

AS PASSED BY THE RAJYA SABHA
ON 1ST AUGUST, 2006

Bill No. LXXIII-C of 2003

THE CANTONMENTS BILL, 2006

A

BILL

to consolidate and amend the law relating to the administration of cantonments with a view to impart greater democratisation, improvement of their financial base to make provisions for developmental activities and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Cantonments Act, 2006.

(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.

Short title,
extent and
commencement.

Definitions.

2. 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 this Act;

(c) “boundary wall” means a wall which abuts on a street and which 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) “casual election” means an election held to fill a casual vacancy;

(f) “casual vacancy” means a vacancy occurring otherwise than by efflux of time in the office of an elected member of a Board and includes a vacancy in such office, arising under sub-section (2) of section 16;

(g) “Chief Executive Officer” means the person appointed under this Act to be the Chief Executive Officer of a cantonment;

(h) “civil area” means an area declared to be a civil area by the Central Government under sub-section (1) of section 46;

(i) “civil area committee” means a committee appointed under section 47;

(j) “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;

(k) “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;

(l) “dairyman” includes the keeper of a cow, buffalo, goat, ass 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;

(m) “dangerous disease” means cholera, leprosy, enteric fever, smallpox, tuberculosis, diphtheria, plague, influenza, venereal disease, hepatitis, Acquired Immune Deficiency Syndrome and any other epidemic, endemic, infectious or communicable disease which the Board may by public notice, declare to be, an infectious, contagious or communicable disease for the purposes of this Act;

(n) “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;

(o) “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;

(p) “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;

(q) “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;

(r) “entitled consumer” means a person in a cantonment who is paid from the Defence Service Estimates and is authorised by 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;

(s) “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;

(t) “factory” means a factory as defined in clause (m) of section 2 of the Factories Act, 1948;

63 of 1948.

(u) “Forces” means the regular Army, Navy and Air Force or any part of any one or more of them;

(v) “General Officer Commanding-in-Chief, the Command” (GOC-in-C, Command) means the Officer Commanding any of the Commands;

(w) “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;

(x) “Group Housing” means a group of houses for dwelling purposes and may comprise all or any of the following : namely, (a) a dwelling unit, (b) open spaces intended for recreation and ventilation, (c) roads, paths, sewers, drains, water supply and ancillary installations, street lighting and other amenities, (d) convenient shopping place, schools, community hall or other amenities for common use;

(y) “Government” in relation to this Act means the Central Government;

(z) “Health Officer” means the senior executive medical officer in military employ on duty in a cantonment;

(za) “hospital” includes family welfare centre, child welfare centre, maternity centre and health centre;

(zb) “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;

(zc) “inhabitant”, in relation to a cantonment, or local area means any person ordinarily residing 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;

(zd) “intoxicating drug” includes a narcotic drug and psychotropic substance as defined in the Narcotic Drugs and Psychotropic Substances Act, 1985 as modified from time to time;

61 of 1985.

(ze) “market” includes any place where persons assemble for the sale of, or for the purpose of exposing for sales, 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;

(zf) “military” includes Air Force, Navy and other defence related establishments;

(zg) “military officer” means a person who, being an officer within the meaning of the Army Act, 1950, the Navy Act, 1957 or the Air Force Act, 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;

46 of 1950.
62 of 1957.
45 of 1950.

(zh) “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;

(zi) “occupier” includes an owner in occupation of, or otherwise using his own land or building;

(zj) “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”;

(zk) “ordinary election” means an election held to fill a vacancy in the office of an elected member of a Board arising by efflux of time;

(zl) “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;

(zm) “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;

(zn) “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;

(zo) “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;

(zp) “private slaughter-house” means a slaughter-house which is not maintained by a Board and which is licensed by a Board under the provisions of this Act;

(zq) “public market” means a market maintained by a Board;

(zr) “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;

(zs) “public slaughter-house” means a slaughter-house maintained by a Board;

(zt) “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;

(zu) “regulation” means a regulation made by a Cantonment Board under this Act by notification in the Official Gazette;

(zv) “rule” means a rule made by the Central Government under this Act by notification in the Official Gazette;

(zw) “shed” means a slight or temporary structure for shade or shelter;

(zx) “slaughter-house” means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;

46 of 1950.
62 of 1957.
45 of 1950.

(zy) “soldier” means any person who is a soldier or sailor or an airman subject to the Army Act, 1950, the Navy Act, 1957 or the Air Force Act, 1950, as the case may be, and who is not a military officer;

(zz) “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;

(zza) “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 road-way or foot-way over any bridge or cause way;

(zzb) “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;

(zzc) “trade or commercial premises” means any premises used or intended to be used for carrying on any trade, commerce or industry;

(zzd) “vehicle” means a wheeled conveyance of any description which is capable of being used on a street, and includes a motor-car, motor lorry, motor omnibus, cart, locomotive, tram-car, hand-cart, truck, motor-cycle, bicycle, tricycle and rickshaw;

(zze) “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

(zzf) “year” means the year commencing on the first day of April.

CHAPTER II

DEFINITION AND DELIMITATION OF CANTONMENT

3. (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.

Definition of
cantonments.

(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 the reasons to be recorded in writing, extend the said period of one year for a further period of fix 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.

Alteration
of limits of
cantonments.

4. (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.

The effect of
including area
in cantonment.

5. 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.

Disposal of
cantonment
fund and
cantonment
development
fund when
area ceases to
be a
cantonment.

6. (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.

Disposal of
cantonment
fund and
cantonment
development
fund when
area ceases to
be included in
a cantonment.

7. (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.

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

8. Any cantonment fund or a cantonment development fund or a portion thereof or other property of a Board vesting in the Central Government under the provisions of 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. 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 —

Limitation of operation of Act.

(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. (1) For every cantonment there shall be a Cantonment Board.

Cantonment Board.

(2) Every Board shall be deemed to be a municipality under clause (e) of article 243 of the Constitution for the purpose 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. 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.

Incorporation of Cantonment Board.

12. (1) Cantonments shall be divided into four categories, namely:—

Constitution of Cantonment Boards.

(i) Category I Cantonments, in which the population exceeds fifty thousand;

(ii) Category II Cantonments, in which the population exceeds ten thousand, but does not exceed fifty thousand;

(iii) Category III Cantonments, in which the population exceeds two thousand five hundred, but does not exceed ten thousand; and

(iv) 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 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 District Magistrate or an Executive Magistrate not below the rank of Additional District Magistrate nominated by him;

(c) the Chief Executive Officer;

(d) the Health Officer *ex officio*;

(e) the Executive Engineer *ex officio*;

(f) three military officers nominated by name by the Officer Commanding the station by order in writing;

(g) 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 District Magistrate or an Executive Magistrate not below the rank of Additional District Magistrate nominated by him;

(c) the Chief Executive Officer;

(d) the Health Officer *ex officio*;

(e) the Executive Engineer *ex officio*;

(f) two military officers nominated by name by the Officer Commanding the station by order in writing;

(g) 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 District Magistrate or an Executive Magistrate nominated by him;

(c) the Chief Executive Officer;

(d) the Health Officer *ex officio*;

(e) the Executive Engineer *ex officio*;

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

(g) 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 Chief Executive Officer;

(c) 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 (f) of sub-section (3), clause (f) of sub-section (4) or clause (f) 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 or nomination 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 the cantonment area, shall be special invitees for the meetings of the Board but without a right to vote.

Power to vary constitution of Boards in special circumstances.

13. (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, for the administration of the cantonment, 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.

(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. (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—

Term of office
of members.

(a) in case of an 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; and

(b) in case of a nominated member, from the date of nomination under clauses (b) and (f) of sub-section (3), clauses (b) and (f) of sub-section (4) and clauses (b) and (f) of sub-section (5) of section 12, or the date of vacancy under clause (b) of sub-section (1) of section 18, whichever is later, and the member so nominated shall be able to take part in the proceedings of the Board:

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.

Filling of
vacancies.

15. (1) Vacancies arising by efflux of time in the office of an 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 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 occurring within six months of any date on which the vacancy will occur by efflux of time, but such vacancy shall be filled at the next ordinary election.

Vacancies in
special cases.

16. (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.

(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;

(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.

Oath or
affirmation.

17. 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 following form, namely:—

become
“I, A.B., having been elected a member of this Board, do
been nominated
swear in the name of God that I will bear true faith and allegiance to the Constitution
solemnly affirm
of India as by law established and that I will faithfully discharge the duty upon which
I am about to enter.”

18. (1) (a) 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.

Resignation.

(b) 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.

(2) 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.

(3) Notwithstanding anything contained in sub-section (2), 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. (1) The Officer commanding the station if a member of the Board shall be the President of the Board:

President and Vice-President.

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.

(3) In every Board except in case of a Board falling under Category IV Cantonment there shall be a Vice-President elected by the elected members only from amongst them in accordance with such procedure as the Central Government may by rule prescribe.

(4) In case of a Board falling under Category IV Cantonment, the Vice President shall be elected by draw of lot under the supervision of the President of the Board in such manner as he may decide.

20. (1) The term of office of a Vice-President shall be five years or his residual term of office as a member, whichever is less.

Term of office of Vice-President.

(2) A Vice-President may resign his office by notice in writing to the President and, on the resignation being accepted by the Board, the office shall become vacant.

(3) A Vice-President may be removed from his office, at a special meeting convened for the purpose on a requisition for the same by not less than one-half of the elected members of the Board holding office, by a resolution passed by a majority of not less than two-thirds of the total number of elected members then holding office and attending and no member, other than an elected member, shall have the right to vote on the resolution:

Provided that in case of Category IV cantonments, the Vice-President may be removed if a resolution to this effect is passed by the Board and the other elected member shall become the Vice-President.

21. (1) It shall be the duty of the President of every Board—

Duties of President.

(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; and

(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;

(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.

Duties of Vice-President.

22. (1) 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 21;

(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; and

(c) to exercise any power and perform any duty of the President which may be delegated to him under sub-section (2) of section 21.

Allowances to Vice-President and members.

23. The Vice President and each elected member of the Board shall be entitled to receive such allowances, as the Central Government may, by rule, prescribe.

Appointment of Chief Executive Officer.

24. (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.

Duties of Chief Executive Officer.

25. (1) Subject to the provisions of clause (c) and clause (d) of sub-section (1) of section 21, 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.

26. (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.

Special power
of the Chief
Executive
Officer.

(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 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 therefor to the Board.

Elections

27. (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 and such roll shall be prepared, revised and finally published in such manner and on such date in each year as the Central Government may by rule prescribe.

Electoral rolls.

(2) Every person whose name appears in the final 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.

(3) When a cantonment has been divided into wards, the electoral roll shall be divided into separate lists for each ward.

(4) If a new electoral roll is not published in any year on the date prescribed, the Central Government may direct that the old electoral roll shall continue in operation until the new roll is published.

Qualification
of electors.

28. (1) Every person who, on such date as may be fixed by the Central Government in this behalf by notification in the Official Gazette hereinafter in this section referred to as “the qualifying date”, is not less than eighteen years of age and who has resided in the cantonment for a period of not less than six months immediately preceding the qualifying date shall, if not otherwise disqualified, be entitled to be enrolled as an elector.

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

(2) A person notwithstanding that he is otherwise qualified, shall not be entitled to be enrolled as an elector if he on the qualifying date—

(i) is not a citizen of India, or

(ii) has been adjudged by a competent court to be of unsound mind, or

(iii) is an undischarged insolvent, or

(iv) 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 unfit him 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 (iv) 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 (iv), the disqualification is removed by the Central Government.

Qualification
for being a
member of the
Board.

29. (1) Save as hereinafter provided, every person, not being a person holding any office of profit under the Government, whose name is entered on the electoral roll of a cantonment shall be qualified for election as a member of the Board in that cantonment.

(2) No person shall be qualified for nomination as a member of a Board if he is subject to any of the disqualifications specified in sub-section (2) of section 28.

(3) 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) has been dismissed from the service of the Government and is debarred from re-employment therein, or is a dismissed employee of a Board;

(b) is debarred from practising his profession or calling by order of any competent authority;

(c) holds any place of profit in the gift or at the disposal of the Board, or is a police officer, or is the servant or employer of a member of the Board; or

(d) 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; or

(e) is an officer or employee, permanent or temporary, of a Board or of any other local authority; or

(f) is a member of any other local authority; or

(g) has, by the authority referred to in clause (f) of section 31, been found to have been guilty of any of the corrupt practices specified in sub-section (2) of section 30 unless a period of five years has elapsed since the date of the decision of the authority; or

(h) 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; or

(i) is disqualified under any other provision of this Act:

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

(a) any lease or sale or purchase of immovable property or any agreement for the same; or

(b) any agreement for the loan of money or any security for the payment of money only; or

(c) any newspaper in which any advertisement relating to the affairs of the Board is inserted; or

(d) the sale to the Board of any articles in which he regularly trades or the purchase from the Board of any articles, to a value in either case not exceeding twenty-five thousand rupees in the aggregate in any year during the period of the contract or work.

30. (1) For the purposes of sections 27, 28 and 29, ‘person’ means an individual human being.

Interpretation.

(2) The following shall be deemed to be corrupt practices within the meaning of clause (g) of sub-section (3) of section 29, namely: —

(I) “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 purposes of this clause, the term “gratification” is not restricted to pecuniary gratifications 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;

(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 Government or the Board:

Provided that where any person, in the service of the 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.

31. 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:—

Power to make rules regulating elections.

(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 the Scheduled Castes, the 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 which may be an officer of the State Government by which and the manner in which disputes relating to electoral rolls or arising out of elections shall be decided, and 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 provision is, in the opinion of the Central Government, necessary.

Members

32. (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.

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

(2) Where any member of the Board present at the meeting of the Board or any committee of the Board believes that the person presiding over such meeting has pecuniary or other interest in any matter under discussion and moves a motion to that effect, the person so presiding—

(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.

Liability of members.

33. 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.

Removal of members.

34. (1) The Central Government may remove from a Board any member thereof, who—

(a) becomes or is found to have been at the time of his election or nomination subject to any of the disqualifications specified in sub-section (2) of section 28 or in section 29; or

(b) 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; or

(c) has knowingly contravened the provisions of section 32; or

(d) 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; or

(e) 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 and bye-laws made thereunder.

(2) The Central Government may remove from a Board any member who, 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 the public interests.

(3) 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.

(4) No member shall be removed from a Board under sub-section (1) or sub-section (2) of this section unless he has been given a reasonable opportunity of showing cause against his removal.

Consequences of removal.

35. (1) A member removed under clause (b) of sub-section (1) or under sub-section (3) of section 34 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 34 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 34 shall not be eligible for re-election or nomination until the expiry of three years from the date of his removal.

Member of the Board to be deemed a public servant.

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

45 of 1860.
49 of 1988.

Employees

37. (1) No person who 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, shall become or remain an employee of such Board.

Disqualification of person as an employee of Board.

45 of 1860.

(2) An employee of a Board who 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, shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

(3) Nothing in this 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.

(4) Every person applying for employment as an employee 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 lower grade employee, 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.

45 of 1860.
49 of 1988.

38. 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 and clause (c) of section 2 of the Prevention of Corruption Act, 1988.

Cantonment employee to be deemed a public servant.

Procedure

39. (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, and its notice shall be given in such manner as may be provided in the regulations made by the Board under this Chapter.

Meetings.

(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.

40. Subject to any regulation made by the Board under this Chapter, any business may be transacted at any meeting:

Business to be transacted.

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.

41. (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:

Quorum.

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 there at shall be brought before, and may be transacted at, an adjourned meeting, whether there is a quorum present or not.

Presiding
Officer.

42. In the absence of—

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

(b) the President from a meeting of a Board constituted under sub-section (6) of section 12 or sub-section (2) of section 13,

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

Minutes.

43. (1) The minutes of the proceedings of each meeting shall be recorded in a book and shall be signed by the person presiding over the 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.

Meetings to be
public.

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

Method of
deciding
questions.

45. (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 person presiding over the meeting, 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.

Civil area.

46. (1) The Central Government may, by notification in Official Gazette, declare the civil area, in a cantonment, which is inhabited largely by civil population to be the 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.

Committees for
civil areas.

47. (1) Every Board constituted under section 12 in a cantonment shall appoint a 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 46 of this Act and may delegate its powers and duties to such committee in the manner provided in clause (e) of sub-section (1) of section 48.

(2) The Vice-President of the Board shall be the Chairman of the committee appointed under sub-section (1).

(3) The powers, duties and functions of the Board under sub-section (1) of section 137, section 143, section 147, section 149 and section 262 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 committee under sub-section (1) of section 137, section 143, section 147 and section 149 on health grounds, the matter may be referred to the Board by the President for decision.

48. (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:—

Power to make regulations.

- (a) the time and place of its meetings;
- (b) the manner in which notice of the meeting shall be given;
- (c) the conduct of proceedings at meetings and the adjournments of meetings;
- (d) the custody of the common seal of the Board and the purposes for which it shall be used; and
- (e) 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 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.

(2) No regulation made under clause (e) 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.

49. (1) A Board may –

Joint action with other local authority.

(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 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 octroi or terminal tax or toll, 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 octroi limits and octroi stations and places for the collection of octroi, terminal tax and toll within the aggregate area as it has within the area ordinarily subject to its control;

(ii) shall have the same powers of collecting such octroi, terminal tax or toll in the aggregate area and the provisions of any enactment in force

relating to the levy of such octroi, terminal tax or toll 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 octroi, tax or toll 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.

Report on
administration.

50. (1) Every Board shall, as soon as may be after the close of the financial 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 financial year, in such form and containing such details as the Central Government may direct.

(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.

Control

Power of
Central
Government to
require
production of
documents.

51. 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;

(c) to furnish or obtain and furnish any report.

Inspection.

52. 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.

Power to call
for documents.

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

(a) call for any book or document in the possession or under the control of the Board;

(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.

Power to
require
execution of
work, etc.

54. If, on receipt of any information or report obtained under section 51 or 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 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. 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.

Power to provide for enforcement of direction under section 54.

56. (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.

Power to override decision of Board.

(2) If the District Magistrate considers any decision of a Board to be prejudicial to the 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 a Board, being present at a meeting, dissents from any decision which he considers prejudicial to the 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 of 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 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 Director General Defence Estates.

57. 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:

Power of Central Government to review.

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.

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

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

(a) direct that any matter or any specific proposal other than one which has been referred to the Central Government under sub-section (2) of 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 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 with such modifications as he may specify.

(2) When any decision of a Board has been referred to him under sub-sections (1) and (4) of section 56, the General Officer Commanding-in-Chief, the Command, may, by order in writing,—

(a) cancel the order given by the President directing the suspension of action; or

(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.

Power of
Central
Government on
a reference
made under
section 56.

59. (1) When any decision of a Board has been referred to the Central Government under sub-section (2) of 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.

Supersession
of Board.

60. (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 otherwise by law, or exceeds or abuses its powers, the Central Government may by an order published, together with the statement of the reasons therefor, 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.

Validity of proceedings

Validity of
proceedings,
etc.

61. (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 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.

CHAPTER IV

DUTIES AND DISCRETIONARY FUNCTIONS OF BOARDS

62. 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—

Duties of Board.

- (i) lighting streets and other public places;
- (ii) watering streets and other public places;
- (iii) cleansing streets, public places and drains, abating nuisances and removing noxious vegetation;
- (iv) regulating offensive, dangerous or obnoxious trades, callings and practices;
- (v) removing, on the ground of public safety, health or convenience, undesirable obstructions and projections in streets and other public places;
- (vi) securing or removing dangerous buildings and places;
- (vii) acquiring, maintaining, changing and regulating places for the disposal of the dead;
- (viii) constructing, altering and maintaining streets, culverts, bridges, causeways, markets, slaughter-houses, latrines, privies, urinals, drains, drainage works and sewerage works and regulating their use;
- (ix) planting and maintaining trees on roadsides and other public places;
- (x) providing or arranging for a sufficient supply of potable water, where such supply does not exist, guarding from pollution water used for human consumption, and preventing polluted water from being so used;
- (xi) registering births and deaths;
- (xii) preventing and checking spread of dangerous diseases; establishing and maintaining a system of public vaccination and inoculation for the said objective;
- (xiii) establishing and maintaining or supporting public hospitals, maternity and child welfare centres and dispensaries, and providing public medical relief;
- (xiv) establishing and maintaining or assisting primary schools;
- (xv) rendering assistance in extinguishing fires, and protecting light and property when fire occurs;
- (xvi) maintaining and developing the value of property vested in, or entrusted to, the management of the Board;
- (xvii) establishing and maintaining civil defence services;
- (xviii) preparing and implementing town planning schemes;
- (xix) preparing and implementing plans for economic development and social justice;
- (xx) naming and numbering of streets and premises;
- (xxi) according or refusing permission to erect or re-erect building;
- (xxii) organising, promoting or supporting cultural and sports activities;

(xxiii) celebrating Independence Day and Republic Day and incurring expenditure thereon;

(xxiv) fulfilling any other obligation imposed upon it by or under this Act or any other law for the time being in force.

Power to
manage
property.

63. 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 may be determined by rule made under section 346.

Discretionary
functions of
Board.

64. (1) A Board may, within the cantonment, make provision for—

(i) laying out in areas, whether previously built upon or not, new streets, and acquiring land for that purpose and for the construction of buildings, and compounds of buildings, to abut on such streets;

(ii) constructing, establishing or maintaining public parks, gardens, offices, dairies, bathing or washing places, drinking fountains, tanks, wells and other works of public utility;

(iii) reclaiming unhealthy localities;

(vi) furthering educational objects by measures other than the establishment and maintenance of primary schools;

(v) setting up or supporting higher schools, colleges and vocational, professional and special education;

(vi) constructing, and maintaining works and structures, including rainwater harvesting, for providing supply of water for public and private purposes;

(vii) constituting, maintaining and managing supply and distribution of electricity, including by exploiting non-conventional energy sources, to public and private premises;

(viii) taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics;

(ix) making a survey;

(x) giving relief on the occurrence of local epidemics, floods, famines or other natural calamities by the establishment or maintenance of relief work or otherwise;

(xi) securing or assisting to secure suitable places for the carrying on of any offensive dangerous or obnoxious trade, calling or occupation;

(xii) establishing and maintaining a farm or other place for the disposal of sewage;

(xiii) constructing, subsidising or guaranteeing tramways or other means of locomotion, and electric lighting or electric power work;

(xiv) establishing and maintaining cattle pounds;

(xv) arranging for civic reception with prior approval of the Officer Commanding the Station;

(xvi) providing housing accommodation for any class of inhabitants;

(xvii) conservation and maintenance of ancient and historical monuments, archaeological sites and remains or place of public importance in the cantonment;

(xviii) developing land resources under the management of the Board;

- (xix) preparing and implementing group housing schemes;
- (xx) establishing and undertaking remunerative projects;
- (xxi) developing small-scale and cottage industries;
- (xxii) developing expertise in different areas of urban governance and local self-government to and able to provide consultancy to other Municipal and Development Authorities;
- (xxiii) adopting any measure, other than a measure specified in section 62 or in the foregoing provisions of this section likely to promote the safety, health or convenience of the inhabitants of the cantonment;
- (xxiv) establishing and maintaining or supporting libraries, museums, art galleries, botanical or zoological collections;
- (xxv) establishing and maintaining or supporting stadia, gymnasia, akharas and places for sports and games;
- (xxvi) establishing theatres and cinemas;
- (xxvii) organising and managing fairs and exhibitions;
- (xxviii) constructing and maintaining:—
 - (a) rest-houses;
 - (b) poor-houses;
 - (c) infirmaries;
 - (d) children's home;
 - (e) houses for deaf and dumb and for disabled and handicapped children;
 - (f) shelters for destitute and disabled persons;
 - (g) asylums for persons of unsound mind;
 - (h) old age homes;
 - (i) working women's hostels;
- (xxix) establishing and managing chemical or bacteriological laboratories for the examination or analysis of water, food and drugs for the detection of diseases or research connected with the public health or medical relief;
- (xxx) providing relief to destitute and disabled persons;
- (xxxi) establishing and maintaining veterinary hospitals;
- (xxxii) constructing and maintaining warehouses and godowns;
- (xxxiii) constructing and managing garages, sheds and stands for vehicles and cattle sheds;
- (xxxiv) constructing and managing community halls and convention halls;
- (xxxv) holding seminars, workshops, public debates, and similar activities particularly on issues and rules and regulations of civic importance;

Explanation—For the purposes of clause (xvii)—

(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 environment significance or scenic beauty, as may be declared by the Board.

(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.

Power of expenditure of educational, health and other purposes outside the cantonment.

65. (1) A Board may make provision subject to availability of funds for—

- (i) educational objects in a cantonment;
- (ii) the objectives of public health and medical care;
- (iii) works relating to water-supply, drainage and lighting;
- (iv) 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

Imposition of taxation

General power of taxation.

66. (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.

(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.

(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 where any later date is specified in this behalf in the notification, from such later date.

Charging of fees.

67. 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 other than advertisements in newspapers;
- (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 by regulation specify:

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.

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

Norms of property tax.

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 graduated scale, if the Board so determines.

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

69. When a resolution has been passed by the Board proposing to impose a tax under section 66, the Board shall in the manner prescribed in section 319 publish a notice specifying—

Framing of preliminary proposals.

(a) the tax which it is proposed to impose;

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

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

70. (1) Any inhabitant of the cantonment may, within thirty days from the publication of the notice under section 69, submit to the Board an objection in writing to all or any of the proposals contained therein and the Board shall take such objection into consideration and pass orders thereon by special resolution.

Objections and disposal thereof.

(2) Unless the Board decides to abandon its proposals contained in the notice published under section 69, 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.

71. 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.

Imposition of tax.

72. (1) Where the Central Government is of opinion that for securing adequate financial provision for the efficient discharge of the duties and functions of a Board it is necessary so to do, it may issue directions to the Board requiring it to impose within the cantonment area any tax which it is empowered under this Act to impose and which is not already imposed within the said area or to 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 the direction, forthwith impose or enhance such tax in accordance with the provisions of this Chapter:

Power of Central Government to issue directions to the Board.

Provided that—

(a) no such directions shall be issued without giving the Board and the inhabitants of the cantonment area, 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 area may make against the imposition or enhancement of such tax;

(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.

(2) 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 on and from the date so specified the imposition or enhancement of such tax, shall cease or be modified accordingly.

Definition of "annual rateable value".

73. For the purposes of this Chapter, "annual rateable value" means—

(a) in the case of hotels, colleges, schools, hospitals, factories and any other buildings which the Chief Executive Officer decides to assess under this clause, one-twentieth of the sum obtained by adding the estimated present cost of erecting the building to the estimated value of the land appertaining thereto; and

(b) in the case of building or land not assessed under clause (a), the gross annual rent for which such building exclusive of furniture or machinery therein or such land is actually let or, where the building or land is not let or in the opinion of the Chief Executive Officer is let for a sum less than its fair letting value, might reasonably be expected to let from year to year :

Provided that, where the annual rateable value of any building is, by reason of exceptional circumstances, in the opinion of the President Cantonment Board, excessive if calculated in the aforesaid manner, the President Cantonment Board may fix the annual rateable value at any less amount which appears to him to be just.

Incidence of taxation.

74. (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 is the owner of the buildings or land or holds them on a building or other lease granted by or on behalf of the Government or the Board or 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;

(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 instalment 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.

Assessment list

75. When a tax assessed on the annual rateable value of buildings or lands or both is imposed, the Chief Executive Officer 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 rule prescribe.

Assessment list.

76. (1) The Chief Executive Officer shall, at the same time, give public notice of a date, not less than one month thereafter, when he 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.

Revision of assessment list.

(2) Any objection to a valuation or assessment shall be made in writing to the Chief Executive Officer 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 Chief Executive Officer.

(3) The objections shall be inquired into and investigated, and the persons making them shall be allowed an opportunity of being heard either in person or by authorised agent by the Chief Executive Officer.

77. (1) When all objections made under section 76 have been disposed of, and the revision of the valuation and assessment has been completed, the assessment list shall be authenticated by the signatures of the Chief Executive Officer and the President Cantonment Board, 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:

Authentication of assessment 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.

78. 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 77 shall be accepted as conclusive evidence—

Evidential value of assessment list.

(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.

79. (1) The Chief Executive Officer may after obtaining the approval of President Cantonment Board amend the assessment list at any time—

Amendment of assessment list.

(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 assessee; 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.

Preparation of
new
assessment
list.

80. The Chief Executive Officer shall prepare a new assessment list at least once in every three years, and for this purpose the provisions of sections 75 to 79 shall apply in like manner as they apply for the purpose of the preparation of an assessment list for the first time.

Notice of
transfers.

81. (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 may be determined by rules made under section 346, 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 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 ten thousand rupees.

Notice of
erection of
buildings.

82. (1) If any building is erected or re-erected within the meaning of section 235, 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 five thousand 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

83. 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 but no remission or refund shall take effect in respect of any period commencing more than two months before the delivery of such application.

Demolition,
etc., buildings.

84. 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:

Remission of
tax.

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 any time 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.

85. (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 Chief Executive Officer 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.

Power to
require entry in
assessment list
of details of
buildings.

(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.

86. No remission or refund under section 84 or section 85 shall be made unless notice in writing of the fact that the building, land or 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.

Notice to be
given of the
circumstances
in which
remission or
refund is
claimed.

87. (1) For the purposes of sections 84 and 85 no building, tenement 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.

What
buildings, etc.,
are to be
deemed
vacant.

(2) The burden of proving all facts entitling any person to claim relief under section 83 or section 84 or section 85 shall be upon him.

Notice to be given of every occupation of vacant building or house.

88. (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 two thousand five hundred rupees, or to ten times the amount of the said tax, whichever sum is greater.

Charge on immovable property

Tax on buildings and land to be a charge thereon.

89. 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.

Octroi, terminal tax and toll

Inspection of imported goods, octroi, terminal tax and toll, etc.

90. Every person bringing or receiving any goods, vehicles or animals within the limits of any cantonment in which octroi or terminal tax or toll 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 goods, vehicles or animals; 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 goods, vehicles or animals.

Power to seize etc.

91. (1) Any person who takes or attempts to take past any octroi station or any other place appointed within a cantonment for the collection of octroi, terminal tax or toll any goods, vehicles or animals, on account of which octroi, terminal tax or toll is leviable and thereby evades, or attempts to evade, the payment of such octroi, terminal tax or toll 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 octroi, terminal tax or toll, or to two thousand five hundred rupees, whichever is greater, and which shall not be less than twice the value of such octroi, terminal tax or toll, as the case may be.

(2) In case of non-payment of any octroi or terminal tax or toll on demand, the officer empowered to collect the same may seize any goods, vehicles or animals on which the octroi, terminal tax or toll 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 goods, vehicles or animals 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 octroi, terminal tax or toll, 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 octroi, terminal tax or toll, 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.

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

Lease of octroi, terminal tax or toll.

(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 octroi, terminal tax or toll, as the case may be:

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

Appeals

93. (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.

Appeals against assessment.

(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 94, 95, 96, 97 and 102, “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.

94. In every appeal the costs shall be in the discretion of the District Court hearing the appeal.

Costs of appeal.

95. (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.

Recovery of costs from Board.

(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 moneys recoverable by the Board under section 324.

Conditions of
right to appeal.

96. 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 77 (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 79 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 therefor 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.

Finality of
appellate
orders.

97. 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.

Payment and recovery of taxes

Time and
manner of
payment of
taxes.

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

Public notice
for taxes due.

99. (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 news paper 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) above.

(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).

Notice of
demand.

100. (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 I.

(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 two 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.

Recovery of
tax.

101. (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 II, 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 subsection shall not be made save under the orders of the Board.

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

102. (1) If a person on whom a notice of demand has been served under section 100, 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 per cent., of the sum due for each complete month from the date of expiry of the period of thirty days as aforesaid.

Interest payable on taxes due.

(2) The amount of interest shall be recoverable in the same manner as moneys recoverable by the Board under section 324.

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 93, may remit the whole or any part of the interest payable in respect of any period.

103. (1) It shall be lawful for any official of the Board to whom a warrant issued under section 101 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 exemption, namely:—

Distress.

(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, seed-grain, 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 III to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

104. (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.

Disposal of distrained property.

(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 named in the notice served under sub-section (2) of section 103, 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 two 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.

Attachment and sale of immovable property.

105. (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.

(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 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 for—

(a) regulating the manner of execution of warrants for the attachment and sale of immovable property;

(b) charging of fees for the attachment and sale of immovable property, to be included in the cost of recovery of the tax due;

(c) 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.

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

106. (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 herein before 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 104, section 105 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.

107. Instead of proceeding against a defaulter by distress and sale of movable property or attachment and sale of immovable property as herein before 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.

Power to institute suit for recovery.

Special provisions relating to taxation, etc.

11 of 1881. **108.** A Board shall be deemed to be a municipal committee for the purposes of taxation as per the Municipal Taxation Act, 1881.

Board to be a Municipality for taxation purposes.

109. 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 or the State Government properties are situated as worked out by the Board based on the guidelines issued in this behalf by the Central Government or the State Government.

Payment to be made to a Board as service charges by Central Government or State Government.

110. 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 and the dates and other conditions for periodical payment thereof, which shall be determined by a written agreement with the person liable for payment of the conservancy or scavenging tax in respect of such factory, hotel, club or group of buildings or lands:

Power to make special provision for conservancy in certain cases.

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

111. (1) When in pursuance of section 110, 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 conservancy or scavenging tax imposed in the cantonment.

Exemption in case of buildings.

(2) The following buildings and lands shall be exempt from any property tax other than 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, play grounds 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 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.

General Power
of exemption.

112. 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.

Exemption of
poor persons.

113. 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.

Composition.

114. (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.

(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.

Irrecoverable
debts.

115. 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 two thousand and five hundred rupees, the sanction of the General Officer Commanding-in-Chief, the Command shall be first obtained.

Obligation to
disclose
liability.

116. (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;

(b) at what amount he should be assessed; or

(c) the annual 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 five thousand rupees and shall also be liable to be assessed at such amount on account of tax as the Chief Executive Officer may deem proper, and the assessment so made shall, subject to the provisions of this Act, be final.

Immaterial error
not to affect
liability.

117. 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; but any person who sustains any special damage by reason of any such mistake shall be entitled to recover such compensation for the same, as the Board may decide.

Distrainment not to
be invalid by
reason of
immaterial
defect.

118. 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; but any person who sustains any special damage by reason of any such irregularity shall be entitled to recover such compensation for the same, as the Board may decide.

CHAPTER VI

CANTONMENT FUND AND PROPERTY

Cantonment fund and cantonment development fund

119. (1) There shall be formed for every cantonment a cantonment fund and there shall be placed to the credit thereof the following sums, namely:—

Cantonment fund and cantonment development fund.

2 of 1924.

(a) the balance if any, of the cantonment fund formed for the cantonment under the Cantonments Act, 1924;

(b) all sums received by or on behalf of the Board.

(2) There shall also be formed for every cantonment, a cantonment development fund and there shall be placed to the credit, thereof the following sums, namely:—

(i) any sum received from the Central Government or the Government of any State 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;

(ii) any sum received from any individual or association of individuals by way of gift or deposit; and

(iii) any sum raised or borrowed under section 121 for the execution of specific development projects.

120. (1) The cantonment fund and the cantonment development fund shall be kept in separate accounts which shall be maintained in 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.

Custody of Cantonment Fund and Cantonment Development Fund.

Explanation.—In this section,—

5 of 1970.
40 of 1980.

(i) “nationalised bank” means corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980;

23 of 1955.

(ii) “State Bank of India” means the State Bank of India constituted under the State Bank of India Act, 1955;

38 of 1959.

(iii) “subsidiary bank” means a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959.

(2) The Chief Executive Officer may with the previous sanction of the President Cantonment Board may invest any portion of cantonment fund or cantonment development fund in securities of Central Government or in such securities, including fixed deposits in banks in the best interest of the Board and may dispose of such investments or vary them for others of a like nature.

(3) The income resulting from any fixed deposit or from any such securities as is referred to in sub-section (2) or from the proceeds of the sale of any such security shall be credited to the cantonment fund or, as the case may be, the cantonment development fund.

(4) Every action taken under sub-sections (2) and (3) may be subsequently brought to the next meeting of the Board.

121. A Board may from time to time by a resolution passed in this behalf borrow money from another Board, on mutually agreeable terms any sum of money which may be required for the schemes or projects covered under this Act.

Power of Board to borrow money.

Property

Property.

122. 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;

(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 dust, dirt, dung, ashes, refuse, animal matter, filth and rubbish of every kind, and dead bodies of animals collected by the Board from the streets, houses, privies, sewers, cesspools or elsewhere, or deposited in places appointed by the Board for such purposes;

(e) all lamps and lamp-posts and apparatus connected therewith or appertaining thereto;

(f) all lands or other property transferred to the Board by the Central or a State Government, or by gift, purchase or otherwise for local public purposes; and

(g) all streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements, and things existing on or appertaining to streets.

Application of cantonment fund, cantonment development fund and property.

123. 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 :

Provided that the 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 further that 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 the Local Authorities Loan Act, 1914 or under the provisions of this Act. 9 of 1914.

(c) to the payment of establishment charges;

(d) to the payment of any sum the payment of which is expressly required by the provisions of this Act or any rule or bye-law made thereunder.

Acquisition of immovable property.

124. 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 Act, 1894, and, on payment by the Board of the compensation 1 of 1894.

awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Board.

125. 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; and

(b) any other matter relating to the cantonment fund or cantonment development fund or cantonment 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.

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

CHAPTER VII

CONTRACTS

126. 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.

Contracts by whom to be executed.

127. (1) Every contract —

Sanction.

(a) for which budget provision does not exist, or

(b) which involves a value or amount exceeding rupees fifty thousand shall require the sanction of the Board.

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

128. Every contract made by or on behalf of a Board, the value or amount of which exceeds fifty thousand rupees, 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.

Execution of contract.

129. (1) 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.

Contracts improperly executed not to be binding on a Board.

(2) Where the Chief Executive Officer executes a contract on behalf of the Board sanctioned under sub-section (2) of section 127, he shall submit a report, on the execution of the contract, to the Board at its next meeting.

CHAPTER VIII

SANITATION AND THE PREVENTION AND TREATMENT OF DISEASE

Sanitary authorities

130. 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 :—

Responsibility for sanitation.

(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;

(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.

General duties
of Health
Officer.

131. (1) The Health Officer shall be the Advisor to the Board in all matters relating to sanitation and exercise a general sanitary supervision over the cantonment and shall 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.

Conservancy and sanitation

Public latrines,
urinals and
conservancy
establishments.

132. All public latrines and urinals provided or maintained by a Board shall be so constructed as to provide separate compartments for each sex the compartments so constructed shall be made accessible to and barrier free for the persons with disabilities and shall be provided with all necessary conservancy establishments, and shall regularly be cleansed and kept in proper order.

Duty of
occupier to
collect and
deposit
rubbish, etc.

133. (1) It shall be the duty of an occupier of a building or land—

(a) to make adequate arrangements for the house scavenging 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;

(c) to cause all filth, rubbish and other offensive matter collected in receptacles and to be removed and deposited in the public receptacles, depots or places provided or appointed under sub-section (1) of section 135.

(2) For the purpose of this section and section 134, “house scavenging” means the removal of filth, rubbish or other offensive matter from a privy, latrine, urinal, drain, cesspool or other common receptacle for such matter.

Power of Board
to undertake
private
conservancy
arrangement.

134. (1) On the application 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 for the matters referred to in this section, without such consent, and after giving notice in writing to the occupier, the Chief Executive Officer may undertake the house scavenging 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.

(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.

135. (1) Every Board shall provide or appoint, in proper and convenient situations, public receptacles, depots or places for the temporary deposit or disposal of household rubbish, offensive matter, carcases of dead animals and sewage.

Deposits and disposal of rubbish, etc.

(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) All matter deposited in receptacles, depots or places provided or appointed under this section shall be the property of the Board.

136. The Chief Executive Officer of any cantonment may, by notice in writing—

Cesspools, receptacles, for filth, etc.

(a) 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, or

(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, or

(iii) to prevent the water of any private latrine, urinal, sink or bathroom or any other offensive matter, from soaking, draining or 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 the 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; or

(b) require any person to desist from making or altering any drain leading into a public drain; or

(c) require any person having the control of a drain in the cantonment to cleanse, purify, repair or alter the same, or otherwise put it in good order, within such time as may be specified in the notice.

137. (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, in the opinion of the Health Officer, is or is 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 the well, cistern, reservoir or receptacle, or to fill up the tank, or to drain off or remove the water, as the case may be.

Filling up of tank, etc.

(2) The Board may from time to time take such measures as are necessary in its opinion for prevention of 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.

138. The Chief Executive Officer may, by notice in writing, 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.

Provision of latrines, etc.

Sanitation in
factories, etc.

139. 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 give notice of the fact to the Chief Executive Officer, and shall provide such latrines and urinals, and shall employ such number of sweepers, as the Chief Executive Officer thinks fit, and shall cause the latrines and urinals to be kept clean and in proper order:

Provided that nothing in this section shall apply in the case of a factory to which the Factories Act, 1948 applies.

63 of 1948.

Private latrines.

140. Subject to the provisions of the Employment of Manual Scavenger and Construction of Dry Latrine (Prohibition) Act, 1993, the Chief Executive Officer or any official of the Board authorised by him may, by notice in writing,—

46 of 1993.

(a) require the owner or other person having the 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; or

(c) require the owner or other person having the control of any such private latrine or urinal which, in the opinion of the Chief Executive Officer, constitutes a nuisance, to remove the latrine or urinal; or

(d) require any person having the control whether as owner, lessee or occupier of any land or building in the cantonment—

(i) to have any latrines provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighborhood, or

(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;

(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.

Special
provisions for
collection of
rubbish and
solid waste
management.

141.(1) All solid waste material generated in a cantonment shall be removed by the Board and be brought to the compost sites or sanitary land sites or trenching sites earmarked by it for the purpose.

(2) The Board shall also devise schemes for collecting rubbish and garbage from each house in the cantonment and may, if considers necessary, associate residents' welfare associations or such other non governmental organisation for this purpose.

(3) As far as possible the Board shall devise appropriate system to ensure that all compostable or bio-degradable waste in the cantonment is recycled and used for generating manure, bio-gas or any other form of energy.

Removal of
congested
buildings.

142.(1) Where it appears to a Board that any block of buildings in the 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, some other medical officer in the service of the 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 to endanger the 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 opinion that all or any buildings indicated should be removed, it may, by notice in writing, require the owners thereof to remove them:

Provided that the Board shall make compensation as it thinks fit to the owners for any buildings so removed which 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 which have not been erected under proper authority.

(4) For the purposes of this section “buildings” includes enclosure, walls and fences appertaining to buildings.

143. (1) Where it appears to a Board that any building or part of a building in the 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 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.

Overcrowding of dwelling houses.

(2) 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 has continued.

144. (1) Where any building in a cantonment is so ill-constructed or dilapidated as to be, in the opinion of the Board, in an insanitary state, the Board may, by 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.

Power to require repair or alteration of building.

(2) A copy of every 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.

145. (1) If any building or land, whether tenantable or otherwise, is—

(i) in an insanitary, filthy or unwholesome state; or

Power to require land or building to be cleansed.

(ii) in the opinion of the Chief Executive Officer, a nuisance to persons residing in the neighbourhood; or

(iii) overgrown with prickly-pear or rank and noisome vegetation the Chief Executive Officer may, by 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 each day after the first during which the offence continues.

Prohibition in respect of air pollutant. **146.** No owner, occupier, lessee or any other occupant of the premises 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.

Power to order disuse of house. **147.** If a Board is satisfied that any building or part of a building in the 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.

Removal of noxious vegetation. **148.** The Chief Executive Officer may, by notice in writing, require the owner, lessee, or occupier of any land in the 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.

Agriculture and irrigation. **149.** 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

Power to call for information regarding burial and burning grounds. **150.** The Chief Executive Officer may, by 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.

Permission for use of new burial or burning ground. **151. (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 conditions 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.

152. (1) Where a Board, after making or causing to be made local inquiry, is of 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 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.

Power to require closing of burial or burning ground.

(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 re-opened, and a copy of such declaration shall be annexed to the notice.

(3) Where the Central Government sanctions the issues of any such notice, 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.

153. The provisions of sections 150, 151 and 152 shall not apply in the case of any burial ground which is for the time being managed by or on behalf of the Government.

Exemption from operation of sections 150 to 152.

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

Removal of corpses.

Prevention of infectious, contagious or communicable diseases

155. (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 a contagious, communicable or infectious 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 respecting the existence of such disease.

Obligation concerning infectious, contagious or communicable diseases.

(2) No person shall—

(a) knowing that he is suffering from a contagious, communicable or an infectious disease, expose other persons to the risk of infection by his presence or conduct in any public street or public place;

(b) having the care of a person whom he knows to be suffering from a contagious, communicable or an infectious disease cause or permit that person to expose other persons to the risk of infection by his presence or conduct in any such street or place as aforesaid;

(c) 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 a contagious, communicable or an infectious disease and which has not been disinfected properly;

(d) 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 a contagious, communicable or an infectious disease and which has not been disinfected properly.

(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 respecting the existence of such disease as is referred to in sub-section (1), or

(b) contravenes the provisions of sub-section (2), shall be punishable with fine which may extend to one 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.

Blood bank.

156. Subject to the provisions of any Act made in this regard and the rules and regulations made thereunder, whoever, being in charge of a blood bank or any other establishment which collects or supplies blood, plasma, marrow or any other substance for transfusion or treatment of patients or for any other medical use, fails to take adequate precautions or exercise adequate supervision thereby leading to or resulting in the supply of infected or contaminated blood, plasma, marrow or any other substance, shall be punishable with imprisonment which may extend to five years or with fine which may extend to one lakh rupees or with both.

Special measures in case of outbreak of infectious or epidemic diseases.

157. (1) In the event of a cantonment being visited or threatened by an outbreak of any infectious or contagious disease among the inhabitants thereof or of any epidemic disease 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, make such temporary regulations 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:

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, shall forthwith report such action to the Central Government.

(2) Whoever commits a breach of any temporary regulation made under sub-section (1) shall be deemed to have committed an offence under section 188 of the Indian Penal Code.

45 of 1860.

Power to require names of dairyman's customers.

158. Where it is certified to the Chief Executive Officer by a medical practitioner that the outbreak or spread of any infectious or contagious disease in the cantonment is, in the opinion of such medical practitioner, attributable to the milk supplied by any dairyman, the Chief Executive Officer may, by notice in writing, require the dairyman, within such time as may be specified in the notice, to furnish him with a full and complete list of the names and addresses of all his customers within the cantonment, or to give him such information as will enable him to trace the persons to whom the dairyman has sold milk.

Power to require names of a washerman's customers.

159. Where it is certified to the Chief Executive Officer by the Health Officer that it is desirable, with a view to prevent the spread of any infectious or contagious disease in the cantonment, that the Health Officer should be furnished with a list of the customers of any washerman, the Chief Executive Officer may, by notice in writing, require the washerman, within a time to be specified in the notice, to furnish the Health Officer with a full and complete list of the names and addresses of all owners within the cantonment of clothes and other articles which the washerman washes or has washed during the six weeks immediately preceding the date of the notice.

Explanation.—For the purposes of this section, the expression “washerman” shall mean an individual, body corporate, association of persons engaged in washing clothes in an cantonment.

160. Where it is certified to the Chief Executive Officer by the Health Officer or a doctor in the employment of the Board that there is apprehension of the outbreak or spreading of any infectious or contagious or communicable disease in the cantonment because of use of contaminated needles, syringes or any other such equipment by a medical practitioner or by any paramedical worker, the Chief Executive Officer may, by notice in writing, require the medical practitioner or the paramedical worker, within such time as may be specified in the notice, to furnish him with a full and complete list of the names and addresses of all his customers or patients within the cantonment, or to give him such information as will enable him to trace the persons whom the medical practitioner or the paramedical worker has attended to or treated in the six weeks preceding the date of issuing the notice.

Power to require names of patients or customers of a medical practitioner or paramedical workers.

161. Where, after inspection the Health Officer is of opinion that any infectious, contagious or communicable disease is caused or is likely to arise in the cantonment from the consumption of the milk supplied from a dairy or from the washing of clothes or other articles in any place, or from any process employed by a washerman, or from use of contaminated needles, syringes or other such equipment by a medical practitioner or any paramedical staff, he shall report the matter to the Chief Executive Officer.

Report after inspection of dairy or washerman or medical practitioner's place of business.

162. Upon receipt of a report submitted by the Health Officer under section 161, the Chief Executive Officer may, by notice in writing,—

Action on report submitted by Health Officer.

(a) prohibit the supply of milk from the dairy until the notice has been withdrawn; or

(b) prohibit the washerman from washing clothes or other articles in any such place or by any such process as aforesaid until the notice has been withdrawn or unless he uses such place in such manner, or washes by process, as the Chief Executive Officer may direct in the notice; or

(c) prohibit the medical practitioner or the paramedical worker from using any such needles, syringes or other such equipment unless the notice is withdrawn or rectification as may be required in the notice is carried out.

163. The Health Officer or a doctor in the employment of the Board may take possession of any milk, clothes or other articles which are or have recently been in the possession of any dairyman on whom a notice has been served under section 158, or of any clothes or other articles which are or have recently been in the possession of any washerman, on whom a notice has been served under section 159, or any needles, syringes or such other equipment which are or have recently been in the possession of the medical practitioner or paramedical worker to whom a notice under section 160 has been issued and may subject the same or cause the same to be subjected to such chemical or other process as he may think necessary; and the Board shall pay from the cantonment fund all the costs of the process and shall also pay to the owner of the milk, clothes or other articles such sum as compensation for any loss occasioned by such process as may appear to it to be reasonable.

Examination of milk, washed clothes or needles, syringes, etc.

164. Whoever in a cantonment—

Contamination of public conveyance.

(a) uses a public conveyance while suffering from an infectious or contagious disease, or

(b) uses a public conveyance for the carriage of a person who is suffering from any such disease, or

(c) uses a public conveyance for the carriage of the corpse of a person who has died from any such disease,

shall be bound to take proper precautions against the communication of the disease to other persons using or who may thereafter use the conveyance and to notify such use to

the owner, driver or person in charge of the conveyance, and further to report without delay to the Chief Executive Officer the number of the conveyance and the name of the person so notified.

Disinfection of public conveyance.

165. (1) Where any person suffering from, or the corpse of any person who has died from, an infectious, communicable or contagious disease has been carried in a public conveyance which ordinarily plies in a cantonment, the driver thereof shall forthwith report the fact to the Chief Executive Officer who shall forthwith cause the conveyance to be disinfected if that has not already been done.

(2) No such conveyance shall be brought again into use until the Chief Executive Officer has granted a certificate stating that it can be used without causing risk of infection.

Penalty for failure to report.

166. Whoever fails to make to the Chief Executive Officer any report which he is required to make by section 164 or section 165 shall be punishable with fine which may extend to one thousand rupees.

Driver of conveyance not bound to carry person suffering from infectious or contagious disease.

167. Notwithstanding anything contained in any law for the time being in force, no owner, driver or person in charge of a public conveyance shall be bound to convey or to allow to be conveyed in such conveyance in or in the vicinity of a cantonment any person suffering from an infectious or contagious disease or the corpse of any person who has died from such disease unless and until such person pays or tenders a sum fixed by the Chief Executive Officer from time to time, to cover any loss and expense which would ordinarily be incurred in disinfecting the conveyance.

Disinfection of building or articles therein.

168. Where a Board is, upon the advice of the Health Officer, of opinion that the cleansing and disinfection of any building or part of a building in the cantonment or of any articles in any such building or part which are likely to retain infection, or the renewal of the flooring of any such building or part of such building, would tend to prevent or check the spread of any infectious or contagious disease, the Board may by notice in writing, require the owner or occupier to cleanse and disinfect, the said building, part or articles, as the case may be, or to renew the said flooring, within such time as may be specified in the notice:

Provided that where, in the opinion of the Board the owner or occupier is from poverty or any other cause unable effectually to carry out any such requisition, the Board may, at the expense of the cantonment fund, cleanse and disinfect the building, part or articles, or as the case may be, renew the flooring.

Destruction of infectious hut or shed.

169. (1) Where the destruction of any hut or shed in a cantonment is, in the opinion of the Board, necessary to prevent the spread of any infectious or contagious disease, the Board may, by notice in writing, require the owner to destroy the hut or shed and the materials thereof within such time as may be specified in the notice.

(2) Where the President of a Board is satisfied that the destruction of any hut or shed in the cantonment is immediately necessary for the purpose of preventing the spread of any infectious or contagious disease, he may order the owner or occupier of the hut or shed to destroy the same forthwith, or may himself cause it to be destroyed after giving not less than two hours' notice to the owner or occupier thereof.

(3) The Board shall pay compensation to the owner of any hut or shed destroyed under this section.

Temporary shelter for inmates of disinfected or destroyed building or shed.

170. The Board shall provide free of charge temporary shelter or house accommodation for the members of any family in which an infectious or contagious disease has appeared who have been compelled to leave their dwelling by reason of any proceedings taken under section 168 or section 169, and who desire such shelter or accommodation as aforesaid to be provided for them.

171. (1) Where in a cantonment any building or part of a building is intended to be let, in which any person has, within six weeks immediately preceding, been suffering from an infectious or contagious disease, the person letting the building or part shall before doing so disinfect the same in such manner as the Chief Executive Officer may, by public or special notice, direct, together with all articles therein liable to retain infection.

Disinfection of building before letting the same.

(2) For the purposes of this section, the keeper of a hotel, lodging house or sarai shall be deemed to let to any person who is admitted as a guest therein that part of the building in which such person is permitted to reside.

172. No person shall, without previous disinfection of the same, 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 or contagious disease and is likely to be used in, or taken into, a cantonment.

Disposal of infected article without disinfection.

173. (1) Every Board shall—

Means of disinfection.

(a) provide proper places with necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection;

(b) cause conveyances, clothing or other articles brought for disinfection to be disinfected either free of charge or on payment of such charges as the Chief Executive Officer may fix.

(2) The Chief Executive Officer may notify places at which articles of clothing, bedding, conveyances or other articles which have been exposed to infection shall be washed, and, if it does so, no person shall wash any such thing at any place not so notified without having previously disinfected such thing.

(3) The Chief Executive Officer may direct the destruction of any clothing, bedding or other article in the cantonment likely to retain infection, and may give such compensation as he thinks fit for any article so destroyed.

174. Whoever, while suffering from, or in circumstances in which he is likely to spread, any infectious or contagious disease,—

Making or selling of food, etc., or washing clothes by infected person.

(a) makes, carries or offers for sale in a cantonment or takes any part in the business of making, carrying or offering for sale therein any article of food or drink or any medicine or drug for human consumption, or any article of clothing or bedding for personal use or wear, or

(b) takes any part in the business of the washing or carrying of clothes, shall be punishable with fine which may extend to five thousand rupees.

175. When a cantonment is visited or threatened by an outbreak of any infectious or contagious disease, the Chief Executive Officer on behalf of the Board may, by public notice, restrict in such manner or prohibit for such period, as may be specified in the notice, the sale or preparation of any article of food or drink for human consumption specified in the notice or the sale of any flesh of any description of animals so specified.

Power to restrict or prohibit sale of food or drink.

176. (1) If the Chief Executive Officer on the advice given by the Health Officer is of opinion that the water in any well, tank or other place is likely, if used for drinking, to endanger, or cause the spread of, any disease, it may,—

Control over wells, tanks, etc.

(a) by public notice, prohibit the removal or use of such water for drinking;

(b) by notice in writing, require the owner or person having control of such well, tank or place to take such steps as may be directed by the notice to prevent the public from having access to or using such water; or

(c) take such other steps as it may consider expedient to prevent the outbreak or spread of any such disease.

(2) In the event of a cantonment or any part of a cantonment being visited or threatened by an outbreak of any infectious or contagious disease, the Health Officer or any person authorised by him in this behalf may, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purposes of drinking, and may further take such steps as he thinks fit to ensure the purity of the water or to prevent the use of the same for drinking purposes.

Disposal of infectious corpse.

177. Where any person has died in a cantonment from any infectious or contagious disease, the Chief Executive Officer, may, by notice in writing,—

(a) require any person having charge of the corpse to convey the same to a mortuary, thereafter to be disposed of in accordance with law; or

(b) prohibit the removal of the corpse from the place where death occurred except for the purpose of being buried or burned or of being conveyed to a mortuary.

Hospitals and dispensaries

Maintenance or aiding of hospitals or dispensaries.

178. (1) A Board may—

(a) provide and maintain either within or without the cantonment as many 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 or dispensary or veterinary hospital, whether within or without the cantonment, not maintained by it.

(2) 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 or contagious diseases.

(3) The Medical Officer appointed by the Board shall be incharge of every Hospital and dispensary maintained or aided under this section and be responsible to the Health Officer for medical activities and to the Chief Executive Officer for over all administrative activities of the hospital.

Medical supplies, appliances, etc.

179. (1) Every hospital or dispensary maintained or aided under section 178 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.

(2) 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.

Free patients.

180. At every hospital or dispensary maintained or aided under section 178, the sick poor of the cantonment, and other inhabitants of the cantonment suffering from infectious, communicable or contagious disease, and, with the sanction of the Board, any other sick persons, 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.

Paying patients.

181. Any sick person who is ineligible to receive medical or surgical treatment free of cost in any hospital or dispensary under section 180 may be admitted for treatment therein upon such terms as the Board thinks fit.

Power to order person to attend hospital or dispensary.

182. (1) If the Health Officer or the Medical Officer incharge of a hospital or dispensary maintained or aided under section 178 has reason to believe that any person living in the cantonment is suffering from an infectious, communicable or contagious disease, he

may, by 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 quit it without the permission of the medical officer-in-charge; and, on the arrival of such person at the hospital or dispensary, the Medical Officer-in-charge thereof may examine him for the purpose of satisfying himself whether or not such person is suffering from an infectious, communicable or contagious 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 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 or contagious disease, the Health Officer or Medical Officer, as the case may be, may cause him to be detained in hospital until he is free from the infection or contagion:

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, he considers that the detention 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.

183. (1) If the Health Officer or the Medical Officer in charge of a hospital or dispensary maintained or aided under section 178 reports in writing to the Officer Commanding the station that any person having received a notice under section 182 has refused or omitted to attend at the hospital or dispensary, specified in the notice, or that such person, having attended the hospital or dispensary, has quitted it without the permission of such medical officer, or that any person has failed to comply with any direction given to him under section 182, the Officer Commanding the station may, by order in writing, direct such person to be removed from the cantonment within twenty-four hours and not to re-enter it without his permission in writing.

Power to exclude from cantonment persons refusing to attend hospital or dispensary.

(2) No person who has under sub-section (1) been ordered to be removed from and not to re-enter a cantonment shall enter any other cantonment without the written permission of the Officer Commanding the station.

Control of traffic for hygienic purposes

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

Routes for pilgrims and others.

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

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

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

Special conditions regarding essential services

185. (1) No person employed in any service, or being employed in connection with the working of any system of public conservancy or sanitation or water supply or hospitals or dispensaries or electric supply or public transport services or such other essential services under a Board in any cantonment area, 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; and the conditions of service specified herein shall, invariably be mentioned in the appointment letters of the persons employed to said services..

Conditions of service of safaikaramcharis and others.

(2) 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

Water-supply

Maintenance of
water-supply.

186. (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 a 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.

(3) It shall be the duty of every Board to practise and propagate the scientific methods of water harvesting including harvesting of rain water for use and make arrangement for recharging the sources of ground water including underground aquifers and to preserve rivers, streams, springs and other natural sources of water within and in the vicinity of the cantonment.

Terms of
water-supply.

187. In this Chapter, unless the context otherwise requires, the following words and expression 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) “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.

(3) “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.

(4) “supply pipe” means so much of any service pipe as is not a communication pipe.

(5) “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.

(6) “water 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.

188. (1) The Board may, when so required,—

Board to carry out survey and formulate proposals.

(a) carry out a survey of the existing consumption of and demand for water supplies in 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;

(c) carryout a survey of the existing quantity of sewage collection;

(d) formulate proposals as to —

(i) the existing or future water supply requirements of the cantonment;

(ii) the existing or future sewage collection requirement in 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 sufficient supply of water or for the purpose of efficient collection 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 cantonment or outside the cantonment with the approval of the Principal Director and for the acquisition of additional properties for such works.

189. (1) The Board may, with the previous sanction of the Central Government, by public notice, declare any lake, stream, spring, well, tank, reservoir or other source, whether within or without 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 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.

Control over sources 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.

190. The Chief Executive Officer may, by 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—

Power to require maintenance or closing of private source of public drinking water-supply.

(a) to keep the same in good order and to clear it from time to time of silt, refuse and decaying vegetation; or

(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.

191. (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

Supply of water.

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.

Power to
require water-
supply to be
taken.

192. 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 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.

Supply of
water under
agreement.

193. (1) Subject to the guidelines made by the Board in this regard, the Chief Executive Officer may, by agreement, supply, from any source of public water-supply, 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 and the rules 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.

Board not
liable for failure
of supply.

194. 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 193, the Board has made express provision for forfeiture, penalty or damages in the event of such failure or curtailment.

Conditions of
universal
application.

195. Notwithstanding anything hereinbefore contained or contained in any agreement under section 193, 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 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;

(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;

(iii) the occupier wilfully or negligently misuses or causes waste of water;

(iv) the occupier wilfully or negligently injures or damages his meter or any pipe or tap conveying water from the water works;

(v) any pipes, taps, works or fittings connected with the supply of water to the building or land are found, on examination by any other 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;

(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.

196. 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.

Supply to persons outside cantonment.

197. Whoever—

Penalty.

(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.

Water, drainage and other connections

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

Power of Board to lay wires, connections, etc.

(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 of 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.

Wires, etc., laid above surface of ground.

199. 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.

Connection with main not to be made without permission.

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

Power to prescribe ferrules and to establish meters, etc.

201. 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.

Power of inspection

202. The ferrules, communication pipes, connections, meters, stand pipes and all fittings thereon or connected therewith leading from water 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.

Power to fix rates and charges.

203. A Board may fix the charges to be made for the establishment by them or through their agency or 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.

Application of this Chapter to Government water-supplies

Government water-supply.

204. (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, the Officer of the Military Engineer Services or of the Public Works Department, as the case may be, in charge of such water-supply (hereafter in this Chapter referred to as the Officer) 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 without the limits of the cantonment other than a source of public water-supply and the officer 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 190.

(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 191, 193, 194, 195, 197, 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, and references to the Chief Executive Officer or other officer or employee of the Board shall be construed as references to such person as may be authorised in this behalf by the Officer.

(3) The provisions of section 193 shall be applicable in respect of the supply of water by agreement to the Board by the Officer 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 order to preserve the underground water level, the Board may make regulations for the digging or use of bore wells in the cantonment.

205. (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 notice require the owner to obtain supply and to execute all such works as may be necessary for this purpose.

Water supply
for domestic
consumption.

(2) 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.

206. In any case in which the provisions of section 204 apply and in which the Board is not receiving a bulk supply of water under section 207, 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 section 204 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.

Recovery of
charges.

207. (1) Where in any cantonment there is a water-supply such as is referred to in sub-section (1) of section 204, the Board may, and so long as the Board is unable to provide a water-supply of its own, it shall 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 Military Engineer Services or Public Works Department, a supply of water adequate to the requirements for domestic use of all persons in the cantonment other than entitled consumers.

Supply of
water from
Government
water-supply
to the Board.

(2) Any supply of water received under sub-section (1) shall be a bulk supply, and the Board shall make such payments to the Military Engineer Services or Public Works Department for all water so received as may be agreed upon between the Board and the Military Engineer Services or Public Works Department, 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 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 Service or Public Works Department regarding the rate and amount of water adequate to 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.

208. Where under the provisions of sub-section (1) of section 207 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

Functions of
the Board in re-
lation to distri-
bution of bulk
supply.

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.

Special provisions concerning drainage and sewage.

209. (1) All public drains, all drains in, alongside or under any public street, except those vesting in the Military Engineer Service 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.

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

210. (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.

(4) The Board shall ensure that the sewage effluents are treated in accordance with the norms laid down under the relevant laws relating to pollution before it is dispersed into a river, stream, lake or open land.

Certain matters not to be passed into cantonments drains.

211. 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 dangerous petroleum.

Explanation.—In this section, the expression “dangerous petroleum” has the same meaning as in the Petroleum Act, 1934.

30 of 1934.

Application by owners and occupiers to drain into cantonment drains.

212. (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 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; 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
- (c) 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.

213. (1) Where any premises are 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 written notice, require the owner of the said premises—

Drainage of undrained 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 close 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;

(f) to carry out any work to improve or re-model an existing drain which is inadequate, insufficient or faulty.

(2) Where in any case not provided for in sub-section (1) any premises are, in the opinion of the Chief Executive Officer, without sufficient means of effectual drainage, he may, by 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 or 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).

New premises not to be erected without drains.

214. (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;

(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; but 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.

Power to drain group or block of premises by combined operations.

215. (1) 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.

(2) 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.

(3) 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.

(4) The Chief Executive Officer may require the owners of such groups or block or premises to maintain the work executed under this section.

Power to close or limit the use of private drains in certain cases.

216. 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 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; or

(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.

217. (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 notice in writing require the owner of such a drain to show cause within a period specified in the notice as to why an order under this section should not be made.

Use of drain by a person other than the owner.

(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 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—

(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 situate 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.

218. 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.

Sewage and rain water drains to be distinct.

219. For the purpose of efficient drainage of any premises, the Chief Executive Officer may, by notice in writing,—

(a) require any courtyard, alley or passage between two or more buildings to be paved by the owner or owners of such buildings with such materials and in such manner as may be approved by the Chief Executive Officer; and

(b) require such paving to be kept in proper repair.

Power to require owner to carry out certain works for satisfactory drainage.

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

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

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 as not to affect prejudicially the purity and quality of the water into which it is discharged.

Miscellaneous

Connection with water works and drains not to be made without permission.

221. Without the written permission of the Chief Executive Officer, no person shall, for any purpose whatsoever, at any time make or cause to be made any connection or communicate with any drain referred to in section 210 or any water works, constructed or maintained by, or vested in, the Board.

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

222. (1)(a) 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 approval of the Central Government.

(b) If any railway works are constructed on any drains or water works as aforesaid without the written permission of the Central Government, the Chief Executive Officer may remove or otherwise deal with the same as he thinks fit.

(2)(a) 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 approval of the Board.

(b) If any private street is constructed or any building, wall, fence or structure erected on any drain or water works as aforesaid without the written permission of the Board, the Chief Executive Officer may remove or otherwise deal with the same as he may think fit.

(3) The expenses incurred by the Chief Executive Officer in doing so 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.

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

223. (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 without 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 Union 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.

224. (1) If it appears to the Chief Executive Officer that the only or 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:

Power of owner of premises to place pipes and drains through land belonging to other persons.

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, re-instate 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, re-instate 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.

225. 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.

Power to require railway level, etc., to be raised or lowered.

226. (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.

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

(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 therefor as an arrears of tax under this Act.

Power to affix shafts, etc., for ventilation of drain or cesspool.

227. 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.

Power to examine and test drains, etc., believed to be defective.

228. (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 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, re-instate any ground which has been opened by him and make good any damage done by him.

Bulk delivery of sewage by the Board.

229. (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 provide also 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.

Employment of Government agencies for repair, etc.

230. The Central Government may, for reason 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 therefor 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.

Works to be done by licensed plumber.

231. (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 charges 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.

232. (1) No person shall—

Prohibition of certain acts.

(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 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, wool or leather or the skin of any animal, 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, ETC.

233. (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 to be followed in the cantonment which shall include—

Preparation of land use plan.

(a) earmarking of zones for residential, institutional, commercial and other activities; and

(b) improvement schemes for areas considered sub-standard on account of narrowness of streets, poor lighting, poor ventilation or irregular line of buildings in a street.

(2) The Board shall give publicity to the land use plan prepared under sub-section (1), by publishing a gist of the plan in a local newspaper.

Sanction for building.

234. No person shall erect or re-erect a building on any land in a cantonment—

(a) in an area, other than the civil area, except with the previous sanction of the Board;

(b) in a civil area, except with the previous sanction of the Chief Executive Officer,

nor otherwise than in accordance with the provisions of this Chapter and of the rules and bye-laws made under this Act relating to the erection and re-erection of buildings:

Provided that if an erected or re-erected building is meant for public purposes, then it shall be made accessible to and barrier free for the persons with disabilities.

Notice of new buildings.

235. (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.

(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; or

(b) converts into a place for human habitation any building not originally constructed for human habitation; or

(c) converts into more than one place for human habitation a building originally constructed as one such place; or

(d) converts two or more places of human habitation into a greater number of such places; or

(e) converts into a stable, cattle-shed or cow-house any building originally constructed for human habitation; or

(f) converts into a dispensary, stall, shops, warehouse, godown, factory or garage any building originally constructed for human habitation; or

(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 prescribed by any bye-law made under this Act.

Conditions of valid notice.

236. (1) A person giving the notice required by section 235 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 the sub-section (1) and any further information and plans and undertakings which may be required under bye-laws made under this Act have been furnished to the satisfaction of the Chief Executive Officer, along with the notice.