

**JOINT/SELECT COMMITTEE
REPORTS OF LEGISLATIVE
ASSEMBLY - 1935**

**The Cantonments Amendment
Bill**

List of Reports of Joint and Select Committees
presented to the Legislative Assembly in 1935.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks
1.	The Indian Mines (Amendment) Bill.	5. 3.1935.	
2.	The Payment of Wages Bill.	2. 9.1935.	
3.	The Code of Criminal Procedure(Amendment)Bill (<u>Amendment of Section 406</u>).	4. 9.1935.	
4.	The Code of Civil Procedure(S Second Amendment) Bill(<u>Insertion of New Section 44A</u>).	18. 9.1935.	
5.	The Cantonments (Amendment) Bill.	24. 9. 1935.	

LEGISLATIVE ASSEMBLY.

We, the undersigned, members of the Select Committee to which the Bill further to amend the Cantonments Act, 1924, for certain purposes was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. Having examined the provisions of the Bill, we have come to the conclusion that radical alterations in its structure are necessary before we can recommend its acceptance by the Legislative Assembly.

3. Apart from a number of minor changes which are briefly explained in notes on individual clauses, there are four questions of major importance which we propose to discuss at greater length.

(1) Constitutional position of Local Governments.

4. While accepting the necessity for making it clear that, with the inception of Provincial Autonomy, the authority of the Central Government must remain paramount as regards military administration, we consider that the present allocation of duties to Local Governments under the Cantonments Act is suitable, and will remain so, from the point of view of practical convenience.

5. The existing powers of superintendence, direction and control vested in the Governor General in Council depend on section 45(1) of the present Government of India Act, and we feel that we could not do better than to reproduce the wording in that section so that it will operate under the new constitution in respect of cantonment matters. The practical result will be to maintain the present relation between the Central and Local Governments under the new constitution in respect of cantonment matters only. We have, therefore, in place of old clause 75 of the Bill inserted a new clause 66 which introduces into the Act a new section 285A on the lines of section 45(1) of the present Government of India Act. At the same time we have removed from the Bill the following old clauses, which were designed to transfer specific functions of the Local Government to the Governor General in Council :—

Clauses 3, 4, 5, 8(b), 8(c), 9(b), 10, 11, 12, 13(a), 13(b), 14, 15(a)(i), 15(b) (ii), 15 (c), 16(b) (ii), 17, 23, 24(b), 27 (second amendment), 29, 30(a), 30(c), 31, 32, 34, 42, 44(a), 44(b) [second amendment], 45, 47, 49(b), 52, 63, 64(c), 66 and 73.

(2) Cantonment Boards.

6. While agreeing that military interests in cantonments must predominate, if the area of each cantonment is taken as a whole, and that therefore the local bodies responsible for the administration of cantonments must continue to contain an official majority, we consider—

(a) that statutory provision should be made for some representation of non-official

interests in all cantonments, instead of only in a limited number as at present—in other words, that there should be a Board containing an elected element in every cantonment ; and

(b) that statutory provision should also be made whereby the detailed administration of bazaar areas (other than small regimental bazaars) should be left as far as possible to the elected representatives of the civil population, thereby relieving the official members of the Board of much work in which they are not directly interested.

7. We have given effect to these conclusions in clauses 4 and 16 of the Bill. Clause 4 substitutes five new sections for sections 10 to 14 of the Act. In proposed section 10, we have laid down the general principle that in every cantonment there should be a Board incorporated under proposed section 11. Proposed section 13 provides that in cantonments with a civil population of 2,500 upwards the membership of the Board, while retaining the official majority of one, should vary from 9 to 15 in proportion to the civil population. In smaller cantonments the section provides, in place of the "corporation sole" now prevailing, for a Board of three members; one of whom is to be elected.

We recognise that, in the case of—

- (a) military operations ; or
- (b) serious administrative troubles,

it may be difficult to continue the administration of cantonments under the normal system of Boards proposed by us, and we, therefore, have made provision in proposed section 14 that, in the former case, the Governor General in Council on his own initiative, and, in the latter case, the Governor General in Council after consultation with the Local Government, may replace the Board in any cantonment by a Board consisting of 2 official members and one non-official nominated member. This arrangement, however, is limited to a normal term of one year, subject to extension by periods of not more than one year at a time after review by the Governor General in Council, and subject also to the condition that the Governor General in Council shall be bound forthwith to restore the normal regime if the extraordinary reasons necessitating its abrogation cease to exist.

8. These changes necessitate certain amendments throughout the Act and the Bill. Some are purely formal. Thus, the word "Board" has been substituted for "Cantonment Authority" throughout the Bill and the Act (*vide* new clause 68). Similar purely consequential changes are embodied in the following clauses of the Bill as re-drafted :—

Clauses 2 (b), 3, 6, 7, 8, 9, 13, 17(a) (i), 17(a) (ii) (2), 17 (a) (ii) (3), 17 (b), 24, 30, 34, 37, 38, 39, 52, 54 and 58.

Of the above-mentioned new clauses, some are not entirely consequential :—

9. *Clause 3.*—The special power in section 9 of the Act of modifying the Act in its application in certain instances is now confined to cases where a Board is superseded under section 54 (when it is obviously essential) and to cantonments in Presidency-towns, which were previously regulated by the provisions of section 10 (2)—now repealed—the interpretation of which was open to some doubt.

10. *Clause 6.*—It is obvious that the provision for a Vice-President in section 20(2) of the Act cannot apply to the new Boards of three members only.

11. *Clause 9.*—Provision has been made for an authority to prepare the electoral roll where the first Board has not as yet come into being.

12. *Clause 13.*—Clearly a special quorum is required for Boards of three members only.

Other amendments, not entirely consequential, seem to us necessarily involved in the existence of a Board in every cantonment. They are :—

13. *New clause 11(b)(i).*—It is not clear that the mere substitution of "Board" for "Cantonment Authority" by clause 68 of the Bill as re-drafted would perpetuate the disability at present contained in section 28(2)(a) of the Act, which is a penal clause. Hence the amendment.

14. *New clause 14.*—Section 40, which relates to the appointment of a presiding officer in emergencies, is clearly inapplicable in its present form to a Board of three members only and we have suggested an appropriate modification.

15. *New clause 62.*—This is consequential on the omission by clause 4 of the Bill as re-drafted of existing section 10(2) of the Act.

16. *New clause 16* of the Bill, as already stated, is designed to secure that the administration of bazaar areas should, as far as possible, be left to the elected members of Boards. We recognise that it is inappropriate to attempt to divest a statutory body like a Board of any of its responsibilities. We have, however, made mandatory provision for the constitution of Bazaar Committees consisting of elected members only, trusting that their decisions will, in practice, be respected and upheld by the official majority. We also desire to express our hope that the Board as a whole, operating with an official majority, will delegate the widest possible duties and powers to these Committees. We have added a provision that such Committees may co-opt such *ex-officio* members as the Health Officer and Executive Engineer if they desire their expert advice.

(3) *Sanction to erection of buildings.*

17. On the understanding that the intention of Government is not to assert its rights to cantonment lands in bazaar areas, we consider it reasonable that a service of Military Estates Officers should be maintained to manage other Government lands in cantonments and to protect the rights of Government therein. We are not, however, prepared to accept the provisions of

clause 56 of the Bill as introduced. Proposed sub-sections (3) and (5) of section 181 of the Act, as inserted by that clause, are open to the criticism that the Military Estates Officer, by lodging an objection, can preclude the Cantonment Authority from granting sanction to build. We consider that it would suffice if proposed sub-section (3) is replaced by a provision, on the lines of section 193 (2) of the Punjab Municipal Act, 1911, that the Cantonment Authority *may* refuse such sanction where the site concerned belongs to Government and the consent of Government is not available, or where Government disputes the title to the site; and if proposed sub-section (5) is modified so as to provide that the Board should, in cases where the site is not under its management, make a previous reference to the Military Estates Officer in order to ascertain whether Government has any claim to urge. The Military Estates Officer, in our opinion, should be required to submit his reply within 15 days, and we have made provision to that effect (*vide* new clause 45).

(4) *Bulk water-supply by Government.*

18. We accept the general principle that, where Government supplies water through the Military Engineer Services or the Public Works Department, such supply should be in bulk. We consider, however, that it should be optional for the Board to provide its own supply, whereas clause 67 of the Bill as introduced enabled the officer of Government to require the Cantonment Authority to take a bulk supply of water from Government. We have, therefore, in new clause 57 secured this option, with the proviso that such a supply, if taken, shall be in bulk. Whilst securing an option to the Board as a whole, we desire to express the hope that in practice the official majority will not overrule the wishes of the elected members.

19. We think, also, that some limitation should be placed on the cost to the consumer of water so supplied and have provided that it shall not exceed the corresponding cost in the nearest municipality, the rate paid for the water by the Board to Government being scaled down to admit of this. Proposed sub-section (2A) provides the necessary machinery for adjusting disputes which are likely to arise in connection with a technical subject of this nature.

20. Other changes made by us in the Bill are discussed clause by clause :—

New clause 2(a).—We consider it desirable to qualify the word "structure" by the word "roofed". Otherwise its application would be altogether too comprehensive.

New clause 2(c).—We are satisfied that the redraft of the definition of "entitled consumer" is more workable from the administrative point of view than that in the Bill as introduced.

New clause 2(g).—We do not accept the principle of constructive occupation of premises through domestic servants, and have omitted references thereto.

Old clause 2(h).—The definition of "tax" in the Bill as introduced is likely to lead to complications in respect of the power to impose rates, and we

have deleted it, replacing it by an amendment of section 102 of the Act (*vide* new clause 32).

New clause 4 (proposed section 12).—We accept the proposal that Executive Officers should in future be appointed from a Service of Executive Officers to be constituted and controlled by Government. We consider, however, that Government should share equally with the Boards the expense of the salaries of these officers; especially as, even if this recommendation is accepted, there will still be a substantial saving to Government as against the existing system.

We desire also to express the hope that Government, in framing rules for this new service under proposed section 280 (2) (*cc*)—new clause 64 of the Bill—will provide that, so far as possible, disciplinary effect will be given to the expressed wishes of a Board as regards its Executive Officer.

New clause 5.—We understand that the intention was to prolong the term of office of the elected members of a Board all together, not individually. We also consider that such extension should be limited to a period of one year. We have provided accordingly.

Old clauses 13 (c), 15 (a) (ii), 18, 19, 20, 35 and 55.—We understand that Government do not attach importance to these provisions of the Bill, and recommend their deletion.

New clause 10.—We see no reason why the electoral qualification laid down in section 27 (1) (b) (*iii*) should not be extended to persons who have passed the Matriculation or equivalent

examination of any University. We have also shortened the period of disqualification under the proposed second proviso to section 27 (2) from five to three years.

New clause 21.—We consider that a decision of a Board should not be cancelled or modified without opportunity being given to the Board for showing cause against such cancellation or modification.

New clause 22.—In our opinion the initiating authority for taxation in cantonments should, as in most municipalities, be the Board with the previous sanction of the Local Government, and not the Local Government.

New clause 32.—See note on old clause 2 (*h*).

New clause 53 (c).—We have provided that the fee for a licence should not exceed the actual cost of issuing the licence.

New clause 56.—This supplies an omission in the Bill to provide an amendment to section 234 of the Act consequential on the proposals contained in new clause 57 of the Bill.

21. The Bill was published in the Gazette of India, dated the 6th April, 1935.

22. We consider that the alterations made by us in the Bill necessitate its re publication and circulation for public opinion. We recognise that, in view of the radical revision of the Bill in Select Committee, modifications thereof may be required in the light of opinions obtained in the process of circulation.

N. N. SIRCAR.

G. R. F. TOTTENHAM.

MOHAMMAD AZHAR ALI.

KHAN SAHIB.

N. V. GADGIL.

MANGAL SINGH.

SHAM LAL.

SHER MOHD. KHAN.

MOHAMMAD YAKUB.

T. S. S. RAJAN.

MAJOR NAWAB AHMED NAWAZ KHAN.

SIMLA:

The 24th September, 1935.

[AS AMENDED BY THE SELECT COMMITTEE.]

(Words printed in italics indicate the amendments suggested by the Committee.)

A

BILL

Further to amend the Cantonments Act, 1924, for certain purposes.

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

1. This Act may be called the Cantonments (Amendment) Act, 1935.
Short title.
2. In section 2 of the Cantonments Act, 1924 II of 1924. Amendment of section 2, (hereinafter referred to Act II of 1924. as the said Act),—
 - (a) for clause (iv) the following clause shall be substituted, namely :—

“ (iv) ‘ building ’ means a house, outhouse, stable, latrine, shed, hut * or other *roofed* structure whether of masonry, brick, wood, mud, metal or other material, and any part thereof, and includes a *well and a wall* (other than a boundary wall not exceeding eight feet in height and not abutting on a street) but does not include a tent or other portable and temporary shelter ; ” ;
 - (b) *clause (v) shall be omitted ;*
 - (c) after clause (xi) the following clause shall be inserted, namely :—

“ *(xia) ‘ entitled consumer ’ means a person in a cantonment who is paid from the Defence Services Estimates and is authorised by general or special order of the Governor General in Council to receive a supply of water for domestic purposes from the Military Engineer Services or the Public Works Department on such terms and conditions as may be specified in the order ;* ” ;
 - (d) *clause (xv) shall be omitted ;*
 - (e) after clause (xx) the following clause shall be inserted, namely :—

“ *(xxa) ‘ Military Estates Officer ’ means the officer appointed by the Governor General in Council to perform the duties of the Military Estates Officer under rules made under clauses (a) and (b) of sub-section (2) of section 280 ;* ” ;
 - (f) in clause (xxi),—
 - (i) in paragraph (a), after the words “ Air Force Act,” the words and figures “ or the Indian Air Force Act, 1932,” shall be inserted ; and
 - (ii) to paragraph (b) the words “ , or the Indian Air Force Act, 1932 ” shall be added ;

(g) after clause (xxxii) the following clause shall be inserted, namely :—

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

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

* * * * *

(i) in clause (xxxviii), the word “ and ” occurring at the end shall be omitted ; and

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

“ and

(xl) ‘ year ’ means the year commencing on the first day of April.”.

* * * * *

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

Amendment of section 9, Act II of 1924.

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

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

* * * * *

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

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

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

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

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

Provided that an Executive Officer appointed before the commencement of the Cantonments (Amendment) Act, 1935, shall, unless the Governor General in Council otherwise directs in any case, be deemed to have been duly appointed in accordance with this sub-section.

(2) The salary of the Executive Officer shall be paid in equal shares by Government and from the Cantonment Fund.

(3) *The Executive Officer shall be the Secretary, but shall not be a member, of the Board.*

31. (1) *Cantonments shall be divided into three classes, namely:—*
Constitution of Cantonment Boards.

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

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

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

- (a) *the Officer Commanding the station ;*
- (b) *a Magistrate of the first class nominated by the District Magistrate ;*
- (c) *the Health Officer ;*
- (d) *the Executive Engineer ;*
- (e) *four military officers nominated by name by the Officer Commanding the station by order in writing ;*
- (f) *seven members elected under this Act.*

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

- (a) *the Officer Commanding the station ;*
- (b) *a Magistrate of the first class nominated by the District Magistrate ;*
- (c) *the Health Officer ;*
- (d) *the Executive Engineer ;*
- (e) (i) *in cantonments of which the civil population exceeds seven thousand five hundred, three military officers,*
 (ii) *in cantonments of which the civil population exceeds five thousand, but does not exceed seven thousand five hundred, two military officers,*
 (iii) *in cantonments of which the civil population does not exceed five thousand, one military officer,*
nominated by name by the Officer Commanding the station by order in writing ;
- (f) *such number of members elected under this Act as is equal to the number of members constituted or nominated by or under clauses (b) to (e).*

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

- (a) *the Officer Commanding the station ;*
- (b) *one military officer nominated by name by the Officer Commanding the station by order in writing ;*
- (c) *one member elected under this Act.*

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

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

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

- (a) *that, by reason of military operations, it is necessary, or*
- (b) *after consultation with the Local Government, that, for the administration of the cantonment, it is desirable,*

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

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

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

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

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

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

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

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

5. To sub-section (1) of section 15 of the said Act * * the following proviso shall be added, namely:—

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

* * * * *

6. For sub-section (2) of section 20 of the said Act the following sub-section shall be substituted, namely:—

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

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

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

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

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

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

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

“ The Board or, where a Board has not been constituted for the first time in any place declared by notification under sub-section (1) of section 3 to be a cantonment, the Officer Commanding the station,”.

* * * * *

10. In section 27 of the said Act,—

Amendment of section 27, Act II of 1924.

(a) In sub-section (1),—

* * * * *

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

(ii) in clause (c), for the word “ during ” the word “ for ” shall be substituted; and

(b) in sub-section (2),—

(i) in clause (v), after the word “transportation” the words “for an offence which is declared by the Governor General in Council to be such as to unfit him to become an elector” shall be inserted, and for the word “under” the words “in consequence of proceedings taken under section 109 or section 110 of” shall be substituted;
and

* * * * *

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

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

* * * * *

11. In section 28 of the said Act,—

Amendment of section 28, Act II of 1924.

(a) in sub-section (1), for the words “a stipendiary Magistrate or a military officer or soldier” the words “a person in the military or civil service of the Crown in India” shall be substituted;

(b) in sub-section (2),—

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

“a Board or an authority which, before the commencement of the Cantonments (Amendment) Act, 1935, exercised and performed the powers and duties of a Cantonment Authority under this Act;” and

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

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

* * * * *

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

Amendment of section 36, Act II of 1924.

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

13. In section 39 of the said Act,—

Amendment of section 39,
Act II of 1924.

(a) in sub-section (1),—

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

(ii) the proviso shall be omitted; and

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

"(1A) The quorum necessary for the transaction of business at a meeting of a Board constituted under sub-section (5) of section 13 or under sub-section (1) of section 14, shall be two."

14. For section 40 of the said Act the following

Substitution of new section shall be substituted,
section 40 in Act II of 1924, namely:—

"40. In the absence of—

Presiding officer.

(a) both the President and the Vice-President from any meeting of a Board in which there is more than one elected member,

(b) the President from a meeting of a Board constituted under sub-section (5) of section 13 or sub-section (1) of section 14, the members present shall elect one from among their own number to preside."

15. In sub-section (2) of section 41 of the said

Amendment of section Act, for the words "and
41, Act II of 1924. the District Magistrate" the words "the District Magistrate and the Military Estates Officer" shall be substituted.

* * * * *

16. After section 43 of the said Act, the following

Insertion of new section section shall be inserted,
43A in Act II of 1924. namely:—

"43A. (1) Every Board constituted under section 13 in a Class I Cantonment or Class II Cantonment shall appoint a committee consisting of elected members of the Board for the administration of such areas in the cantonment as the Governor General in Council may have declared to be bazar areas, and may delegate its powers and duties to such committee in the manner provided in clause (e) of sub-section (1) of section 44.

(2) Every such committee may co-opt as its members any persons who are ex-officio members of the Board."

17. In section 45 of the said Act,—

Amendment of section 45,
Act II of 1924.

(a) in sub-section (1),—

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

(ii) in clause (b),—

(1) after the words "with the previous sanction of" the words "the

Officer Commanding-in-Chief, the Command, and" shall be inserted ;

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

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

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

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

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

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

20. In section 49 of the said Act, for the words " under section 47 " the words " under section 46 or section 47 " shall be substituted.

* * * * *

21. In section 52 of the said Act,—

Amendment of section 52, Act II of 1924.

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

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

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

* * * * *

22. For section 60 of the said Act the following section shall be substituted, namely :—
Substitution of new section 60 in Act II of 1924.

“ 60. (1) The Board may, with the previous *General power of taxation.* sanction of the Local Government, impose in any cantonment any tax which, under any enactment for the time being in force, may be imposed in any municipality * in the province wherein such cantonment is situated :

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

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

* * * * *

23. In sub-section (1) of section 65 of the said Act, for the words “ from the Secretary of State in Council or from ” the words “ granted by or on behalf of the Secretary of State in Council or ” shall be substituted.
Amendment of section 65, Act II of 1924.

* * * * *

24. In sub-section (4) of section 68 of the said Act, the words “ where there is a Board ” shall be omitted, and for the word “ thereof ” the words “ of the Board ” shall be substituted.
Amendment of section 68, Act II of 1924.

25. In section 71 of the said Act,—

Amendment of section 71, Act II of 1924.

(a) for sub-section (1) the following sub-section shall be substituted, namely :—

“ (1) The Board may amend the assessment list at any time—

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

Provided that no person shall by reason of any such amendment become liable to pay any tax or increase of tax in respect

of any period prior to the commencement of the year in which the assessment is made." ; and

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

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

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

Amendment of section 73, Act II of 1924.

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

27. In section 75 of the said Act, after the word "owner" the words "or occupier" shall be inserted.

Amendment of section 75, Act II of 1924.

28. In section 76 of the said Act, the words "other than a hill cantonment" shall be omitted ; and in sections 76 and 77 of the said Act,—

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

(a) for the word "ninety" the word "sixty" shall be substituted ;

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

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

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

Amendment of section 82, Act II of 1924.

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

Amendment of section 84, Act II of 1924.

31. In sub-section (1) of section 93 of the said Act,—

Amendment of section 93, Act II of 1924.

(a) after the words "wherever it may be found" the words "in the cantonment" shall be inserted ; and

(b) after the words "any moveable property of" the words "or standing timber, growing crops or grass belonging to" shall be inserted.

* * * * *

32. In section 102 of the said Act,—

Amendment of section 102, Act II of 1924.

(a) after the word "tax", in each place where it occurs, the words "or rate" shall be inserted ; and

(b) at the end, the following proviso shall be added, namely :—

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

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

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

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

36. In section 126 of the said Act,—

Amendment of section 126, Act II of 1924.

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

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

37. In clause (d) of sub-section (1) of section 138 of the said Act, the words "where there is no Board" shall be omitted.

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

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

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

41. In section 173 of the said Act, after the words "may receive medical" the words "or surgical" shall be inserted.

42. In section 174 of the said Act, after the word "medical" the words "or surgical" shall be inserted.

Amendment of section 174, Act II of 1924.

* * * * *

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

Insertion of new section 178A in Act II of 1924.

"178A. No land shall be used as a site for the erection of a building in any cantonment and no person shall erect or re-erect a building on any land in a cantonment, except with the previous sanction of the Board, nor otherwise than in accordance with the provisions of this Chapter and of the rules and by-laws made under this Act relating to the erection and re-erection of buildings."

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

Amendment of section 179, Act II of 1924.

* * * * *

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

Amendment of section 181, Act II of 1924.

- (2) The Board may refuse to sanction the erection or re-erection of any building, either on grounds sufficient in the opinion of the Board affecting the particular building, or in pursuance of a general scheme sanctioned by the Officer Commanding-in-Chief, the Command, restricting the erection or re-erection of buildings within specified limits for the prevention of overcrowding or in the interests of persons residing within such limits or for any other purpose.
- (3) *The Board may refuse to sanction the erection or re-erection of any building if the land on which it is proposed to erect or re-erect the building is Government property and the consent of Government has not been obtained, or if the title to the land is in dispute between the person applying for sanction and the Government.*
- (4) The Officer Commanding-in-Chief, the Command, may prohibit the erection or re-erection of buildings within limits specified by him in a cantonment except with his previous sanction, and when such prohibition exists the Board shall not sanction the erection or re-erection of any building, within such limits, unless such previous sanction has been obtained.
- (5) The Board, before sanctioning the erection or re-erection of a building on land which is under the management of the Military Estates Officer, shall refer the application to the Military Estates Officer for ascertaining whether there is any

objection on the part of Government to such erection or re-erection; and the Military Estates Officer shall return the application together with his report thereon to the Board within fifteen days after it has been received by him.

- (6) If the *Board* decides to refuse to sanction the erection or re-erection of the building, it shall communicate in writing the reasons for such refusal to the person by whom notice was given.
- (7) Where the *Board* neglects or omits, for two months after the receipt of a valid notice, to make and to deliver to the person who has given the notice any order of any nature specified in this section, and such person thereafter by a written communication sent by registered post to the *Board* calls the attention of the *Board* to the neglect or omission, then, if such neglect or omission continues for a further period of fifteen days from the date of such communication the *Board* shall be deemed to have given sanction to the erection or re-erection, as the case may be, unconditionally :

Provided that, in any case to which the provisions of * * * sub-section (5) apply, the period of two months herein specified shall be reckoned from the date on which the *Board* has * * * received the *report* referred to in *that* sub-section.*"

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

47. After section 183 of the said Act the following section shall be inserted, namely :—

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

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

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

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49. Section 185 of the said Act shall be renumbered as sub-section (1) of that section and to that section as so re-numbered—

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

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

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

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

Provided that the *Board* shall pay to the owner of the building compensation for any loss actually incurred by him in consequence of such demolition or alteration.”

50. In section 186 of the said Act,—

Amendment of section
186, Act II of 1924.

(a) in clause (c), the word “ and ” shall be omitted ; and

(b) after clause (d), the following clauses shall be added, namely :—

“(e) the circumstances in which a mosque, temple or church or other sacred building may be erected or re-erected ; and

(f) with reference to the erection or re-erection of buildings, or of any class of building, all or any of the following matters, namely :—

(i) the line of frontage where the building abuts on a street ;

(ii) the space to be left about the building to secure free circulation of air and facilities for scavenging and for the prevention of fire ;

- (iii) the materials and method of construction to be used for external and party-walls, roofs and floors;
- (iv) the position, the material and the method of construction of fire-places, chimneys, drains, latrines, privies, urinals and cess-pools;
- (v) height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;
- (vi) the level and width of the foundation, the level of the lowest floor and the stability of the structure;
- (vii) the number and height of the storeys of which the building may consist;
- (viii) the means to be provided for egress from the building in case of fire;
- (ix) the safeguarding of wells from pollution; or
- (x) the materials and method of construction to be used for godowns intended for the storage of foodgrains in excess of fifty maunds in order to render them rat proof."

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

Amendment of section 193, Act II of 1924.

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

* * * * *

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

Amendment of section 207, Act II of 1924.

53. In section 210 of the said Act,—

Amendment of section 210, Act II of 1924.

- (a) in sub-section (1),—
 - (i) in clause (p), the word "and", where it occurs for the second time, shall be omitted; and
 - (ii) after clause (q) the following shall be inserted, namely:—
 - "and
 - (r) barbers and keepers of shaving saloons;";
- (b) in sub-section (2), for the words "for one year" the words "until the end of the year in which it is issued" shall be substituted; and
- (c) in sub-section (4), after the word "fees" the words "not exceeding the cost of granting the licences," shall be inserted.

* * * * *

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

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

* * * * *

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

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

57. *After section 234 of the said Act, the following sections shall be inserted, namely:—*
 Insertion of new sections 234A and 234B in Act II of 1924.

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

(2) Any supply of water received under sub-section (1) shall be a bulk supply, and the Board shall pay the Officer for all water so received at such rate as may be agreed upon between the Board and the Officer, or, in default of such agreement, at such rate as may be determined by the Governor General in Council:

Provided that the rate payable under this sub-section shall not exceed the rate charged for the supply of water in the municipality nearest to the cantonment less a deduction on account of other reasonable expenses immediately attributable to the supply of water by the Board to persons in the cantonment:

Provided further 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 exceeding the rate charged for the supply of water in the municipality nearest to the cantonment.

(2A) If any dispute arises between the Board and the Officer regarding—

(a) the method of calculating any rate or deduction referred to in sub-section (2); or

(b) the amount or nature of the expenses on account of which a deduction is to be made under the first proviso to sub-section (2),

the rate or deduction shall be calculated by such method, and the deduction shall be made on account of expenses of such amount and such nature, as the Governor General in Council may direct.

(3) If any dispute arises between the Board and the Officer regarding the amount of water adequate to the requirements of persons in the cantonment other than entitled consumers, the

dispute shall be referred to the Governor General in Council whose decision shall be final.

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

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

58. In clause (a) of section 253 of the said Act, the words “ where there is a Board,” and the words “ where there is no Board, by the Executive Officer ; or ” shall be omitted.

Amendment of section 253, Act II of 1924.

59. For section 259 of the said Act the following section shall be substituted, namely :—

Substitution of new section for section 259, Act II of 1924.

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

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

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

Amendment of section 262, Act II of 1924.

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

Amendment of section 266, Act II of 1924.

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

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

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

64. In sub-section (2) of section 280 of the said
Amendment of section 280, Act II of 1924. Act,—

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

" (cc) the constitution of a Service of
Executive Officers and the appoint-
ment, control, supervision, conditions
of service, pay and allowances, sus-
pension, removal, dismissal and
punishment of the members thereof ;";
and

(b) clause (hh) shall be omitted

* * * * *

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

66. After section 285 of the said Act the follow-
Insertion of new section 285A in Act II of 1924. ing section shall be in-
serted, namely :—

" 285A. *The Local Government shall be under
Control of Governor Ge- the superintendence, direc-
neral in Council over Local tion and control of the
Government.* Governor General in Council in all matters referred
to in this Act. "

67. In Schedule V to the said Act,—

*Amendment of Schedule
V, Act II of 1924.*

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

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

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

68. In the said Act, for the expressions " Canton-
*Substitution of " Board " for " Cantonment Autho-
rity " throughout Act II of 1924.* ment Authority ", " Can-
tonment Authorities "
and " Cantonment Au-
thority's ", wherever they occur, the words " Board ",
" Boards " and " Board's ", respectively, shall be
substituted.

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GOVERNMENT OF INDIA.
LEGISLATIVE ASSEMBLY
DEPARTMENT.

Report of the Select Committee on the
Bill further to amend the Cantonments
Act, 1924, for certain purposes ; with the
Bill as amended.
