove any pillar, post or stake fixed in the ground for the purpose of setting out lines of such work, or deface or destroy any works made for the same purpose; or
 - (b) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, meter or other work or apparatus belonging to the Board; or
 - (c) unlawfully obstruct the flow of or flush, draw off, or divert, or take water from any water-work belonging to the Board; or
 - (d) unlawfully obstruct the flow of or flush, draw off, or divert, or take sewage from any sewage work belonging to the Board or break or damage any electrical transmission line maintained by the Board; or
 - (e) obstruct any officer or other employee of the Board in the discharge of his duties under this Chapter or refuse or wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any water-work or sewage work; or
 - (f) bathe in, at or upon any water-work or wash or throw or cause to enter therein any animal, or throw any rubbish, dirt or filth into any water-work or wash or clean therein any cloth or wool or any other material, or cause the water of any sink, or drain or any steam-engine or boiler or any polluted water to turn or be brought into any water-work, or do any other act whereby the water in any water-work is fouled or likely to be fouled.
- (2) Nothing in clause (b) of sub-section (1) shall apply to a consumer closing the stopcock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

CHAPTER X - TOWN PLANNING AND CONTROL OVER BUILDINGS

Land use plan

205. Preparation of land use plan.—

- (1) On the commencement of this Act, the Chief Executive Officer shall, with the approval of the Board, cause to be prepared a spatial plan for land use within the cantonment.
- (2) The spatial plan for land use referred to in sub-section (1) may include-
 - (a) earmarked zones for:--
 - (i) streets or roads;
 - (ii) transportation lines;
 - (iii) residential areas;
 - (iv) institutional areas;
 - (v) commercial areas;
 - (vi) educational institutions;
 - (vii) public parks, playgrounds and other recreational spaces; and
 - (viii) Central Government or State Government buildings.
 - (b) Any other place, zone, area or building in the cantonment, not covered under clause (a), that has been:--
 - (i) put to any specified use;
 - (ii) earmarked for any specified use; or
 - (iii) proposed to be used for any of the purposes set out under this Act.
 - (c) Improvement schemes for any place, zone, area or building in the cantonment that are considered substandard or unfit for human occupation or habitation on account of:--
 - (i) narrowness or bad arrangement of streets;
 - (ii) insufficient light or air for the want of proper lighting or ventilation;
 - (iii) irregular line of buildings in a street;
 - (iv) disrepair of buildings; or
 - (v) sanitary defects giving rise to hazardous living or working conditions.
- (3) Notwithstanding anything contained in sub-section (1), nothing shall prevent the Chief Executive Officer, with the approval of the Board, from preparing a spatial plan depicting the zones, places, areas, buildings or improvement schemes set out in sub-section (2) for any future use of land within the cantonment.
- (4) The Board shall give publicity to the land use plan prepared under this section, by publishing a summary of the plan in a local newspaper or on its website.

Sanction for erection of buildings

206. Sanction for building.—

- (1) No person shall erect or re-erect a building on any land in a cantonment—
 - (d) in an area, other than the civil area, except with the previous sanction of the Board;
 - (e) in a civil area, except with the previous sanction of the Chief Executive Officer.
- (2) Any building erected or re-erected under sub-section (1) shall be in accordance with the provisions of this Chapter and the rules, regulations and bye-laws made thereunder.
- (3) If any building erected or re-erected under this section is meant for public purpose, then it shall be made accessible to and barrier free for persons with disabilities in accordance with the Rights of Persons with Disabilities Act, 2016 (49 of 2016) and any other applicable law currently in force that governs matters relating to accessibility to public buildings for persons with disabilities.

207. Notice of new building.—

- (1) Whoever intends to erect or re-erect any building in a cantonment shall apply for sanction by giving notice in writing of his intention—
 - (a) where such erection or re-erection is in an area, other than the civil area, to the Board;
 - (b) where such erection or re-erection is in a civil area, to the Chief Executive Officer.

Provided that no notice shall be required where repairs or repair works are intended to be carried in a building in a cantonment.

- (2) For the purposes of this Act, a person shall be deemed to erect or re-erect a building who—
 - (a) makes any material alteration or enlargement of any building;
 - (b) converts into a place for human habitation any building not originally constructed for human habitation;
 - (c) converts into more than one place for human habitation a building originally constructed as one such place;
 - (d) converts two or more places of human habitation into a greater number of such places;
 - (e) converts into a stable or cattle-shed any building originally constructed for human habitation;
 - (f) converts into a dispensary, stall, shop, warehouse, godown, factory or garage any building originally constructed for human habitation;
 - (g) makes any alteration which there is reason to believe is likely to affect prejudicially the stability or safety of any building or the condition of any building in respect of drainage, sanitation or hygiene; or
 - (h) makes any alteration to any building which increases or diminishes the height of, or area covered by, or the cubic capacity of the building, or which reduces the cubic capacity of any room in the building below the minimum specified by any bye-law made under this Act.

(3) For the purpose of this Chapter:

(a) "repairs" or "repair works" shall mean the following:--

(i) Erection, re-erection, addition to, or alteration of--

- a. an internal partition wall which does not involve sub-division of property; or
- b. a parapet wall, cornice or a chajja within the boundaries of the permissible setbacks and ground coverage area of the site:

Provided that the total height of the parapet wall shall not be greater than the dimensions as may be specified by any bye-law.

(ii) Repairing of a staircase;

(iii) Whitewashing or painting;

(iv) Reflooring the surface of an existing floor;

(v) Minor repairs and recasting of an existing damaged roof without changing the character and dimension of such roof;

(vi) Erection of a false ceiling in any floor for air-conditioning, lighting or decorative purposes;

(vii) Plastering and patch-work;

(viii) Providing or closing an internal door, window or ventilator that does not open directly opposite a door or a window of another building;

(ix) Replacing fallen bricks or stones;

(x) Repairing or renewing plumbing, sanitary and other utility services;

(xi) Repairing boundary walls;

(xii) Installation of air-conditioners, water tanks, solar panels, solar-operated water heaters, or any other devices of a similar nature; or

(xiii) Any other activity that may be deemed to be in the nature of "repairs" or "repair works" as may be specified in bye-laws made in this regard.

(b) "material alteration" shall mean any work of substantial nature and which does not include any work that has been defined as "repairs" or "repair works" as under clause (a) above.

208. Conditions of valid notice.—

(1) A person giving notice under section 207 shall specify the purpose for which it is intended to use the building to which such notice relates.

(2) No notice shall be valid until the information required under sub-section (1) and any further information, plans and undertakings which may be required under the bye-laws made under this Act have been furnished to the satisfaction of the Chief Executive Officer or the Board, as the case may be, along with the notice.

209. Powers of Board under certain sections exercisable by Chief Executive Officer.—

The powers, duties and functions of the Board under section 210, section 211, section 212, sub-section (1) of section 215, and section 219 (excluding the provisos to sub-section (1) and the proviso to sub-section (2)) shall be exercised or discharged in a civil area by the Chief Executive Officer.

210. Power of Board to sanction or refuse erection of building.—

- (1) The Board may, in writing, either refuse to sanction the erection or re-erection, as the case may be, of a building, or may sanction absolutely or sanction with such directions as it thinks in accordance with the bye-laws specified in this regard.
- (2) The Board may refuse to sanction the erection or re-erection of a building on any or all of the following grounds, namely:--
 - (a) erection or re-erection of the building would, in the opinion of the Board, be detrimental to the stability, safety, ventilation or any other related aspect of construction of that particular building;
 - (b) erection or re-erection of the building is not in conformity with any general scheme sanctioned under section 216;
 - (c) when the land on which the building is proposed to be erected or re-erected is held on a lease from the Central Government and such erection or re-erection would constitute a breach of the terms of the lease;
 - (d) when the land on which the building is proposed to be erected or re-erected is not held on a lease from the Central Government and where the right to build on such land is in dispute between the person applying for sanction and the Central Government; or
 - (e) when the land on which the building is proposed to be erected or re-erected is entrusted to the management of the Board by the Central Government and such erection or re-erection would constitute a breach of the terms of the entrustment of management or contravene any of the instructions issued by the Central Government regarding management of the land by the Board.
- (3) If the Board refuses to sanction the erection or re-erection of a building under this section, then it shall communicate, in writing, the reasons for such refusal to the person by whom notice seeking sanction was given.
- (4) Where the Board neglects or omits, for one month, after receipt of a valid notice for erection or re-erection of a building, to make or to deliver to the person who has given such notice, an order of any nature specified in sub-section (1), then such person may send a written

communication to the Board calling attention to its neglect or omission in making or delivering an appropriate order in response to its notice.

Provided that in any case to which sub-section (6) applies, the period of one month shall be reckoned from the date on which the Board has received the report referred to in that sub-section.

- (5) Where, even upon receiving a written communication under sub-section (4), the Board continues to neglect or omit to make or deliver an order 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 of the building, as the case may be.
- (6) Where the Board has received a valid notice for erection or re-erection of a building on land which is under the management of the Defence Estates Officer:--
 - (a) it shall refer such notice to the Defence Estates Officer within seven days of receipt thereof in order to ascertain whether there is any objection on the part of the Central Government to such erection or re-erection; and
 - (b) the Defence Estates Officer shall return such notice together with his report thereon to the Board within thirty days of receipt of the notice by him.
- (7) The Central Government may, if required, make rules consistent with this Act to provide for the manner in which an application for permission to occupy land belonging to the Government in a cantonment is to be made and the conditions to be annexed to the grant of such permission.

211. Lapse of sanction.—

Every sanction for the erection or re-erection of a building given or deemed to have been given under section 210 shall be available for two years from the date on which it is given and if the building so sanctioned is not begun by the person who has obtained the sanction or someone lawfully claiming under him within that period, it shall not thereafter be begun unless the Board may, on an application made therefor, has allowed an extension of that period.

212. Period for completion of building.—

A Board, when sanctioning the erection or re-erection of a building under section 210, 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 provided under this Chapter, unless the Board on an application made therefor has allowed an extension of that period:

Provided that not more than two such extensions, each for not more than one year, shall be allowed in any case.

213. Notice of completion of building.—

Every person to whom sanction for the erection or re-erection of a building has been given under section 210 by the Board shall, within thirty days after completion of the erection or re-erection of the building, give a notice of completion in writing to the Board and the Board shall, on receipt of such notice, cause the building to be inspected either by the Chief Executive Officer or any officer authorised in this behalf in order to ensure that the building has been completed in accordance with the sanction given by it.

214. Completion certificate.—

- (1) Where, under section 213, the Chief Executive Officer or any officer authorised in this behalf is, upon inspection, satisfied that the building has been completed in accordance with the sanction given, then a completion certificate shall be issued by the Chief Executive Officer or such officer:

Provided that if the Chief Executive Officer or such officer fails, within a period of thirty days after the receipt of the notice under section 213, to communicate his refusal to issue such certificate, such certificate shall be deemed to have been granted.

- (2) A building shall not be occupied for habitation unless a completion certificate is issued under sub-section (1).
- (3) A person seeking a completion certificate under this section shall assist the Chief Executive Officer or any officer authorised in this behalf in inspection of the building.

215. Compensation in case of refusal for erection of building.—

- (1) No compensation shall be claimed by any person for any damage or loss which he may sustain as a consequence of the refusal of the Board to sanction the erection of any building or in respect of any direction issued by it under section 210:
- (2) The Board shall pay compensation to the owner of any building for any actual damage or loss sustained by him as a consequence of the prohibition of the re-erection of any building or of its requiring any land belonging to him to be added to the street:

Provided that the Board shall not be liable to pay any compensation in respect of the prohibition of the re-erection of any building which, for a period of three years or more immediately preceding such refusal, has not been in existence or has been unfit for human habitation.

216. Power to sanction general scheme for erection of buildings.-

The General Officer Commanding-in-Chief the Command, in consultation with the Principal Director, may sanction a general scheme of erection or re-erection of buildings within such limits as may be specified in the sanction for the prevention of overcrowding, or for purpose of sanitation, or in the interest of persons residing within those limits, or for any other purpose, and may, in pursuance of such scheme, impose restrictions on the erection or re-erection of buildings within those limits:

Provided that no such scheme shall be sanctioned by the General Officer Commanding-in-Chief, the Command, unless an opportunity has been given by a public notice published by the Chief Executive Officer requiring persons affected or likely to be affected by the proposed scheme to file their objections or suggestions in the manner specified in the notice within a period of thirty days of the publication of such notice and the Chief Executive Officer shall, after considering such objections and suggestions, if any, forward the same along with his recommendations to the Principal Director.

Other provisions relating to buildings

217. Order of stoppage of erection of building or works in certain cases and disposal of things removed.—

(1) Where the erection of any building or execution of any work has been commenced or is being carried on without or contrary to the sanction referred to in section 210 but has not been completed, or is in contravention of any direction subject to which such sanction has been accorded, or is in contravention of any provision of this Act, rules, regulations or bye-laws made thereunder, then the Chief Executive Officer may, in addition to any other action that may be taken under this Act, issue an order requiring the person at whose instance the building or the work has been commenced or is being carried on to stop the same forthwith.

(2) If an order made by the Chief Executive Officer under sub-section (1) directing any person to stop the erection of any building or execution of any work is not complied with, then the Chief Executive Officer may require any police officer to remove such person and all his assistants and workmen from the premises, or seize any construction material, tool, machinery, scaffolding or other things used in the erection of any building or execution of any work, within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

- (3) Any of the things seized or cause to be seized by the Chief Executive Officer under sub-section (2) shall be disposed of by him in a manner specified in sub-sections (6) and (7).
- (4) After the requisition under sub-section (2) has been complied with, the Chief Executive Officer may, if he thinks fit, depute by a written order a police officer, or an officer or an employee of the Board, to watch the premises in order to ensure that the erection of the building or the execution of work is not continued.
- (5) Where a police officer, or an officer or an employee of the Board, has been deputed under sub-section (4) to watch the premises, the cost of such deputation shall be paid by the person at whose instance such erection or execution is being continued or to whom notice under this section was given and shall be recoverable from such person as an arrear of tax under this Act.
- (6) Any of the things seized or cause to be seized by the Chief Executive Officer under this section shall, unless the owner thereof approaches to take back such things and pays to the Chief Executive Officer charges for removal and storage of such things, be disposed of by the Chief Executive Officer by a public auction or in such other manner as he thinks fit:

Provided that such things shall only be disposed of by the Chief Executive Officer on the expiry of fifteen days in case of non-perishable things and twenty-four hours in case of perishable things from the date and time of seizure.

- (7) The charges for removal, storage and sale of things sold under sub-section (6) shall be paid out of the proceeds of the sale thereof and the balance, if any, shall be paid to the owner of the things sold on a claim being made therefor within a period of one year from the date of sale and if no such claim is made within the said period, shall be credited to the cantonment fund.

218. Illegal erection and re-erection of building.—

Whoever begins, continues or completes the erection or re-erection of a building—

- (a) without having given a valid notice as required by section 207 and section 208, or before the building has been sanctioned or is deemed to have been sanctioned under section 210;
- (b) without complying with any direction made under section 210; or
- (c) when sanction has been refused, has ceased to be available, or has been suspended by the General Officer Commanding-in-Chief, the Command, under clause (b) of sub-section (1) of section 58,

then such person shall be punishable with fine which may extend to one lakh rupees and the cost of sealing the illegal construction and its demolition.

219. Power to stop erection or re-erection or to demolish building.—

- (1) A Board may, at any time, by a 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 where the Board considers such erection or re-erection an offence under section 218 and may, in any such case or in any other case in which the Board considers the erection or re-erection of a building an offence under section 218, within twelve months of the completion of such erection or re-erection in like manner, direct the alteration or demolition, as it thinks necessary, of the building or any part thereof so erected or re-erected:

Provided that the Board may, instead of requiring the alteration or demolition of any such building or part thereof, accept by way of composition such sum as it thinks reasonable:

Provided further that the Board shall not, without the previous concurrence of the General 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.

- (2) A Board shall, by a 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 where the order under section 210 sanctioning the erection or re-erection has been suspended by the General Officer Commanding-in-Chief, the Command, under clause (b) of sub-section (1) of section 58 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 General 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 as a consequence of the demolition or alteration of any building which has been erected or re-erected prior to the date on which the order of the General Officer Commanding-in-Chief, the Command, has been communicated to him.

220. **Power to seal unauthorised construction.—**

- (1) It shall be lawful for the Chief Executive Officer, at any time, before or after making an order of demolition under section 219 or of the stoppage of erection of any building or execution of any work, to make an order directing the sealing of such erection or work or of the premises in which such erection or work is being carried on or has been completed at the cost of the offender, in such manner as may be prescribed by rules for the purpose of carrying out the provisions of this Act or for preventing any dispute as to the nature and extent of such erection or work.

- (2) Where any erection or work, or any premises in which any erection or work is being carried on, has been sealed, the Chief Executive Officer may, for the purpose of demolishing such erection or work in accordance with the provisions of this Act, order such seal to be removed.
- (3) No person shall remove such seal except—
 - (a) under an order made by the Chief Executive Officer under sub-section (2); or
 - (b) under an order of an appellate authority in an appeal made under this section.
- (4) Any person who contravenes the provisions contained in sub-section (3) shall be punishable with imprisonment which may extend to six months or with fine which may extend to one lakh rupees, or with both.

221. Restrictions on use of building.—

- (1) No person shall, without the written permission of the Board or otherwise than in conformity with the conditions, if any, of such permission,—
 - (a) use or permit to be used for human habitation any part of a building not originally erected or authorised to be used for that purpose or not used for that purpose before any alteration has been made therein by any work executed in accordance with the provisions of this Act, rules, regulations and the bye-laws made thereunder;
 - (b) change or allow the change of the use of any land or building; or
 - (c) convert or allow the conversion of one kind of tenement into another kind.
- (2) Any person who contravenes the provisions of sub-section (1) shall be punishable with a fine which may extend to one lakh rupees and in the case of continuing contravention, with an additional fine of rupees ten thousand for every day during which the contravention continues after the date it comes to notice.

222. Prohibition of structures or fixtures which cause obstruction.—

- (1) No person shall, except with the written permission of the Chief Executive Officer, erect or set up any wall, fence, nail, post, step, booth or other structure, whether fixed or movable or whether of a permanent or temporary nature, or any fixture in or upon any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy any portion of such street, channel, drain, well or tank.
- (2) The Chief Executive Officer may, by a notice in writing, require the owner or occupier of any such building to alter or remove any such projection or encroachment as aforesaid:

Provided that in case of any projection or encroachment lawfully in existence at the commencement of this Act, the Chief Executive Officer shall make compensation for any damage caused by the removal or alteration.

- (3) The Chief Executive Officer may, by an order in writing, give permission to the owners or occupiers of buildings in any particular street to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement wall at such height from the level ground or street as may be specified in the order.

223. Power to make bye-laws in relation to this Chapter.—

A Board may make bye-laws prescribing—

- (a) the manner in which a notice of the intention to erect or re-erect a building in the cantonment shall be given to the Board or to the Chief Executive Officer, as the case may be, and the information and plans to be furnished with the notice;
- (b) the manner and form in which a notice of completion of erection or re-erection of any building in the cantonment shall be given to the Board or to the Chief Executive Officer, as the case may be, and the information and plans to be furnished with the notice;
- (c) the type or description of buildings which may or may not, and the purpose for which a building may or may not, be erected or re-erected in the cantonment or any part thereof;
- (d) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected;
- (e) the fees payable on provision by the Board of plans or specifications of the type of buildings which may be erected in the cantonment or any part thereof;
- (f) the circumstances in which a mosque, temple or church or any other sacred or religious building may be erected or re-erected in the cantonment or any part thereof; and
- (g) with reference to the erection or re-erection of buildings, or of any class of buildings, 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 cleaning and for 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 materials and the method of construction of staircases, 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, the stability of the structure and the protection of building from dampness arising from sub-soil;
- (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 materials and method of construction to be used for godowns intended for the storage of food grains in excess of eighteen quintals in order to render them rat, pest or insect proof .

Streets

224. **Temporary occupation of street.—**

- (1) The Chief Executive Officer may, by an order in writing, permit the temporary occupation of any street or of any land vested in the Board for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as the Board may prescribe for the safety or convenience of the public, and may charge a fee for such permission and may, in his discretion, withdraw such permission.
- (2) Where any article or thing is placed on any street or land under the management of the Board or the Defence Estates Officer so as to form an obstruction thereto or any encroachment thereon, the Chief Executive Officer or the Defence Estates Officer, as the case may be, may cause such article or thing to be removed and recover from the person who placed such article or thing the expenses incurred in that behalf in the same manner as money is recoverable by the Board under section 287 and may, if such person fails to offer a satisfactory explanation, also order the confiscation of such article or thing.

225. **Opening and closing of streets.—**

- (1) A Board may open any street for public use.
- (2) A Board shall not permanently close any street without the prior permission of the General Officer Commanding in Chief, the Command, or the Principal Director:

Provided that no such street shall be closed for reasons other than for reasons of security and without giving a public notice inviting objections and suggestions from the general public.

- (3) The Chief Executive Officer may, by a public notice, temporarily close any street or any part of a street for repair or for the purpose of carrying out any work connected with drainage, water-

supply or lighting or any other work which he is by or under this Act required or permitted to carry out:

Provided that where, owing to any works or repairs or from any other cause, the condition of any street or of any water-works, drain, culvert or premise vested in the Board is such as to likely to cause danger to the public, the Board shall—

- (a) take all reasonable means for the protection of the adjacent buildings and land, and provide reasonable means of access thereto; and
- (b) cause sufficient barriers or fences to be erected for the security of life and property, and cause such barriers or fences to be sufficiently lit from sunset to sunrise.

226. Names of streets and numbers of buildings.—

- (1) A Board may determine the name or number by which any area, street or public place in the cantonment shall be known and may cause the name or number to be affixed on any building in the cantonment in such place as it thinks fit and may also cause a number to be affixed to any such building.
- (2) Whoever destroys, pulls down, defaces or alters any such name or number or puts up any name or number differing from that put up by the order of the Board shall be punishable with fine which may extend to one thousand rupees.
- (3) When a name or number has been affixed to any building under sub-section (1), the owner of the building shall maintain the name or number in order and shall replace it if removed or defaced, and if he fails to do so, then the Chief Executive Officer may, by a notice in writing, require him to replace it.

227. Group housing schemes.—

A Board, may in accordance with the bye-laws framed for the purpose, allow group housing schemes for construction of houses.

228. Boundary walls, hedges and fences.—

- (1) No boundary wall, hedge or fence of any material or description shall be erected in a cantonment without the permission in writing of the Chief Executive Officer.
- (2) The Chief Executive Officer may, by a notice in writing, require the owner, lessee or occupier of any land in the cantonment to—

- (a) cut or trim any hedge on the land in such manner and within such time as may be specified in the notice;
- (b) remove from the land any boundary wall, hedge or fence which is, in his opinion, unsuitable, unsightly or otherwise objectionable;
- (c) construct on the land sufficient boundary walls, hedges or fences of such material, description or dimensions as may be specified in the notice; or
- (d) maintain the boundary walls, hedges or fences of such lands in good order:

Provided that in case of any such boundary wall, hedge or fence which was erected with the consent or under the orders of the Chief Executive Officer or which was in existence at the commencement of this Act, the Board shall make compensation for any damage caused by the removal thereof.

229. Felling, lopping and trimming of trees.—

- (1) Where, in the opinion of a Board, the felling of any tree of mature growth standing in a private enclosure in the cantonment is necessary for any reason, the Board may, by a notice in writing, require the owner, lessee or occupier of the land to fell the tree within such time as may be specified in the notice.
- (2) A Board may—
 - (a) cause to be lopped or trimmed any tree standing on any land in the cantonment which belongs to the Government; or
 - (b) by a public notice require all owners, lessees or occupiers of land in the cantonment, or by a notice in writing, require the owner, lessee or occupier of any such land to lop or trim, in such manner as may be specified in the notice, all or any trees standing on such land or to remove any dead trees from such land.

230. Attaching brackets for lamps and other accessories.—

The Chief Executive Officer may attach to the outside of any building or to any tree in the cantonment, brackets for lamps or any accessories for non-conventional sources of energy in such manner as not to occasion injury thereto or inconvenience.

231. Digging of public land.—

Whoever, without the permission in writing of the Chief Executive Officer, digs up the surface of any open space in the cantonment, which is not a private property, shall be punishable with fine which may extend to two thousand five hundred rupees and in the case of a continuing offence, with an additional fine which may extend to five hundred rupees for every day after the first during which the offence is continued.

232. Improper use of land.—

- (1) If, in the opinion of the Chief Executive Officer, the working of a quarry in the cantonment or the removal of stone, earth or other material from the soil in any place in the cantonment is dangerous to the persons residing in or frequenting the neighbourhood or such quarry or place, or creates or is likely to create, a nuisance, the Chief Executive Officer may, by a notice in writing, prohibit the owner, lessee or occupier of such quarry or place or the person responsible for such working or removal from continuing or permitting the working of such quarry or the moving of such material or require him to take such steps in the matter as he may direct for the purpose of preventing danger or abating the nuisance arising or likely to arise therefrom.
- (2) If, in any case referred to in sub-section (1), the Chief Executive Officer is of the opinion that such a course is necessary in order to prevent imminent danger, he may, by an order in writing, require a proper hoarding or fence to be put up for the protection of passers-by.

CHAPTER XI - MARKETS AND TRADE

Markets and slaughter-houses

233. Public markets and public slaughter- houses.—

- (1) A Board may provide and maintain, on the land under its control, public markets and public slaughter-houses of such number as it thinks fit, together with stalls, shops, sheds, pens and other buildings or conveniences for the use of persons carrying on trade or business in or frequenting such markets or slaughter-houses, and may provide and maintain in any such market, buildings, places, machines, weights, scales and measures for the weighing or measurement of goods sold therein.
- (2) When such market or slaughter-house is situated beyond cantonment limits, the Board shall have the same power for the inspection and proper regulation of the same as if it were situated within those limits.
- (3) The Board may, at any time, by a public notice, close any public market or public slaughter-house or any part thereof.

- (4) Nothing in this section shall be deemed to authorise the establishment of a public market or public slaughter-house within the limits of any area administered by any local authority other than the Board, without the permission of such local authority or otherwise than on such conditions as such local authority may approve.
- (5) It shall be the duty of the Board to make reasonable provisions for modernizing all existing public markets and public slaughter-houses, as well as such markets and slaughter-houses which may be set up under this Chapter, in a time bound manner.

234. Use of public market.—

- (1) No person shall, without the general or special permission in writing of the Chief Executive Officer, sell or expose for sale any animal or article in any public market.
- (2) Any person contravening the provisions of this section, and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the Chief Executive Officer or any official of the Board authorised by him in this behalf.

235. Use of public slaughter-house.-

- (1) No place other than a public slaughter house shall be used as a slaughter- house:

Provided that nothing in this sub-section shall apply to a slaughter-house established and maintained by the Central Government or the State Government, as the case may be:

Provided further that nothing in this sub-section shall be deemed—

- (a) to restrict the slaughter of any animal in any place on the occasion of any festival or ceremony, subject to such conditions as to prior or subsequent notice as the Chief Executive Officer with the previous sanction of the District Magistrate may, by a public notice or special notice, impose in this behalf; or
 - (b) to prevent the Chief Executive Officer, with the sanction of the Board, from setting apart places for the slaughter of animals in accordance with religious custom.
- (2) Whoever omits to comply with any condition imposed by the Chief Executive Officer under clause (a) of the proviso to sub-section (1) shall be punishable with fine which may extend to five thousand rupees and in the case of a continuing offence, with an additional fine which may extend to one thousand rupees for every day after the first during which the offence is continued.

236. **Power to transfer by public auction, etc.—**

- (1) The Board may transfer by public auction, for any period not exceeding five years at a time, the right to occupy or use any stall, shop, standing, shed or pen in a public market or public slaughter-house, or the right to expose goods for sale in a public market or the right to weigh or measure goods sold therein, or the right to slaughter animals in any public slaughter-house:

Provided that where the Board is of the opinion that such transfer of the aforesaid rights by public auction is not considered desirable or expedient, it may, with the previous sanction of the General Officer Commanding-in-Chief, the Command, or in his absence, the Principal Director,—

- (a) either levy such rents or fees as it thinks fit; or
- (b) farm the rents and fees leviable under clause (a) for any period not exceeding one year at a time:

Provided further that the enjoyment of any such aforesaid right by any person for any length of time shall not be deemed to create or confer any tenancy right in such stall, shop, standing, shed, pen, public market or public slaughter-house.

- (2) Notwithstanding anything contained in sub-section (1), the Board may transfer by public auction or otherwise any immovable property, whether in a public market or a public slaughter-house or otherwise, if such property is capable of being put to remunerative use for such period and on such terms and conditions as may be approved by the General Officer Commanding-in-Chief, the Command, or in his absence, the Principal Director.
- (3) A copy of the table of rents and fees, if any, leviable in any public market or public slaughter-house, and of the bye-laws, if any, made under this Act for the purpose of regulating the use of such market or slaughter-house, printed in English language or in such other language or languages as the Board may direct, shall be affixed in some conspicuous place in the market or slaughter-house.

237. **Private markets.—**

- (1) No place in a cantonment other than a public market shall be used as a market unless such place has been licensed as a private market by the Board.
- (2) A Board may charge such fees as it thinks fit to impose for the grant of a licence to any person to open a private market in the cantonment and may grant such licence subject to such conditions, consistent with this Act, rules, regulations and bye-laws made thereunder, as it thinks fit to impose.
- (3) When the Board refuses to grant any licence under this section, it shall record the reasons for such refusal in writing.

- (4) The Board may, for reasons to be recorded in writing, suspend a licence in respect of a private market for such period as it thinks fit or cancel such licence.
- (5) A private market of which the licence has been suspended or cancelled under sub-section (4) shall be closed with effect from such date as may be specified in the order of suspension or cancellation.
- (6) When a licence to open a private market is granted or refused or is suspended or cancelled under this section, the Board shall cause a notice of the grant, refusal, suspension or cancellation to be pasted in English or such language or languages as it thinks necessary in some conspicuous place by or near the entrance to the place to which the notice relates and also publish such notice on the website of the cantonment.

238. Penalty for keeping open or using an unlicensed market.—

- (1) Any person who keeps open for public use any market in respect of which a licence is required by or under this Act, without obtaining licence therefor or while the licence therefor is suspended or after the same has been cancelled, shall be punishable with fine which may extend to twenty thousand rupees and in the case of a continuing offence, with an additional fine which may extend to one thousand rupees for every day after the first during which the offence is continued.
- (2) Whoever, knowing that any market has been opened to the public without a licence having been obtained therefor when such licence is required by or under this Act, or that the licence granted therefor is for the time being suspended or that it has been cancelled, sells or exposes for sale any article in such market shall be punishable with fine which may extend to five thousand rupees and, in the case of a continuing offence, with an additional fine which may extend to five hundred rupees for every day after the first during which the offence is continued.

239. Power to regulate certain activities.—

Subject to the provisions contained in any other law for the time being in force, a Board may, by order, regulate all or any of the following matters, namely:—

- (a) the days on and the hours during which any market or slaughter-house may be kept open for use;
- (b) the regulation of the design, ventilation and drainage of such market or slaughter-house and the material to be used in the construction thereof;

- (c) the keeping of such markets and slaughter-houses and the lands and buildings appertaining thereto in a clean and sanitary condition, the removal of filth and refuse therefrom, and the supply therein of pure water and of a sufficient number of modern toilets, latrines and urinals for the use of persons using or frequenting the same;
- (d) the manner in which animals shall be stalled at a slaughter-house;
- (e) the manner in which animals may be slaughtered;
- (f) the disposal or destruction of animals offered for slaughter which are, from disease or any other cause, unfit for human consumption;
- (g) the destruction of carcasses which are, from disease or any other cause, found after slaughter to be unfit for human consumption; and
- (h) any other matter with respect to the regulation of such markets and slaughter-houses.

240. Movement of cattle and flesh within cantonment, etc.—

- (1) No person shall, without the permission in writing of the Chief Executive Officer, bring into a cantonment any animal intended for human consumption, or the flesh of any animal slaughtered outside the cantonment otherwise than in a slaughter-house maintained by the Central Government or the State Government or the Board:

Provided that the Chief Executive Officer shall not grant such permission unless he has considered the recommendation of the Health Officer made in his behalf.

- (2) Any animal or flesh brought into a cantonment in contravention of sub-section (1) may be seized by the Chief Executive Officer or by any official of the Board and sold or otherwise disposed of as the President may direct and if it is sold, the sale proceeds may be credited to the cantonment fund.
- (3) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two thousand five hundred rupees.
- (4) Nothing in this section shall be deemed to apply to cured or preserved meat, or to animals driven or meat carried through a cantonment for consumption outside thereof, or to meat brought into a cantonment by any person for his immediate domestic consumption:

Provided that the Board may, by a public notice, direct that the provisions of this section shall apply to cured or preserved meat of any specified description or brought from any specified place.

- (5) Whoever feeds or allows to be fed on filthy or deleterious substances any animal, which is kept for the purpose of supplying milk to, or which is intended to be used as food for, the inhabitants of a cantonment or allows it to graze in any place in which grazing has, for sanitary reasons, been prohibited by public notice by the Board shall be punishable with fine which may extend to one thousand rupees.

Trade and occupations

241. Licences required for carrying on certain trade and occupations.—

- (1) No person shall carry on in any part of a cantonment any trade, calling or occupation specified in Schedule VI unless he has applied for and obtained a licence in this behalf from the Board.
- (2) A licence granted under sub-section (1) shall be valid until the end of the year in which it is issued and the grant of such licence shall not be withheld by the Board unless it has reason to believe that the business which is intended to be established or maintained would be offensive or dangerous to the public or that the premises in which the business is intended to be established or maintained is unfit or unsuitable for the purpose.
- (3) Notwithstanding anything contained in sub-section (1),—
- (a) no person who was, at the commencement of this Act, carrying on his trade, calling or occupation in any part of a cantonment shall be bound to apply for a licence for carrying on such trade, calling or occupation in that part until he has received from the Board not less than three months' notice in writing of his obligation to do so, and if the Board refuses to grant him a licence, it shall pay compensation for any loss incurred by reason of such refusal;
- (b) no person shall be required to take out a licence for the sale or storage of petroleum or for the sale or possession for sale of poisons or white arsenic in any case in which he is required to take out a licence for such sale, storage, or possession for sale by or under the Petroleum Act, 1934 (30 of 1934) or the Poisons Act, 1919 (12 of 1919).
- (4) The Board may charge for the grant of licences under this section such reasonable fees as it may fix keeping in view the fees levied in this regard in a municipality in the state wherein such cantonment is situated.

242. Conditions which may be attached to licences.—

A licence granted to any person under section 241 shall specify the part of the cantonment in which the licensee may carry on his trade, calling or occupation, and may:

- (a) regulate the hours and manner of transport within the cantonment of any specified articles intended for human consumption; and
- (b) contain any other conditions which the Board thinks fit to impose in accordance with bye-laws made under this Act.

243. Power to stop use of premises used in contravention of licences.—

If the Chief Executive Officer is of the opinion that any eating house, lodging house, hotel, boarding house, tea shop, coffee house, café, restaurant, refreshment room or other place where public is admitted for repose or for consumption of any food or drink or where food is sold or prepared for sale, or any theatre, cinema hall or similar other place of public resort, recreation or amusement is kept open without a license or otherwise than in conformity with the terms of a license granted in respect thereof, he may stop the use of any such premises for any such purpose for a specified period by such means as he may consider necessary.

244. Provision of washing places.—

- (1) A Board may provide suitable places for the exercise by washermen of their calling and may require payment of such fees for the use thereof as it thinks fit.
- (2) Where the Board has provided such places as aforesaid, it may, by a public notice, prohibit the washing of clothes by washermen at any other place in the cantonment:

Provided that such prohibition shall not be deemed to apply to the washing by a washerman of his own clothes or of the clothes of any other person who is an occupier of the place at which they are washed.

- (3) Whoever contravenes any prohibition contained in a notice issued under sub-section (2) shall be punishable with fine which may extend to five hundred rupees.

General provisions

245. Power to vary licence.—

If the Board is satisfied that any place used under a licence granted under this Chapter is a nuisance or is likely to be dangerous to life, health or property, the Board may, by a notice in writing, require the owner, lessee or occupier thereof to discontinue the use of such place or to effect such alterations, additions or improvements as will, in the opinion of the Board, render it no longer a nuisance or dangerous.

246. Carrying on trade, etc., without licence or in contravention of section 243.—

Whoever carries on any trade, calling or occupation for which a licence is required without obtaining a licence therefor or while the licence therefor is suspended or after the same has been cancelled, and whoever, after receiving a notice under section 243, uses or allows to be used any building or place in contravention thereof, shall be punishable with fine which may extend to five thousand rupees and in the case of a continuing offence, with an additional fine which may extend to five hundred rupees for every day after the first during which the offence is continued.

247. Powers of entry, inspection and seizure.—

- (1) Subject to the provisions contained in any other law for the time being in force, the President, the Vice-President, the Chief Executive Officer, the Health Officer, the Assistant Health Officer or any other official of a Board authorised by it in writing in this behalf—
 - (a) may, at any time enter into any market, building, shop, stall or other place in the cantonment for the purpose of inspecting and may inspect any animal, article or thing intended for human food or drink or for medicine, whether exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale, or any utensil or vessel for preparing, manufacturing or containing any such article or thing, and may enter into and inspect any place used as a slaughter-house and may examine any animal or article therein;
 - (b) may seize any such animal, article or thing which appears to him to be diseased or unwholesome or unfit for human food or drink or medicine, as the case may be, or to be adulterated or to be not what it is represented to be, or any such utensil or vessel which is of such a kind or in such a state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food, drink or medicine, as the case may be.
- (2) Any article seized under sub-section (1) which is of a perishable nature may, under the orders of the Health Officer or the Assistant Health Officer, forthwith be destroyed if, in his opinion, it is diseased, unwholesome or unfit for human food, drink or medicine, as the case may be.
- (3) Every animal, article, utensil, vessel or other thing seized under sub-section (1) shall, if it is not destroyed under sub-section (2), be taken before a Magistrate who shall give orders as to its disposal.
- (4) The owner or person in possession at the time of seizure under sub-section (1) of any animal or carcass which is diseased or of any article or thing which is unwholesome or unfit for human food, drink or medicine, as the case may be, or is adulterated or is not what it is represented to be, or of any utensil or vessel which is of such kind or in such state as is described in clause (b) of sub-section (1), shall be punishable with fine which may extend to five thousand rupees, and the animal, article, utensil, vessel or other thing shall be liable to be

forfeited to the Board or to be destroyed or to be so disposed of as to prevent it being exposed for sale or used for the preparation of food, drink or medicine, as the case may be.

Explanation I.—If any such article having been exposed or stored in, or brought to, any place mentioned in sub-section (1) for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed, for the purposes of this section, to be an article which is not what it is represented to be.

Explanation II.—Meat subjected to the process of blowing shall be deemed to be unfit for human food.

Explanation III.—The article of food or drink shall not be deemed to be other than what it is represented to be merely by reason of the fact that there has been added to it some substance not injurious to health:

Provided that—

- (a) such substance has been added to the article because the same is required for the preparation or production thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or drink or conceal the inferior quality thereof;
- (b) in the process of production, preparation or conveyance of such article of food or drink, the extraneous substance has unavoidably become intermixed therewith;
- (c) the owner or person in possession of the article has given sufficient notice by means of a label distinctly and legibly written or printed thereon or therewith, or by other means of a public description, that such substance has been added; or
- (d) such owner or person has purchased the article with a written warranty that it was of a certain nature, substance and quality and had no reason to believe that it was not of such nature, substance and quality, and has exposed it or hawked it about or brought it for sale in the same state and by the same description as that in and by which he purchased it.

CHAPTER XII - REGULATION OF SPIRITUOUS LIQUOR AND INTOXICATING DRUG

248. Unauthorised sale of spirituous liquor or intoxicating drug.—

If, within a cantonment or within such limits adjoining a cantonment as the Central Government may, by notification in the Official Gazette, define, any person not subject to Army, Navy or Air Force law, or any person subject to Army, Navy or Air Force law, otherwise than as a military officer or a 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 soldier's wife or minor child without the written permission of the Officer Commanding the station or of some person authorised by the Officer Commanding the station to grant such permission,

he shall be punishable with fine which may extend to five thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

249. Unauthorised possession of spirituous liquor.—

If, within a cantonment or within any limits defined under section 248—

- (a) any person subject to, Army, Navy or Air Force law, otherwise than as a military officer or a soldier; or
- (b) the wife or a person in the employment of any such person or of a soldier, has in his or her possession, except on behalf of the Central Government or for the private use of a military officer, more than one quart of any spirituous liquor, other than fermented malt-liquor, without the written permission of the Officer Commanding the station or of some person authorised by the Officer Commanding the station to grant such permission, he or she shall be punishable, in the case of a first offence, with fine which may extend to two thousand five hundred rupees, and, in the case of a subsequent offence, with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees.

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

- (1) Any police officer or excise officer may, without an order from a Judicial Magistrate, and without a warrant, arrest any person whom he finds committing an offence under section 248 or section 249, 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.
- (2) Where a person accused of an offence under section 248 has been previously convicted of an offence under that section, an officer in charge of a police station may, with the written permission of a Judicial Magistrate, seize and detain any spirituous liquor or intoxicating drug within the cantonment or within any limits defined under that section which, at the time of the alleged commission of the subsequent offence belonged to or was in the possession of such person.
- (3) The court convicting a person of an offence under section 248 or section 249 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 XXXIV of the Code of Criminal Procedure, 1973 (2 of 1974) anything seized under sub-section (1) or sub-section (2) and not confiscated under sub-section (3) shall be restored to the person from whom it was taken.

251. Saving of articles sold or supplied for medicinal purposes.—

The foregoing provisions of this Chapter shall not apply to the sale or supply of any article in good faith for medicinal purposes by a medical practitioner, chemist or druggist authorised in this behalf by a general or special order of the Officer Commanding the station.

CHAPTER XIII - PUBLIC SAFETY AND SUPPRESSION OF NUISANCE

252. General nuisances.—

(1) Whoever—

(a) in any street or other public place within a cantonment,—

- (i) is drunk and disorderly, or drunk and incapable of taking care of himself;
 - (ii) uses any threatening, abusive or insulting words, or behaves in a threatening or insulting manner with an intent to provoke a breach of peace, or whereby a breach of peace is likely to be occasioned;
 - (iii) relieves himself, or wilfully or indecently exposes his person;
 - (iv) is found gaming;
 - (v) pickets animals on public property, or on private property not belonging or leased to him, without due authorisation from the rightful owner or lessor as the case may be;
 - (vi) without proper authority, affixes upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document;
 - (vii) without proper authority, defaces or writes upon or otherwise marks any building, monument, post, wall, fence, tree or other thing;
 - (viii) without proper authority, removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Act;
 - (ix) without proper authority, displaces, damages or makes any alteration in or otherwise interferes with the pavement, gutter, storm water-drain, or other materials of any such street, or any lamp, bracket, direction-post, hydrant or water-pipe maintained by the Board in any such street or public place, or extinguishes a public light; or
 - (x) carries any corpse not decently covered or without taking due precautions to prevent risk of infection or injury to the public health or annoyance to passers-by or to persons dwelling in the neighbourhood;
 - (xi) carries offensive matter or rubbish along any route in a cantonment in contravention of any prohibition made in this behalf by the Chief Executive Officer by a public notice;
- (b) deposits, or causes or permits to be deposited, earth or materials of any description, or any offensive matter or rubbish, in any place not intended for that purpose on any street or other public place or waste or unoccupied land under the management of the Board;

- (c) having charge of a corpse fails to bury, burn or otherwise lawfully dispose of the same within twenty-four hours after death;
- (d) makes any grave or buries or burns any corpse in any place not set apart for such purpose;
- (e) keeps or uses, or knowingly permits to be kept or used, any place as a common gaming house, or assists in conducting the business of any common gaming house;
- (f) disturbs the public peace or order by singing, screaming or shouting, using megaphones or loud-speakers, playing music at high volume, playing musical instruments, or beating utensils, when the Chief Executive Officer has, by a public notice or a special notice, prohibited the same at any time or place;
- (g) being the occupier of any building or land in or upon which an animal dies, neglects within three hours of the death of the animal or if the death occurs at night, within three hours after sunrise, either—
- (i) to report the occurrence to the Chief Executive Officer or to an officer, if any, appointed by him in this behalf with a view to securing the removal and disposal of the carcass by the public conservancy establishment; or
- (ii) to remove and dispose of the carcass in accordance with any general directions given by the Board by a public notice or any special direction given by the Chief Executive Officer on receipt of such report as aforesaid;
- (h) lets loose any animal so as to cause, or negligently allows any animal to cause, injury, danger, alarm or annoyance to any person;
- (i) save with the written permission of the Chief Executive Officer and in such manner as he may authorise, stores or uses manure, rubbish or any other substance emitting an offensive smell;
- (j) uses or permits to be used as a latrine any place not intended for the purpose;
- (k) uses or permits to be used without previous permission of the Chief Executive Officer any premises for any trade involving offensive smell or smoke; or
- (l) discharges any fire-arm or lets off fire-works or fire-balloons, or detonates or engages in gaming or carries on works such as quarries, blasts, timber cutting or building operation in such manner as to cause or to be likely to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property,

shall be punishable with fine which may extend to ten thousand rupees.

- (2) Whoever does not take reasonable means to prevent any child under the age of eighteen years being in his charge from relieving himself in any street or other public place within the cantonment shall be punishable with fine which may extend to one thousand rupees.
- (3) The owner or keeper of any animal found picketed as under sub-clause (v) of clause (a) of subsection (1), or an animal found straying without a keeper in a street or other public place in a cantonment shall be punishable with fine which may extend to one thousand rupees.
- (4) Any animal found picketed or straying as aforesaid may be removed by any officer or employee of the Board to a pound.
- (5) Whoever in a cantonment manufactures, supplies, carries or uses for packaging or any other purposes material of non-biodegradable nature including polythene bags shall be punished with fine which may extend to five thousand rupees or imprisonment which may extend to six months.

253. **Definition of "gaming".—**

For the purposes of this Act, "gaming" means playing a game for winnings or prizes in money or otherwise and includes playing a game of mutka or satta, or online gaming for money, or any other stakes, or lucky board, or wagering or betting, except where such wagering or betting takes place upon a horse race—

- (a) on the day on which the horse-race is to be run;
- (b) in an enclosure which the stewards controlling the horse-race or race meeting have, with the sanction of the Government set apart for the purpose;
- (c) (i) with a licensed book maker; or (ii) by means of a totalisator; but does not include a lottery;

Explanation.—For the purpose of this clause,—

- (a) Wagering or betting shall include,—
 - (i) collection or soliciting of bets; or
 - (ii) the receipt or distribution of winnings or prizes in money or otherwise in respect of any wager or bet; or
 - (iii) any act which is intended to aid, induce, solicit or facilitate wagering or betting or such collection, soliciting, receipt or distribution; or
 - (iv) any act of risking money, or otherwise on the unknown result of an event including on a game of skill; or
 - (v) any action specified in sub-clauses (i) to (iv) carried out directly or indirectly by the players playing any game or by any third parties.

- (b) "totalisator" means a totalisator in an enclosure which the stewards controlling a race meeting have set apart in accordance with sub-clause (ii) of clause (a) above and includes any instrument, machine or contrivance known as the totalisator or any other instrument, machine or contrivance of a like nature or any scheme for enabling any number of persons to make bets with one another on the like principles;
- (c) "race meeting" means a meeting held for the purpose of horse racing at a racecourse within the cantonment and includes a meeting held at such a racecourse for the purpose of betting on any horse race at any other racecourse outside cantonment but within the state where the cantonment is located.

254. Definition of "common gaming house".—

For the purposes of this Act, "common gaming house" means—

- (a) in the case of gaming—
 - (i) on a horse-race except in the manner provided in clause (b); or
 - (ii) on the market price of cotton, bullion or other commodity or on the digits of the number used for stating such price; or
 - (iii) on the ground of variation in the market price of any commodity specified in sub-clause (ii) or on the digits of the number used for stating the amount of such variation; or
 - (iv) on the market price of stock or share or on the digits of the number used for stating such price; or
 - (v) on the number of registration or on the digits of the number of registration of any motor vehicle using a public place; or
 - (vi) on any transaction or scheme of wagering or betting in which the receipt or distribution of winnings or prizes, in money or otherwise, is made to depend on chance,
 any house, room, tent, enclosure, vehicle, vessel, cyberspace, or any place whatsoever in which the gaming takes place or in which the horses or other instruments of gaming, are kept or used for such gaming;
- (b) in the case of any other form of gaming not set out under clause (a), any house, room, tent, enclosure, vehicle, vessel, cyberspace or any place whatsoever in which any instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, room, tent, enclosure, vehicle, vessel, cyberspace or any place, whether by way of charge, or otherwise;

Explanation.— For the purpose of clause (b), any premises or place or cyberspace belonging to or occupied by a club, society, company or other association of persons, whether incorporated or not, which is used or kept for purposes of gaming shall be deemed to be a common gaming house notwithstanding that there is no profit or gain for the club, society, company or other association of persons on account thereof;

255. Enclosure of wasteland used for improper purposes.—

The Chief Executive Officer may, by a notice in writing, require the owner or part-owner or any person claiming to be the owner or part-owner of any building or land in the cantonment, or the lessee or the person claiming to be the lessee of any such land which, by reason of disuse or disputed ownership or other cause, has remained unoccupied and has become the resort of idle and disorderly persons, or of persons who have no ostensible means of subsistence or cannot give a satisfactory account of themselves, or is used for gaming or illegal purposes, or otherwise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be specified in the notice.

256. Buildings, wells, etc., to be rendered safe.—

Notwithstanding anything contained in this Act, where any building or wall, or anything affixed thereto, or any well, tank, reservoir, pool, depression, excavation, bank or tree in a cantonment is, in the opinion of the Chief Executive Officer, in a ruinous state, or for want of sufficient repairs, protection or enclosure, a nuisance or dangerous to persons passing by or dwelling or working in the neighbourhood, the Chief Executive Officer, by a notice in writing, may—

- (a) require the owner or part-owner or person claiming to be the owner or part-owner thereof, or failing any of them, the occupier thereof, to remove the same or may require him to repair, or to protect or to enclose, the same in such manner as he thinks necessary; or
- (b) if the danger is, in the opinion of the Chief Executive Officer, imminent, he shall forthwith take such steps as he thinks necessary to avert the same.

257. Use of inflammable materials for building purposes.—

- (1) The Chief Executive Officer may, by a public notice, direct that within such limits in the cantonment as may be specified in the notice, the roofs and external walls of huts or other buildings shall not, without his permission in writing, be made or renewed of grass, mats, leaves or other inflammable materials and may, by a special notice in writing, require any person who has disobeyed any such direction as aforesaid to remove or alter the roofs or walls so made or renewed; or
- (2) The Chief Executive Officer may, by a notice in writing, require the owner of any building in the cantonment which has an external roof or wall made of any such materials as referred to in sub-section (1) to remove such roof or wall within such time as may be specified in the notice, notwithstanding that a public notice under sub-section (1) has not been issued or that such roof or wall was made with the consent of the Chief Executive Officer or before the issue of such public notice:

Provided that in the case of any such roof or wall in existence before the issue of such a public notice or made with the consent of the Chief Executive Officer, the Board shall make compensation, not exceeding the original cost of constructing the roof or wall, for any damage caused by the removal.

258. Stacking or collecting inflammable materials.—

A Board may, by a public notice, prohibit in any case where such prohibition appears to it to be necessary for the prevention of danger to life or property, the stacking or collecting of wood, dry grass, straw or other inflammable materials, or the placing of mats or thatched huts or the lighting of fires in any place in the cantonment or within any limits therein, which may be specified in the notice:

Provided that the Chief Executive Officer may, in case of imminent danger to life or property, enforce such prohibition in consultation with the President or the Vice-President in the absence of the President.

259. Care of naked lights.—

No person shall set a naked light on or near any building in any street or other public place in a cantonment in such manner as to cause danger of fire:

Provided that nothing in this section shall be deemed to prohibit the use of lights for the purpose of illumination on the occasion of a festival or public or private entertainment.

260. Regulation of certain public performances.—

- (1) No exhibition of pictures or other optical effects by means of a cinematograph or other apparatus for the purpose of which any inflammable film or other such materials are used, and no public dramatic performance, exhibition, dance or other similar show for public recreation or amusement, shall be given in any cantonment elsewhere than in premises for which a licence has been granted by the Chief Executive Officer under this section.
- (2) If the owner of a cinematograph or other apparatus uses the apparatus or allows it to be used, or if any person takes part in any public dramatic performance, exhibition, dance or other similar show for public recreation or amusement in contravention of the provisions of this section, or if the occupier of any premises allows them to be used in contravention of the provisions of this section or of any condition of any licence granted under this section, he shall be punishable with fine which may extend to twenty thousand rupees, and, in case of a continuing offence, with an additional fine which may extend to two thousand rupees for each day after the first during which the offence continues.

- (3) Nothing in this section shall be deemed to prohibit the giving of any such exhibition or any dramatic performance, exhibition, dance or other similar show for public recreation or amusement in any theatre or institute which is the property of the Government where the exhibition, performance, dance or other similar show for public recreation or amusement is held with the permission of and under the control of the military authorities.

261. Registration and control of dogs.—

- (1) A Board may make bye-laws to provide for the registration of all dogs kept within a cantonment.
- (2) Such bye-laws shall—
- (a) require the registration, by any officer authorised in this behalf, of all dogs kept in the cantonment;
 - (b) require that every registered dog shall wear a collar to which a metal token issued by the registration authority shall be attached and fix the fee payable for such issuance;
 - (c) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for such purpose and fix the fee chargeable for such detention;
 - (d) steps that may be taken by the Board once any dog is detained as mentioned above, including any fees that may be paid for release of such dog; and
 - (e) such other matters as the Board thinks fit.
- (3) The Chief Executive Officer may take such steps as he deems fit—
- (a) where any dog or other animal which is or is reasonably suspected to be suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies; or
 - (b) in relation to dogs which are without collars or without marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners, after a public notice is issued in this regard.
- (4) Where any person in a cantonment, being the owner, or the person in charge of any dog or animal, as the case may be,—
- (a) and knowing that such dog is ferocious, or is likely to annoy or intimidate any person, neglects to restrain such dog by way of an appropriate lead or to muzzle it, shall be punishable with fine which may extend to one thousand rupees; or
 - (b) sets or urges such dog or animal to attack, worry or intimidate any person, shall be punishable with fine which may extend to two thousand rupees; or

- (c) knowing or having reason to believe that such dog or animal has been bitten by an animal suffering or reasonably suspected to be suffering from rabies, neglects to give immediate information of the fact to the Chief Executive Officer or gives information which is false, or where a Board has, by a public notice during the prevalence of rabies, directed that dogs shall not be at large without muzzles or appropriate leads, neglects to restrain such dog by way of an appropriate lead or to muzzle it, shall be punishable with fine which may extend to three thousand rupees.
- (5) Any action or step taken, or any bye-law issued, by the Board under this section shall be subject to the provisions contained in any other law for the time being in force.

262. Traffic within cantonments.—

- (1) Subject to the provisions contained in any other law for the time being in force, the Board shall make bye-laws in relation to traffic that are to be observed by any person who is involved in driving, leading or propelling a vehicle along a street in the cantonment.
- (2) Whoever while driving, leading or propelling a vehicle along a street in the cantonment fails to obey any bye-law made in relation to the same as under sub-section (1) shall be punishable with a fine which may extend to two thousand rupees.

CHAPTER XIV - REMOVAL AND EXCLUSION FROM CANTONMENTS

263. Removal of brothels, prostitutes, etc.—

- (1) The Officer Commanding the station or the Board, on receiving information that any building in the cantonment is used as a brothel or for the purposes of prostitution, may, by an order in writing setting forth the substance of information received, summon the owner, lessee or occupier of the building to appear before him or the Board, as the case may be, either in person or by an authorised agent and if, the Officer Commanding the station or the Board is then satisfied as to the truth of the information may, by an order in writing, direct the owner, lessee or occupier, as the case may be, to discontinue such use of the building within such period as may be specified in the order.
- (2) If the Officer Commanding the station or the Board, after such inquiry as he or it thinks necessary, is satisfied that any person residing in or frequenting the cantonment is a prostitute, or has been convicted of an offence under section 264 or of the abetment of such an offence, he or the Board, as the case may be, may cause to be served on such person an order in writing requiring such person to be removed from the cantonment within such time as may be specified in the order and prohibiting such person from re-entering it without the permission in writing of the Officer Commanding the station or the Board, as the case may be.

264. Penalty for loitering and importuning for purposes of prostitution.—

- (1) Whoever, in a cantonment, loiters for the purpose of prostitution or importunes any person for the purpose of prostitution, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five thousand rupees and in case of subsequent offence shall be punishable with imprisonment which may extend to one year.
- (2) No prosecution for an offence under this section shall be instituted except on the complaint of the person importuned, or of a military officer in whose presence the offence was committed, or of a member of the Military, Naval or Air Force Police, being employed in the cantonment and authorised in this behalf by the Officer Commanding the station in whose presence the offence was committed, or of a police officer not below the rank of Assistant Sub-Inspector who is deployed in the cantonment and authorised in this behalf by the Officer Commanding the station with the concurrence of the District Magistrate.

265. Removal and exclusion of disorderly persons.—

- (1) A Judicial Magistrate of the First Class, having jurisdiction in a cantonment, on receiving information that any person residing in or frequenting the cantonment—
 - (a) is a disorderly person who has been convicted more than once of gaming or who keeps or frequents, a common gaming house, a disorderly drinking shop or a disorderly house of any other description; or
 - (b) has been convicted more than once either within the cantonment or elsewhere of an offence punishable under Chapter XVII of the Indian Penal Code, 1860 (45 of 1860); or
 - (c) has been ordered under Chapter VIII of the Code of Criminal Procedure, 1973 (2 of 1974) either within the cantonment or elsewhere to execute a bond for his good behaviour,

may, record in writing, the substance of the information received and issue a summon to such person requiring him to appear and show cause why he should not be removed from the cantonment and be prohibited from re-entering it.

- (2) Every summons issued under sub-section (1) shall be accompanied by a copy of the record aforesaid and the copy shall be served along with the summons on the person against whom the summon is issued.
- (3) The Magistrate shall, when the person so summoned appears before him, proceed to inquire into the truth of the information received and take such further evidence as he thinks fit and if upon such inquiry it appears to him that such person is a person of any kind described in sub-section (1) and that it is necessary for the maintenance of good order in the cantonment that such person be removed therefrom and be prohibited from re-entering the cantonment, the Magistrate shall inform the matter to the Officer Commanding the station and the Officer Commanding the station shall cause to be served on such person an order in writing requiring

him to be removed from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the Officer Commanding the station.

266. Removal and exclusion of seditious persons.—

- (1) If any person in a cantonment causes or attempts to cause or does any act which he knows is likely to cause disloyalty, disaffection or breach of discipline amongst any portion of the Forces or is a person who, the Officer Commanding the station has reason to believe is likely to do any such act, then the Officer Commanding the station may make an order in writing requiring such person to be removed from the cantonment, along with reasons for the same, within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the Officer Commanding the station:

Provided that no order shall be made under this section against any person unless he has had a reasonable opportunity of being informed of the grounds on which it is proposed to make the order and of showing cause why the order should not be made.

- (2) Every order made under sub-section (1) shall be sent to the Superintendent of Police of the district who shall cause a copy thereof to be served on the person concerned.
- (3) Upon the making of an order under sub-section (1), the Officer Commanding the station shall forthwith send a copy of the same to the Central Government.
- (4) The Central Government may of its own motion, and shall on an application made to it in this behalf within one month of the date of the order by the person against whom the order has been made, call upon the District Magistrate to make, after such inquiry as the Central Government may prescribe, a report regarding the justice of the order and the necessity therefor:

Provided that at every such inquiry the person against whom the order has been made shall be given an opportunity of being heard in his own defence.

- (5) If Central Government may, at any time, after the receipt of the copy of an order sent under sub-section (3) or upon receipt of a report called for under sub-section (4), is of the opinion that the order should be varied or rescinded, make such orders thereon as it thinks fit.
- (6) Any person who has been excluded from a cantonment by an order made under this section may, at any time, after the expiry of one month from the date thereof, apply to the General Officer Commanding-in-Chief, the Command for the rescission of the same and on such application being made, the said officer may, after making such inquiry, if any, as he thinks necessary, either reject the application or rescind the order.

267. Penalty under this Chapter.—

Whoever—

- (a) fails to comply with an order issued under this Chapter within the period specified therein or whilst an order prohibiting him from re-entering a cantonment without permission is in force, re-enters the cantonment without such permission; or
- (b) knowing that any person has, under this Chapter, been required to be removed from the cantonment and has not obtained the requisite permission to re-enter it, harbours or conceals such person in the cantonment,

shall be punishable with fine which may extend to five thousand rupees and in case of continuing offence with an additional fine which may extend to five hundred rupees for every day after the first during which he has persisted in the offence.

CHAPTER XV - POWERS, PROCEDURES, PENALTIES AND APPEALS

Entry and inspection

268. Power of entry.—

It shall be lawful for the President, Vice-President, Chief Executive Officer, Health Officer, or any person specially authorised by the Chief Executive Officer or the Health Officer, or for any other person authorised by a general or special order of a Board in this behalf, to enter into or upon any building or land with or without assistants or workmen in order to make any inquiry, inspection, measurement, valuation or survey, or to execute any work, which is authorised by or under this Act or which is necessary to make or execute for any of the purposes or in pursuance of any of the provisions of this Act or of any rule, regulation, bye-law, order or direction made thereunder:

Provided that nothing in this section shall be deemed to confer upon any person any power referred to in section 247 or to authorise the conferment upon any person of any such power.

269. Power of inspection.—

- (1) A Board or the Chief Executive Officer may, by a general or special order, authorise any person—
 - (a) to inspect any drain, toilet, privy, latrine, urinal, cesspool, pipe, sewer or channel in or on any building or land in the cantonment and, in his discretion, to cause the ground to be opened for

the purpose of preventing or removing any nuisance arising from the drain, toilet, privy, latrine, urinal, cesspool, pipe, sewer or channel, as the case may be; or

- (b) to examine works under construction in the cantonment, to take levels or to remove, test, examine, replace or read any meter.
- (2) If, on such inspection, the opening of the ground is found to be necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain or other work opened, injured or removed for the purpose of such inspection shall be filled in, reinstated, or made good, as the case may be, by the Board or the Chief Executive Officer.

270. Power to enter land adjoining any work is in progress.—

- (1) The Chief Executive Officer may, with or without assistants or workmen, enter on any land within fifty yards of any work authorised by or under this Act for the purpose of depositing thereon any soil, gravel, stone or other materials, or for obtaining access to such work, or for any other purpose connected with the carrying on of the same.
- (2) The Chief Executive Officer shall, before entering any land under sub-section (1), give the occupier or if there is no occupier, the owner, not less than three day's previous notice in writing of his intention to make such entry and shall state the purpose thereof and shall also, if so required by the occupier or owner, fence off so much of the land as may be required for such purpose.
- (3) The Chief Executive Officer shall, in exercising any power conferred by this section, do as little damage as may be possible and compensation shall be payable by the Board to the owner or occupier of such land, or to both, for any such damage, whether permanent or temporary.

271. Power to enter land, adjoining lands where any work is in progress.—

It shall be lawful for any person authorised by or under this Act to make any entry into any place, to open or cause to be opened any door, gate or other barrier—

- (a) if he considers the opening thereof necessary for the purpose of such entry; and
- (b) if the owner or occupier is absent or being present refuses to open such door, gate or barrier.

272. Entry to be made in the day time.—

Save as otherwise expressly provided in this Act, no entry authorised by or under this Act shall be made except between the hours of sunrise and sunset.

273. Owner's consent ordinarily to be obtained.—

Save as otherwise expressly provided in this Act, no building or land shall be entered without the consent of the occupier or if there is no occupier, of the owner thereof and no such entry shall be made without giving the said occupier or owner, as the case may be, not less than four hours written notice of the intention to make such entry:

Provided that no such notice shall be necessary if the place to be inspected is a factory, workshop, trade premises, a place used for carrying on any trade, calling or occupation specified in section 241, a stable or shed, or toilet, latrine, privy or urinal, a work under construction, or for the purpose of ascertaining whether any animal intended for human food is slaughtered in that place in contravention of this Act or any bye-law made thereunder.

274. Regard to be had to social and religious usages.—

When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

275. Penalty for obstruction.—

Whoever obstructs or molests any person acting on behalf of the Board, who is not a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860) or any person with whom the Board has lawfully contracted, in the execution of his duty or of anything which he is empowered or required to do by virtue of or in consequence of any of the provisions of this Act or any rule, regulation, bye-law, direction or order made thereunder, or in fulfilment of his contract, as the case may be, shall be punishable with fine which may extend to five thousand rupees.

276. Power of inspection by member of a Board.—

A Board may, by a special order, authorise or order any member of the Board to inspect any work or institution constructed or maintained, in whole or part, at the expense of the Board and any register, books of accounts or other documents belonging to or in the possession of the Board.

Powers and duties of police officers

277. Arrest without warrant. —

Any member of the police force employed in a cantonment may, without a warrant, arrest any person, committing in his view, a breach of any of the provisions of this Act which are specified in Schedule VII:

Provided that—

- (a) in case of a breach of any such provision specified in Part B of Schedule VII, no person shall be so arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall lie on the arresting officer, and no person so arrested shall be detained after his name and address have been ascertained; and
- (b) no person shall be so arrested for an offence under section 264 except—
 - (i) at the request of the person importuned, or of a military officer in whose presence the offence was committed; or
 - (ii) by or at the request of a member of the Military, Naval or Air Force Police, who is employed in the cantonment and authorised in this behalf by the Officer Commanding the station and in whose presence the offence was committed, or by or at the request of any police officer not below the rank of Assistant Sub-Inspector who is deployed in the cantonment and authorised in this behalf by the Officer Commanding the station.

278. Duties of police officers.—

It shall be the duty of all police officers to give immediate information to the Board of the commission of or the attempt to commit any offence against the provisions of this Act or of any rule, regulation, bye-law, direction or order made thereunder, and to assist all officers and employees of the Board in the exercise of their lawful authority.

General provisions relating to notices under this Act

279. Notices to fix reasonable time.—

Where any notice, order or requisition made under this Act or any rules, regulations or bye-laws made thereunder requires anything to be done, for the doing of which no time is fixed in this Act or in the rule, regulation or bye-law, the notice, order or requisition shall specify a reasonable time for doing the same.

280. Authentication and validity of notices issued by Board and form of notices.—

- (1) Every notice, order or requisition issued by a Board under this Act or any rule, regulation or bye law made thereunder shall be signed—
 - (a) either by the President of the Board or by the Chief Executive Officer; or
 - (b) by the members of any committee especially authorised by the Board in this behalf.
- (2) Whenever under this Act or any rule, regulation or bye-law made thereunder, the doing of or the omission to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of the Board, a document, either in writing or in electronic form, signed by any officer or member specified in sub-section (1) purporting to convey or set-forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction shall be sufficient evidence thereof.
- (3) Every license, permission, notice, bill, summons or other document which is required by this Act or any rule, regulation or bye-law made thereunder to bear the signature of the President, Vice-President or the Chief Executive Officer, or of any such member of any committee as has been specially authorised by the Board in this behalf shall be deemed to be properly signed if it bears facsimile of the signature of any such officer or member, as the case may be, stamped thereon.
- (4) The Central Government may make rules consistent with this Act to provide for the form of notices that are required to be sent under this Act.

281. Service of notice.—

- (1) Every notice, order or requisition issued under this Act or any rule, regulation or bye-law made thereunder shall, save as otherwise expressly provided, be served or presented—
 - (a) by giving or tendering the notice, order or requisition, or sending it by post, or sending it in electronic form, to the person for whom it is intended; or
 - (b) if such person cannot be found, by affixing the notice, order or requisition on some conspicuous part of his last known place of abode or business, if within the cantonment, or by giving or tendering the notice, order or requisition to some adult member or his family or a

person in his employment, or by causing it to be affixed on some conspicuous part of the buildings or land, if any, to which it relates, or doing any of the above, to the extent feasible, in an electronic form.

- (2) When any such notice, order or requisition is required or permitted to be served upon an owner, lessee or occupier of any building or land, it shall not be necessary to name the owner, lessee or occupier therein and the service thereof shall, save as otherwise expressly provided, be effected either—
 - (a) by giving or tendering the notice, order or requisition, or sending it by post, or sending it in electronic form, to the owner, lessee or occupier, or if there are more owners, lessees, or occupiers than one, to any one of them; or
 - (b) if no such owner, lessee or occupier can be found, by giving or tendering the notice, order or requisition to the authorised agent, if any, of any such owner, lessee or occupier, or to an adult member or a person in the employment of the family of any such owner, lessee or occupier, or by causing it to be affixed on some conspicuous part of the building or land to which it relates, or doing any of the above, to the extent feasible, in an electronic form.
- (3) When the person on whom a notice, order or requisition is to be served is a minor, service upon his guardian or upon an adult member or a person in the employment of his family shall be deemed to be service upon the minor.

282. Method of giving notice.—

- (1) Every notice which, by or under this Act, is to be given or served as a public notice or as a notice which is not required to be given to any individual therein specified shall, save as otherwise expressly provided, be deemed to have been sufficiently given or served if a copy thereof is affixed in such conspicuous part of the office of the Board or in such other public place during such period, or is published in such local newspaper or is published on the website of the Board in such manner, as the Board may direct.
- (2) The Central Government may make rules consistent with this Act to provide for the manner of service of notices that are required to be sent under this Act.

283. Power of Board in case of non-compliance with notice, etc.—

In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Act or any rule, regulation or bye-law made thereunder, requiring such person to execute any work or to do any act, it shall be lawful for the Board, or the civil area committee, or the Chief Executive Officer at whose instance the notice, order or requisition has been issued, whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punishment therefor, after giving notice, either in writing or in electronic form, to such person, to take such action or such steps as may be necessary for the completion of the act or work required to be done or executed by him and all the expenses incurred on such account shall be recoverable by the Chief Executive Officer on demand, and if not paid within ten days after such demand, shall be recoverable in the same manner as money recoverable by the Board under section 287:

Provided that where the action or step relates to the demolition of any erection or re-erection under section 219 or the removal of any projection or encroachment under section 222, the Board, or the civil area committee, or the Chief Executive Officer may request any police officer to render such assistance as considered necessary for the lawful exercise of any power in this regard and it shall be the duty of such police officer to render forthwith such assistance on such requisition.

284. Occupier not to obstruct owner when complying with notice.—

If the owner of any property in respect of which a notice referred to in section 283 has been given is prevented by the occupier from complying with such notice, the Board or civil area committee or the Chief Executive Officer at whose instance such notice has been given may, by an order, require the said occupier to permit the owner within eight days from the date of service of such notice to take all such actions as may be necessary to comply with the said notice and such owner shall, for the period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of non-compliance with such notice.

Recovery of money

285. Liability of occupier to pay in default of owner.—

- (1) If any such notice as is referred to in section 283 has been given to any person in respect of property of which he is the owner and he fails to comply with the notice so given, the Board or the civil area committee or the Chief Executive Officer at whose instance such notice has been issued may require any occupier of such property or of any part thereof to pay to it or him instead of to the owner any rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under section 283:

Provided that if the occupier, on an application made to him by the Board or the civil area committee or the Chief Executive Officer at whose instance such notice has been issued, refuses to truly disclose the amount of his rent or the name or address of the person to whom it is payable, the Chief Executive Officer may recover from the occupier the whole amount recoverable under section 283 in the same manner as money is recoverable by the Board under section 287.

- (2) Any amount recovered from an occupier instead of an owner under sub-section (1) shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been paid to the owner.

286. Relief to agents and trustees.—

- (1) Where any person, by reason of his receiving the rent of immovable property as an agent or trustee, or of his being as an agent or trustee the person who would receive the rent if the property were let to a tenant, would under this Act be bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has or but for his own improper act or default might have had funds in his hands belonging to the owner sufficient for the purpose.
- (2) The burden of proving any fact entitling an agent or trustee to relief under sub-section (1) shall lie upon him.
- (3) Where any agent or trustee has claimed and established his right to relief under this section, the Board may, by a notice in writing, require him to apply to the discharge of such obligation as aforesaid the first amount of money which may come to his hands on behalf, or for the use, of the owner and on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

287. Method of recovery.—

- (1) Notwithstanding anything elsewhere contained in this Act, arrears of any tax and any other money recoverable, including rent on land and buildings due or damages and fine due under leases or licences executed by or in favour of a Board or the Defence Estates Officer under this Act or the rules made thereunder may be recovered together with the cost of recovery either by suit or on application to a Judicial Magistrate having jurisdiction in the cantonment or in any place where the person from whom such tax, rent or money is recoverable may for the time being be residing, either by the distress and sale of movable property of such person, or by the attachment and sale of immovable property of that person, which is within the limits of the jurisdiction of such Judicial Magistrate, or by both these methods, 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, growing crops up to the value of five thousand rupees, and implements and cattle used for the purposes of agriculture shall be exempt from such distress or sale.

- (2) An application to a Judicial Magistrate under sub-section (1) shall be in writing and shall be signed by the President or Vice-President or by the Chief Executive Officer or the Defence Estates Officer or the Officer Commanding the station or any other officer authorised by any of these officers, but shall not require to be personally presented.
- (3) Upon receiving the application, the Judicial Magistrate referred to in sub-section (1) may take action for the recovery of the amount of tax, rent or money from the person specified in the application as if such amount were a fine recoverable under a sentence passed by him and the provisions of sections 421 and 422 of the Code of Criminal Procedure, 1973 (2 of 1974) shall, so far as may be, apply to the recovery of such amount:

Provided that the recovery of no such amount shall be made by the arrest or detention in prison of the said person.

Committees of Arbitration

288. Application for a Committee of Arbitration.—

In the event of any disagreement as to the liability of a Board or the Chief Executive Officer to pay any compensation under this Act, or as to the amount of any compensation so payable, the person claiming such compensation may apply to the Board for the reference of the matter to a Committee of Arbitration, and the Board shall forthwith proceed to convene a Committee of Arbitration to determine the matter in dispute.

289. Procedure for convening a Committee of Arbitration.—

When a Committee of Arbitration is to be convened, the Board shall cause a public notice to be published stating the matter to be determined and shall forthwith send copies of the order to the District Magistrate and to the other party concerned, and shall, as soon as may be, nominate such members of the committee as it is entitled to nominate under section 290, and by notice in writing call upon the other persons who are entitled to nominate a member or members of the Committee to nominate such member or members in accordance with provisions of that section.

290. Constitution of the Committee of Arbitration.—

- (1) Every Committee of Arbitration shall consist of five members, namely—
 - (a) a chairman who shall be a person not in the service of the Government or the Board, and who shall be nominated by the Officer Commanding the station;
 - (b) two persons nominated by the Board; and
 - (c) two persons nominated by the other party concerned.
- (2) If the Board or the other party concerned or the Officer Commanding the station fails, within seven days of the date of issue of the notice referred to in section 289 to make any nomination which it or he is entitled to make or if any member who has been so nominated neglects or refuses to act and the Board or other person by whom such member was nominated fails to nominate another member in his place within seven days from the date on which it or he may be called upon to do so by the District Magistrate, the District Magistrate shall forthwith appoint a member or members, as the case may be, to fill the vacancy or vacancies.

291. No person to be nominated who has direct interest or whose services are not immediately available.—

- (1) No person who has a direct interest in the matter under reference, or whose services are not immediately available for the purposes of the committee shall be nominated as a member of the Committee of Arbitration.
- (2) If, in the opinion of the District Magistrate, any person who has been nominated has a direct interest in the matter under reference or is otherwise disqualified for nomination or if the services of any such person are not immediately available as aforesaid and if the Board or the other person by whom any such person was nominated fails to nominate another member within seven days from the date on which it or he may be called upon to do so by the District Magistrate, such failure shall be deemed to constitute a failure to make a nomination within the meaning of section 290.

292. Meetings, powers and procedure of Committee of Arbitration.—

- (1) When a Committee of Arbitration has been duly constituted, the Board shall, by a notice in writing, inform each of the members of the fact and the committee shall meet as soon as may be thereafter.
- (2) The chairman of the committee shall fix the time and place of the meetings and shall have the power to adjourn any meeting from time to time as may be necessary.
- (3) The committee shall receive and record evidence, and shall have the power to administer oaths to witnesses, and on requisition in writing signed by the chairman of the committee, the District Magistrate shall issue the necessary processes for the attendance of witnesses and the production of documents required by the committee, and may enforce the said processes as if they were processes for attendance or production before himself.
- (4) The Central Government may, if required, make rules consistent with this Act to provide for the determination of all matters relating to the procedure of Committees of Arbitration.

293. Decisions of Committee of Arbitration. —

- (1) The decisions of every Committee of Arbitration shall be in accordance with the majority of votes taken at a meeting at which the chairman and at least three of the other members are present.
- (2) If there is not a majority of votes in favour of any proposed decision, the opinion of the chairman shall prevail.

- (3) The decision of a Committee of Arbitration shall be final and shall not be questioned in any court.

Prosecutions

294. Prosecutions.—

Save as otherwise expressly provided in this Act, no court shall proceed to the trial of any offence made punishable by or under this Act, other than an offence specified in Schedule VII, except on the complaint of or upon information received from the Board concerned or a person authorised by the Board by a general or special order in this behalf.

295. Composition of offence.—

- (1) The Chief Executive Officer or any person authorised by him, by a general or special order in this behalf, may, before or after the institution of the proceedings, compound an offence made punishable by or under this Act other than an offence under Chapter XIV:

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Chief Executive Officer, unless and until the same has been complied with in so far as compliance is possible.

- (2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

General penalty provisions

296. General penalty.—

Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable with fine which may extend to five thousand rupees, and in the case of a continuing failure or contravention, with an additional fine which may extend to five hundred rupees for everyday after the first during which he has persisted in the failure or contravention.

297. Offences by companies.—

- (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty

of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
(b) “director”, in relation to a firm, means a partner in the firm.

298. Cancellation or suspension of licences, etc.—

Where any person, to whom any licence or written permission has been granted under this Act, or any agent or a person in the employment of such person, commits a breach of any of the conditions thereof or of any bye-law made under this Act for the purpose of regulating the manner or circumstances in or the conditions subject to which anything permitted by such licence or written permission is to be or may be done, or where the Board or the civil area committee, as the case may be, is satisfied that such licence or written permission has been secured by the holder through misrepresentation or fraud, the Board or the civil area committee, as the case may be, may, without prejudice to any other penalty or action which may have been incurred under this Act, by an order in writing, cancel the licence or written permission or suspend it for such period as it thinks fit:

Provided that no such order shall be made unless an opportunity has been given to the holder of the licence or written permission to show cause why it should not be made.

299. Recovery of amount payable in respect of damage to property of cantonment.—

Where any person has incurred a penalty by reason of having caused any damage to the property of a Board, he shall be liable to make good such damage and the amount payable in respect of the damage shall, in case of a dispute, be determined by the Judicial Magistrate by whom the person incurring such penalty is convicted and on non-payment of such amount on demand, the same shall be recovered either by the distress and sale of the movable property of such person or by the attachment and sale of the immovable property of that person, or by both these methods and the Judicial Magistrate shall recover the amount in accordance with the provisions of sections 421 and 422 of the Code of Criminal Procedure, 1973 (2 of 1974) as if it were a fine recoverable under a sentence passed by him.

Limitation

300. Limitation for prosecution.—

No court shall try any person for an offence made punishable by or under this Act, after the expiry of six months from the date of the commission of the offence, unless complaint in respect of the offence has been made to a Judicial Magistrate within the six months aforesaid.

Suits

301. Protection of action of Board, etc. done in good faith.—

No suit or prosecution shall be entertained in any court against a Board or against the Chief Executive Officer, the Officer Commanding a station, Defence Estates Officer, Principal Director, General Officer Commanding in Chief, the Command, Director General Defence Estates, or against any member of a Board, or against any officer or employee of a Board for anything which is in good faith done or intended to be done under this Act or any rule, regulation or bye-law made thereunder.

302. Notice to be given of suits.—

- (1) No suit shall be instituted against a Board or against any member of a Board or against any officer or employee of a Board in respect of any act done or purporting to have been done in pursuance of this Act or of any rule, regulation or bye-law made thereunder, until the expiration of two months after a notice in writing has been left at the office of the Board and in the case of such member, officer or employee, such notice in writing has also been delivered to him or left at his office or place of abode, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed, if any, and the name and place of abode of the intending plaintiff, and unless the plaint contains

a statement that such notice has been so delivered or left.

- (2) If the Board or member, officer or employee has, before the suit is instituted, tendered a sufficient amount to the plaintiff, the plaintiff shall not recover any sum in excess of the amount so tendered and shall also pay all costs incurred by the defendant after such tender.
- (3) No suit described in sub-section (1) shall, unless it is an action for the recovery of immovable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises.
- (4) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit or proceeding.

Appeals and revision in case of certain executive orders

303. Courts not to entertain proceedings in certain cases.—

- (1) After the commencement of this Act, no court shall entertain any suit, application or other proceedings in respect of any order or notice unless an appeal under section 304 is preferred and the same is disposed of by the appellate authority under sub-section (5) of section 304 of this Act.
- (2) Notwithstanding anything contained in sub-section (1), every suit, application or other proceedings pending in any court immediately before the commencement of this Act shall continue to be dealt with and disposed of by that court as if the said section has not been brought into force.

304. Appeals from executive orders.—

- (5) Any person aggrieved by any order described in the third column of Schedule VIII may appeal to the appellate authority specified in that behalf in the fourth column of the said schedule.
- (6) The Central Government may, for the purposes of expeditious disposal of pending appeals, by notification in the Official Gazette, amend Schedule VIII so as to designate additional appellate authority in the fourth column of the said schedule.
- (7) No such appeal shall be admitted if it is made after the expiry of the period specified in that behalf in the fifth column of the said schedule.

- (8) The period specified as aforesaid shall be computed in accordance with the provisions of the Limitation Act, 1963 (36 of 1963) with respect to the computation of periods of limitation thereunder.
- (9) The appellate authority shall make endeavours to dispose of the appeal made under subsection (1) above within a period of ninety days.

305. Petition of appeal.—

- (1) Every appeal under section 304 shall be made by a petition in writing accompanied by a copy of the order appealed against.
- (2) Any such petition may be presented to the authority which made the order against which the appeal is made and that authority shall be bound to forward it to the appellate authority, and may attach thereto any report which it may desire to make by way of explanation.

306. Suspension of action pending appeal.—

On the admission of an appeal from an order, other than an order contained in a notice issued under section 139, section 158, section 210 or section 265, where the appellate authority so directs, all proceedings to enforce the order and all prosecutions for any contravention thereof shall be held in abeyance pending the decision of the appeal and if the order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

307. Revision.—

- (1) Where an appeal from an order made by the Board has been disposed of by the District Magistrate, either party to the proceeding may, within thirty days from the date thereof, apply through the General Officer Commanding-in-Chief, the Command to the Central Government or to such authority as the Central Government may appoint in this behalf, for revision of the decision.
- (2) The provisions of this Chapter with respect to appeals shall apply, as far as may be, to the applications for revision made under this section.

308. Finality of the appellate orders.—

Save as otherwise provided in section 307, every order of an appellate authority shall be final.

309. Right of appellant to be heard.—

No appeal shall be decided under this Chapter unless the appellant has been heard, or has had a reasonable opportunity of being heard in person or through a legal practitioner.

CHAPTER XVI - RULES, REGULATIONS AND BYE-LAWS

310. Power to make rules.—

- (1) The Central Government may, after previous publication, make rules to carry out the purposes and objects of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—
 - (a) the allowance that each elected member of the Board is entitled to receive under sub-section (1) of section 21, and the allowance that the Vice-President is entitled to receive under sub-section (2) of section 29;
 - (b) the grant of leave to the members of the Board under sub-section (2) of section 21;
 - (c) the regulation of elections to the Board under section 27, including the procedure for elections to the office of the Vice-President under sub-section (1) of section 29;
 - (d) the appointment, promotion, transfer, tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence, discipline and other condition of service of employees of Boards under clause (a) of sub-section (2) of section 35;
 - (e) the circumstances in which security shall be demanded from employees of Boards and the amount and nature of such security under clause (b) of sub-section (2) of section 35;
 - (f) the form and content of the report on the administration of the cantonment to be submitted by the Board under sub-section (1) of section 50;
 - (g) the keeping of accounts by Boards and the manner in which such accounts shall be audited and published under clause (a) of sub-section (3) of section 50;
 - (h) the prescribing of registers, statements and forms to be used and maintained by any authority for the purposes of this Act under clause (b) of sub-section (3) of section 50;

- (i) the allotment to a Board of a share of the rents and profits accruing from property entrusted to its management under the provisions of section 62;
- (j) the terms and conditions of appointed members, the tenure of members and the qualifications, procedure for removal, salaries and allowances of independent members of the Cantonment Valuation Committee and the Appellate Committee under sub-section (3) of section 75;
- (k) the form and manner in which the assessment list is to be prepared under sub-section (1) of section 76;
- (l) the attachment and sale of immovable property under sub-section (6) of section 103;
- (m) the regulation of acquisition and transfer of property by the Board under clause (a) of section 122;
- (n) the preparation of estimates of income and expenditure by Boards and the definition of the persons by whom, and the conditions subject to which, such estimates may be sanctioned under clause (b) of section 122;
- (o) any other matter relating to the cantonment fund, cantonment development fund or cantonment property under clause (c) of section 122, including the definition of persons by whom, and the manner in which, money may be paid out of a cantonment fund or cantonment development fund;
- (p) the manner in which an application for permission to occupy land belonging to the Government in a cantonment is to be made and the conditions to be annexed to the grant of such permission under sub-section (7) of section 210;
- (q) the manner in which an order directing the sealing of an erection, work or premises is to be made under sub-section (1) of section 220;
- (r) the form of notices required to be sent under this Act under sub-section (4) of section 280 and the manner of their service under sub-section (2) of section 282;
- (s) the regulation of the procedure of Committees of Arbitration under sub-section (4) of section 292; and
- (t) any other matter which is required to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

311. Supplemental provisions regarding rules.—

- (1) A rule under section 310 may be made either generally for all cantonments or for the whole or any part of any one or more cantonments.
- (2) The power to make rules under clause (i) of sub-section (2) of section 310 shall include the power to give retrospective effect from a date not earlier than the date of commencement of the Cantonments Act, 2020, to the rules or any of them but no retrospective effect shall be given to any rule so as to prejudicially affect the interests of any person to whom such rule may be applicable:

Provided that where any rule has to be given retrospective operation, the reasons therefor and the effect of giving such retrospective operation shall be published along with the draft of the rules when such draft is published for eliciting public opinion under sub-section (1) of section 310.

- (3) All rules made under this Act shall be published in the Official Gazette and in such other manner, if any, as the Central Government may direct and, on such publication, shall have effect as if enacted in this Act.
- (4) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

312. Power to make regulations.—

- (1) A Board may make regulations consistent with this Act and with the rules made thereunder to provide for all or any of the following matters, namely—
 - (a) the custody of the common seal of the Board and the purposes for which it shall be used under sub-section (2) of section 11;
 - (b) the appointment of committees for any purpose and the determination of all matters relating to the constitution and procedure of such committees, and the delegation of any of the powers or duties of the Board under sub-section (10) of section 12;
 - (c) the time, place, manner of giving notice and adjournments of, and the conduct of proceedings at, its meetings under sub-section (4) of section 37;
 - (d) the business to be transacted at its meetings under section 38; and
 - (e) the regulation of the proceedings of the joint committee appointed under clause (a) of sub-section (1) of section 47.

- (2) No regulation made under clause (b) of sub-section (1) shall take effect until it has been approved by the Central Government.
- (3) No regulation made under this section shall take effect until it has been published in such manner as the Central Government may direct.

313. **Power to make bye-laws.—**

- (1) Subject to the provisions of this Act and the rules made thereunder, a Board may make bye-laws to provide for all or any of the matters specified in this behalf under the provisions of this Act.
- (2) In addition to any bye-laws which it is empowered to make under any other provision of this Act as provided in sub-section (1), a Board may also make bye-laws consistent with this Act and the rules made thereunder to provide for all or any of the following matters in the cantonment, namely—
 - (a) the registration of births, deaths and marriages, and the taking of a census;
 - (b) the enforcement of compulsory vaccination and inoculation and levy of fees where such vaccination or inoculation is carried out at the houses of residents;
 - (c) the regulation of the collection and recovery of taxes, tolls and fees under this Act and the refund of taxes;
 - (d) the regulation of any description of traffic in the streets and the enforcement of measures for the reduction of noise caused thereby or the prohibition of any description of such traffic;
 - (e) the manner in which vehicles standing, driven, led or propelled in the streets between sunset and sunrise shall be lighted;
 - (f) the seizure and confiscation of ownerless animals straying within the limits of the cantonments and regulation and control of cattle pounds;
 - (g) the prevention and extinguishing of fire;
 - (h) the construction of scaffolding for building operations to secure the safety of the general public and of persons working thereon;
 - (i) the regulation in any manner not specifically provided for in this Act of the construction, alteration, maintenance, preservation, cleaning and repairs of drains, ventilation-shafts, pipes, water-closets, privies, latrines, urinals, cesspools and other drainage works;

- (j) the regulation or prohibition of the discharge into, or deposit in, drains of sewage, polluted water and other offensive or obstructive matter;
- (k) the regulation or prohibition of the stabling or herding of animals, or of any class of animals, so as to prevent danger to public health;
- (l) the proper disposal of corpses, the regulation and management of burial and burning places and other places for the disposal of corpses, and the fees chargeable for the use of such places where the same are provided or maintained by Government or at the expense of the cantonment fund;
- (m) the permission, regulation or prohibition of the use or occupation of any street or place by itinerant vendors or by any person for the sale of articles or the exercise of any calling or the setting up of any booth or stall, and the fees chargeable for such use or occupation;
- (n) the regulation and control of encamping grounds, sarais, hotels, dak-bungalows, lodging-houses, boarding-houses, buildings let in tenements, residential clubs, restaurants, eating-houses, cafes, refreshment-rooms, guest houses, holiday resorts, cinemas and places of public recreation, entertainment or resort;
- (o) the regulation of the ventilation, lighting, cleansing, drainage and water-supply of the buildings used for the manufacture or sale of aerated or other potable waters and of butter, milk, sweetmeats and other articles of food or drink for human consumption;
- (p) the matters regarding which conditions may be imposed by licences granted under section 241 or section 260;
- (q) the control and supervision of places where dangerous or offensive trades are carried on so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effects arising or likely to arise there from;
- (r) the regulation of the erection of any enclosure, fence, tent, awning or other temporary structure of whatsoever material or nature on any land situated within the cantonment and the fees chargeable in respect thereof;
- (s) the laying out of streets, and the regulation and prohibition of the erection of buildings without adequate provision being made for the laying out and location of streets;
- (t) the form of and the particulars which shall be contained in a development scheme or an improvement scheme and the manner in which such scheme shall be framed or altered and levy of development charges;

- (u) the regulation of the use of public parks and gardens and other public places, and the protection of avenues, trees, grass and other appurtenances of streets and other public places;
- (v) the regulation of the grazing of animals and the fees chargeable in respect thereof;
- (w) the fixing and regulation of the use of public bathing and washing places;
- (x) the regulation of the posting of bills and advertisement, and of the position, size, shape or style or name boards, sign-boards and sign-posts;
- (y) the fixation of a method for the sale of articles whether by measure, weight, piece or any other method;
- (z) the rendering necessary of licences within the cantonment for—
 - (i) persons working as job porters for the conveyance of goods;
 - (ii) vehicles used for hawking articles, and the proprietors or drivers of such vehicles, boats or other conveyances kept or plying for hire;
 - (iii) animals kept on hire;
 - (iv) persons impelling or carrying such vehicles or other conveyances; or
 - (v) persons practising as nurses, midwives or dais;
 - (vi) the prescribing of the fee payable for any licence required under clause (z) above, and of the conditions subject to which such licences may be granted, revised, suspended or withdrawn;
- (aa) the regulation of the charges to be made for the services of such job porters and of the hire of such animals, vehicles or other conveyances, and for the remuneration of persons impelling or carrying such vehicles or conveyances as are referred to in clause (z) above;
- (bb) the prescribing of fee payable for any licence except as otherwise specifically provided in the Act, sanction or for any written permission granted by the Chief Executive Officer;
- (cc) the regulation or prohibition, for purposes of sanitation or the prevention of disease or the promotion of public safety or convenience, of any act which occasions or is likely to occasion a nuisance, and for the regulation or prohibition of which no provision is made elsewhere by or under this Act;
- (dd) the circumstances and the manner in which owners of buildings or land in the cantonment, who are temporarily absent from, or are not resident in, the cantonment, may be required to appoint as their agents, for all or any of the purposes of this Act or any rule or bye-law made thereunder, persons residing within or near the cantonment;
- (ee) the prevention of the spread of infectious or contagious diseases within the cantonment;

- (ff) the segregation in, or the removal and exclusion from, the cantonment, or the destruction, of animals suffering from or reasonably suspected to be suffering from any infectious or contagious disease;
- (gg) the supervision, regulation, conservation and protection from injury, contamination or trespass of sources and means of public water-supply and of appliances for the distribution of water whether within or without the limits of the cantonment;
- (hh) the manner in which connections with water-works may be constructed or maintained, and the agency which shall or may be employed for such construction and maintenance;
- (ii) the regulation of all matters and things relating to the supply and use of water including the collection and recovery of charges therefor and the prevention of evasion of the same;
- (jj) the maintenance of schools, and the furtherance of education generally;
- (kk) the regulation or prohibition of the cutting or destruction of trees or shrubs, or of the making of excavations, or of the removal of soil or quarrying, where such regulation or prohibition appears to the Board to be not prejudicial to the maintenance of ecological balance and to be necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of landscape or of the formation of ravines or torrents, or the protection of land against erosion, or against the deposit thereon of sand, gravel or stones;
- (ll) the rendering necessary of licences for the use of premises within the cantonment as stables, kennels, sties or cow houses or as accommodation for sheep, goats or fowls;
- (mm) the control of the use in the cantonment of mechanical whistles, sirens or trumpets;
- (nn) the regulation of supply of copies of official documents and prescribing the fee payable in respect thereof;
- (oo) the regulation of permission for granting licence for use of loud-speakers and prescribing the fee payable in respect thereof;
- (pp) the conservation and maintenance of ancient and historical monuments, archaeological sites and remains or place of public importance in the cantonment; and
- (qq) generally for the regulation of the administration of the cantonment under this Act.

314. **Penalty for breach of bye-laws.—**

- (1) Any bye-law made by a Board under this Act may provide that a contravention thereof shall be punishable—

- (a) with fine which may extend to five thousand rupees; or
 - (b) with fine which may extend to five thousand rupees and, in the case of a continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention; or
 - (c) with fine which may extend to one hundred fifty rupees for every day during which the contravention continues after the receipt of a notice from the Board or Chief Executive Officer by the person contravening the bye-law requiring such person to discontinue such contravention.
- (2) Any such bye-law may also provide that a person contravening the same shall be required to remedy, so far as lies in his power, the damage or mischief, if any, caused by such contravention.

315. Supplemental provisions regarding bye-laws and regulations.—

- (1) Any power to make bye-laws conferred by this Act is conferred subject to the conditions of bye-laws being made after previous publication and of their not taking effect until they have been approved and confirmed by the Central Government and published in the Official Gazette.
- (2) The Central Government in confirming a bye-law may make any change therein which appears to it to be necessary.
- (3) The Central Government may, after previous publication of its intention, cancel any bye-law which it has confirmed, and thereupon the bye-law shall cease to have effect.
- (4) Every bye-law and Regulation made under this Act and every order made under sub-section (3) shall be laid as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the bye-law and Regulation, or order or both Houses agree that the bye-law and Regulation, or order should not be made, the bye-law and Regulation, or order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that bye-law and Regulation or order.

316. Rules, regulations and bye-laws to be available for inspection and purchase.—

- (1) A copy of all rules, regulations and bye-laws made under this Act shall be kept at the office of the Board and shall, during office hours, be open free of charge to inspection by any

320. Validity of notices and other documents. —

No notice, order, requisition, licence, permission in writing or other such document issued under this Act shall be invalid merely by reason of any defect of form.

321. Admissibility of document or entry as evidence.—

A copy of any receipt, application, plan, notice, order or other document or of any entry in a register in the possession of a Board shall, if duly certified by the legal keeper thereof or other person authorised by the Chief Executive Officer in this behalf, be admissible in evidence of the existence of the document or entry and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original documents or entry would, if produced, have been admissible to prove such matters.

322. Evidence by officer or employee of a Board.—

No officer or employee of a Board shall, in any legal proceeding to which the Board is not party, be required to produce any register or document the contents of which can be proved under section 321 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein, save by order of the court made for special cause.

323. Application of Act 4 of 1899.—

For the purposes of the Government Buildings Act, 1899 (4 of 1899), cantonments and Boards shall be deemed to be municipalities and municipal authorities respectively and the references to the State Government in section 4 of that Act shall be construed as references to the Central Government.

324. Act not in derogation of any other law.—

The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

325. Power to remove difficulties.—

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by an order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

- (2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament.

326. Repeals and savings.—

- (1) The Cantonments Act, 2006 (41 of 2006) is hereby repealed.
- (2) Notwithstanding the repeal of the Cantonments Act, 2006 (41 of 2006),—
- (a) any appointment, notification, order, scheme, rule, regulation, form, notice or bye-law made or issued, and any licence or permission granted under the Act shall, in so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made, issued or granted under the provisions of this Act unless and until it is superseded by any appointment, notification, order, scheme, rule, regulation, form, notice or bye-law made or issued or any licence or permission granted under the said provisions;
 - (b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Board shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Board constituted under this Act;
 - (c) all budget estimates, assessments, valuations, measurements or divisions made by the Board shall, in so far as they are not inconsistent with the provisions of this Act, continue in force and be deemed to have been made under the provisions of this Act unless and until they are superseded by any budget estimate, assessment, valuation, measurement or division made by the Board constituted under the said provisions;
 - (d) all properties, movable and immovable and all interests of whatsoever nature and kind therein vested in the Board shall, with all rights of whatsoever description, use, enjoyed or possessed by the said Board vest in the Board constituted under this Act;
 - (e) all rates, taxes, fees, rents and other sums of money due to the Board shall be deemed to be due to the Board constituted under this Act;
 - (f) all rates, taxes, fees, rents, fares and other charges shall, until and unless they are varied by the Board constituted under this Act, continue to be levied at the same rate at which they were being levied by the Board immediately before the commencement of this Act;
 - (g) no duty, tax, fine, penalty, interest as are due or may become due or any punishment incurred or inflicted in respect of any offence or violation committed against the provisions of the repealed Act;
 - (h) no investigation, inquiry, assessment proceedings, adjudication or any other legal proceedings or recovery of arrears or remedy in respect of any such duty, tax, penalty, fine, interest, right, privilege, obligation, liability or punishment, as aforesaid shall be affected, and any such

investigation, inquiry, assessment proceedings, adjudication and other legal proceedings or recovery of arrears or remedy may be instituted, continued or enforced, and any such tax, penalty, fine, interest, or punishment may be levied or imposed as if this Act had not been so repealed; and

- (i) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the Board may be continued or instituted by or against the Board constituted under this Act.

SCHEDULE I
(See section 17)

FORM OF OATH

"I, _____, having become/been elected/been nominated a member of this Board, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter."

SCHEDULE II
(See section 98)
NOTICE OF DEMAND

To,

residing at

Taking notice that the Board demands from.....the sum ofdue fromon account of.....(here describe the property, occupation, circumstance or thing in respect of which the sum is payable) leviable under for the period of Commencing on theday of20....., and ending on theday of20....., and that if, within thirty days from the service of this notice, the said sum is not paid to the Board at..... or sufficient cause for non-payment is not shown to the satisfaction of the Chief Executive Officer, warrant of distress/attachment* will be issued for the recovery of the same with costs.

Dated this.....day of20.....

(Signed)

Chief Executive Officer, Cantonment

[*Strike out whichever is not applicable.]

SCHEDULE III
(See section 99)
FORM OF WARRANT

(Here insert the name of the officer charged with the execution of warrant)

Whereas A.B. of has not paid and has not shown satisfactory cause for the non-payment of, the sum of due on account of.....*..... for the period of.....commencing on the day of.....20..... and ending with the day of.....20..... which sum is leviable under.....

And whereas thirty days have elapsed since the service on him of notice of demand for the same.

This is to command you to [distrain/attach#] subject to the provisions of the Cantonments Act, 2020, the [movable/immovable#] property of the said A.B. to the amount of the said sum of Rs.; and forthwith to certify to me, together with this warrant, all particulars of the property [seized/attached #] by you thereunder.

Dated thisday of20.....

(Signed)

Chief Executive Officer,
Cantonment.

*Here describe the liability.

Strike out whichever is not applicable.

SCHEDULE IV
(See section 101)
FORM OF INVENTORY OF PROPERTY DISTRAINED AND NOTICE OF SALE

To,

residing at

Take notice that I have this day seized the property specified in the inventory annexed hereto, for the value of.....due for the liability* mentioned in the margin for the period commencing with.....day of20..... and ending with theday of.....20....., together with Rs..... due for service of notice of demand, and that, unless within seven days from the date of the service of this notice you pay to the Board the said amount, together with the costs of recovery, the said property will be sold by public auction.

Dated thisday of20.....

(Signature of officer executing the warrant.)

INVENTORY
(Here state particulars of property seized).

*Here describe the liability.

SCHEDULE V
(See sections 2(t) and 159)
ESSENTIAL SERVICES

Services in connection with:

- (a) Public conservancy or sanitation;
- (b) Water-supply;
- (c) Hospitals or dispensaries;
- (d) Electric supply;
- (e) Public transportation;
- (f) Telecommunications;
- (g) Fire brigade;
- (h) Information technology used for delivering services in the cantonment; and
- (i) Services in connection with prevention of nuisance generally.

SCHEDULE VI

(See section 241)

TRADES, CALLINGS AND OCCUPATIONS WHICH MAY NOT BE CARRIED ON WITHOUT A LICENSE

- (a) Butchers and vendors of poultry, game or fish;
- (b) Persons keeping pigs for profit, and dealers in the flesh of pigs which have been slaughtered within or outside the cantonment;
- (c) Persons keeping milch cattle or milch goats for profit;
- (d) Persons keeping for profit any animals other than pigs, milch cattle or milch goats
- (e) Dairymen, buttermen, and makers and vendors of ghee;
- (f) Makers of bread, biscuits or cake, and vendors of bread, biscuits or cake made within or outside cantonment;
- (g) Vendors of fruits or vegetables;
- (h) Manufacturers of aerated or other potable waters or of ice or ice-cream, and vendors of the same;
- (i) Vendors of any medicines, drugs or articles of food or drink for human consumption (other than the flesh of pigs, milk, butter, bread, biscuits, cake, fruit, vegetables, aerated or other potable waters or ice or ice-cream) which are of a perishable nature;
- (j) Vendors of spirituous liquor;
- (k) Vendors of water to be used for drinking purposes;
- (l) Washermen;
- (m) Plumbers;
- (n) Dealers in hay, straw, wood, charcoal or other inflammable material;
- (o) Dealers in fire-works, kerosene oil, petroleum or any other inflammable oil or spirit;
- (p) Tanners and dyers;
- (q) Persons carrying on any trade or occupation from which offensive or unwholesome smells arise;
- (r) Vendors of wheat, rice and other grain or of flour;
- (s) Makers and vendors of sugar or sweetmeats;
- (t) Barbers and keepers of shaving saloons; and
- (u) Any other person carrying on such other trade, calling or occupation as the Central Government may, by notification in the Official Gazette, specify in this behalf

SCHEDULE VII

(See section 277)

CASES IN WHICH POLICE MAY ARREST WITHOUT WARRANT

Part A

150(2)(g)	Making or selling of food, etc., or washing of clothes, by infected person.
252(1)(a)(i)	Drunken or disorderly behaviour

Part B

Section	Subject
226	Destroying, etc., name of street or number affixed to building.
240(5)	Feeding animals on filth, etc.
252(1)(a)(ii)	Using threatening or abusive words, etc.
252(1)(a)(iii)	Indecent exposure of person, etc.
252(1)(a)(iv)	Gaming.
252(1)(a)(viii)	Removes, destroys, defaces, or otherwise obliterates any notice or document exhibited under this Act.
252(1)(a)(ix)	Displaces, damages, alters, pavements, gutter, storm water drain.
252(1)(f)	Keeping common gaming-house, etc.
252(1)(g)	Disturbing public peace by singing, screaming, using loudspeaker etc.
252(1)(m)	Discharging fire-arms, etc., so as to cause danger.
261(4)(b)	Setting or urging such dog or animal to attack, worry or intimidate any person
264	Loitering or importuning for the purposes of prostitution.
267(a)	Remaining in, or returning to, a cantonment after notice of expulsion.

SCHEDULE VIII
(See section 304)
APPEALS FROM EXECUTIVE ORDERS

Sl. No.	Section	Executive Order	Appellate Authority	Time allowed for appeal
1	2	3	4	5
1.	2 (ee)	Declaring 'inhabitant'	District Magistrate	Fifteen days.
2.	133	Notice requiring provision of sanitary facilities in market, school, theatre or other place of public resort.	Board	Fifteen days from service of notice.
3.	135(a)	Notice requiring the owner to provide latrine, urinal, cesspool dust-bin or other receptacle.	Board	Fifteen days from service of notice.
4.	137	Notice for removal of congested building.	General Officer Commanding-in-Chief, the Command	Thirty days from service of notice.
5.	138(2)	Notice prohibiting owner or occupier to use a building or part of a building for human habitation.	Principal Director	Twenty-one days from service of notice.
6.	139	Notice requiring a building to be repaired or altered so as to remove sanitary defects.	Principal Director	Thirty days from service of notice.
7.	141	Notice to fill up well, tank, etc., or to drain off or remove water.	Principal Director	Thirty days from service of notice.
8.	164	Notice requiring maintenance or the closing of private sources	Board	Fifteen days from service of

		of public drinking water supply.		notice.
9.	166(2)	Notice requiring the owner, lessee or occupier of a building or land to obtain water from a source of public water supply.	Board	Fifteen days from service of notice.
10.	168	Notice for cutting off the connection between any source of public water supply and any building or land to which water is supplied.	Board	Fifteen days from service of notice.
11.	191(3)	Notice to pull down or otherwise deal with a building newly erected or re-built without permission over a sewer, drain, culvert, water course or water-pipe.	Board	Thirty days from service of notice.
12.	210	(a) Refusal to sanction the erection or re-erection of a building in a civil area. (b) Refusal to sanction the erection or re-erection of a building in a cantonment (other than a civil area).	Principal Director General Officer Commanding-in-Chief, the Command	Thirty days from service of communication. Thirty days from service of communication.
13.	217	Order of stoppage of building or works in certain cases.	Board	Thirty days from service of communication.
14.	219	(a) Notice to stop erection or re-erection of, or to alter or demolish, a building in a civil area.	Principal Director	Thirty days from service of communication.

		(b) Notice to stop erection re-erection of, or to alter demolish, a building in cantonment (other than a civil area.	General Officer Commanding-in Chief, the Command	Thirty days from service of communication.
15.	220	(a) Order directing sealing of erection or work in a civil area. (b) Order directing sealing of erection or work in a cantonment (other than a civil area).	Principal Director General Officer Commanding-in Chief, the Command	Thirty days from service of communication. Thirty days from service of communication.
16.	222	Notice requiring the owner or the occupier to alter or remove any projection or encroachment.	Board	Thirty days from service of notice.
17.	256	Notice to remove, repair, protect, or enclose a building, wall or anything affixed thereto, or well, tank, reservoir, pool, depression or excavation.	Board	Thirty days from service of notice.
18.	265	Notice directing a disorderly person to remove from cantonment and prohibiting him from re-entering it without permission.	District Magistrate	Thirty days from service of notice.