Local & Munl. (1897) Department.

MISCELLANEOUS.

G.O., No. 99 M.

DATED 27-1-97.

DESPATCHED

[Despatch Abstract.]

Cantonment Rules

Referring to the Lieutenant General, Commanding the forces, Madras, & also to certain District Magistrates, the revised ——, received from the Govt of India, for favour of early remarks.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	Cur 3884/97						
	Cur 4694/97						
	Cur 4712/97						

[L. & M. 1,000—28-1-96.]

Local & Munl. (1896) Department.

CURRENT No. 3348/M

No.

~~Order~~

Referred to the Lieutenant-General, Commanding the forces, Madras for favour of early remarks.

~~By order~~

Secretary to Government.

V.R
22/1/97

~~Fort St.~~ George.
January 1897

Note for the Secretary
may send a copy of Comm^r Chas report & ask for remarks thereon?
Yes & the 4 Gen Comds
Shd we not also have remarks of Govt?
Yes. Draft of ltr in ch. There are Cantonments
The Draft Dept will be consulted later
The Deputy Adjutant General
Madras Command.
Yes - Please see draft order put up -
21/1/97

From

The Secretary to the Government of India,
~~Military~~ Department.

No. 231 M.C

Dated 10-12-96

Received 17-12-96

Registered 17-12-96

Enclosures 3 (one confidential cover)

Spare copies

SUBJECT.

Forwarding for review Draft Cantonment Rules.

9/1/97 P.T.O

21/1/97

LEGAL & JUDICIAL
CURRENT No. 3340

Cantonments.
Regulations.

It is requested that the above heading, with number and date of this communication, may be quoted in any subsequent correspondence on the subject.

BACK PAPERS.

G.O.	No.	Department	Date.
	509	Military	24-1-93

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Order No 99 dated 27-1-97
The revised Cantonment rules, received with the letter from the Government of India, read above will be referred to the Lieutenant-General Commanding the forces Madras for the favour of any remarks he may wish to offer and to the District Magistrates of Bellary, Chingleput, Malabar, Nilgiris, North Arcot, South Canara Tichinopoly and Vizagapatam for any early remarks.

V.R
25/1/97

26/1/97

Note
Shall the Committee's report be communicated to the Dist Magistrates also?
No VR 25/1/97

To
The Dy. Adjutant General
" District Magistrates of Madras Command
Bellary
Chingleput
Malabar
Nilgiris
N. Arcot
S. Canara
Tichinopoly
Vizagapatam

with a copy also of the Committee's report
on S.C
with a copy of the draft of Imperial Cantonment rules for the information of these officers
Dispd 28/1/97

Shall copies will follow

No. 2311-C.

GOVERNMENT OF INDIA,

MILITARY DEPARTMENT.

CHIEF SECRETARY
16 DEC 1896
GOVERNMENT OF MADRAS

Fort William, the 10th December 1896.

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS.

SIR,

With reference to the correspondence ending with the letter from the Secretary to the Government of Madras, late Military Department, No. 509, dated the 24th January 1893, conveying remarks on the draft Code of Cantonment rules which was published as a preliminary measure in the *Gazette of India* with Military Department Notification No. 634, dated the 1st July 1892, I am directed to state that the remarks of the Local Governments and Administrations on the draft Code, and the criticisms which were evoked by its preliminary publication, were referred to a Committee of experienced civil and military officers which revised the rules in the light of the suggestions and criticisms received, and the whole Code has now been recast and considerably curtailed. The rules in their present form have received the careful consideration of the Governor-General in Council, and are now forwarded for review under the orders of His Excellency the Governor in Council. The report* of the Committee is also forwarded; I am to ask that it may be considered confidential.

* With a copy of Military Department Resolution No. 128-C, dated the 15th January 1894.

2. With reference to rule 2 regarding the cancellation of prior rules, regulations and notifications, I am to enquire whether it is necessary that any of the orders referred to in the rule should be exempted from cancellation.

3. I am also to invite attention to draft Rule 220, which relates to the exclusion and removal of disorderly persons, &c., from a cantonment, and to the provisions of the rules contained in Chapter XIX which deals with appeals from executive orders passed under the rules. These matters seem to require careful and special consideration, and the Government of India desire to be furnished with the opinion of the Governor in Council on the proposed rules.

4. It will be observed that the rules relating to Cantonment Funds and Accounts contained in Chapter IV of the draft rules now forwarded have already been given effect to in Military Department Notification No. 597, dated the 22nd May 1896.

5. The draft rules have been published in the *Gazette of India*, and I am to request that they may be republished in the local official gazette. Copies† of the rules required for the purpose have been supplied by the Government Central Press at Simla.

† 1,600 | 900
1430 | 1,029
1,100 | 165
950 | 20
165

I am,

Sir,

Your most obedient servant,

Secretary to the Government of India.

Copy, with a copy of the draft rules and enclosures, forwarded to—

The Home Department, with reference to that department office memorandum No. 137, dated the 25th January 1895.

The Revenue and Agricultural Department, with reference to that department No. 1396—134, dated the 9th June 1892.

The Foreign Department, with reference to that department office memorandum No. 1463-I, dated the 29th April 1893.

The Finance Department, with reference to that department office memorandum No. 4219-A, dated the 22nd August 1894.

The Legislative Department, with reference to that department office memorandum No. 1274, dated the 3rd June 1894.

The Quartermaster-General in India, with reference to his letter No. 2034-B, dated the 25th June 1896, for the information of His Excellency the Commander-in-Chief.

M. D. Press—Reg. No. 6015--11-12-96—500 copies.

Extract from the Proceedings of the Govt. of India, Mily. Dept.,—(No. 128-C, dated Fort William, 15th Jan. 1894).

Cantonments, Regulations

READ—

The draft Cantonment Code prepared by Major R. C. Temple and revised by a Committee consisting of Colonel G. F. Young, Assistant Quartermaster-General, and Mr. F. G. Wigley, Barrister-at-law, Personal Assistant to the Secretary to the Government of India in the Legislative Department, assisted by Colonel H. B. Sanderson, Judge Advocate-General in India.

Letter to Local Governments and Administrations, No. 167-C, dated 21st January 1892.

Letter to Local Governments and Administrations, No. 1418-C, dated 20th July 1892.

Replies from the Local Governments and Administrations to the above two letters.

Report of the Committee composed of the Secretaries to the Government of India in the Home and Legislative Departments and the Quartermaster-General in India, dated 9th September 1893.

Office memorandum to the Legislative Department, No. 2162-C, dated 30th October 1893.

Letter to the Quartermaster-General in India, No. 2163-C, dated 30th October 1893.

OBSERVATIONS.—Since the passing of the new Cantonments Act (XIII of 1889), the Government of India have had under consideration the framing of rules under Section 26, and the extension of municipal enactments under Section 25 of that Act. A draft Code of rules and enactments was framed, and Local Governments and Administrations were invited to favor the Government of India with an expression of their views on the subject. The draft Code was also published in the *Gazette of India* and in the local official Gazettes of 1st July 1892. The opinions which have been expressed by Local Governments and Administrations, and the criticisms which have been evoked by the preliminary publication of the Code, having been considered by the Government of India, it has become apparent that the Code, as drafted, is not altogether applicable to the requirements of Indian cantonments, and that further revision is necessary.

RESOLUTION.—The Governor-General in Council is now pleased to resolve that a Committee shall assemble at Calcutta on the 15th January 1894 to consider and revise the draft Cantonment Code. The Committee will be constituted as follows:—

President:

Major-General G. E. L. S. SANFORD, C.B., C.S.I.,
Commanding the Meerut District.

Members:

The Hon'ble Mr. C. C. STEVENS,
" " *Mr.* W. LEE-WARNER, C.S.I.,
" " *Mr.* H. F. CLOGSTOUN, C.S.I.,
} *Additional Members of the Governor-General's Council for making Laws and Regulations.*

Major A. W. D. CAMPBELL, S.C., *Cantonment Magistrate.*

2. The Committee shall have the assistance of any experts whom they may desire to summon.

3. The draft Cantonment Code, together with the opinions which have been expressed thereon, shall be laid before the Committee, and they shall be instructed to prepare such a Code (to consist of rules under Section 26 and enactments

extended under Section 25 of the Cantonments Act, 1889, either separately or in one compilation) as they think suitable to the circumstances of Indian cantonments.

4. The Committee shall have full liberty of action with regard to the draft Code, but the following general instructions are hereby issued for their guidance :—

(1).—The Committee should consider as a preliminary measure whether the enactments extended to all cantonments or to particular cantonments or parts of cantonments, under Section 25 of the Cantonments Act, 1889, should or should not be kept entirely separate from the rules, the making of which is provided for by Section 26. After a decision on this point has been arrived at, and in accordance with that decision they will proceed with the revision of the draft Code.

(2).—It should be considered whether the rules should or should not follow the various headings specified in Section 26 of the Act, instead of being arranged, as in the present draft, to some extent irrespective of those headings.

(3).—It should also be considered whether the Code should, or should not, be so re-arranged that the portions of it which are required for the greater cantonments should be separated from the few and simple rules which alone are suitable for the smaller military stations. Also whether it might not be provided that particular chapters of the rules or Code, dealing with certain headings specified in Section 26 of the Act, which it may not be considered necessary, or advisable, to apply even to large cantonments generally, should only be declared capable of extension to those cantonments in which they are required.

(4).—Endeavour should be made to shorten and simplify the Code as much as possible by the omission of unnecessary provisions, and the principle should be observed that while good order and discipline are to be secured, undue interference with the people in the ordinary concerns of life should be avoided.

ORDER.—Ordered, that a copy of the Resolution be communicated to the following :—

The Home Department.

The Finance Department.

The Legislative Department.

The Quartermaster-General in India.

The President of the Committee.

The Controller of Military Accounts, Eastern Circle, Bengal.

The Accountant-General, Military Department.

(Signed) E. H. H. COLLEN, *Maj.-Genl.*,

Secretary to the Government of India.

REPORT OF THE COMMITTEE APPOINTED TO CONSIDER AND REVISE THE DRAFT CANTONMENT CODE.

THE Committee appointed by the Resolution of the Government of India in the Military Department, No. 128-C., dated the 15th January, 1894, to consider and revise the draft Cantonment Code, held several meetings, and, in submitting the three draft notifications attached, they beg to offer the following remarks.

2. Two propositions commended themselves to their judgment as principles for guiding their deliberations. The first was that the object, for which a cantonment is marked off from the surrounding country and for which sites of land have been granted on favourable terms in past time, to grantees for building or other purposes, is essentially military; and that the first aim of any administrative measures must be the health, convenience, discipline and efficiency of the military forces contained in it under their military authorities. The second propcsition was that, notwithstanding the demarcation of a cantonment in British India, the area must of necessity remain a part of the district or province from which it is severed ; and the mutual dependence upon each other of communities and administrative systems in the same district or sub division, where all are subject to the same law and the same Government, must frustrate any attempt to treat a mere artificial line of demarcation as cutting off a cantonment from the population and the territory in which it is engulfed.

The relative weight in balancing the form of administration required by any given cantonment, which should be allowed to these somewhat contradictory principles, depends largely upon the circumstances of each cantonment ; and the Committee accordingly considered whether they could classify cantonments and sub-divide their rules into those applicable to each class of cantonment as classified by them. It might be readily admitted that a cantonment which, like Poona, included the Offices and Head-Quarters of a Local Government and of a large District-station, differed materially from the cantonment of Lucknow, which was marked off at a later date so as to avoid such entanglement. The position of Aden, which is both a fortress and a place of commerce, and in the administration of which high political considerations are of grave importance, in the same way, differs from that of Kirki, which contains only a military population, a small-arms ammunition factory and a powder manufactory. But the line is less sharply drawn in the case of most cantonments.

The conclusion at which the Committee finally arrived was, that it would be impossible for them to arrange all cantonments in various classes, with separate rules for each class. The rules embodied in Draft Notification No. I, will therefore apply in their entirety to all cantonments not expressly excepted from their operation in whole or in part under section 27, sub-section (2), of Act XIII, 1889. In preparing these rules they have followed the clauses of section 26 of Act XIII, 1889, and dealt separately with each clause of that section, extended enactments being dealt with quite apart from the rules framed under section 26. Some remedy may, however, be provided against the risk of applying the rules to circumstances foreign to them. The Committee would accordingly suggest that the Local Governments be asked to consider whether any cantonments have so largely outgrown their strictly military requirements as to render it desirable to contract their limits, and consequently the operation of the rules, by definition under section 4 (2) of Act XIII, 1889, before the rules are declared in force. It also seems to them desirable to call attention to the fact that building-sites have been granted in existing cantonments for military reasons upon most favourable terms, and, if the limits of such cantonments are contracted, the terms upon which the properties conditionally granted are hereafter to be held outside military limits will require revision by the Local Governments.

3. Within the limits of the cantonments as now, or hereafter, defined, the Committee consider that the power and responsibility of the military authorities should be effective. Their proposals regarding the constitution of Cantonment Committees—to which the General Officer of the Command may add members when occasion requires—, and the control over their proceedings which is vested in the President, the Officer Commanding the district and the General Officer of the Command, are based upon this view. At the same time, the principle of mutual inter-dependence between parts of a district, to which

attention has already been called, has induced the Committee to attach value to the co-operation of the District Magistrate in the administration of cantonments, and to recognise his position in the district by giving him a power of intervention and of reference to the Local Government in certain contingencies.

On the same principle, whilst the Committee have recognised the large powers over the Budget and expenditure which the military authorities should exercise, they have also given effect to the control which section 23 of Act XIII, 1889 vests in the Local Government by requiring its sanction to the Budget and to any expenditure not provided in the Budget. The management of the Cantonment Fund which must vest in the military authorities is not, they believe, incompatible with the control of the Local Government reserved by section 23 of Act XIII, 1889; and, where it has been the practice of the Military Department of the Government of India to make direct grants-in-aid to certain cantonments, such grants can be continued and assigned to the Provincial Government for expenditure on the same objects to which they are at present devoted. The fact that the Act vests the control of the Cantonment Fund in the Local Government appears to the Committee to necessitate the Fund being treated, in the words of the Committee of 1865,* as "one of the Local Funds of the Civil Administration," and it would follow that the practice of making direct grants-in-aid from the Military Budget to particular cantonments should cease, and that all future grants should be made to the Local Governments for allotment. The sums allotted to each cantonment by the Local Government out of such grants would be credited, as provided by rule 250 (*c*), to the Cantonment Fund of such cantonment.

* Paragraph 27 of letter to Military Department, dated 14th September, 1865—see page 26 of the pamphlet entitled "Cantonment Regulations framed under Act XXII of 1864," Ed. 1877.

It will be observed that the revised rules give no authority to the Commander-in-Chief in India over the Cantonment Fund. It is provided, however, in rule 252 that a consolidated account of receipts and expenditure shall be furnished to him annually by the Comptroller-General. The supreme control which the Government of India holds over all Local Governments, and the position of His Excellency the Commander-in-Chief on the Council of the Viceroy, secure, without the necessity of any rule, the authority of the Commander-in-Chief over all cantonments whenever his intervention is called for.

4. In drafting those rules which affect the rights and conduct of persons resident, or holding grants of land, within the cantonment, the Committee have guarded against the danger of making restrictive provisions retroactive; and they are aware that the full measure of control over house-accommodation and trades and occupations which might be desirable if the law allowed it will not be secured by their rules. The principle followed by the Committee has been to attach conditions to all fresh grants of land or fresh markets, etc., hereafter sanctioned, whilst, in regard to rights existing before the rules come into force, interference is only exercised where it is justified by considerations for the health or convenience of the cantonment. This distinction seemed to the Committee unavoidable in the present state of the law.

5. Considerable difficulty has been felt in several instances in drafting rules of sufficient flexibility, so as to be readily adapted to local requirements. The law, for instance, allows, the Governor General in Council to make rules providing for "the regulation of markets", and the precedent of Municipal Acts would justify the delegation of powers to the Cantonment Committee to make bye-laws for their own markets. But the Committee are advised that the Governor General in Council is not authorised to delegate his powers in respect of the matters detailed in section 26, but must exercise his own discretion as to the rules proper to be made. Nor does it seem possible to acquire a power of delegation by extending under section 25 a Municipal enactment, since that course would in effect evade the expressed intention of the Act, which contemplates the exercise of judgment by the Governor General in Council in certain specified directions. The Committee have, therefore, endeavoured to make rules providing, as far as possible, for the several matters detailed in the Act, and to the extent permitted by section 26.

6. The Committee have, in the proviso to rule 3 (*4*), and in rules 184, 185, 188 and 197, slightly departed from the terms of a Resolution No. 2407-M.-W., dated the 22nd August, 1892, and a Notification No. 617, dated the 4th July, 1890, already issued by the Governor General in Council, and they desire to call attention to these variations.

The Committee have, in rule 184, provisionally adopted the proposal mentioned in clause (*ii*), paragraph 1, of Military Department letter to the Quartermaster-General in

India, No. 5215-D., dated the 27th October, 1893, as to the designation of cantonment hospitals; and they have substituted "infectious or contagious disorders" for "infectious disorders," wherever the latter phrase was used in the draft Cantonment Code of 1892.

7. It will be observed that no rules have been made for compulsory vaccination, or for the outbreak of infectious or contagious disease among cattle. The Committee felt here the force of the argument that an artificial line marking out a cantonment could not isolate the locality from the houses and population which surround a cantonment. They presume that if a vaccination law is required in a cantonment the Local Government will co-operate and either legislate or make regulations for the requisite larger areas including the cantonment. In regard to cattle-disease, the provisions of Act XX, 1879, Madras Act II, 1866, and Bengal Act VIII, 1880, provide a simple remedy which any Cantonment Authority can readily obtain.

8. The Committee determined at the outset to keep their rules distinct from extended enactments. In their opinion a general uniformity is desirable in rules, but is unnecessary in the case of extended enactments. For, although the provisions of one local Act may theoretically be more effective than those of another Act on the same subject operating in another province, the advantage of a uniform law operating in all parts of one province or district outweigh the advantages of extending the same law to all cantonments in different parts of the Empire. In respect, generally, of extended enactments the Committee have, in Draft Notification No. II, drawn out the form which such extension should take, and have indicated those parts of enactments which they believe would prove useful in every cantonment. But they recommend that each Local Government be invited to consider what enactments or parts of enactments are required for each separate cantonment, and that only those enactments which are absolutely required be extended to such cantonments.

9. The Committee consider it desirable that provision should be made, as in the draft Cantonment Code of 1892, for the execution of agreements by existing grantees, containing conditions of occupancy similar to those which it is proposed to impose on future grantees. Such provision would more appropriately be made by means of a separate notification than as part of the rules framed under section 26 of Act XIII, 1889, and the Committee have prepared a draft (No. III) which they would recommend for publication along with the rules.

The primary object of this draft is to facilitate the execution of agreements in cases in which either no agreement was taken when the site was granted, or the agreement executed at that time is not forthcoming. It will, however, be observed that an offer is also made to substitute a new agreement for any existing agreement. It is possible that, if the Government of India agree to this offer being made and publicly announced, applications may be received from holders of agreements in the form known as the "Madras lease," which contain a stipulation limiting the rent payable by an officer for a house to Rs. 100 *per mensem*,—a sum which is in many cases quite inadequate.

10. Grants of sites in cantonments have always been made by the military authorities; but, under the terms of resolutions issued by the Government of India in the Home Department under section 2 of the Statute 33 and 34 Vict., c 59, it would seem that the leases or agreements must be signed by an officer of the Local Government. The Committee recommend that the Principal Staff Officer of each Local Command (who is named in the forms of lease and agreement appended to Draft Notifications Nos. I and III) should be formally authorised under the Statute mentioned to sign such documents for the future.

They also recommend that Cantonment Magistrates should be authorised under that Statute to perform the duty imposed upon them by rule 55 of executing contracts (other than leases of building-sites) on behalf of the Cantonment Authority.

The forms of lease and agreement appended to Draft Notifications Nos. I and III, respectively, will doubtless be sent to the Government Solicitor, Calcutta, for examination.

11. The Committee recommend that Local Governments should be asked whether any of the rules or regulations referred to in clauses (*a*) and (*b*) of rule 261 should be excepted from cancellation.

Much of the matter contained in Army Regulations, India, 1887, Vol. II, Part II Section XVII, will be superseded by the revised rules contained in Draft Notification No. I, and should, when those rules have been finally published, be cancelled by General Order. Any such Order which it may be proposed to issue should, however, be very carefully framed, so as to avoid cancelling clauses,—*e.g.*, those relating to the control of Commanding Officers over bazárs—which are not affected by these revised rules.

12. In view of any further discussion arising on these rules, the Committee particularly desire that the Government of India should be aware that the proceedings of the Committee have been marked by practically entire unanimity of opinion amongst its members. They have received every assistance and valuable opinions from Colonel G. F. Young, Assistant Quarter Master General, and Mr. F. G. Wigley, Barrister-at-Law, Personal Assistant to the Secretary to the Government of India in the Legislative Department, while attending the Committee; and they beg to bring prominently to the notice of Government the services of Mr. Wigley as Secretary, whose legal knowledge, assiduity and equable temperament have gone far to facilitate their duty.

G. E. SANFORD, *Major-General.*

C. C. STEVENS.

H. F. CLOGSTOUN.

W. LEE-WARNER.

A. W. D. CAMPBELL, *Major, I.S.C.*

G. C. Press Simla.—No. 170 L. D.—19-7-94.—50.

[Confidential].

REPORT OF THE COMMITTEE APPOINTED TO CONSIDER AND REVISE THE DRAFT CANTONMENT CODE.

THE Committee appointed by the Resolution of the Government of India in the Military Department, No. 128-C, dated the 15th January, 1894, to consider and revise the draft Cantonment Code, held several meetings, and in submitting the three draft notifications attached, they beg to offer the following remarks.

2. Two propositions commended themselves to their judgment as principles for guiding their deliberations. The first was that the object, for which a cantonment is marked off from the surrounding country and for which sites of land have been granted on favourable terms in past time to grantees for building or other purposes, is essentially military; and that the first aim of any administrative measures must be the health, convenience, discipline and efficiency of the military forces contained in it under their military authorities. The second proposition was that, notwithstanding the demarcation of a cantonment in British India, the area must of necessity remain a part of the district or province from which it is severed; and the mutual dependence upon each other of communities and administrative systems in the same district or sub-division, where all are subject to the same law and the same Government, must frustrate any attempt to treat a mere artificial line of demarcation as cutting off a cantonment from the population and the territory in which it is engulfed.

The relative weight in balancig the form of administration required by any given cantonment, which should be allowed to these somewhat contradictory principles, depends largely upon the circumstances of each cantonment; and the Committee accordingly considered whether they could classify cantonments and sub-divide their rules into those applicable to each class of cantonment as classified by them. It might be readily admitted that a cantonment which, like Poona, included the Officers and Head-Quarters of a Local Government and of a large District-station, differed materially from the cantonment of Lucknow, which was marked off at a later date so as to avoid such entaglement. The position of Aden, which is both a fortress and a place of commerce, and in the administration of which high political considerations are of grave importance, in the same way, differs from that of Kirki, which contains only a military population, a small-arms ammunition factory and a powder manufactory. But the line is less sharply drawn in the case of most cantonments.

The conclusion at which the Committee finally arrived was, that it would be impossible for them to arrange all cantonments in various classes, with separate rules for each class. The rules embodied in Draft Notification No. I will therefore apply in their entirety to all cantonments not expressly excepted from their operation in whole or in part under section 27, sub-section (2), of Act XIII, 1889. In preparing these rules they have followed the clauses of section 26 of Act XIII, 1889, and dealt separately with each clause of that section, extended enactments being dealt with quite apart from the rules framed under section 26. Some remedy may, however, be provided against the risk of applying the rules to circumstances foreign to them. The Committee would accordingly suggest that the Local Governments be asked to consider whether any cantonments have so largely outgrown their strictly military requirements as to render it desirable to contract their limits, and consequently the operation of the rules, by definition under section 4 (2) of Act XIII, 1889, before the rules are declared in force. It also seems to them desirable to call attention to the fact that building-sites have been granted in existing cantonments for military reasons upon most favourable terms, and, if the limits of such cantonments are contracted, the terms upon which the properties conditionally granted are hereafter to be held outside military limits will require revision by the Local Governments.

3. Within the limits of the cantonments as now, or hereafter, defined, the Committee consider that the power and responsibility of the military authorities should be effective. Their proposals regarding the constitution of Cantonment Committees—to which the General Officer of the Command may add members when occasion requires—and the control over their proceedings which is vested in the President, the Officer Commanding the district and the General Officer of the Command, are based upon this view. At the same time, the principle of mutual inter-dependence between parts of a district, to which

attention has already been called, has induced the Committee to attach value to the co-operation of the District Magistrate in the administration of cantonments, and to recognise his position in the district by giving him a power of intervention and of reference to the Local Government in certain contingencies.

On the same principle, whilst the Committee have recognised the large powers over the Budget and expenditure which the military authorities should exercise, they have also given effect to the control which section 23 of Act XIII, 1889, vests in the Local Government by requiring its sanction to the Budget and to any expenditure not provided in the Budget. The management of the Cantonment Fund which must vest in the military authorities is not, they believe, incompatible with the control of the Local Government reserved by section 23 of Act XIII, 1889; and where it has been the practice of the Military Department of the Government of India to make direct grants-in-aid to certain cantonments, such grants can be continued and assigned to the Provincial Government for expenditure on the same objects to which they are at present devoted. The fact that the Act vests the control of the Cantonment Fund in the Local Government appears to the Committee to necessitate the Fund "being treated, in the words of the Committee of 1865,* as one of the Local Funds of the Civil Administration," and it would follow that the practice of making direct grants-in-aid from the Military Budget to particular cantonments should cease, and that all future grants should be made to the Local Governments for allotment. The sums allotted to each cantonment by the Local Governments out of such grants would be credited, as provided by rule 250 (*c*), to the Cantonment Fund of such cantonment.

* Paragraph 27 of letter to Military Department, dated 14th September, 1865 – see page 26 of the pamphlet entitled "Cantonment Regulations framed under Act XXII of 1864," Ed. 1877.

It will be observed that the revised rules give no authority to the Commander-in-Chief in India over the Cantonment Fund. It is provided, however, in rule 252 that a consolidated account of receipts and expenditure shall be furnished to him annually by the Comptroller-General. The supreme control which the Government of India holds over all Local Governments, and the position of His Excellency the Commander-in-Chief on the Council of the Viceroy, secure, without the necessity of any rule, the authority of the Commander-in-Chief over all cantonments whenever his intervention is called for.

4. In drafting those rules which affect the rights and conduct of persons resident, or holding grants of land, within the cantonment, the Committee have guarded against the danger of making restrictive provisions retroactive; and they are aware that the full measure of control over house-accommodation and trades and occupations which might be desirable if the law allowed it will not be secured by their rules. The principle followed by the Committee has been to attach conditions to all fresh grants of land or fresh markets, etc., hereafter sanctioned, whilst, in regard to rights existing before the rules come into force, interference is only exercised where it is justified by considerations for the health or convenience of the cantonment. This distinction seemed to the Committee unavoidable in the present state of the law.

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The relative weight in balancig the form of administration required by any given cantonment, which should be allowed to these somewhat contradictory principles, depends largely upon the circumstances of each cantonment; and the Committee accordingly considered whether they could classify cantonments and sub-divide their rules into those applicable to each class of cantonment as classified by them. It might be readily admitted that a cantonment which, like Poona, included the Officers and Head-Quarters of a Local Government and of a large District-station, differed materially from the cantonment of Lucknow, which was marked off at a later date so as to avoid such entaglement. The position of Aden, which is both a fortress and a place of commerce, and in the administration of which high political considerations are of grave importance, in the same way, differs from that of Kirki, which contains only a military population, a small-arms ammunition factory and a powder manufactory. But the line is less sharply drawn in the case of most cantonments.

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3. Within the limits of the cantonments as now, or hereafter, defined, the Committee consider that the power and responsibility of the military authorities should be effective. Their proposals regarding the constitution of Cantonment Committees—to which the General Officer of the Command may add members when occasion requires—and the control over their proceedings which is vested in the President, the Officer Commanding the district and the General Officer of the Command, are based upon this view. At the same time, the principle of mutual inter-dependence between parts of a district, to which

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On the same principle, whilst the Committee have recognised the large powers over the Budget and expenditure which the military authorities should exercise, they have also given effect to the control which section 23 of Act XIII, 1889, vests in the Local Government by requiring its sanction to the Budget and to any expenditure not provided in the Budget. The management of the Cantonment Fund which must vest in the military authorities is not, they believe, incompatible with the control of the Local Government reserved by section 23 of Act XIII, 1889; and where it has been the practice of the Military Department of the Government of India to make direct grants-in-aid to certain cantonments, such grants can be continued and assigned to the Provincial Government for expenditure on the same objects to which they are at present devoted. The fact that the Act vests the control of the Cantonment Fund in the Local Government appears to the Committee to necessitate the Fund "being treated, in the words of the Committee of 1865,* as one of the Local Funds of the Civil Administration," and it would follow that the practice of making direct grants-in-aid from the Military Budget to particular cantonments should cease, and that all future grants should be made to the Local Governments for allotment. The sums allotted to each cantonment by the Local Governments out of such grants would be credited, as provided by rule 250 (*c*), to the Cantonment Fund of such cantonment.

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[Confidential].

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The relative weight in balancig the form of administration required by any given cantonment, which should be allowed to these somewhat contradictory principles, depends largely upon the circumstances of each cantonment; and the Committee accordingly considered whether they could classify cantonments and sub-divide their rules into those applicable to each class of cantonment as classified by them. It might be readily admitted that a cantonment which, like Poona, included the Officers and Head-Quarters of a Local Government and of a large District-station, differed materially from the cantonment of Lucknow, which was marked off at a later date so as to avoid such entaglement. The position of Aden, which is both a fortress and a place of commerce, and in the administration of which high political considerations are of grave importance, in the same way, differs from that of Kirki, which contains only a military population, a small-arms ammunition factory and a powder manufactory. But the line is less sharply drawn in the case of most cantonments.

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On the same principle, whilst the Committee have recognised the large powers over the Budget and expenditure which the military authorities should exercise, they have also given effect to the control which section 23 of Act XIII, 1889, vests in the Local Government by requiring its sanction to the Budget and to any expenditure not provided in the Budget. The management of the Cantonment Fund which must vest in the military authorities is not, they believe, incompatible with the control of the Local Government reserved by section 23 of Act XIII, 1889; and where it has been the practice of the Military Department of the Government of India to make direct grants-in-aid to certain cantonments, such grants can be continued and assigned to the Provincial Government for expenditure on the same objects to which they are at present devoted. The fact that the Act vests the control of the Cantonment Fund in the Local Government appears to the Committee to necessitate the Fund "being treated, in the words of the Committee of 1865,* as one of the Local Funds of the Civil Administration," and it would follow that the practice of making direct grants-in-aid from the Military Budget to particular cantonments should cease, and that all future grants should be made to the Local Governments for allotment. The sums allotted to each cantonment by the Local Governments out of such grants would be credited, as provided by rule 250 (*c*), to the Cantonment Fund of such cantonment.

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[Confidential].

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2. Two propositions commended themselves to their judgment as principles for guiding their deliberations. The first was that the object, for which a cantonment is marked off from the surrounding country and for which sites of land have been granted on favourable terms in past time to grantees for building or other purposes, is essentially military; and that the first aim of any administrative measures must be the health, convenience, discipline and efficiency of the military forces contained in it under their military authorities. The second proposition was that, notwithstanding the demarcation of a cantonment in British India, the area must of necessity remain a part of the district or province from which it is severed; and the mutual dependence upon each other of communities and administrative systems in the same district or sub-division, where all are subject to the same law and the same Government, must frustrate any attempt to treat a mere artificial line of demarcation as cutting off a cantonment from the population and the territory in which it is engulfed.

The relative weight in balancig the form of administration required by any given cantonment, which should be allowed to these somewhat contradictory principles, depends largely upon the circumstances of each cantonment; and the Committee accordingly considered whether they could classify cantonments and sub-divide their rules into those applicable to each class of cantonment as classified by them. It might be readily admitted that a cantonment which, like Poona, included the Officers and Head-Quarters of a Local Government and of a large District-station, differed materially from the cantonment of Lucknow, which was marked off at a later date so as to avoid such entaglement. The position of Aden, which is both a fortress and a place of commerce, and in the administration of which high political considerations are of grave importance, in the same way, differs from that of Kirki, which contains only a military population, a small-arms ammunition factory and a powder manufactory. But the line is less sharply drawn in the case of most cantonments.

The conclusion at which the Committee finally arrived was, that it would be impossible for them to arrange all cantonments in various classes, with separate rules for each class. The rules embodied in Draft Notification No. I will therefore apply in their entirety to all cantonments not expressly excepted from their operation in whole or in part under section 27, sub-section (2), of Act XIII, 1889. In preparing these rules they have followed the clauses of section 26 of Act XIII, 1889, and dealt separately with each clause of that section, extended enactments being dealt with quite apart from the rules framed under section 26. Some remedy may, however, be provided against the risk of applying the rules to circumstances foreign to them. The Committee would accordingly suggest that the Local Governments be asked to consider whether any cantonments have so largely outgrown their strictly military requirements as to render it desirable to contract their limits, and consequently the operation of the rules, by definition under section 4 (2) of Act XIII, 1889, before the rules are declared in force. It also seems to them desirable to call attention to the fact that building-sites have been granted in existing cantonments for military reasons upon most favourable terms, and, if the limits of such cantonments are contracted, the terms upon which the properties conditionally granted are hereafter to be held outside military limits will require revision by the Local Governments.

3. Within the limits of the cantonments as now, or hereafter, defined, the Committee consider that the power and responsibility of the military authorities should be effective. Their proposals regarding the constitution of Cantonment Committees—to which the General Officer of the Command may add members when occasion requires—and the control over their proceedings which is vested in the President, the Officer Commanding the district and the General Officer of the Command, are based upon this view. At the same time, the principle of mutual inter-dependence between parts of a district, to which

attention has already been called, has induced the Committee to attach value to the co-operation of the District Magistrate in the administration of cantonments, and to recognise his position in the district by giving him a power of intervention and of reference to the Local Government in certain contingencies.

On the same principle, whilst the Committee have recognised the large powers over the Budget and expenditure which the military authorities should exercise, they have also given effect to the control which section 23 of Act XIII, 1889, vests in the Local Government by requiring its sanction to the Budget and to any expenditure not provided in the Budget. The management of the Cantonment Fund which must vest in the military authorities is not, they believe, incompatible with the control of the Local Government reserved by section 23 of Act XIII, 1889; and where it has been the practice of the Military Department of the Government of India to make direct grants-in-aid to certain cantonments, such grants can be continued and assigned to the Provincial Government for expenditure on the same objects to which they are at present devoted. The fact that the Act vests the control of the Cantonment Fund in the Local Government appears to the Committee to necessitate the Fund "being treated, in the words of the Committee of 1865,* as one of the Local Funds of the Civil Administration," and it would follow that the practice of making direct grants-in-aid from the Military Budget to particular cantonments should cease, and that all future grants should be made to the Local Governments for allotment. The sums allotted to each cantonment by the Local Governments out of such grants would be credited, as provided by rule 250 (*c*), to the Cantonment Fund of such cantonment.

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4. In drafting those rules which affect the rights and conduct of persons resident, or holding grants of land, within the cantonment, the Committee have guarded against the danger of making restrictive provisions retroactive; and they are aware that the full measure of control over house-accommodation and trades and occupations which might be desirable if the law allowed it will not be secured by their rules. The principle followed by the Committee has been to attach conditions to all fresh grants of land or fresh markets, etc., hereafter sanctioned, whilst, in regard to rights existing before the rules come into force, interference is only exercised where it is justified by considerations for the health or convenience of the cantonment. This distinction seemed to the Committee unavoidable in the present state of the law.

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The primary object of this draft is to facilitate the execution of agreements in cases in which either no agreement was taken when the site was granted, or the agreement executed at that time is not forthcoming. It will, however, be observed that an offer is also made to substitute a new agreement for any existing agreement. It is possible that, if the Government of India agree to this offer being made and publicly announced, applications may be received from holders of agreements in the form known as the "Madras lease," which contain a stipulation limiting the rent payable by an officer for a house to Rs. 100 *per mensem*,—a sum which is in many cases quite inadequate.

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