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Public (1897) Department.

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G.O., No. 204 & 205

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INDEXED.

[Despatch Abstract.]

Bills—Legislative

Forwarding with remarks (to the Govt. of India) the opinions of certain officers on the bill to make better provision for Securing house accommodation for officers in Cantonments.

BACK PAPERS.

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

FURTHER PAPERS.

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

Cons 880/99 (Gofd)
" 923/99 (DAG.)

Government {1899} of Madras.

PUBLIC.

Recd. } 1899. *Enclosures*

Regd. } 1899. *Spare copies*

G.O., No. 204, 18th February 1899.

FEBRUARY.

Bills—Legislative.

Forwarding, with remarks, to the Government of India the opinion of certain officers on the Bill to make better provision for securing house accommodation for officers in cantonments.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

Read—the following papers:—

From the Government of India, No. 1659, dated 5th November 1898.

From G. W. DANCE, Esq., Collector of Malabar, to the Chief Secretary to Government, dated Calicut, 20th January 1899, D. No. 125-Pub.

With reference to G.O., No. 127, dated 14th instant, I have the honour to state that I have no remarks to offer. The cantonments at Calicut and Malappuram only include the barracks and their offices. At Cannanore, houses for the accommodation of offices can be had for the asking at nominal rents.

From A. L. HANNAY, Esq., Registrar of the High Court of Judicature, to the Chief Secretary to Government, dated Madras, 21st January 1899, Dis. No. 102.

With reference to G.O., No. 127, Public, dated 14th January 1899, communicating for the remarks of the High Court a Bill to make better provision for securing house accommodation for military officers in cantonments, I am directed to inform you that the Honourable the Judges have no remarks to offer.

From H. D. TAYLOR, Esq., I.C.S., Collector and District Magistrate, Ganjám, to the Chief Secretary to Government, dated Camp Chakkapad, 24th January 1899, Dis. No. 9 R.-Mag.

With reference to G.O., No. 127, dated 14th instant, communicating for remarks the Cantonments (House Accommodation) Bill, I have the honour to make the following observations.

2. *Section 2 (e) Definition of "grantee."*—This when read with section 3 (3) and (5) of the Bill and the last sentence of paragraph 3 of the Statement of Objects and Reasons seems to me somewhat vague and indefinite.

I am unable clearly to gather whether the term "grantee" as defined means persons who have been granted permission, apparently by the cantonment authority to occupy lands in a cantonment subsequent to its formation, or whether it relates to *all* grants made whether prior to or subsequent to the formation of any cantonment by any officer having authority to make such grants, within the local limits of the cantonment as it actually exists.

The last part of paragraph 3 of the Statement of Objects and Reasons states that "operations will be practically restricted to past grants only," from which it is to be inferred that holder of all grants whenever made, under lawful authority, are intended to be included under the term "grantee", while section 3 (3) and (5) would apparently limit its operation to all grants lawfully made or deemed to be made subsequent to the formation of the cantonment. Section 15 (1) seems to support this view.

If the latter view is correct I consider that the definition of "grantee" should be made clear by inserting the words "subsequent to its formation" between "Cantonment," and "and."

If the former, I would substitute the words "within the existing local limits of a cantonment" for "in a cantonment."

In the case of the Berhampur cantonment, which has only been notified in the past month, this distinction is of immense importance, as in the one case all houses within its local limits will fall under the provision of the Act, while in the other case none of the existing houses can be dealt with under the Act unless the persons claiming a previous lawful title fail to register their claims for enquiry under section 3 (4).

I am unable to distinguish between the term "a grant from Her Majesty" and "lawful title" unless reference is intended to lands to which a title has been acquired by adverse possession prior to the formation of the cantonment or perhaps to private rights acquired in cantonments existing in Native States prior to the formation of such cantonments.

As the matter seems open to doubt, I consider that the definition of "grantee" requires expansion in the directions noted above.

3. The term "person", which is used in section 3 (3) is not defined in this Bill, but in the General Clauses Act I of 1868, it includes "any company or association or body of individuals, whether incorporated or not."

I presume that this would cover the trustees of an institution or endowment, a missionary society, a local board or the Local Government.

Section 3 (6), however, of the General Clauses Act includes a local fund under the definition of a "local authority."

If the definition of "person" be not held to include such bodies as those mentioned, specific provision should be made for giving them an opportunity of registering their claims.

4. The term "tenant" is used in section 6 (*b*) and section 8 (*b*) and section 14, but is not defined either in the Bill, or in the General Clauses Act. The ordinary definition of a tenant in this connection would be "a person paying rent to the grantee," but it may not infrequently occur that houses are found to be occupied neither by a grantee nor a paying tenant, but by a relative, agent or employé (such as a missionary) free of rent.

I consider that the term tenant should be clearly defined or the word "occupier" substituted therefor.

5. *Sections 2 (f), 11* and *12.*—The term "*house*" is defined in the Bill, but under the definition may be taken to refer to any building. It is not specified that the building should be one intended for habitation. Either the definition of the word "house" must be amplified, or further exception must be made in sections 11 and 12. I would in any case insert the words "hospital, office" between the words "hotel" and "shop" in these sections and would add either the words "Church, chapel, temple or mosque" or the words "or any place of public worship" after the word "school."

Under 12 (*e*) I would include relatives or members of the family of the grantee.

I would also add the following exemption (*e*): "houses of which at the time of the passing of this Act the grantee is a missionary society, the houses being *bonâ fide* occupied rent free by employés of the society." It may in such cases be assumed that the houses have been erected or purchased, not for profit, but for personal occupation, and the employés of the society would stand in the same position as a grantee in occupation of his own house.

6. *Section 15.*—Here it does not seem clear whether clause (2) is of general import or whether it refers only to houses specified in clause (1) of the section. The marginal abstract of the paragraph supports the former view, while the position of the clause as a second sub-paragraph, instead of being contained in a separate section, seems to limit its operation to houses specified in paragraph (1) of the section.

If its meaning is so limited, then in the marginal abstract the words "in certain cases" should be inserted after "option," while in clause (2) after the word "such" should be substituted for "the" before "house."

It seems to me only equitable that this option of offering the house for sale should be general and that all grantees unwilling to let their houses at the prescribed rent should have the option of selling them to the Secretary of State under the previsions of the Bill.

7. *Paragraph* 19 (i) applies only to the repairs of houses which are in the actual occupation of a Civil and Military officer.

There is nothing in the Bill to compel any grantee to repair any house which is either for the time being vacant, or is occupied by other than a Military or Civil officer, if required for occupation under the Act.

I think that power should be taken to insist on such repair being executed in anticipation of occupation when vacant houses are required for occupation and the estimated cost is not excessive.

8. *Paragraph* 23 (1)—*Transfers.*—This section does not provide for the case of attachment or sale of house property under the decree of a Civil or Revenue Court, or for forfeiture of property by a Criminal Court, or for an escheat to Government. It will in such cases, I think, suffice if the Court or Collector gives notice to the cantonment authority of such attachment, sale or forfeiture.

I am inclined to think that this section, as it stands, is somewhat harsh. A house owner in temporary financial difficulties may, owing to the formalities to be observed and the possibility of a veto being placed upon the transaction, be unable to obtain a temporary loan which would save him from ruin.

9. I cannot see that this clause is necessary. The new purchaser would not be considered a "grantee" after the new regulations are brought into force. If he were deemed not capable of executing the necessary repairs, the rent of the occupier could be reserved and devoted to that purpose.

In any event I would add a clause stipulating that if such transfer be refused, the grantee may insist on the house being purchased by the Secretary of State at the valuation offered to him by the other party. Otherwise he might lose a favourable offer, when in need of cash, through no fault of his own.

I do not consider that it would be equitable for the Secretary of State to forbid such private transactions, unless he be willing to grant compensation or acquire the house himself on the same terms.

10. The above are the only remarks which occur to me in connection with the Bill.

From R. H. CAMPBELL, Esq., Acting Collector of Bellary, to the Chief Secretary to Government, Madras, dated 30th January 1899, R. Dis. No. 69.

I have the honour to report as directed in G.O., No. 127, dated 14th instant.

2. The Bill is likely to meet the object which it is intended to serve, though up to the present time no difficulty has been experienced in the town of Bellary to provide suitable accommodation for officers, Civil or Military.

3. The following are the only remarks I have to offer with reference to its provisions:—

Clause 19.—I would suggest that the word "repairs" occurring in this clause may be defined (either in the chapter of definitions or in a note added to the clause itself) so as to include not only repairs to the house itself but also to the compound wall and fences. During the last few years, complaints have been rife regarding the damage done in gardens and even in houses themselves by trespassing cattle and goats. Under the existing legal machinery, it has been found almost impossible to compel landlords to keep compound fences in repair, and the present would be a fitting opportunity to put a stop to what is a very serious evil from the tenant's point of view.

Clause 29 (2).—The decision as to whether a person proposed as a member of an arbitration committee has a personal interest in the subject matter under reference and as such is incompetent to act on the committee, may be left to the District Magistrate, at least as regards the nominees of the "grantee", as he will have a more intimate knowledge of the people than the Commanding Officer.

[Regarding the Bill to make better provision for securing house accommodation for officers in cantonments.]

OPINION.

I have no observations to offer with reference to this Bill.

(Signed) C. ARNOLD WHITE,
Advocate-General.

MADRAS,
31*st January* 1899.

From Brigadier-General G. SIMPSON, C.B., Deputy Adjutant-General, Madras Command, to the Chief Secretary to Government, dated Ootacamund, 1st February 1899, No. B/I-1796.

With reference to your reminder of the 26th ultimo calling for an early reply to Proceedings of Madras Government, Public Department, No. 127, dated 14th idem, I am desired to state that copies of the Bill regarding house accommodation for officers in cantonments have been distributed to General Officers Commanding Districts in this Command for very early remarks and suggestions, and on receipt of their replies, a report on the Bill in question will be made to Government as early as possible.

From R. H. SHIPLEY, Esq., Collector and District Magistrate of Trichinopoly, to the Chief Secretary to Government, dated 2nd February 1899, R. Dis. No. 77-Rev.

With reference to G.O., No. 127, dated 14th January 1899, on letter No. 1659 of Government of India, dated 5th November last, I have the honour to report that, in my opinion, the Bill is inapplicable to the so-called Cantonment of Trichinopoly, for this reason that the lands upon which the European residences stand are mainly patta or inam lands and not lands granted for building purposes. The owners are therefore not grantees under the Act.

2. Unless the Government is prepared to legislate especially with a view to bringing these lands and houses within the scope of the Act, its provisions will remain inoperative here.

3. In other matters, the Bill appears to me well adapted to its object.

Telegram No. 197-S., dated 3rd F[illegible]ry 1899.

From C. J. WEIR, Esq., I.C.S., Collector of the Nilgiris, to the Chief Secretary to Government, dated Ootacamund, 3rd February 1899, Ref. on B.G.R. No. 145.

With reference to G.O., No. 127, Public, dated the 14th January 1899, I have the honour to state that I have no remarks to offer on the draft Cantonment Bill.

2. I may, however, point out that section 261 in the draft revised cantonment rules, published for criticism in the Supplement to the *Gazette of India* of the 26th September 1896, has been drafted as section 28 in the Bill under notice, and that in respect to this section, Mr. Tremenheere, the then District Magistrate, was of opinion (*vide* his letter, No. 174, dated 8th February 1897, to Government in the Local and Municipal department) that "the rule will throw more work on the civil magistracy, more it may be than the present staff can carry out."

3. The Government Order under reply was received on the 17th January 1899 during the indisposition of my predecessor, and as I only assumed charge of the district on the 1st February, the matter could not be attended to earlier.

From D. W. G. COWIE, Esq., Acting District Magistrate, Chingleput, to the Chief Secretary to Government, dated Camp, Conjeeveram, 8th February 1899, Dis. No. 79.

Adverting to G.O., No 127, Public, dated 14th January last, I have the honour to offer the following remarks on the draft Cantonments (House Accommodation) Bill:—

Section 2 (f).—Both the Cantonment Magistrate and the District Magistrate are in some instances members of the Cantonment Committee, and it would therefore be well if the orders of the Cantonment Magistrate were made subject to revision by the District and Sessions Judge.

Section 13 (1).—The four days' time allowed to a grantee to give possession of his house is very short and might be extended to seven days as some of the owners may not reside in the cantonment itself.

Section 14.—It is not stated how the surrender of a house is to be enforced—whether by prosecution under section 188, Indian Penal Code, or by an order of ejectment.

Section 18 (1).—In some cantonments the rents of the different houses likely to be occupied by officers have been fixed, and it therefore appears necessary that such cases should be specially provided for in the Act or in the rules to be framed under it.

Section 23.—The circumstances should be stated under which the General Officer of the Command can exercise the powers vested in him to veto a transfer of a house by sale, mortgage, &c. Owners should be informed of the circumstances that would render a proposed transfer objectionable.

Section 26 (2).—No provision appears to have been made for an appeal against the order of the Commanding Officer refusing to convene a Committee of Arbitration. In such a case an appeal might lie to the District Magistrate.

Section 28.—It is, perhaps, desirable that the Executive Engineer, Military Works Department, should also be ex-officio member of the Committee of Arbitration, but in that case the Chairman should be given a casting vote. The District Magistrate may be allowed to use his discretion in appointing any Magistrate who is a gazetted officer to act for him on the Committee of Arbitration. It may often be difficult to find a Magistrate who is also a Justice of the Peace.

Order—No. 204, dated 18th February 1899.

The Government of India will be addressed.

[Here enter letter No. 205, Public, dated 18th February 1899].

(True Extract.)

G. STOKES,
Chief Secretary.

Ed. P. Seetharam.

Government {1899} of Madras.

PUBLIC.

Recd. } 1899. *Enclosures*
Regd. } *Spare copies*

Letter, No. 205, 18th February 1899.

FEBRUARY.

Bills—Legislative.

Forwarding, with remarks, the opinions of certain officers on the Bill to make better provision for securing house accommodation for officers in cantonments.

No. 205, Public, 18th February 1899.

PUBLIC DEPARTMENT.

Letter—from

The CHIEF SECRETARY to the GOVERNMENT of FORT ST. GEORGE,

To

The SECRETARY to the GOVERNMENT of INDIA, Legislative Department.

Sir,

I am directed to acknowledge the receipt of your letter No. 1659, dated 5th November 1898, forwarding for opinion a Bill to make better provision for securing house accommodation for officers in cantonments.

2. In reply I am to state that the Hon'ble the Judges of the High Court and the Hon'ble the Advocate-General, Madras, have no remarks to offer. Copies of the opinions of the officers named in the margin are forwarded herewith for the consideration of the Government of India. It has not been considered necessary to await the remarks of the Deputy Adjutant-General, Madras Command, as the opinion of the military authorities will doubtless be obtained by the Government of India direct, through the Military department.

Collector and District Magistrate, Ganjám.
" " " Bellary.
" " " Trichinopoly.
" " " Nilgris.
" " " Chingleput.

3. With regard to the suggestions made by the officers consulted, I am to say that the Government desires to endorse the recommendation by the District Magistrate of Ganjám regarding the exemption under clause 12 of houses in the occupation of relatives of the grantee, and of houses the grantee of which is a missionary society, and also the remark of the District Magistrate of Chingleput, regarding the inadequacy of the period of four days allowed under clause 13 (1) for giving possession of a house. This Government also accepts the view expressed in paragraph 9 of the letter from the District Magistrate of Ganjám, that in cases where, under clause 23 (1), permission to transfer a house may be refused, the grantee should be given the right to insist that his house should be purchased by Government.

4. I am to invite attention to the remark of the Collector and Magistrate, Trichinopoly, to the effect that the Bill is inapplicable to the so-called Cantonment of Trichinopoly, for the reason that the lands upon which the European residences stand are mainly patta or inam lands, and not lands granted for building purposes, and that the owners are therefore not grantees under the Act. The Bill does not seem to have taken such cases into consideration for section 3 (5) does not provide for them.

5. The Bill, with the Statements of Objects and Reasons, was published in English in the *Fort St. George Gazette*, dated 31st January 1899, and in Malayalam in the Gazette of 14th February 1899. It will shortly be republished in Tamil and Telugu also.

I have the honour to be,
Sir,
Your most obedient servant,

G. STOKES,
Chief Secretary.

Fort St. George,
18*th February* 1899.

Exd. P. Seetharam.

~~Judicial~~ Public (1899) Department.

CURRENT No. ~~4087~~ 138

From

The Govt of India.

~~Order~~ Endorsement. No. 2539 dt 17-11-98

Transferred to the Local and Municipal Department.

No. 1659

Dated 5-11-98

Received 10-11-98

Registered 11-11-98

Enclosures one

Spare copies 40.

A.H. Knapp
Ag Under Secretary.

17/11/98.

The Lr M Dept.

SUBJECT.

Forwarding for opinion a Bill to make better ~~better~~ provision for securing house accomodation for officers in Cantonments.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

THE CANTONMENTS (HOUSE-ACCOMMODATION) BILL.

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[The "Rules" referred to on the margin are the draft Cantonment Rules published for criticism in the Supplement to the Gazette of India of the 26th September, 1896.]

A

BILL

TO

Make better provision for securing house-accommodation for officers in cantonments.

WHEREAS various conditions, rules, regulations and orders have from time to time been laid down by, or by the authority of, the Government, in regard to the grant of land and the occupation of land and houses in cantonments, with the object of securing, among other things, that houses built on such land should be made available when required for the accommodation of officers of the army;

And whereas, notwithstanding the said conditions, rules, regulations and orders, difficulties have frequently been experienced in obtaining house-accommodation in cantonments for officers of the army, and it is expedient to make better provision for that purpose;

And whereas it has from time to time been found necessary in certain cases to admit civil officers of the Government to the benefit of certain of the conditions, rules, regulations and orders aforesaid, and it is expedient to make better provision for obtaining house-accommodation in cantonments for such civil officers;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

(*1*) This Act may be called the Cantonments (House-Accommodation) Act, 1899.

(*2*) It extends to the whole of British India (inclusive of British Baluchistan), except Aden; and

(*3*) It shall come into force at once, but it shall not become operative in any cantonment or part of a cantonment until the issue, or otherwise than in pursuance, of a notification as hereinafter provided by section 3.

Definitions.

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

[Cf. Act XIII, 1889, ss. 6 (*1*), 26 (*5*).]

(*a*) "Cantonment Authority" means a Cantonment Committee, or, in the case of a cantonment for which such a Committee has not been constituted, or has

ceased to exist, or cannot be convened, the Commanding Officer of the cantonment:

(*b*) "military officer" means a commissioned or warrant officer of Her Majesty's regular forces on military duty in a cantonment, and includes a Chaplain, a Cantonment Magistrate and any person in Army Departmental employment whom the General Officer of the Command may at any time, for the purposes of this Act, place on the same footing as a military officer: [Cf. definition (*c*) in Annexure to Form B, Schedule IV to Rules.]

(*c*) "civil officer" means a gazetted civil officer of the Government, and includes any other person in the service of the Government, not being a military officer, whom the Local Government may at any time, for the purposes of this Act, place on the same footing as a civil officer: [Cf. definition (*a*), *ibid.*]

(*d*) "General Officer of the Command" means the General Officer commanding the forces in a Command; and [Cf. Rule 3 (*1*).]

"Command" means one of the principal portions into which the army of India is for the time being divided:

(*e*) "grantee" means a person who has been granted permission, before the Cantonment Rules, 189———, came into force, to occupy, for the purposes of a building-site, land belonging to the East India Company or to Her Majesty in a cantonment, and includes the successors in interest of a grantee: [Cf. Rule 3 (*2*).]

(*f*) "house" means a house erected on land occupied by a grantee, and includes the land and buildings appurtenant to a house; and, if any question arises whether any land or building is appurtenant to a house, it shall be decided by the Cantonment Magistrate, whose decision thereon shall, subject to revision by the District Magistrate, be final; and [Cf. definition (*a*) in Annexure to Form B, Schedule IV. to Rules.]

(*g*) the expression "repairs" to a house includes such repairs as are usually made in the neighbourhood to buildings of the same class as that to which the house belongs, but does not include additions, improvements or alterations, except in so far as they are necessary to carry out such repairs as aforesaid or have been made with the grantee's consent. [Cf. definition (*b*), *ibid.*]

Opinion of the D.M. Ganjam.

2. ***Section 2 (e) Definition of "grantee."***—This when read with section 3 (3) and (5) of the Bill and the last sentence of paragraph 3 of the Statement of Objects and Reasons seems to me somewhat vague and indefinite.

I am unable clearly to gather whether the term "grantee" as defined means persons who have been granted permission, apparently by the cantonment authority to occupy lands in a cantonment subsequent to its formation, or whether it relates to *all* grants made whether prior to or subsequent to the formation of any cantonment by any officer having authority to make such grants, within the local limits of the cantonment as it actually exists.

The last part of paragraph 3 of the Statement of Objects and Reasons states that "operations will be practically restricted to past grants only," from which it is to be inferred that holder of all grants whenever made, under lawful authority, are intended to be included under the term "grantee", while section 3 (3) and (5) would apparently limit its operation to all grants lawfully made or deemed to be made subsequent to the formation of the cantonment. Section 15 (1) seems to support this view.

May be supported

If the latter view is correct I consider that the definition of "grantee" should be made clear by inserting the words "subsequent to its formation" between "Cantonment," and "and."

AK 14/2/95

If the former, I would substitute the words "within the existing local limits of a cantonment" for "in a cantonment."

In the case of the Berhampur cantonment, which has only been notified in the past month, this distinction is of immense importance, as in the one case all houses within its local limits will fall under the provision of the Act, while in the other case none of the existing houses can be dealt with under the Act unless the persons claiming a previous lawful title fail to register their claims for enquiry under section 3 (4).

I am unable to distinguish between the term "a grant from Her Majesty" and "lawful title" unless reference is intended to lands to which a title has been acquired by adverse possession prior to the formation of the cantonment or perhaps to private rights acquired in cantonments existing in Native States prior to the formation of such cantonments.

As the matter seems open to doubt, I consider that the definition of "grantee" requires expansion in the directions noted above.

5. *Sections 2 (f), 11* and *12.*—The term "*house*" is defined in the Bill, but under the definition may be taken to refer to any building. It is not specified that the building should be one intended for habitation. Either the definition of the word "house" must be amplified, or further exception must be made in sections 11 and 12. I would in any case insert the words "hospital, office" between the words "hotel" and "shop" in these sections and would add either the words "Church, chapel, temple or mosque" or the words "or any place of public worship" after the word "school."

Opinion. ~~From~~ D. W. G. COWIE, Esq., Acting District Magistrate, Chingleput.

Section 2 (f).—Both the Cantonment Magistrate and the District Magistrate are in some instances members of the Cantonment Committee, and it would therefore be well if the orders of the Cantonment Magistrate were made subject to revision by the District and Sessions Judge.

Opinion of the D.M. Ganjam

3. The term "person", which is used in section 3 (3) is not defined in this Bill, but in the General Clauses Act I of 1868, it includes "any company or association or body of individuals, whether incorporated or not."

I presume that this would cover the trustees of an institution or endowment, a missionary society, a local board or the Local Government.

Section 3 (6), however, of the General Clauses Act includes a local fund under the definition of a "local authority."

If the definition of "person" be not held to include such bodies as those mentioned, specific provision should be made for giving them an opportunity of registering their claims.

CHAPTER II.

APPLICATION OF ACT.

Cantonments, or parts of cantonments, in which Act is to be operative.

3. (*1*) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare this Act to be operative in any cantonment or part of a cantonment situate in the territories under its administration, other than a cantonment situate within the limits of a Presidency-town.

(*2*) Before issuing a notification under sub-section (*1*) in respect of any cantonment, the Local Government shall cause local inquiry to be made with a view to determining how the land in the cantonment is held.

(*3*) The Local Government shall cause public notice of every such inquiry to be given in the cantonment. Such notice shall specify, if the Act is to be operative in a part only of the cantonment, the particular part of the cantonment in which it is to be operative, and shall require all persons claiming to hold any land in the cantonment or part of the cantonment, as the case may be, by a lawful title acquired by him or his predecessors in title prior to the formation of the cantonment or the inclusion in it of that part in which the Act is to be operative, to appear, personally or by agent, before an officer to be named in the notice at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their claims and their objections (if any) to the land being included in the area in which the Act is to be operative.

(*4*) On the day so fixed, or any other subsequent day to which the inquiry may be adjourned, the officer so named shall proceed to inquire into any claims and objections which any person has stated pursuant to the notice given under sub-section (*3*), and shall make a report thereon.

(*5*) *Primâ facie*, all land in such a cantonment as aforesaid shall be deemed to be held under a grant from Her Majesty, but, if any person proves to the satisfaction of the Local Government that he holds any land by a lawful title acquired by him or his predecessors in title prior to the formation of the cantonment, then such land shall be excluded from the area of the notification, and in like manner if, pending the inquiry or at any time thereafter, any land is proved by the decree of a Court of competent jurisdiction to be held under such lawful title, it shall be excluded from the area of the notification by a further notification to be published in the same manner as the original notification.

Saving of existing grants from the Government.

4. Nothing in this Act shall affect the provisions of any lease or other agreement in writing granted or made by, or on behalf of the East India Company or Her Majesty before the Cantonment Rules, 189——, came into force, unless the lessee or other party entitled consents in writing to be bound by the terms of this Act.

CHAPTER III.

APPROPRIATION OF HOUSES FOR OCCUPATION BY OFFICERS.

Liability of houses to appropriation for occupation by any military or civil officer.

5. Every house situate in a cantonment or part of a cantonment in respect of which a notification under section 3, sub-section (*1*), is for the time being in force, shall be liable, subject to the provisions hereinafter contained, to appropriation at any time for occupation by any military or civil officer. [Cf. Condition VI, Annexure B, Form IV Schedule to Rules.]

Appropriation of house for a military officer, where it is not already occupied by a military officer.

6. Where the Cantonment Authority considers that the liability imposed by section 5 should be enforced in behalf of any military officer, it may, if the house is not already occupied by a military officer, by notice in writing— [Cf. Condition VIII, *ibid.*]

(*a*) require the grantee to let the house to the military officer named in the notice, and

(*b*) require the existing tenant (if any) to vacate the same.

Appropriation of house for a military officer, where it is occupied by another military officer.

7. If a house is occupied by a departmental military officer, and the Cantonment Authority considers that the liability imposed by section 5 should be enforced in behalf of a regimental officer, or *vice versâ*, it may, by notice in writing, require the officer in occupation to vacate the house; and may, if necessary, by further notice in writing, require the grantee to accept the change of tenancy. [Cf. Condition IX, *ibid.*]

Appropriation of house for a civil officer, where it is not already occupied by a military or civil officer.

8. Where the Cantonment Authority considers that the liability imposed by section 5 should be enforced in behalf of any civil officer, it may, if the house is not already occupied by a military or civil officer, by notice in writing,— [Cf. Condition X (3), *ibid.*]

(*a*) require the grantee to let the house to the civil officer named in the notice, and

Opinion of the D.-M. Ganjam

*. The term "tenant" is used in section 6 (*b*) and section 8 (*b*) and section 14, but is not defined either in the Bill, or in the General Clauses Act. The ordinary definition of a tenant in this connection would be "a person paying rent to the grantee," but it may not infrequently occur that houses are found to be occupied neither by a grantee nor a paying tenant, but by a relative, agent or employé (such as a missionary) free of rent.

I consider that the term tenant should be clearly defined or the word "occupier" substituted therefor.

(*b*) require the existing tenant (if any) to vacate the same.

[Cf. Condition XIV, *ibid.*]

Rent offered to be stated in notice to grantee.

9. Every notice to the grantee issued under section 6, section 7 or section 8 shall state the amount of monthly rent which the proposed tenant offers to pay for the house.

[Cf. Condition XI, *ibid.*]

Proceedure to be observed before appropriating house.

10. (*1*) Where a military or civil officer considers that a notice should be issued in his behalf under section 6, section 7 or section 8, as the case may be, he may request the Commanding Officer of his regiment or (in the case of a departmental military officer) the local head of his department or (in the case of a civil officer) the District Magistrate to make an application to that effect to the Cantonment Authority.

(*2*) On receipt of an application under sub-section (*1*) the Cantonment Authority shall inquire into the case, and it shall not issue the notice applied for unless it is satisfied—

(*a*) that the officer ought to reside in the cantonment, or, if this Act is in force in part of the cantonment only, then in that part, and

(*b*) that the circumstances are such as to require its intervention, and

(*c*) that the rent offered by the officer for the house is reasonable, and,

(*d*) that the house is suitable for the residence of the officer and, if it is occupied, that there is no vacant house in the cantonment or the said part of the cantonment, as the case may be, which is suitable for the residence of the officer.

Explanation.—In considering whether a house is suitable for the residence of an officer, regard shall be had to (*i*) the locality in which his duties chiefly lie and (*ii*) his rank.

[Cf. Condition XII, *ibid.*]

Sanction to be obtained before a house is occupied as a bank, hotel, shop or school or by a railway administration.

11. No house in any cantonment or part of a cantonment in which the Act has been declared by a notification under section 3, sub-section (*1*), to be operative shall, unless it was so occupied at the date of such notification, be occupied for the purposes of a bank, hotel, shop or school, or by a railway administration without the previous sanction of the General Officer of the Command, given with the concurrence of the Local Government.

(*2*) Before application is made for such sanction as aforesaid, the Commanding Officer of the cantonment shall certify whether or not in his

opinion the number of houses in the cantonment, as compared with the strength of the existing or probable garrison, renders it likely that such occupation as aforesaid would—

(*a*) cause any difficulty in obtaining accommodation in the cantonment, or in the part of the cantonment in which the house is situate, for military or civil officers, or

(*b*) necessitate the acquisition of land at some future time for the extension of the cantonment.

Houses not to be appropriated for military or civil officers in certain cases.

12. No notice shall be issued under section 6 or section 8, if the house— [Cf. Condition XIII, *ibid.*]

(*a*) was occupied prior to the date of a notification under section 3, sub-section (*1*), declaring the Act to be operative in the cantonment or part of the cantonment, or is occupied, with the sanction required by section 11, as a bank, hotel, shop or school, and has been so occupied continuously during the three years immediately preceding the time when the occasion for issuing the notice arises, or

(*b*) was occupied prior to the date of such a notification as is referred to in clause (*a*), or is occupied, with the sanction aforesaid, by a railway-administration, or

(*c*) is occupied by the grantee, and was so occupied before the Cantonment Rules, 189—, came into force, or

(*d*) is appropriated by the Local Government with the concurrence of the General Officer of the Command, or by the Governor General in Council, for use as a public office or for any other purpose.

Time to be allowed for giving possession of house.

13. (*1*) If a house is unoccupied, a notice issued under section 6 or section 8 may require the grantee to give possession of the same to the proposed tenant within four days from the service of the notice. [Cf. Condition XV, *ibid.*]

(*2*) If a house is occupied, a notice issued under section 6, section 7 or section 8 shall not require its vacation in less than thirty days from the service of the notice.

Surrender of house when to be enforced.

14. If the grantee fails to give possession of a house to the proposed tenant in pursuance of a notice issued under section 6, section 7 or section 8, or if the existing tenant fails to vacate a house in pursuance of such a notice, the Cantonment Magistrate, by himself or by another person generally or specially authorized by him in this behalf, shall enter on the premises and enforce the surrender of the house. [Cf. Rule 242 (5).]

Vide [illegible] Dm's opinion about Sec 2(f)

Opinion of the D.M. Ganjam

Under 12 (*e*) I would include relatives or members of the family of the grantee.

I would also add the following exemption (*e*): "houses of which at the time of the passing of this Act the grantee is a missionary society, the houses being *bona fide* occupied rent free by employés of the society." It may in such cases be assumed that the houses have been erected or purchased, not for profit, but for personal occupation, and the employés of the society would stand in the same position as a grantee in occupation of his own house.

This may be supported? AV.

AA.

Opinion of the D.M. Chingleput.

Section 13 (1).—The four days' time allowed to a grantee to give possession of his house is very short and might be extended to seven days as some of the owners may not reside in the cantonment itself.

do?

AA

— 80 —

Section 14.—It is not stated how the surrender of a house is to be enforced—whether by prosecution under section 188, Indian Penal Code, or by an order of ejectment.

Opinion of the Hon. Ganjam

6. *Section 15.*—Here it does not seem clear whether clause (2) is of general import or whether it refers only to houses specified in clause (1) of the section. The marginal abstract of the paragraph supports the former view, while the position of the clause as a second sub-paragraph, instead of being contained in a separate section, seems to limit its operation to houses specified in paragraph (1) of the section.

If its meaning is so limited, then in the marginal abstract the words "in certain cases" should be inserted after "option," while in clause (2) after the word "such" should be substituted for "the" before "house."

It seems to me only equitable that this option of offering the house for sale should be general and that all grantees unwilling to let their houses at the prescribed rent should have the option of selling them to the Secretary of State under the previsions of the Bill.

Submitted that this view may be adopted by Govt.

Option for owner on whom notice is issued under section 6, section 7 or section 8, to call upon the officer concerned or the Government to purchase the house.

15. (*1*) If a house in respect of which a notice is issued under section 6, section 7 or section 8, stands on land which is proved to the satisfaction of the Local Government, or is shown by a decree or order of a Court, to have been granted by or on behalf of the East India Company or Her Majesty—

(*a*) under the conditions, rules, regulations and orders in force in Bengal between the twelfth day of September, 1836, and the seventh day of December, 1864 (both inclusive), or

(*b*) under the conditions, rules, regulations and orders in force in Bombay between the seventh day of May, 1838, and the thirty-first day of May, 1875 (both inclusive),

then the grantee shall have the option of either complying with the notice or offering the house for sale to the officer in whose behalf the notice was issued, or to the Secretary of State in Council.

(*2*) If the grantee elects to sell the house, and the said officer or the Secretary of State in Council is willing to purchase it, the amount of the purchase-money to be paid shall, in the event of disagreement, be determined by a Committee of Arbitration.

[Cf. Condition XVI, Annexure to Form B, Schedule IV of Rules.]

Terms of tenancy applicable to military and civil officers.

16. (*1*) Subject to the terms of any agreement in writing between a grantee and a military or civil officer, and to the provisions of this section, every lease of a house to such an officer shall be deemed to be a lease from month to month, terminable—

(*a*) without notice, in the case of the departure of the officer from the cantonment on duty or under medical certificate, or in the case of a Committee of Arbitration deciding, as hereinafter provided for, that the house has become unfit for occupation,

(*b*) by one month's notice to the grantee in any other case.

(*2*) A notice under sub-section (*1*) shall be in writing, signed by or on behalf of the officer; and the Cantonment Magistrate shall, if the officer so desires, cause it to be served on the grantee free of charge.

(*3*) Where a military or civil officer has, in pursuance of sub-section (*1*), clause (*a*), given up his occupation of a house without notice and has occupied the house during a portion only of the calendar month in which his occupation ceased, he shall be liable to pay as rent for that

portion a sum bearing the same proportion to the monthly rent as the said portion bears to the whole month:

Provided that the sum shall not in any case be less than one-fourth of the monthly rent.

Sub-lease voidable at option of grantee.

17. If the tenant of a house, being a military or civil officer, sublets the same without the consent of the grantee, the sub-lease shall be voidable at the option of the grantee. [Cf. Condition XVII, *ibid.*]

Power for grantee to require reference to arbitration on question of rent.

18. (*1*) If the grantee considers that the rent offered by a proposed tenant and stated in a notice in accordance with section 12 is insufficient, he may, within a period of fifteen days from the service of such notice, require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration. [Cf. Condition XVIII, *ibid.*]

(*2*) If the grantee does not make such a requisition within the said period, he shall be deemed to have accepted the rent so offered.

(*3*) After such acceptance or the decision of a Committee of Arbitration, the amount of such rent shall not be called in question by either party, except in the circumstances mentioned in section 21, clause (*a*).

Power for grantee to require reference to arbitration on question of repairs.

19. (*1*) If the grantee fails to execute any repairs to a house which the tenant, being a military or civil officer, considers necessary, the Cantonment Authority may, at the request of the tenant and if it is satisfied that such repairs or any of them are necessary, by notice in writing, require the grantee to execute such repairs, or such of them as it may consider necessary, within a period, not less than fifteen days, to be specified in the notice. [Cf. Condition XIX, *ibid.*]

(*2*) If the grantee objects to comply with a notice issued under sub-section (*1*), he may, within fifteen days from the service of the notice, require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration.

Power for tenant to require reference to arbitration on question whether house has become unfit for occupation.

20. If the tenant of a house, being a military or civil officer, considers that his lease should be terminable without notice in consequence of the house having become unfit for occupation, he may require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration. [Cf. Condition XX, *ibid.*]

Opinion of the D.M. Chingleput.

Section 18 (1).—In some cantonments the rents of the different houses likely to be occupied by officers have been fixed, and it therefore appears necessary that such cases should be specially provided for in the Act or in the rules to be framed under it.

If the rents are fixed there will be no dispute and the rules about arbitration &c will merely not come into effect. Submitted that no special provision is required.

AV.

Opinion of the D.M. Ganjam

7. *Paragraph* 19 (i) applies only to the repairs of houses which are in the actual occupation of a Civil and Military officer.

There is nothing in the Bill to compel any grantee to repair any house which is either for the time being vacant, or is occupied by other than a Military or Civil officer, if required for occupation under the Act.

I think that power should be taken to insist on such repair being executed in anticipation of occupation when vacant houses are required for occupation and the estimated cost is not excessive.

This is a matter for the Military advisers of the Govt. of India. If they are content this Govt. need not raise the point.

AV.

Opinion From R. H. CAMPBELL, Esq., Acting Collector of Bellary,

Clause 19.—I would suggest that the word "repairs" occurring in this clause may be defined (either in the chapter of definitions or in a note added to the clause itself) so as to include not only repairs to the house itself but also to the compound wall and fences. During the last few years, complaints have been rife regarding the damage done in gardens and even in houses themselves by trespassing cattle and goats. Under the existing legal machinery, it has been found almost impossible to compel landlords to keep compound fences in repair, and the present would be a fitting opportunity to put a stop to what is a very serious evil from the tenant's point of view.

Opinion of the Hon. Chief Justice

Section 23.—The circumstances should be stated under which the General Officer of the Command can exercise the powers vested in him to veto a transfer of a house by sale, mortgage, &c. Owners should be informed of the circumstances that would render a proposed transfer objectionable.

Opinion of the Hon. Sanjana.

8. *Paragraph* 23 (1)—*Transfers.*—This section does not provide for the case of attachment or sale of house property under the decree of a Civil or Revenue Court, or for forfeiture of property by a Criminal Court, or for an escheat to Government. It will in such cases, I think, suffice if the Court or Collector gives notice to the cantonment authority of such attachment, sale or forfeiture.

I am inclined to think that this section, as it stands, is somewhat harsh. A house owner in temporary financial difficulties may, owing to the formalities to be observed and the possibility of a veti being placed upon the transaction, be unable to obtain a temporary loan which would save him from ruin.

9. I cannot see that this clause is necessary. The new purchaser would not be considered a "grantee" after the new regulations are brought into force. If he were deemed not capable of executing the necessary repairs, the rent of the occupier could be reserved and devoted to that purpose.

In any event I would add a clause stipulating that if such transfer be refused, the grantee may insist on the house being purchased by the Secretary of State at the valuation offered to him by the other party. Otherwise he might lose a favourable offer, when in need of cash, through no fault of his own.

I do not consider that it would be equitable for the Secretary of State to forbid such private transactions, unless he be willing to grant compensation or acquire the house himself on the same terms.

Submitted that this new may be completed by Govt.

Mr.

[Cf. Condition XXI, *ibid.*]

Power for either grantee or tenant to require reference to arbitration on other questions.

21. If the grantee and the tenant of a house, being a military or civil officer, disagree—

(*a*) as to any change in the rent of the house which is proposed in consequence of dilapidations or additions to buildings or for any other similar reason, or

(*b*) on any matter relating to rent or repairs not otherwise provided for by this Act,

either the grantee or the tenant may require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration.

[Cf. Condition XXIII, *ibid.*]

Power for tenant to execute repairs and deduct cost from rent.

22. (*a*) If the grantee fails to comply with a notice issued under section 19, sub-section (*1*), and has not, within fifteen days from the service of such notice, required that the matter be referred to a Committee of Arbitration, or,

(*b*) if a Committee of Arbitration constituted under Chapter IV decides that repairs are necessary and the extent to which they are necessary, and the grantee fails to execute such repairs within a period to be specified in a notice issued by the Cantonment Authority in that behalf,

the tenant of the house may himself cause the repairs specified in the notice to be executed, at rates not exceeding those paid in the cantonment by the Military Works Department or the Public Works Department, and may deduct the cost thereof from the rent, or otherwise recover it from the grantee.

[Cf. Condition IV, *ibid.*]

Power for General Officer of the Command to veto transfer of grantee's interest in certain cases.

23. (*1*) Where a grantee intends to transfer, by sale, mortgage, gift, exchange, his interest in any land or house, or in any part of any land or house, situate in a cantonment or part of a cantonment in respect of which a notification under section 3, sub-section (*1*), is for the time being in force, he shall be bound to give the Cantonment Magistrate one month's notice in writing before the transfer is completed, unless such notice as aforesaid has been duly given by the intended transferee.

(*2*) The General Officer of the Command shall have power, within the said period of one month and with the concurrence of the Local Government, to impose, by an order in writing, his veto on any such transfer; and, if in any case the Cantonment Authority considers it desirable that the said power of veto should be exercised, it shall report the case to such General Officer without delay.

(*3*) If notice of any such transfer be not given as aforesaid or if any such transfer be made after the same has been vetoed, the transfer shall be void.

CHAPTER IV.

COMMITTEES OF ARBITRATION.

Convening of Committees of Arbitration in cases falling under section 15, sub-section (2).

24. In the event of any disagreement as to the amount of the purchase-money of a house to be sold under section 15, sub-section (*2*), the Cantonment Authority shall apply to the Commanding Officer of the cantonment to refer the matter to a Committee of Arbitration, and the Commanding Officer of the cantonment shall forthwith proceed to convene a Committee of Arbitration to determine it. [Cf. Condition XXII, *ibid.*]

Convening of Committees of Arbitration in cases falling under section 18 or section 19.

25. Where a requisition is made to the Commanding Officer of a cantonment under section 18 or section 19 within the period mentioned in such section, he shall forthwith proceed to convene a Committee of Arbitration— [Cf. Rule 257.]

(*a*) to determine the amount of monthly rent to be paid, or

(*b*) to determine whether any and, if so, what repairs are necessary, and the extent to which they are necessary.

Convening of Committees of Arbitration in cases falling under section 20 or section 21.

26. (*1*) Where a requisition is made to the Commanding Officer of the cantonment under section 20 or section 21, he may, after such inquiry as he may think fit to make, proceed to convene a Committee of Arbitration— [Cf. Rule 258.]

(*a*) to determine whether the house has become unfit for occupation, or

(*b*) to determine the amount of monthly rent to be paid, or

(*c*) to determine whether any and, if any, what repairs are necessary, and the extent to which they are necessary, or

(*d*) otherwise to determine the question in dispute.

(*2*) In the exercise of the discretion vested in him by sub-section (*1*), the Commanding Officer may refuse to convene a Committee of Arbitration on the ground that the application therefor is groundless or frivolous.

Procedure for convening Committees of Arbitration generally.

27. (*1*) Where a Committee of Arbitration is to be convened, the Commanding Officer of the cantonment shall cause an order to be published in Station Orders, stating the matter to be determined. [Cf. Rule 260.]

(*2*) The Cantonment Magistrate shall send a copy of such order to the District Magistrate and to the parties concerned, and shall, by notice in writing, require the parties to nominate members of the Committee in accordance with the provisions of sections 28 and 29.

Opinion of the Hon. Chief Justice:

Section 26 (*2*).—No provision appears to have been made for an appeal against the order of the Commanding Officer refusing to convene a Committee of Arbitration. In such a case an appeal might lie to the District Magistrate.

Opinion of ~~From~~ C. J. WEIR, Esq., I.C.S., Collector of the Nilgiris,

2. I may, however, point out that section 261 in the draft revised cantonment rules, published for criticism in the Supplement to the *Gazette of India* of the 26th September 1896, has been drafted as section 28 in the Bill under notice, and that in respect to this section, Mr. Tremenheere, the then District Magistrate, was of opinion (*vide* his letter, No. 174, dated 8th February 1897, to Government in the Local and Municipal department) that "the rule throw more work on the civil magistracy more it may be than the present staff can carry out."

Opinion of the D.M. Chingleput.

Section 28.—It is, perhaps, desirable that the Executive Engineer, Military Works Department, should also be ex-officio member of the Committee of Arbitration, but in that case the Chairman should be given a casting vote. The District Magistrate may be allowed to use his discretion in appointing any Magistrate who is a gazetted officer to act for him on the Committee of Arbitration. It may often be difficult to find a Magistrate who is also a Justice of the Peace.

The Govt. of India probably wants a European, but prefers to put it in this way. He is to be chairman of the Committee (sec. 31)

Opinion of the D.M. of Bellary

Clause 29 (2).—The decision as to whether a person proposed as a member of an arbitration committee has a personal interest in the subject matter under reference and as such is incompetent to act on the committee, may be left to the District Magistrate, at least as regards the nominees of the "grantee", as he will have a more intimate knowledge of the people than the Commanding Officer.

[Cf. 261.] Rule 28. Every Committee of Arbitration shall consist of—

Composition of Committee of Arbitration.

(*a*) the District Magistrate, or, if it is inconvenient for him to act on any Committee, some Magistrate, being a Justice of the Peace, appointed by him to act in his stead;

(*b*) a member to be nominated by the military or civil officer concerned; and

(*c*) a member to be nominated by the grantee:

Provided that—

(*i*) if the military or civil officer or the grantee fails to nominate a member within seven days from the date on which he may be called upon to do so, or,

(*ii*) if any member who has been nominated, neglects or refuses to act, and the officer or the grantee, as the case may be, fails to nominate another member in his place within seven days from the date on which he is called upon to do so,

the Commanding Officer of the cantonment shall forthwith appoint a member in the place of a nominee of the officer or grantee, as the case may be.

[Cf. 263.] Rule 29. (*1*) A person shall not be nominated or appointed a member of a Committee of Arbitration unless he is personally disinterested in the matter under reference and his services are immediately available for the purposes of the Committee.

Members of Committees of Arbitration to be persons who are personally disinterested and whose services are immediately available.

(*2*) If any person who has been nominated, is, in the opinion of the Commanding Officer of the cantonment, personally interested in the matter under reference, or if his services are not immediately available as aforesaid, and if the officer or the grantee, as the case may be, fails to nominate another member in his place within seven days from the date on which he is called on so to do, such failure shall be deemed to constitute a failure to make a nomination within the meaning of section 28.

[Cf. 264.] Rule 30. When a Committee of Arbitration has been duly constituted, the Cantonment Magistrate shall, by notice in writting, inform each of the members of the fact, and the Committee shall assemble within seven days from the service of the notice.

Assembling of Committees of Arbitration.

[Cf. 265.] Rule 31. The District Magistrate, or the Magistrate appointed by him to act in his stead, shall be the chairman of every Committee of Arbitration.

Chairman of Committees of Arbitration.

32. For the purpose of determining the amount of the purchase-money to be paid for a house to be sold under section 15, sub-section (*2*), the Committee of Arbitration convened under sec-

Calculation of amount of purchase-money by Committees of Arbitration.

tion 24 shall estimate the market-value of the house at the date on which the notice was served on the grantee under section 6, section 7 or section 8, as the case may be.

Calculation of rent by Committees of Arbitration.

33. For the purpose of determining the amount of monthly rent to be paid for a house, every Committee of Arbitration shall estimate, as nearly as may be, the market-value of all buildings and authorized additions; and the amount of rent determined upon shall be such percentage on such market-value as the Committee may consider reasonable with reference to the circumstances of the neighbourhood, and the period of time and season for which the house is likely to be occupied during the year, and shall include the taxes (if any) levied upon the land, or such proportion thereof as the Committee may find to be customarily paid for the time being in the neighbourhood by tenants. [Cf. Rule 265.]

Decisions of Committees of Arbitration.

34. (*1*) The decision of every Committee of Arbitration shall be determined by the majority of the votes taken at a meeting at which all the members are present. [Cf. Rule 267.]

(*3*) The decision of a Committee of Arbitration shall be final.

CHAPTER V.

APPEALS.

Appeals when allowed.

35. (*1*) If any grantee or any tenant of a house is aggrieved by a notice issued under section 6, section 7 or section 8, he may appeal to the General Officer of the Command. [Cf. Rules 251 and 252.]

(*2*) No such appeal shall be admitted unless made within a period of twenty-one days from the service of the notice aforesaid, and such period shall be computed in accordance with the provisions of the Indian Limitation Act, 1877, with respect to the computation of the period of limitation thereunder.

XV of 1877.

Petition of appeal.

36. (*1*) Every petition of appeal shall be in writing and accompanied by a copy of the notice appealed against. [Cf. Rule 253.]

(*2*) Any such petition may be presented to the Cantonment Authority; and that Authority shall be bound to forward it to the General Officer of the Command, and may attach thereto any report which it may desire to make in explanation of the notice appealed against.

(*3*) If any such petition is presented direct to the General Officer of the Command and an immediate order on the petition is not necessary, the General Officer of the Command may refer the petition to the Cantonment Authority for report.

[Cf. 254.] Rule Order in appeal final.

37. The decision of the General Officer of the Command on any such appeal shall be final:

Provided that no appeal shall be decided until the appellant has had a reasonable opportunity of being heard.

[Cf. 255.] Rule Suspension of action pending appeal.

38. Where an appeal from a notice has been presented within the period prescribed by section 35, sub-section (*a*), all action on such notice shall, on the application of the appellant, be held in abeyance pending the decision of the appeal.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

[Cf. Act XIII, 1889, s. 26 (28), (29), (31).] Power for Governor General in Council to make rules.

39. (*1*) The Governor General in Council may make rules to carry out the purposes and objects of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) regulate the procedure of Committees of Arbitration;

(*b*) empower Committees of Arbitration to receive evidence and for that purpose to require the production of documents and the attendance of witnesses;

(*c*) define the powers of inspection, entry and search which may be exercised in carrying out this Act or any rule thereunder; and

(*d*) prescribe the mode in which notices, requisitions and other documents are to be served on the persons to whom they are addressed.

[Cf. Act XIII, 1889, s. 27.] Supplemental provisions respecting rules.

40. (*1*) The power to make rules under section 39 is subject to the condition of the rules being made after previous publication and of their not taking effect until they have been published in the Gazette of India and in such other manner as the Governor General in Council may direct.

(*2*) Any rule under section 39 may be general for all cantonments or parts of cantonments in British India in which this Act is for the time being operative, or may be special for any of such cantonments or parts, as the Governor General in Council may direct.

(*3*) A copy of the rules under section 39 for the time being in force in a cantonment shall be kept open to inspection free of charge at all reasonable times in the office of the Cantonment Magistrate.

(*d*) In making any rule under clause (*b*) or clause (*c*) of section 39, the Governor General in Council may direct that any person—

(*i*) failing to comply with any requisition made by a Committee of Arbitration as to the production of documents or the attendance of witnesses, or

(*ii*) obstructing any person, not being a public servant within the meaning of section 21 of the Indian Penal Code, in making any inspection, entry or search,

XLV of 1860.

shall be punishable with fine which may extend to fifty rupees or with imprisonment for a term which may extend to eight days, and, in case of a continuing offence, with fine which, in addition to such fine or imprisonment as aforesaid, may extend to five rupees for every day after the first during which such offence continues.

[Cf. Act XIII, 1889, s. 29.]

41. No Judge or Magistrate shall be deemed, within the meaning of section 556 of the Code of Criminal Procedure, 1898, to be a party to, or personally interested in, any prosecution for an offence against any rule under this Act because he is a member of the Cantonment Committee or because he has ordered or approved the prosecution.

Inapplicability of section 556 of the Code of Criminal Procedure, 1898, to trials of offences against rules.

V of 1898.

[Cf. III, 1897, s. 4.]

42. No suit or other legal proceeding shall lie against any person for anything done or in good faith intended to be done under this Act.

Protection to persons acting under Act.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

A

BILL

TO

Make better provision for securing house-accommodation for officers in cantonments.

(*Sir Edwin Collen.*)

G. C. Press, Simla.—No. 159 M. D.—4-11-98—350.

STATEMENT OF OBJECTS AND REASONS.

As stated in the preamble to this Bill, various conditions, rules, regulations and orders in regard to the grant of land and the occupation of land and houses in cantonments have from time to time been made with the object of making accommodation available for officers whose duties require their residence within cantonment-limits. These provisions have been collected and are published for general information as an appendix to this Statement; but, notwithstanding their issue in the past, great difficulties have been, and are still being, experienced in the matter.

2. The necessity for removing these difficulties and of making suitable provision for the housing of officers has long been recognized by the Government, and a special Chapter was in 1888 with that object included in the Bill "to amend the law relating to cantonments." The Chapter was, however, subjected to criticism at the time, and as the matter seemed to call for further consideration, while it was thought undesirable to delay the whole measure on that account, it was decided to exclude the provisions in question and to proceed with the rest of the Bill, which was eventually passed into law as the Cantonments Act, 1889 (XIII of 1889). The difficulties referred to have, as was indeed only to be expected, steadily increased, and the Government of India consider it inexpedient any longer to defer remedial legislation on the subject.

3. The Bill which it is proposed now to introduce, has been framed after careful consideration of the objections previously raised, and, while aiming at securing house-accommodation for the military and civil officers of the Government whose presence in cantonments is obviously necessary, it endeavours also to safeguard as far as possible the interests of the house-owners concerned.

Clause 2(a): definition of "grantee."—It will be observed that this definition is limited to persons who obtained grants of land prior to the coming into force of certain Cantonment Rules which have at present to be indefinitely referred to in the Bill, inasmuch as, though prepared and published for criticism some time ago, they have not yet come into force. It is intended, however, to bring them into operation before the Bill becomes law. These rules will provide fully for the matters dealt with in the Bill so far as grants made under them will be concerned. Consequently the operation of the Bill will be practically restricted to past grants only.

Clause 3 enacts that the provisions of the proposed Act shall not be operative in any cantonment, or part of a cantonment, until it has been declared to be so by a notification issued by the Local Government with the previous sanction of the Governor General in Council. And it further provides that, before any notification of the kind is issued, the Local Government shall cause local inquiry to be made with a view to determining how the land in the cantonment is actually held. The inquiry contemplated is to proceed on the presumption that all land in cantonments is held under a grant from the Government; but, if any person is able to prove to the satisfaction of the Local Government that he holds land in a cantonment by a lawful title obtained prior to the formation of the cantonment, then that land is to be excluded from the area within which the provisions of the Act are to be operative. In like manner, if any land is at any time shown, by the decree of a Court of competent jurisdiction, to be held under such a title as is indicated above, it also is to be excepted from the operation of the Act.

Clause 4 expressly declares that nothing in the proposed Act shall affect the provisions of any lease or other agreement in writing granted or made by the Government before the commencement of the Act, unless the lessee or other party entitled consents in writing to be bound by the terms of the Act.

Chapter III deals with the appropriation of houses for occupation by officers, the terms of tenancy and the reference of disputes to arbitration. Clause 12 provides for the exemption, under certain conditions, from appropriation of a house occupied as a bank, hotel, shop, school or public office or by a railway administration; also a house which is occupied by the "grantee" and was so occupied at the commencement of the Act.

Clauses 18 to 21 contemplate arbitration in case of dispute as regards either rent or repairs, arbitration in such matters having hitherto been an essential condition of the grant of land in cantonments, and clause 22 confers power on the tenant in certain cases to execute repairs himself and deduct the cost from the rent.

Clause 23 takes power in certain cases to veto the transfer of a "grantee's" interest in any land or house in a cantonment. Such a power has hitherto been expressly reserved as one of the conditions of the grant of land in cantonments for building purposes; but the clause as drafted secures for the "grantee" a safeguard which he has not now, inasmuch as

it provides that the power of veto shall be exercised by the General Officer of the Command, instead of by the local military authorities, and then only with the concurrence of the Local Government.

Chapter IV deals with the convening, constitution and proceedings of committees of arbitration. The most important provisions are those to be found in clauses 32 and 33, the former of which lays down the principle on which the selling-value of house-property in cantonments is to be calculated, and the latter the mode of fixing the rent of houses. Clause 33 has been drawn so as to remove what has hitherto been a fruitful source of complaint on the part of house-owners.

Chapter V makes adequate provision for the right of appeal.

The provisions of Chapter VI are supplemental. Power is taken for the Governor General in Council to make rules to carry out the purposes and objects of the proposed Act, and protection is afforded to persons acting under its provisions in good faith.

The 4th November, 1898. EDWIN H. H. COLLEN.

APPENDIX.

Conditions, rules, regulations and orders from time to time in force in regard to the grant of land, and the occupation of land and houses, in British Cantonments in India.

BENGAL.

General Order, dated 27th April, 1789.

* * * * * * * *

Grace's Code, 1791-99; Appendix, page 263.

Standing regulations, revised and amended, for the better preservation of the public buildings at the station of Barrackpore against accidents by fire, and for maintaining greater uniformity in the quarters.

No private bungalows or buildings to be erected within the limits of the cantonments unless by permission of Commander-in-Chief. It is made known that such buildings will not be considered private property nor suffered to be removed, nor transferable; and they are to be subject to removal whenever the service requires it.

Barrackpore: sanction required to buildings.

Barrackpore: buildings not private property.

* * * * * * * *

No compounds, buildings nor enclosures of the verandahs of the quarters to be allowed, except previously applied for to the Quarter Master General; and, when admitted, the following restrictions for the work will be required to be attended to, *viz.*—

* * * * * * * *

Ib., page 264; Carroll's Code, Chapter XI, section 124; Jephson's Code, Part I, 1839, page 230.

All stables for officers, houses for their servants, and other buildings are to be restricted to the ground purposely allotted, on the right or left of the line of rear guards.

Barrackpore: buildings restricted to land allotted.

* * * * * * * *

Extract from Proceedings of the Governor General in Council, dated 25th June, 1801.

Carroll's Code, Chapter XI, sections 104 to 106.

The Governor General in Council considers it to be highly advisable not to grant any of the ground within the limits of the military cantonments for the purpose of making gardens.

Gardens.

It is not, however, His Excellency's intention to deprive any officers, at present possessing gardens within the limits of the military cantonments, of the use of the ground upon which these gardens are situated, so long as such ground shall not be required for public purposes.

Whenever grounds upon which gardens are situated shall be required for public purposes, it will be the duty of the Commanding Officer of the station to remove the gardens, with as little inconvenience to their proprietors as circumstances will admit.

Resumption of land.

Extract from Proceedings of the Governor General in Council, dated 6th August, 1801.

Carroll's Code, Chapter XI, sections 113, 114, 116 and 117; Jephson's Code, Part I, 1839, page 231.

The Governor General in Council approves of the Regulation proposed by the Military Board respecting the cantonment of Barrackpore, and accordingly directs and orders:—

* * * * * * * *

Third.—That the grounds round or appertaining to the officers shall not be enclosed, but remain as at present.

Barrackpore: certain land not to be enclosed.

* * * * * * * *

Sixth.—That the bank of the river from the boundary of the ground allotted to the bungalows down to the water's edge, shall be left open.

It will be sufficient for the due performance of the public duties of the officers under the orders of the Commanding Officer at the station of Barrackpore, and of the Officers Commanding the respective corps, that they be required to build their bungalows within the limits of the cantonments.

Barrackpore: houses to be built within cantonments.

His Excellency in Council, however, thinks it proper that uniformity should be preserved as much as possible in the principal lines of directions of the bungalows; in their distances from one another, and also in the dimensions of the bungalows; and His Excellency in Council desires that this may be attended to with reference also to his formal orders, which require that all public ground held or possessed by indulgence must be appropriated for bungalows or for other public purposes whenever such grounds shall be wanted.

Barrackpore: resumption of land.

Resolution of the Military Board, dated 11th September, 1801.

Carroll's Code, Chapter XI, section 103.

As admitting the ground within the boundary of cantonments to be cultivated at all by the ryots may lead to its becoming a general practice, the Military Board request Colonel ——— will be particularly careful that cultivation in the cantonment of Midnapore is not renewed.

Cultivation.

Extract from Proceedings of the Vice-President in Council, dated 18th February, 1802.

Carroll's Code, Chapter XI, section 115; Jephson's Code, Part I, 1839, page 231.

Such bungalows at the station of Barrackpore as may be for sale are to be offered in the first instance to such officers belonging to the corps quartered there as may not already be provided with bungalows; and the privilege of purchasing bungalows at Barrackpore is to be confined to officers of Native corps.

Barrackpore: houses for sale to be offered to officers.

General Order by the Commander-in-Chief, dated 13th April, 1806.

Carroll's Code, Chapter XI, sections 97 to 99; Jephson's Code, Part I, 1839, page 229.

The Commander-in-Chief directs that the cantonments ordered to be established at the several stations and posts in the field be built with the strictest attention to regularity, and that no more ground be occupied than is indispensably necessary.

No more land to be occupied than necessary.

The Deputy Quarter Master General will visit as many of the stations and posts as he can, where new cantonments are forming, for the purpose of describing the limits, marking out the extent of the streets and lines, as well as the space of ground for the bungalows of officers of the respective ranks. For such of the new posts as he may not have time to visit, he will be pleased to forward to the Commanding Officers plans describing the extent of ground and situations of the several public buildings allowed for corps of Native Cavalry and Infantry agreeably to the instructions he has received from head-quarters.

Boundaries of cantonments.

Boundaries of sites.

His Lordship, moreover, strongly recommends to all officers to expend as little money as possible on the buildings they may have occasion to erect at the stations and posts now ordered to be occupied, as the relief of corps will be frequent, and the position may be often changed.

Expenditure on buildings.

Extract from Deputy Adjutant General's letter, dated 24th April, 1806.

Carroll's Code, Chapter XI, section 100; Jephson's Code, Part I, 1839, page 229.

On no account will His Lordship sanction the occupation as a dwelling-house of any mosque, temple or other building of a religious description without the most positive assurance on the part of the natives and parties concerned that such an act will in no way be objectionable to them or in the smallest degree offensive to their religious habits or feelings.

Buildings devoted to religious uses.

* * * * * * * *

General Order by the Governor General in Council, dated 28th September, 1807.

Carroll's Code, Chapter XI, section 107.

Sale of buildings at valuation fixed by Committee of Arbitration.

Ordered, that on occasions of the disposal of premises and dwellings which have been occupied by staff officers within the limits of any military cantonments, so situated as to render them in a peculiar manner adapted for the residence or due discharge of the official duties of officers succeeding to such staff situations, the vendor of such premises and dwellings shall be bound to dispose of, and the successor to such appointment to purchase, them, at a fair valuation by a Committee of Arbitration constituted in the usual manner.

Ib., section 108.

Exclusion of expensive improvements from valuation.

It is at the same time notified as a regulation for future observance with a view to preclude expensive improvements or additions that may be made by the actual possessor from becoming burthensome in the purchase to his successor, that no additions or improvement to premises or dwellings of the description above adverted to shall be included in the valuation of the property on its transfer, except such as have been previously sanctioned by the Military Board.

Ib., section 109.

The Governor General in Council considers the present to be a proper occasion to call the attention of Officers Commanding stations to the subjoined orders of the Governor General in Council published in April, 1801, which they are expected to see duly carried into effect, *viz.*—

Ib., section 110.

Houses not to be sold to, or occupied by, civilians.

That no bungalows or quarters at any of the cantonments shall be allowed to be sold to, or occupied by, any person who does not belong to the army.

Ib., section 111.

If individuals, not officers, shall purchase, they must remove the materials, as the ground within the limits of cantonments is to be kept and appropriated exclusively to the use of the troops.

Ib., section 112.

On relief, houses to be sold or let to military officers.

Houses not to made over to civilians.

Officers on quitting the station are to sell or rent their quarters to the officers who may relieve them at a moderate rate, and, in the event of the death or resignation of any officer, his quarters are to be sold or rented under the instructions of the Commanding Officer of the station, and in no case to be made over in any shape to any person not belonging to the army.

Resolution of the Military Board, dated 29th March, 1808.

Jephson's Code, Part I, 1839, page 29.

Houses reserved for military officers.

The Regulations impose no restriction whatever in respect to the sale or renting of the quarters, which are private property, beyond that of their being reserved for the officers and the staff of the army; and Lieutenant-Colonel—— can have no preference of claim from his rank to the occupation of quarters either the property of, or rented by, any other officer at the cantonments (*Berhampore*).

Extract from Proceedings of the Vice-President in Council, dated 22nd August, 1809.

Carroll's Code, Chapter XI, section 15.

Dinapore: boundaries.

The Vice-President in Council is pleased to resolve the small slip of land between the Ganges and the Cantonment at Dinapore, which has been formed chiefly by the sand deposited by the river during the rains, shall be considered within the limits of the cantonment.

General Order by the Commander-in-Chief, dated 31st July, 1811.

Carroll's Code, Chapter XI, section 102; Jephson's Code, Part I, 1839, page 234.

Boundaries of cantonments.

Government having approved and confirmed the local limits assigned to the undermentioned cantonments and garrisons by the joint reports transmitted to head-quarters by the civil and military authorities at those places, respectively, Commanding Officers in the stations referred to are directed to cause pillars of masonry of a suitable construction to be immediately erected at appropriate distances for the purpose of permanently distinguishing the boundaries of those cantonments and garrisons, as described in the reports transmitted to head-

quarters, and now confirmed by Government in all situations when these or other sufficient means have not been adopted for that purpose.

Agra.	Hansi.
Banda.	Hazareebagh.
Berhampore.	Keitah (*abandoned*).
Bhagulpore.	Kurnal.
Chittagong.	Koonch (*abandoned*).
Cuttack.	Moradabad,
Dinapore.	Muttra.
Futtehpore.	Nomihla, Agra.
Goorgaon (*abandoned*).	Terrowa (*abandoned*).

Jephson's Code, Part I, 1839, page 232.

NOTE.—*The following stations have been added to the above list, under the authority of General Orders, 3rd and 30th August, 1811, 25th September, 1812, and 6th November, 1813*:— Jephson's Code, Part I, 1839, page 232.

Allahabad.	Goruckpore.
Benares (*Secrole*).	Kissengunge (*abandoned*).
Balasore (*abandoned*)	Meerut.
Bareilly.	Midnapore.
Cawnpore.	Mynpoorie.
Dacca.	Rewaree (*abandoned*).
Etawah.	Tarra, Mirzapore.
Ghazipore.	

The following stations are also included in the lists in Henley's and Carroll's Codes, but have never been announced in General Orders*:— *Ib.*

Adjyghur (*abandoned*).	Lucknow.
Allyghur.	Pertabghur (*abandoned*).
Barrackpore.	Saharanpore („)
Chunar.	Secrora („)
Delhi.	Seetapore.
Dum-Dum.	Sultanpore, Oudh.
Loodiana.	Sultanpore, Benares.

In addition to the above, the following garrisons, stations or outposts were occupied by troops of the Bengal Presidency on the 1st September, 1835; escorts with Residents, etc., at Native Courts not included:— Jephson's Code, Part I, 1839, Page 233.

Ajmere.	Dorunda.	Mhow.
Akyab.	Fort William.	Midnapore.
Allypore.	Gowhatty.	Mundlaisir.
Almorah.	Gurrawarra.	Neemuch.
Azimghur.	Hissar.	Nusseerabad.
Boitool.	Hummeerpore.	Petaragurh.
Ballygunge.	Hussingabad.	Sandoway.
Bancoorah.	Huwalbaug.	Saugor.
Beawar.	Jaunpore.	Sehore.
Bishnauth.	Jubbulpore.	Seonee.
Bopawar.	Jumalpore.	Shahjehanpore.
Cheera Poonjee.	Khyouk Phyoo.	Subathoo.
Chinsurah.	Landour.	Umballa.
Deyra Dhoon.	Lahooghaut.	

* See Carroll's Code, Chapter XI, para. 81.

Resolution of the Military Board, dated 17th September, 1811.

Carroll's Code, Chapter XI, section 131; Jephson's Code, Part I, 1839, page 233.

Boundaries of cantonments.

The boundary pillars should be constructed at each angle of the limits or boundary line of the cantonment; they should be circular, three feet in diameter, and six feet high.

General Order by the Commander-in-Chief, dated 7th October, 1811.

Carroll's Code, Chapter XI, section 130; Jephson's Code, Part I, 1839, page 233.

Receipts for plans of cantonments on relief.

With the view to ensure the requisite attention to the care and preservation of the plans of cantonments, etc, now in course of preparation, the Commander-in-Chief directs Commanding Officers of stations and posts of the army will consider it an established rule, on being relieved from the duties of these stations, to obtain from the relieving officer receipts in duplicate for the plans above-mentioned, one of which is to be transmitted for record in the Adjutant General's office.

General Order by the Governor General in Council, dated 5th June, 1813.

Carroll's Code, Chapter XI, sections 148 and 149.

Composition of Committee of Arbitration.

The Governor General in Council is pleased to determine that on all future occasions in which the disposal of premises and dwellings, the property of individuals situated within the limits of cantonments, may be considered by the Commanding Officer or other competent authority to be necessary for the accommodation of officers or persons belonging to the army, the Committee of Arbitration, instead of being composed entirely of military officers as heretofore, shall consist of the Judge and Magistrate and Collector of the district, the Commanding Officer of the station or cantonment, and any other military officer whom the Commanding Officer may select to be associated with him in the Committee.

The Committee thus constituted are to proceed to value the premises, making regular minutes and recording their proceedings, which are to be lodged in the office of Brigade Major or Senior Staff Officer at the station, as the case may be. In instances in which the proprietor may not be satisfied with the rate of valuation fixed by the Committee of Arbitration, they are required to submit the case, accompanied with their proceedings, through the proper channel for the final orders of Government.

Appeal.

Such parts of the Regulations of the 28th September, 1807, as are not affected by the foregoing orders are to continue in full force.

General Order by the Governor General in Council, No. 245, dated 19th August, 1824.

Jephson's Code, Part I, 1839, page 233.

Cultivation.

It having come to the knowledge of Government that cantonment ground intended for the exercise of the troops has, in some instances, been brought into cultivation by the officers in charge thereof, the Governor General in Council notifies to the army that such practices are most strictly forbidden under any circumstances or pretence whatever, and that Commanding Officers of stations will be held personally responsible to Government that these orders are rigidly enforced.

General Order by the Governor General in Council, No 105, dated 5th April, 1825.

Jephson's Code, Part I 1839, page 234.

Local extent of orders.

Application of orders to British cantonments in foreign territory.

In order to remove any misapprehension which may exist, the Right Hon'ble the Governor General in Council is pleased to notify that all orders now in force prohibiting the levy of taxes or impositions, or the letting of cantonment lands, have operation in all situations wherever British troops are or may be stationed, whether in camp or cantonments, within or beyond the British frontiers.

Military Board's Circular, dated 11th June, 1833.

Jephson's Code, Part I, 1839, page 233.

Transfer of surplus land to civil authorities.

Under orders of Government dated the 24th December last, I am directed by the Military Board to request you will convene a committee of the Commanding Officer and Collector of the district to ascertain and report the extent and appropriation of all lands within the present limits of military cantonments within your division in order

that all surplus cantonment land may be made over without delay to the local civil revenue authorities.

Note.—In consequence of the reports received from these Committees, surveys were ordered for the purpose of fixing new limits.

Jephson's Code, Part I, 1839, page 233.

General Order by the Commander-in-Chief, dated 16th September, 1833.

Jephson's Code, Part I, 1839, page 189.

Register of houses.

The Commander-in-Chief is pleased to direct that a register shall be kept in the office of the principal Staff Officer at the stations of Dum Dum, Barrackpore, Dinapore, Benares, Cawnpore, Agra, Meerut and Kurnaul of the sale or transfer of any houses, bungalows or gardens within the limits of these cantonments; and, in order that these registers may be as complete as possible, the present proprietors of houses, etc., will send to the different Staff Officers a memorandum stating when they purchased or became proprietors of them, from whom they obtained them, and the dimensions of their different compounds.

In future, when any house or piece of ground within the cantonments above-mentioned may be sold or transferred, the person who makes the transfer will report the circumstances for the Officer's Commanding information and for entry in the register.

General Order by the Governor General in Council, No. 59, dated 5th March, 1835.

Jephson's Code, Part I, 1839, page 233.

Questions as to resumption and appropriation of land to be referred to Government.

All future questions respecting the resumption and appropriation of cantonment lands shall be referred, through the Department of the Quarter Master General of the Army for the information of His Excellency the Commander-in-Chief and for the final decision of Government.

Alteration of boundaries of cantonments, sites or bazars.

His Lordship in Council also deems it expedient to direct that no deviation from the limits about to be fixed to cantonments by the surveys in progress of execution, nor alteration in the extent of inclosures surrounding bungalows, bazars, lines and roads within them be permitted without the previous sanction of Government obtained through the channel of the Quarter Master General's Department.

Letter from the Quarter Master General to Officers Commanding Divisions, etc., dated 24th March, 1835.

Jephson's Code, Part I, 1839, page 233.

Occupation of land for purposes unconnected with troops prohibited.

I have been instructed by the Provincial Commander-in-Chief to call your attention to the General Order No. 59 of the 5th instant on the subject of the resumption and appropriation of cantonment lands, and to state that the occupation of land within the boundary pillars for purposes unconnected with the troops and public establishments has, in some recent instances, been brought to the notice of Government, a practice which is directly at variance with the repeated orders issued to this army.

Alteration of boundaries of sites or bazars.

No alteration in the extent of ground allotted for bungalows, bazars, lines and roads to be permitted without the previous sanction of Government obtained through this department.

Cultivation.

Officers Commanding divisions, field forces and frontiers will be held responsible that no cultivation of any description is permitted within the limits of any cantonment under their authority, and, in any instance where cantonment ground may be so occupied, it is immediately to be put a stop to.

General Order by the Governor General in Council, No. 179, dated 12th September, 1836.

Jephson's Code, Part I, 1839, page 229.

Occupation of land and disposal of premises and buildings.

Pros. G. G., 25th June, 1801.
G. O. G. G., 28th September, 1807.
G. O. G. G., 5th June, 1813.

The Governor General of India in Council is pleased to rescind the various orders now in force in this Presidency in regard of the occupation of ground and the disposal of premises or buildings, situated within the limits of military cantonments, and to substitute for them the following regulation, which is to have effect from the date of its promulgation at the different stations of the Bengal Army:—

Application for land.

1. All applications for unoccupied ground for the purpose of being enclosed, built upon or in any way appropriated to private purposes, such ground being within the limits of a military cantonment, are, in the first instance, to be made to the Commanding Officer of the station through

the usual channel; and in no case are the boundaries of compounds to be changed, old roads closed or new ones opened without the sanction of the Commanding Officer.

Alteration of boundaries of sites and closing or opening of roads.

2. As the health and comfort of the troops are paramount considerations, to which all others must give way, the Commanding Officer will be held responsible that no ground is occupied in any way calculated to be injurious to either, or to the appearance of the cantonment; and, in forwarding any application for a grant, he must certify that it is not objectionable in those or any other respects.

Certificate by Commanding Officer.

3. When no objection occurs, the application is to be forwarded, through the prescribed channel, by the Commanding Officer of the station, to the Quarter Master General of the Army, who, if the Commander-in-Chief approves, will submit it for the orders of Government.

Orders of Government required.

4. All such applications are to be in the annexed form marked A.

Form of application.

5. All grants are to be registered by the officer of the Quarter Master General's Department attached to the division, and, at stations where no such officer may be present, by the executive officer of public works, to whom also, in such cases, applications for ground are to be addressed; and all grants are to be immediately noted up on the plan of the cantonment in the Quarter Master General's office.

Grants to be registered and noted on plan.

6. No ground will be granted except on the following conditions, which are to be subcribed by every grantee, as well as by those to whom his grant may subsequently be transferred:—

Conditions of occupancy.

1st.—The Government to retain the power of resumption at any time on giving one month's notice and paying the value of such buildings as may have been authorised to be erected.

Resumption of land.

2nd.—The ground, being in every case the property of Government, cannot be sold by the grantee; but houses or other property thereon situated may be transferred by one military or medical officer to another without restriction, except in the case of reliefs, when, if required, the terms of sale or transfer are to be adjusted by a Committee of Arbitration.

Land belongs to Government.
Land cannot be sold by grantee.
Transfer of houses between military officers.

3rd.—If the ground has been built upon, the buildings are not to be disposed of to any person, of whatever description, who does not belong to the army, until the consent of the Officer Commanding the station shall have been previously obtained under his hand.

Arbitration in case of transfer on relief.
Transfer of house to civilian.

4th.—When it is proposed, with the consent of the General Officer, to transfer possession to a native, should the value of the house, buildings or property to be so transfered exceed Rs. 5,000, the sale must not be effected until the sanction of Government shall have been obtained through His Excellency the Commander-in-Chief.

Transfer to native.

7. All houses in a military cantonment, being the property of persons not belonging to the army, which may be deemed by the Commanding Officer of the station suitable, from their locality, for the accommodation of officers, shall be claimable for purchase or for hire at the option of the owner; in the former case at a valuation, and in the latter at a rent, to be fixed, in case of the parties disagreeing, by a Committee of Arbitration constituted as follows.

Houses claimable for purchase or hire at option of owner.

Committee of Arbitration.

8. The Committee is to be composed of one civil officer, the principal one, if practicable, at or in the vicinity of the station, the Commanding Officer of the cantonment, and an officer belonging to the station to be named by the proprietor of the premises: and their decision, whether relating to the terms of purchase or rent, is to be conclusive, unless it shall be reversed by Government, for whose orders the proceedings of the Committee are to be submitted, through His Excellency the Commander-in-Chief, whenever the proprietor of the premises which they have valued is dissatisfied with their award.

Composition of Committee of Arbitration.

Appeal.

9. When the houses of the officers of one corps are to be transferred to those of another, as on the occasion of a relief, if a difference of opinion should arise as to the fair terms of the transfer, the price shall be fixed by a Committee of Arbitration constituted as in the last paragraph, but to which, in such cases, there is to be given an additional member to be named by the intending purchaser.

Arbitration in case of transfer as on relief.

10. In this case there is to be no appeal, and the decision of the Committee of Arbitration is to be final.

No appeal.

FORM A.

Form.

To the Assistant Quarter Master General (or other Staff Officer).

SIR,

I request you will apply for permission for me to occupy the ground herein described, etc.

Situation of ground.	*Quantity.*	*Bounds.*	*How to be occupied.*	*Remarks.*
				I have been made acquainted with the terms on which permission to occupy has been given to me. (Sd.) A. B.

General Order by the Governor General in Council, No. 74, dated 10th April, 1837.

With reference to the 8th clause of General Order No. 179 of the 12th September, 1836, the Governor General of India in Council directs that, when the Commanding Officer of the station is an interested party, the next senior officer shall be nominated one of the Committee of Arbitration in his stead.

Composition of Committee of Arbitration.

Jephson's Code, Part I, 1839, page 230.

General Order by the Governor General in Council, No. 154, dated 14th July, 1840.

Instances having recently occurred in which the agents for proprietors of bungalows situated within the limits of military cantonments have omitted to nominate a member of the Committee of Arbitration held upon such bungalows, under the provisions of the seventh and eighth clauses of the regulation No. 179, dated 12th September, 1836, and such omission having conduced to inconvenient results, for which the regulation cited provides no remedy, the Right Honourable the Governor General of India in Council is pleased to establish the following rule as an addition to the eighth clause of the regulation:—

"Due notice shall in every instance be given to proprietors of premises, or to their agents, by the Commanding Officer of the cantonment, of the intention to hold a committee thereupon; and, should any such proprietor or his agent neglect to nominate a member of such committee after having received due notice, which, in all cases where the proprietor or his agent shall not be resident within the cantonment or in its vicinity, shall be taken to mean an official notification dated fourteen days before the day on which the committee is to assemble, it will be the duty of the Commanding Officer to nominate a member of the committee to represent such proprietor, and the Committee shall thereupon proceed to arbitration."

Notice of intention to convene Committee of Arbitration.
Nomination of member to represent owner.

General Order by the Governor General in Council, No. 174, dated 5th August, 1840.

The Right Honourable the Governor General of India in Council is pleased to determine that the period which shall be held to be "due notice" to proprietors of premises or their agents, not residing within or in the vicinity of a military cantonment, of the intention to hold a Committee of

Notice of intention to convene Committee of Arbitration.

Arbitration on such premises, under the regulation No. 179, dated 12th September, 1836, shall be one month, and not fourteen days as laid down in General Orders No. 154 of the 15th ultimo.

Order books to be corrected accordingly.

General Order by the Commander-in-Chief, dated 20th January, 1853.

The Commander-in-Chief desires to call the attention of all Officers Commanding stations within this Presidency to the General Order by the Governor General, dated 12th September, 1836, on the subject of the disposal of buildings and ground situated within military cantonments. His Excellency directs that no buildings or ground may be allotted for private purposes without authority previously obtained in the prescribed manner, and all such grants are to be duly registered.

Sanction required to grant of land.
Registration of grants.

General Order by the President in Council, No. 700, dated 3rd July, 1855.

At the recommendation of His Excellency the Commander-in-Chief, the Honourable the President of the Council of India in Council is pleased to substitute the following for paragraph 7 of Government General Order No. 179 of the 12th September, 1836 :—

All houses in a military cantonment, not being occupied by a person belonging to the army on duty at the station, or whose residence therein may be authorized by Government, which may be deemed by the Commanding Officer of the station suitable from their locality for the accommodation of officers, shall be claimable, for purchase or for hire, at the option of the owner; in the former case at a valuation, and in the latter at a rent, to be fixed, in case of the parties disagreeing, by a Committee of Arbitration constituted as follows.

Houses claimable for purchase or hire at option of owner.
Committee of Arbitration.

General Regulations of the Bengal Army, 1855.

* * * * *

Section XI.

Cantonments, Quarters, etc.

* * * * *

Page 55. 2. The limits of all cantonments are to be defined by pillars of masonry erected at each angle of the boundary line.

Boundaries of cantonments.

The boundaries of sudder and regimental bazars, and of any villages within the limits of cantonments, are also to be defined by pillars of masonry; and all buildings erected beyond the proper boundaries or assigned limits are to be thrown down, and the ruins removed, at the expense of the proprietor.

Boundaries of bazars and villages.
Removal of buildings erected beyond boundaries.

Page 55. 3. Commanding Officers of stations are held responsible that no cultivation is permitted within the limits of a cantonment nor ground occupied for any purpose which is likely prove injurious to the health or comfort of the troops. They are also responsible that no putrescent matter be allowed to remain in the vicinity of the barracks and lines, and that the duties of conservancy generally are not neglected.

Cultivation, etc.

Page 55. 4. No deviation from the fixed limits of a cantonment, nor alteration in the extent of the compounds, bazars, lines or roads within them, is permitted without the sanction of the Officer Commanding under authority from head-quarters, to be applied for through the Quarter Master General's Department.

Alteration of boundaries of cantonments, sites or bazars.

* * * * *

Page 56. 8. Mosques, temples or other buildings of a religious description, which may be within the boundaries of a cantonment, are not to be occupied as dwelling-houses without the most positive assurance that the religious habits or feelings of the natives are not likely to be in any way offended thereby.

Buildings devoted to religious uses.

* * * * *

Page 56. 10. All applications for unoccupied ground, within the limits of a cantonment, for the purpose of being enclosed, built upon, or in any way appropriated to private purposes, are invariably to be accompanied by a rough plan of the site designated, including a portion of the cantonment adjacent to it, exhibiting the public buildings, roads or private estates by which it is bounded.

Plan of site to accompany application for land.

They are to be forwarded through the officer in charge of the cantonment register, who in transmitting them to the Officer Commanding the station will record his opinion upon them and state any objection that may occur to him regarding the proposed appropriation of land.

Statement by officer in charge of cantonment register.

Page 57. 11. When no objection occurs, the application is to be forwarded through the regular channel, to the Quarter Master General of the army, for submission to the Commander-in-Chief.

Submission of application.

Form. All applications are to be in the following form :—

To—The Assistant Quarter Master General (or other Staff Officer, as the case may be).

SIR,—I request you will apply for permission for me to occupy the ground herein described.

I have, etc.
(Signed)—

Site of ground.	Quantity.	Bounds.	How to be occupied.	Remarks.
				I have been made acquainted with the terms on which permission to occupy has been given me. (Signed)—— ——

Page 57. 12. All such grants are to be duly registered, and Government retains the power of resuming any grant of ground on giving one month's notice and paying the value of such buildings as may have been authorized to be erected.

Registration of grants.
Resumption of land.

Page 57. 13. At stations where an officer of the Quarter Master General's Department is serving, such officer will keep the cantonment register; but, where there may be no officer of the Quarter Master General's Department present, the duty will be performed by the Cantonment Joint Magistrate, where one is allowed, or otherwise by the Staff Officer of the station.*

What officer to keep register.

Page 57. 14. The ground of an estate cannot be sold by the grantee, but houses or other property thereon may be transferred by one military or medical officer to another without restriction, except at the period of a relief, when, if required, the terms of sale or rent are to be adjusted by a Committee of Arbitration.

Land cannot be sold by grantee.
Transfer of houses between military officers.
Arbitration in case of transfer on relief.

The transfer thereof to any person not belonging to the army can be effected with the consent of the Officer Commanding the station, unless the property exceeds the value of Rs. 5,000 and the purchaser is a native, in which case the sanction of Government must be previously obtained through the regular channel.

Transfer of house to civilian.
Transfer to native.

Page 58. 15. All houses in a cantonment, being the property of non-residents, or persons not belonging to the army, and which may be deemed by the Commanding Officer of the station suitable for the accommodation of officers, are claimable for purchase or hire, at the option of the owner; in the former case, at valuation, and in the latter, at a rent, to be fixed, in the event of any disagreement, by a Committee of Arbitration, whose decision is to be

Houses claimable for purchase or hire at option of owner.
Committee of Arbitration.

* By G. O. C. C., dated 21st January, 1864, paragraph 13 was altered as follows :—
"The cantonment register will be kept by the Cantonment Magistrate, where one is allowed, or otherwise by the Staff Officer of the station."

Appeal.

conclusive, unless reversed by Government for whose orders the proceedings are to be submitted, through the regular channel whenever the proprietor of the premises is dissatisfied with the award.

Page 58.

16. Committees of Arbitration are to be composed of one civil officer, the principal one, if practicable, at or in the vicinity of the station, the Commanding Officer of the cantonment, and an officer belonging to the station, to be named by the proprietor of the premises. When the Commanding Officer of the station is an interested party, the next senior officer is to be nominated one of the Committee in his stead.

Composition of Committee of Arbitration.

Page 58.

17. If the transfer be from one officer to another on the occasion of a relief, and a difference arise as to terms, the price or rent is to be fixed by a Committee constituted as above, with an additional member to be nominated by the intending purchaser. In such cases there is no appeal from the decision of the Committee, which is to be final.

Reference to Committee of Arbitration in case of transfer on relief.

No appeal.

Page 58.

18. Due notice shall in every instance be given to proprietors of premises or their agents, by the Commanding Officer of the cantonment, of the intention to hold a Committee thereon; and, in the event of the owner or agent neglecting to nominate a member of such Committee after having received the notice,—which, if a non-resident in the cantonment or its vicinity, shall be taken to mean an official notification dated one month prior to the day on which the Committee is to assemble,—it will be the duty of the Commanding Officer to nominate a member of the Committee to represent such proprietor, and the Committee shall thereupon proceed to arbitration.

Notice of intention to convene Committee of Arbitration.

Nomination of member to represent owner.

* * * * * * * *

Code Regulations for the Public Works Department, 1858.

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CHAPTER V.—MILITARY STATIONS.

Section 1.—Cantonment Lands and Boundaries.

Page 57.

1. All matters connected with cantonment lands and boundaries will be conducted, under the orders of the Commanding Officer, by the officer of the Quarter Master General's Department at the station, or, in his absence, by the Cantonment Magistrate or Station Staff Officer, assisted, if necessary, by the Executive Engineer or his subordinate.

Officer to perform duties connected with lands and boundaries.

Page 57.

2. Questions requiring the decision of higher authority should be referred by the Officer Commanding the station, through the regular channel, to the Quarter Master General of the Army.

Reference to higher authority.

Page 57.

3. The following clauses of Regulation XX of 1810 should be strictly attended to:—

Boundaries.

Page 57.

V.—On receipt of this Regulation, the limits of the cantonments and garrisons, including the military bazars attached thereto, at which any division or corps of the army, or any considerable detachment, not being less than half a battalion, may be quartered, shall be marked out in all cases in which it has not already been done under Regulation III, 1809, by the Commanding Officer, in concert with the Magistrate [now Collector].

The Commanding Officer at each of those stations, from which a report of the nature hereafter described has not been already furnished under Section IV, Regulation III, 1809, will accordingly submit to Government, through the Commander-in-Chief, without delay, a report framed in concert with the Magistrate [now Collector] of the district in which the cantonment or garrison may be situated upon the local limits of the cantonment or garrison, forwarding at the same time any separate remarks which the Magistrate [now Collector] may wish to make on the subject for the final orders of Government.

As soon as the limits of the cantonments and garrison shall be approved and confirmed by Government on the report of the Magistrate [now Collector] and Commanding Officer above required, plans shall be prepared of the limits of the cantonments and garrisons, including the military bazars attached thereto.

Plans.

VI.—The plan shall be prepared in quadruplicate, and signed by the Commanding Officer and the Magistrate [now Collector] of the district; one copy shall be deposited at the head-quarters of the station, another at the cutcherry of the Magistrate [Collector], and the other two shall be transmitted to the Commander-in-Chief, by whom one copy will be forwarded to Government.

Page 58.

Plans.

* * * * * * *

4. The boundaries of cantonments, when confirmed by Government, should be marked by pillars, which are to be supplied whenever they have been destroyed or are not forthcoming. Any existing village within the limits of a cantonment should also have its boundary marked by pillars, beyond which it should not be permitted to encroach.

Page 59.

Boundaries.

Boundaries of villages.

5. The ground allowed for the compounds of officers of all branches of the army is as follows:

Size of officers' compounds.

Field officers	83½ × 50 yards.
Captains	60½ × 50 „
Subalterns	50 × 50 „

* * * * * * *

9. The boundaries of all bazars, both sudder and regimental, should be marked by pillars.

Page 59.

Boundaries of bazars.

10. The quarterly Bazar Committees will report in their proceedings whenever the limits so marked out have been exceeded, and the Officer Commanding the station will direct all houses, walls or enclosures so improperly built or pushed beyond the authorized boundaries of the bazar to be thrown down, and the ruins and fences to be removed at the expense of the persons by whom they were erected. This applies also to houses which may have been built beyond the limits of villages included in a cantonment (see para. 4).

Page 60.

Removal of buildings erected beyond boundaries.

11. No deviation from the limits fixed for cantonments, or from those of the lines, bazars or enclosures surrounding Government buildings, is permitted without the sanction of Government obtained through the regular channel (para. 2).

Page 60.

Alteration of boundaries.

12. The cultivation of unoccupied cantonment lands is not permitted without the special sanction of Government.

Page 60.

Cultivation.

* * * * * * *

When from any cause any portion of the area of an existing cantonment is found to be no longer required for military purposes, a report to that effect is to be made by the Commanding Officer to the Quarter Master General in order that it may be made over to the civil authorities.

Page 60.

Transfer of surplus land to civil authorities.

* * * * * * *

Section 2.—Grants of Land and Private Buildings.

1. In no case is any cantonment land to be enclosed or occupied without the sanction of the Commander-in-Chief; nor are the boundaries or compounds to be changed, old roads closed or new ones opened without similar authority.

Page 62.

Sanction required to occupation of land.

2. All applications for unoccupied ground for the purpose of being enclosed, built upon or in any way appropriated to private purposes are to be forwarded for transmission to the Officer Commanding the station through the officer of the Quarter Master General's Department, or, in his absence, through the Cantonment Magistrate or Station Staff Officer.

Page 62.

Submission of application for land.

3. The health and comfort of the troops are paramount considerations, to which all others must give way; and the Commanding Officer will be held responsible that no ground is occupied in any way

Page 62.

Certificate by Commanding Officer.

calculated to be injurious to either, or to the appearance of the cantonment. In forwarding (*vide* Section 1, paragraph 2) any application for a grant, he must certify that it is not objectionable in these or any other respects.

Page 62.

Form of application for land.

4. All such applications shall be in Form No. 6, and must be accompanied by a sketch or rough plan of the site applied for, embracing the portion of the cantonment adjacent to it, and exhibiting the roads, public buildings or private estates by which it is bounded.

Plan of site.

This plan is in practicable cases to be authenticated by the officer of the Quarter Master General's Department, or, when no such officer is present, by the Executive Engineer of the Division in which the cantonment may be situated.

Certificate by local officer of Quarter Master General's Department or Executive Engineer.

Page 62.

5. All grants are to be registered (Form No. 5)* by the officer of the Quarter Master General's Department, or, at stations where no such officer may be present, by the Cantonment Magistrate or Station Staff Officer; and all grants are immediately to be noted upon the plan of the cantonment in the Quarter Master General's office.

Grants to be registered and noted on plan.

Page 63.

6. No ground will be granted except on the following conditions, which are to be subscribed to by every grantee, as well as by those to whom his grant may subsequently be transferred:—

Conditions of occupancy.

I.—Government to retain the power of resumption at any time on giving one month's notice and paying the value of such buildings as may have been authorised to be erected.

Resumption of land.

II.—The ground, being in every case the property of Government, cannot be sold by the grantee; but houses or other property thereon situated may be transferred by one military or medical officer to another without restriction, except in the case of relief, when, if required, the terms of the sale or transfer are to be adjusted by a Committee of Arbitration.

Land belongs to Government.
Land cannot be sold by grantee.
Transfer of house between military officers.
Committee of Arbitration.

III.—If the ground has been built upon, the buildings are not to be disposed of to any person, of whatever description, who does not belong to the army, until the consent of the Officer Commanding the station shall have been previously obtained under his hand.

Transfer of house to civilian.

IV.—When it is proposed, with the consent of the Commanding Officer, to transfer possession to a native, should the value of the house, buildings or property to be so transferred exceed 5,000 rupees, the sale must not be effected until the sanction of Government shall have been obtained through His Excellency the Commander-in-Chief.

Transfer to native.

V.—When paths or roads specially leading to any private estate shall cross any line of drainage, proper drains, on designs approved by the Executive Engineer, shall be provided by the person in possession of the estate, on the requisition of the Commanding Officer, either at the time of the original grant or at any subsequent time.

Drains.

VI.—The Commanding Officer shall have power to cancel the grant if the ground be not brought into use for the purpose specified within twelve months.

Cancellation of grant within twelve months.

VII.—No enclosure walls shall be built, or hedges allowed to grow, to a greater height than six feet, and the Commanding Officer shall have power to prevent any buildings being erected or excavations made which he shall deem objectionable

Sanitation.

* *Infra*, page 16.

in a sanitary point of view or otherwise. He shall also have power to order the removal of any dangerous or unsightly ruins.

VIII.—The grantee shall engage to fill up with fresh earth all excavations made in building within six months of their being dug, or within such time as may be determined by the Commanding Officer.

Excavations.

Page 64.

7. All houses in a military cantonment, being the property of persons not belonging to the force on duty at the station, or of persons whose residence therein may not have been specially authorised by Government, which may be deemed by the Commanding Officer of the station suitable from their locality for the accommodation of officers belonging to the force posted at the station, shall be claimable, for purchase or for hire, at the option of the owner; in the former case at a valuation, and in the latter at a rent, to be fixed, in case of the parties disagreeing, by a Committee of Arbitration constituted as follows.

Houses claimable for purchase or hire at option of owner.

Committee of Arbitration.

Page 64.

8. The Committee is to be composed of one Civil Officer (the principal one, if practicable, at or near the station), the Commanding Officer of the cantonment (unless he is an interested party, when the next senior is to be appointed), and an officer belonging to the station, to be named by the proprietor of the premises, and their decision, whether relating to the terms of purchase or rent, is to be conclusive, unless it shall be reversed by Government, for whose orders the proceedings of the Committee are to be submitted, through His Excellency the Commander-in-Chief, whenever the proprietor of the premises which they may have valued is dissatisfied with their award.

Composition of Committee of Arbitration.

Appeal.

Due notice shall in every instance be given to proprietors of premises, or to their agents, by the Commanding Officer of the cantonment, of the intention to hold a Committee thereupon; and should any such proprietor or his agent neglect to nominate a member of such Committee after having received due notice (which, in all cases when the proprietor or his agent shall not be resident within the cantonment or in its vicinity, shall be taken to mean an official notification dated one month before the day on which the Committee is to assemble), it will be the duty of the Commanding Officer to nominate a member of the Committee to represent such proprietor, and the Committee shall thereupon proceed to arbitration.

Notice of intention to convene Committee of Arbitration.

Nomination of member to represent owner.

Page 65.

9. When the houses of the officers of one corps are to be transferred to the officers of another as on the occasion of a relief, if a difference of opinion should arise as to the fair terms of the transfer, the price shall be fixed by a Committee of Arbitration, constituted as in the last paragraph, but with the addition of a fourth member to be named by the intending purchaser.

Reference to Committee of Arbitration in case of transfer as on relief.

Page 65.

10. In this case there is to be no appeal, and the decision of the Committee of Arbitration will be final.

No appeal.

* * * * * * * *

FORM No. 5.

_____ DEPARTMENT.

REGISTER of buildings within the Cantonments of _____

(Station _____ Date _____.)

Houses, Bazars, etc.	Quantity of land, etc., attached to each.	Proprietors of Houses, etc.
Houses.		
No. 1	5½ Beeghas (of square yards)	Captain A. B. in 1834; sold to Lieutenant C. D. in _____; let to Colonel E. F. in _____.
„ 2	3 „ „	Mr. G. H., Merchant, in 1834; sold to Babu B. V. in
„ 3	2½ „ „	
„ 4	6 „ „	
Bazars.		
I. Sudder	25 Beeghas (of square yards)	Limits as fixed in _____ noted by dotted lines _____ Increase sanctioned is coloured _____.
II. Artillery	10 „ „	Dark Green. _____ further increase sanctioned is coloured light green.
III. Cavalry	15 „ „	Ditto ditto.
IV. Infantry	12 „ „	Ditto ditto.
Places of Worship.		
A. Mosque	1 Beegha (of square yards)	
B. Eedgah	½ „ „	
C. Hindoo Temple	¾ „ „	
D. Ditto	½ „ „	
Gardens.		
A.	2 Beeghas (of square yards)	Belongs to _____

(Signed) A. B.

Executive Engineer.

N.B.—The whole of the houses or bungalows within the cantonment to be numbered in the plan, and the register to show the quantity of land attached and the name of the proprietor. Each village, house, temple, etc., to be marked by distinct figure or letter on the plan, and the register to show the quantity of land allotted to each respectively, as per above Form.

FORM No. 6.

To

The Assistant Quarter Master General (or other Staff Officer at the Station).

SIR,

I request you will apply for permission for me to occupy the ground herein described, etc., etc., etc.

(Station _____ Date _____)

Station of ground	Quantity.	Bounds.	How intended to be occupied.	REMARKS.
				I have been made acquainted with the terms on which permission to occupy has been given to me.

(Sd.) A. B.

Rank.—Corps or Department.

General Order by the Governor General in Council, No. 634, dated 7th July, 1862.

It having been brought to the notice of Government that instances still occur of owners of houses, etc., in military cantonments either refusing or failing to keep the buildings in such a state of repair as to render them suitable for the purposes of which their erection was permitted, although the power retained by Government of resuming the ground on which they stand has been more than once exercised, the Right Honourable the Governor General in Council deems it necessary to notify for general information that authority will be given for the resumption of the land on which the buildings so neglected are situated, whenever it shall appear that the owners or their agents have failed, although duly warned, to cause the necessary repairs to be executed, and that inconvenience has thereby been caused to the inhabitants of the station.

Resumption of land on failure to repair.

The value of the buildings as they stand shall in such cases be paid to the owners, such value being determined by a Committee of Arbitration composed and convened as laid down in Government General Orders No 179, dated 12th September, 1836, No. 74, dated 10th April, 1837, No. 154, dated 15th July, 1840, and No. 174, dated 5th August, 1840. The owner or agent shall, however, have the option of removing the materials within one fortnight from the date of the Committee's report.

Committee of Arbitration.

* * * * * * * *

General Order by the Governor General in Council, No. 1001, dated 8th December, 1864.

It having been brought to the notice of Government that in some cases owners of houses in military cantonments have made use of the right to sell or rent their houses at their option, which is secured to them by General Orders, so as to evade the plain intention of Government in issuing those orders,—*e.g.*, by electing to sell when military officers have claimed the houses, in order to force them to waive their claims, and then renting the houses at whatever rent they could obtain, to persons not belonging to the cantonment,—the Right Honourable the Governor General in Council is pleased to direct the substitution of the following for paragraph 7 of Government General Order No. 179, dated 12th September, 1836, as amended by Government General Order No. 700, dated 3rd July, 1855.

"7. The owner of any house in a military cantonment not occupied by a person belonging to the army on duty at the station, or by a person in the service of Government directed or authorized by Government to reside therein, may be required to rent the same to any military officer belonging to the station who may require it to reside in, if the Officer Commanding the station is satisfied that there is no other suitable house available with due regard to the rank of the claimant and to the duties he may have to perform.

Power to require owner to let house to military officer.

"In every such case, however, if the owner shall have formally intimated to the officer who has so obtained the house his desire to sell rather than let it, and the offer have not been accepted, the officer shall at any time be required to vacate it within a week of his receiving notice, through the Brigade Major or Station Staff Officer, that the house has been sold, with the consent of the Commanding Officer of the station, to another military officer on duty at the station who requires it for his own residence.

Vacation of house on sale to another military officer.

"The rent to be paid in such cases, or the price to be paid for the house when the claimant accedes to the owner's desire that he shall purchase it, shall be fixed, in the event of the parties disagreeing as to the amount, by a Committee of Arbitration constituted as follows."

Committee of Arbitration.

General Order by the Commander-in-Chief, No. 5, dated 10th January, 1868.

His Excellency the Commander-in-Chief, in publishing the following extract from a despatch, No. 122, dated 4th December, 1867, received, consequent on numerous instances of the appropriation of land in military cantonments in contravention of the regulations of the service, from the Secretary to the Government of India in the Military Department,

desires that Officers Commanding divisions and districts will enforce the orders of Government, impressing upon all officers concerned that any deviation from the same renders them personally liable for the consequences:—

"As this is not the first occasion on which embarrassment has been caused by the sanction of the Commander-in-Chief being anticipated, I am instructed to request that Commanding Officers may be strictly prohibited from allowing any one to occupy a site in a military cantonment under any circumstances whatever until His Excellency's approval shall have been officially received."

Sanction required to grant of land.

General Order by the Commander-in-Chief, No 268, dated 8th September, 1868.

The following extract from letter No. 168, dated 10th June, 1868, from the Secretary to the Government of India, Military Department, to the Madras Government, is published for information and guidance, with reference to Bengal Military Regulations, Section XI, paragraph 16:—

* * * in the opinion of the Government of India, the proprietor of a house may nominate any one he pleases as his representative on the Committee of Arbitration, and his nominee need not be either a military or covenanted civil officer.

Composition of Committee of Arbitration.

Regulations and Orders for the Army of the Bengal Presidency, 1873.

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SECTION 18.—CANTONMENTS.

* * * * * * * * *

1.—GENERAL RULES.

* * * * * * * *

1948. The limits of all military cantonments are to be defined by pillars of masonry erected at each angle of the boundary line, and which are to be replaced whenever they have been destroyed or are not forthcoming. At minor stations, where less than half a regiment is quartered, the boundaries need not be marked out, nor are the cantonment regulations to be introduced. Page 333.

Boundaries.

1949. The boundaries of sudder, station and regimental bazars, and of any villages within the limits of cantonments, are also to be defined by pillars of masonry; and all buildings erected beyond the proper boundaries on assigned limits are to be thrown down and the ruins removed at the expense of the proprietor. Page 334.

Boundaries of bazars and villages. Removal of buildings erected beyond boundaries.

1950. No deviation from the fixed limits of a cantonment, or from those of the lines, bazars or enclosures surrounding Government buildings, is permitted without the sanction of Government to be applied for through the Quarter Master General's Department. Page 334.

Alteration of boundaries.

1951. When from any cause any portion of the area of an existing cantonment is found to be no longer required for military purposes, a report to that effect is to be made by the Commanding Officer to the Quarter Master General in order that it may be made over to the civil authorities. Page 334.

Transfer of surplus land to civil authorities.

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1962. All matters connected with cantonment lands and boundaries will be conducted, under the orders of the Commanding Officer, by the officer of the Quarter Master General's Department at the station, or, in his absence, by the Cantonment Magistrate or the Staff Officer of the station, assisted, if necessary, by the Executive Engineer. Questions requiring the decision of higher authority are to be referred to head-quarters through the Quarter Master General (paragraph 2777). Page 335.

Officer to perform duties connected with lands and boundaries.

Rent or sale of private buildings.

Page 335.

1963. A military cantonment is, as its designation implies, a locality set apart primarily for military and medical officers, chaplains, soldiers, subordinates attached to the troops, and their families, for whom houses situated within such limits are by priority of right available.

Military character of cantonments. Priority of claim of military men to houses.

Regimental officers to live near their lines.

Regimental officers are required ordinarily to live near the lines of their respective corps.

Page 335.

1964. Civil and political officers of Government* are permitted to reside within the limits of military cantonments whenever the public interests may require that they should so reside, or whenever special grounds may exist for granting the indulgence, such as the want of other available shelter or the necessity of ensuring their personal safety; but these exceptions are not ordinarily to interfere with the priority of right possessed by military officers or others on duty at the station to the houses within its boundaries.

Civilians permitted to reside in cantonments.

Page 335.

1965. In the event of a house in cantonments occupied by a non-military resident being required for an officer, a formal notice should be served on the occupant requiring him to vacate by a certain date, and warning him that, in the event of his declining or failing to comply, legal proceedings will be taken to enforce compliance. Should the notice (which should be personally served if possible) fail of effect, intimation of the same should be forwarded to the Local Government in order that the necessary steps may be taken in the matter.

Compulsory transfer of tenants. Notice.

Legal proceedings.

Commanding Officers should not, however, have recourse to this measure except under the most unavoidable circumstances, when houses are legally claimable and absolutely necessary for the accommodation of officers whose services are actually required in the station, and for whom shelter is not available within a fairly reasonable distance of their duty. In the case of civil and political officers, applications for their removal are to be made to the Commander-in-Chief through the Quarter Master General for submission to Government.

Precautions in requiring change of tenants.

Page 336.

1966. The owner of any house in a military cantonment not occupied by a person belonging to the army on duty at the station, or by a person in the service of Government directed or authorised by Government to reside therein, may be required to rent the same to any military officer belonging to the station who may require it to reside in if the Officer Commanding the station is satisfied that there is no other suitable house available, with due regard to the rank of the claimant and to the duties he may have to perform.

Power to require owner to let house to military officer.

In every such case, however, if the owner shall have formerly intimated to the officer who has so obtained the house his desire to sell rather than to let it, and the offer shall not have been accepted, the officer shall at any time be required to vacate it within a week of his receiving notice through the Staff Officer of the station that the house has been sold, with the consent of the Commanding Officer of the station, to another military officer on duty at the station who requires it for his own residence.

Vacation of house on sale to another military officer.

The rent to be paid in such cases, or the price to be paid for the house when the claimant accedes to the owner's desire that he shall purchase it, shall be fixed, in the event of the parties disagreeing as to the amount, by a Committee of Arbitration, to be assembled by order of the Officer Commanding the division or district after he has fully satisfied himself as to the necessity for the same, and that the application for the Committee is not opposed to the orders of Government.

Committee of Arbitration.

Page 336.

1967. In all cases of dispute the owner should be called upon, previous to the assembly of the Committee of Arbitration, to elect whether he will rent or sell his house; should he elect to rent the house, the Committee cannot compel him to sell it.

Owner to have option to let or sell.

Page 336.

1968. A tenant who has once taken possession of a house, or who is occupying it, cannot appeal for any reduction of rent which he may have agreed to pay, nor can a Committee be assembled to arbitrate on this point.

Reduction of rent not claimable by tenants.

* Officers serving under the Public Works Department were added by G. O. No. 62 of 1874.

Page 336.

1969. Committees of Arbitration are to be composed of a civil officer (the principal one, if practicable at or in the vicinity of the station), the Commanding Officer of the cantonment, and *any* other individual (who need not belong to either the civil or military services) whom the proprietor of the house may please to nominate. When the Commanding Officer of the station is an interested party, the next senior officer is to be nominated one of the Committee in his stead.

Composition of Committee of Arbitration.

Page 337.

1970. When a house is transferred from one officer to another on the occasion of a relief, and a difference arises as to terms, the price or rent is to be fixed by a Committee constituted as above, with an additional member to be nominated by the intending occupant or purchaser.

Reference to Committee of Arbitration in case of transfer on relief.

Page 337.

1971. In the case referred to in paragraph 1966 the decision of the Committee of Arbitration is to be conclusive, unless it be reversed by Government, for whose orders the proceedings are to be submitted, through the regular channel, whenever the proprietor of the premises is dissatisfied with the award: but in the case referred to in paragraph 1970 there is no appeal from the decision of the Committee, which is to be final.

Appeal when to lie from decision of Committee of Arbitration.

Page 337.

1972. Due notice shall in every instance be given to proprietors of premises, or to their agents, by the Commanding Officer of the cantonment, of the intention to hold a Committee thereon; and, in the event of the owner or agent neglecting to nominate a member of such Committee after having received the notice, which, if the owner or agent be a non-resident in the cantonment or its vicinity, shall be taken to mean an official notification dated one month prior to the day on which the Committee is to assemble, the Commanding Officer will, under the orders of the Officer Commanding the division or district, nominate a member of the Committee to represent such proprietor, and the Committee shall thereupon proceed to arbitration.

Notice of intention to convene Committee of Arbitration.

Nomination of member to represent owner.

*1972A. When an officer to whom a house in cantonments has been specially allotted under these regulations may choose, on going away on leave or on temporary duty, to give it up, he has no right to claim the special allotment of a house on his return, under the provisions of paragraph 1966, should a suitable one not be at the time available for rent.

Officer giving up house on temporarily leaving cantonment to have no claim to re-allotment.

In the event of any special circumstances rendering a departure from this rule necessary, the case should be referred to the Quarter Master General for the decision of His Excellency the Commander-in-Chief.

Page 337.

1973. In the event of the tenant of a house considering that the house requires repairs, and is unable to induce the owner to execute them, he should call on his landlord to join him in appointing a Committee of Arbitration to decide the question.

Committee of Arbitration for repairs.

If the cantonment rules are in force, the Committee will be composed of one civilian, the Officer Commanding the station, and two officers or European residents, to be appointed, one by the landlord and the other by the occupant; otherwise the landlord should be called on to name an arbitrator to act with one to be named by the occupant, who are together to appoint a third in case of difference.

Composition of Committee of Arbitration.

In either case the landlord should be informed that, unless within a named time he either commences† the necessary repairs or joins in the reference, the occupant will have the repairs done on the landlord's account and risk at the Public Works Departmental rates, and that the costs will be set off against the rent.

Notice as to executing repairs at cost of owner.

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Page 338.

1975. In cases where buildings in cantonments are required for public purposes, the officer of the Public Works Department in executive charge will, under the authority of the Officer Commanding the division or district, settle for the valuation and purchase of the same, according to the rules of the Public Works Department, and recourse is only to be had to Committees of Arbitration in the event of any disagreement and on the application of the Executive Engineer or of the proprietor of the premises.

Purchase of buildings for public purposes.

Committee of Arbitration.

* Paragraph 1972A was added by G. O. No. 216, dated 20th August, 1874.
† "Executes" was substituted for "commences" by G. O. No. 76 of 1876.

Page 338.

1976. Whenever it may be necessary to rent buildings for the use of the troops, the officer of the Public Works Department, on the spot is *in all cases* to arrange for the hiring of such buildings and to obtain sanction for the arrangements in communication with, and assisted by, the local military authorities; and Officers Commanding station are to bear in mind that they are bound to direct the officer of the Public Works Department to make all necessary provision for accommodating the troops in any emergency, whenever this is possible, rather than to act themselves, and thus accept a grave pecuniary responsibility in the event of their action being disapproved of.

Hiring of buildings for public purposes.

When, however, the local military authorities have been obliged to act themselves owing to the absence of the Executive Engineer from the station, it is the duty of such officer on his return to suggest to them any modification of the arrangements which his knowledge and experience might suggest as better for the soldier, or more for the interests of Government, and also to submit the arrangements for sanction as if originally made by himself.

Page 338.

1977. Officers Commanding stations are required, in cases of disputes relative to houses or lands in cantonments, before taking action thereon, to submit the same with their opinion for the consideration and approval of the General Officer in local command, who will transmit them to the Quarter Master General if he is unable to decide them himself.

Disputes to be reported.

Page 338.

1978. Mosques, temples or other buildings of a religious description, which may be within the boundaries of a cantonment, are not to be occupied as dwelling-houses without the most positive assurance that the religious habits or feelings of the natives are not likely to be in any way offended thereby.

Buildings devoted to religious uses.

II.—Grants of Land.

Page 338.

1979. In no case is any cantonment land to be enclosed or occupied without the sanction of the Commander-in-Chief; and Commanding Officers are strictly prohibited from allowing any one to occupy a site, *under any circumstances whatever*, until such sanction shall have been officially received; nor are the boundaries of compounds to be changed, old roads closed or new ones opened without similar authority.

Sanction required to occupation of land.

Building-sites granted to officers in military cantonments should be no larger than is absolutely necessary, conforming as far as practicable to the dimensions laid down in the Public Works Code.

Size of sites granted to officers.

Page 339.

1980. All applications for unoccupied ground for the purpose of being enclosed, built upon or in any way appropriated to private purposes are to be forwarded, for transmission to the Officer Commanding the station, through the officer of the Quarter Master General's Department at the station, or, in his absence, through the Cantonment Magistrate or Staff Officer of the station, as the case may be.

Submission of application for land.

Page 339.

1981. The health and comfort of the troops are paramount considerations to which all others must give way, and the Commanding Officer will be held responsible that no ground is occupied in any way calculated to be injurious to either, or to the appearance of the cantonment. In forwarding to the Quarter Master General any application for a grant, he must certify that it is not objectionable in these or any other respects.

Certificate by Commanding Officer.

Page 339.

1982. All such applications shall be made according to Appendix No. 28, and must be accompanied by a sketch or rough plan of the site applied for, embracing the portion of the cantonment adjacent to it, and exhibiting the roads, public buildings or private estates by which it is bounded; also any line of railway proposed or actually passing through the cantonment; and, where the line of railway does not immediately abut on the ground applied for, the direction and distance are to be shown.

Form of application for land. Plan of site.

This plan is to be authenticated by the officer of the Quarter Master General's Department at the station, or, when no such officer is present, by the Executive Engineer of the division in which the cantonment may be situated. Such applications must also be accompanied by a certificate from the Executive Engineer of the division to the effect that no departmental objection is known to the application, and that the grant, if made, does not seem likely to interfere with any building existing or likely to be required.

Certificate by local officer of Quarter Master General's Department or Executive Engineer.

Page 339.

1983. All grants are to be registered (Public Works Code, Section 2, Chapter IX) by the Cantonment Magistrate, where one is allowed, or otherwise by the Staff Officer of the station; and all grants are to be immediately noted on the plan of the cantonment in the Quarter Master General's office.

Grants to be registered and noted on plan.

Page 339.

1984. No ground will be granted except on the following conditions, which are to be subscribed to by every grantee, as well as by those to whom his grant may subsequently be transferred:—

Conditions of occupancy.

(*a*) Government to retain the power of resumption at any time on giving one month's notice and paying the value of such buildings as may have been authorized to be erected.

Resumption of land.

(*b*) The ground, being in every case the property of Government, cannot be sold by the grantee; but houses or other property thereon situated may be transferred by one military or medical officer or chaplain to another on a joint report being made to the Staff Officer, who will make the requisite entry in the register, except in the case of relief, when, if required, the terms of the sale or transfer are to be adjusted by a Committee of Arbitration.

Land belongs to Government. Land cannot be sold by grantee. Transfer of house between military officers. Arbitration in case of transfer on relief.

(*c*) If the ground has been built upon, the buildings are not to be disposed of to any person who does not belong to the army until the consent of the Officer Commanding the station shall have been previously obtained under his hand.

Transfer of house to civilian.

(*d*) When it is proposed, with the consent of the Commanding Officer of the station, to transfer possession to a native, the sale must not be effected until the sanction of the Local Government shall have been obtained.*

Transfer to native.

(*e*) The Commanding Officer shall have power to cancel the grant if the ground be not brought into use for the purpose specified within twelve months.

Cancellation of grant within twelve months.

* * * * * * * * *

APPENDIX No. 28.

Application for a Grant of Land.

Sir,

Form.

I request you will apply for permission for me to occupy the ground herein described.

I fully understand the terms on which the occupation of the ground is permitted, and I hereby engage to comply with them without demur, and not to transfer the property to any other person except under the regulations in force at the time for the tenure of land and property in cantonments.

I have, etc.,

(Signed)———————

Site of ground.	Quantity.	Boundaries.	How to be occupied.	Remarks.

* By G. O. No. 282, dated 4th October, 1875, clause (*d*) was re-constructed in the form in which it appears in paragraph 49 of the Regulations of 1880 (*infra*, p. 29); and by G. O. No. 184 and No. 188, respectively, dated 11th July, 1876, the second and third sub-clause of clause (*d*) printed in that paragraph were introduced.

General Order No. 264, dated 24th September, 1874.

Form No. 28, Appendix, Bengal Army Regulations, is hereby cancelled, and the following substituted :—

APPENDIX No. 28.

APPLICATION FOR A GRANT OF LAND.

SIR,

Form. I request you will apply for permission for me to occupy the ground herein described.

I have, etc.,

(*Applicant's signature.*)

Site of ground.	Quantity.	Boundaries.	How to be occupied.	REMARKS.
				I fully understand the terms on which the occupation of the ground is permitted, and I hereby engage to comply with them without demur, and not to transfer the property to any other person except under the regulations in force at the time for the tenure of land and property in cantonments.*
				(*Applicant's signature.*)

* By G. O. C. C. No. 135 of 1878, the following clause was added to this column :—
"I hereby further engage to build on the site applied for, and not to transfer it to any one else for this purpose."

Regulations and Orders for the Army of the Bengal Presidency, 1880.

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SECTION 17.—CANTONMENTS.

* * * * * * * *

I.—GENERAL RULES.

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4. The limits of all military cantonments are to be defined by pillars of masonry erected at each angle of the boundary line, and which are to be replaced whenever they have been destroyed or are not forthcoming. Page 376.

Boundaries.

5. The boundaries of sadr, station and regimental bazars, and of any villages within the limits of cantonments, are also to be defined by pillars of masonry; and all houses, walls or enclosures improperly built beyond the authorised boundaries are to be thrown down and the ruins and fences removed at the expense of the proprietor or persons by whom they were erected. Page 377.

Boundaries of bazars and villages, removal of buildings erected beyond boundaries.

6. No deviation from the fixed limits of a cantonment is permitted without the sanction of Government, to be applied for through the Quarter Master General's Department. No alteration of the limits of lines, bazars or compounds can be made without the authority of the Commander-in-Chief. Page 377.

Alteration of boundaries.

7. When from any cause any portion of land which has been taken up for military purposes is found to be no longer required for such, a report to that effect is to be made by the Commanding Officer to the Quarter Master General in order that it may be made over to the civil authorities. Page 377.

Transfer of surplus land to civil authorities.

* * * * * * * *

18. All matters connected with cantonment lands and boundaries will be conducted, under the orders of the Commanding Officer, by the officer of the Quarter Master General's Department at the station, or, in his absence, by the Cantonment Magistrate or the Staff Officer of the station, assisted, if necessary, by the Executive Engineer. Questions requiring the decision of higher authority are to be referred to head-quarters through the Quarter Master General (pargraph 34, section 22). Page 378.

Officer to perform duties connected with lands and boundaries.

Rent or Sale of Private Buildings.

19. A military cantonment is, as its designation implies, a locality set apart primarily for military and medical officers, chaplains, soldiers, subordinates attached to the troops, and the officers and subordinates of all departments connected with the housing and supplies of the troops, for whom houses situated within such limits are by priority of right available. Page 378.

Military character of cantonments. Priority of claim of military men to houses.

Regimental officers are required ordinarily to live near the barracks of lines of their respective corps.

Regimental officers to live near their lines.

20. Civil and political officers of Government, and officials belonging to the Public Works Department and railways, are permitted to reside within the limits of military cantonments whenever the public interest may require that they should so reside, or whenever special grounds may exist for granting the indulgence, such as the want of other available shelter, or the necessity of ensuring their personal safety; but these exceptions are not ordinarily to interfere with the priority of right possessed by military officers or others on duty at the station to the houses within its boundaries. Page 378.

Civilians permitted to reside in cantonments.

21. In the event of a house in cantonments occupied by a non-military resident being required for an officer, a formal notice should be served on the occupant requiring him to vacate by a certain date, and warning him that, in the event of his declining or failing to comply, legal proceedings will be taken to enforce compliance. Page 379.

Compulsory transfer of tenants. Notice.

Should the notice (which should be personally served if possible) fail of effect, intimation of the same should be forwarded to the Local Government in order that the necessary steps may be taken in the matter.

Legal proceedings.

Commanding Officers should not, however, have recourse to this measure except under the most unavoidable circumstances, when houses are legally claimable and absolutely necessary for the accommodation of officers whose services are actually acquired in the station, and for whom shelter is not available within a fairly reasonable distance of their duty.

Precautions in requiring change of tenants.

In the case of officials mentioned in paragraph 20, applications for their removal are to be made to the Commander-in-Chief through the Quarter Master General for submission to Government.

Page 379. 22. The owner of any house in a military cantonment not occupied by a person belonging to the army on duty at the station, or by a person directed or authorised by Government to reside therein (paragraph 20), may be required to rent the same to any military officer belonging to the station who may require it to reside in if the Officer Commanding the station is satisfied that there is no other suitable house available, with due regard to the rank of the claimant and to the duties he may have to perform.

Power to require owner to let house to military officer.

In every such case, however, if the owner may have formerly intimated to the officer who has so obtained the house his desire to sell rather than to let it, and the offer has not been accepted, the officer may at any time be required to vacate it within a week of his receiving notice through the Staff Officer of the station that the house has, with the consent of the Commanding Officer of the station, been sold to another military officer on duty at the station who requires it for his own residence.

Vacation of house on sale to another military officer.

The rent to be paid in such cases, or the price to be paid for the house when the claimant accedes to the owner's desire that he shall purchase it, is to be fixed, in the event of the parties disagreeing as to the amount, by a Committee of Arbitration, to be assembled by order of the Officer Commanding the division or district after he has fully satisfied himself as to the necessity for the same and that the application for the Committee is not opposed to the orders of Government (paragraph 30).

Committee of Arbitration.

Page 379. 23. In all cases of dispute, the owner should be called upon, previous to the assembly of the Committee of Arbitration, to elect whether he will rent or sell his house. Should he elect to rent the house, the Committee cannot compel him to sell it.

Owner to have option to let or sell.

Page 379. 24. Houses situated within the limits of military cantonments that may be declared to be for hire can only, according to these regulations and customs, be let by the month.

Monthly tenancy.

Page 380. 25. A tenant who has once taken possession of a house, or who is occupying it, cannot appeal for any reduction of rent which he may have agreed to pay, nor can a Committee be assembled to arbitrate on this point.

Reduction of rent not claimable by tenants.

Page 380. 26. Committees of Arbitration are to be composed of a civil officer (the principal one, if practicable, at or in the vicinity of the station), the Commanding Officer of the cantonment, and any other individual (who need not belong to either the civil or military services) whom the proprietor of the house may please to nominate. When the Commanding Officer of the station is an interested party, the next senior officer is to be nominated one of the Committee in his stead.

Composition of Committee of Arbitration.

Page 380. 27. When a house is transferred from one officer to anther on the occasion of a relief, and a difference arises as to terms, the price or rent is to be fixed by a Committee constituted as above, with an additional member to be nominated by the intending occupant or purchaser.

Reference to Committee of Arbitration in case of transfer on relief.

Page 380. 28. In the case referred to in paragraph 22, the decision of the Committee of Arbitration is to be conclusive, unless it be reversed by Government, for whose orders the proceedings are to be submitted, through the regular channel, whenever the proprietor of the premises is dissatisfied with the award; but in the case referred to in paragraph 27 there is no appeal from the decision of the Committee, which is to be final.

Appeal when to lie from decision of Committee of Arbitration.

Page 380. 29. Due notice must in every instance be given to proprietors of premises, or to their agents, by the Commanding Officer of the cantonment, of the intention to hold a Committee thereon; and, in the event of the owner or agent neglecting to nominate a member of such Committee after having received the notice—which, if the owner or agent be a non-resident in the cantonment or its vicinity, is to be taken to mean an official notification dated one month prior to the day on which the Committee is to assemble—the Commanding Officer will, under the orders of the Officer Commanding the division or district, nominate a member of the Committee to represent such proprietor, and the Committee will thereupon proceed to arbitration.

Notice of intention to convene Committee of Arbitration.

Nomination of member to represent owner.

Page 380. 30. When an officer to whom a house in cantonments has been specially allotted under these regulations may choose, on going away on leave or on temporary duty, to give it up, he has no right to claim the special allotment of a house on his return, under the provisions of paragraph 22, should a suitable one not be at the time available for rent. In the event of any special circumstances rendering a departure from this rule necessary, the case should be referred to the Quarter Master General for the decision of the Commander-in-Chief.

Officer giving up house on temporarily leaving cantonment to have no claim to re-allotment.

Page 380. 31. In the event of the tenant of a house considering that the house requires repairs, and of his being unable to induce the owner to execute them, he should call on his landlord to join with him in appointing a Committee of Arbitration to decide the question.

Committee of Arbitration for repairs.

If the cantonment rules are in force, the Committee will be composed of one civilian, the Officer Commanding the station, and two officers or European residents, to be appointed, one by the landlord and the other by the occupant; otherwise the landlord should be called on to name an arbitrator to act with one to be named by the occupant, who are together to appoint a third in case of difference.

In either case the landlord should be informed that, unless within a named time he either executes the necessary repairs or joins in the reference, the occupant will have the repairs done on the landlord's account and risk at the Public Works Departmental rates, and that the costs will be set off against the rent.

* * * * *

Page 381. 33. In cases where buildings in cantonments are required for public purposes, the officer of the Public Works Department in executive charge will, under the authority of the Officer Commanding the division or district, settle for the valuation and purchase of the same according to the rules of the Public Works Department; and recourse is only to be had to Committees of Arbitration in the event of any disagreement, and on the application of the Executive Engineer or of the proprietor of the premises.

Purchase of buildings for public purposes.

Committee of Arbitration.

Page 381. 34. Whenever it may be necessary to rent buildings for the use of the troops, the officer of the Public Works Department on the spot is in all cases to arrange for the hiring of such buildings, and to obtain sanction for the arrangements in communication with, and assisted by, the local military authorities; and Officers Commanding stations are to bear in mind that they are bound to direct the officer of the Public Works Department to make all necessary provision for accommodating the troops in any emergency, whenever this is possible, rather than to act themselves and thus accept a grave pecuniary responsibility in the event of their action being disapproved of.

Hiring of buildings for public purposes.

When, however, the local military authorities have been obliged to act themselves owing to the absence of the Executive Engineer from the station, it is the duty of such officer on his return to suggest to them any modification of the arrangements which his knowledge and experience might suggest as better for the soldier or more for the interests of Government, and also to submit the arrangements for sanction as if originally made by himself.

Page 381. 35. Officers Commanding stations are required, in cases of disputes relative to houses or lands in cantonments, before taking action thereon, to submit the same, with their opinion, for the consideration and approval of the General Officer in local command, who will transmit them to the Quarter Master General if he is unable to decide them himself.

Disputes to be reported.

Page 381. 36. On no account is any church, chapel, mosque, temple, tomb or other building devoted to religious use to be occupied as a dwelling-house or for any other purpose without the full and free consent of the persons interested in it and the sanction of the principal civil or political authority on the spot.

Buildings devoted to religious uses.

II.—GRANTS OF LAND.

Page 382. 37. In no case is any cantonment land to be enclosed or occupied whithout the sanction of the Commander-in-Chief; and Commanding Officers are strictly prohibited from allowing any one to occupy a site, under any circumstances whatever, until such sanction has been officially received; nor are the boundaries of compounds to be changed, old roads closed, or new ones opened without similar authority.

Sanction required to occupation of land.

Alteration of boundaries and closing or opening of roads.

Building-sites granted to officers in military cantonments should be no larger than is absolutely necessary, conforming as far as practicable to the dimensions laid down in the Public Works Code.

Size of sites granted to officers.

Page 382. 38. All applications for unoccupied ground, for the purpose of being enclosed, built upon or in any way appropriated to private purposes, are to be forwarded, for transmission to the Officer Commanding the station. through the office of the Quarter Master General's Department at the station or, in his absence, through the Cantonment Magistrate or Staff Officer of the station, as the case may be.

Submission of application for land.

Page 382. 39. The health and comfort of the troops are paramount considerations to which all others must give way, and the Commanding Officer will be held responsible that no ground is occupied in any way calculated to be injurious to either or to the appearance of the cantonment. In forwarding to the Quarter Master General any application for a grant, he must certify that it is not objectionable in these or any other respects.

Certificate by Commanding Officer.

Page 382. 40. All such applications are to be made according to Appendix No. 24, and must be accompanied by a sketch or rough plan of the site applied for, embracing the portion of the cantonment adjacent to it, and exhibiting the roads, public buildings or private estates by which it is bounded; also any line of railway proposed or actually passing through the cantonment; and, where the line of railway does not immediately abut on the ground applied for, the direction and distance are to be shown.

Form of application for land.

Plan of site.

This plan is to be authenticated by the officer of the Quarter Master General's Department at the station, or, when no such officer is present, by the Executive Engineer of the division in which the cantonment may be situated.

Certificate by local officer of Quarter Master General's Department and Executive Engineer.

Such applications must also be accompanied by a certificate from the Executive Engineer of the division to the effect that no departmental objection is known to the application, and that the grant, if made, does not seem likely to interfere with any building existing or likely to be required.

Page 382. 41. All grants are to be registered (Public Works Code,* paragraph 162, page 201) by the Cantonment Magistrate, where one is allowed, or otherwise by the Staff Officer of the station; and all grants are to be immediately noted on the plan of the cantonment in the Quarter Master General's office.

Grants to be registered and noted on plan.

Page 383. 42. No ground will be granted except on the following conditions, which are to be subscribed to by every grantee as well as by those to whom his grant may subsequently be transferred :—

Conditions of occupancy.

(*a*) Government to retain the power of resumption at any time on giving one month's notice and paying the value of such buildings as may have been authorised to be erected.

Resumption of land.

(*b*) The ground, being in every case the property of Government, cannot be sold by the grantee; but houses or other property thereon situated may be transferred by one military or medical officer or chaplain to another on a joint report being made to the Staff Officer, who will make the requisite entry in the register, except in the case of relief, when, if required,

Land belongs to Government.

Land cannot be sold by grantee.

Transfer of house between military officers.

Arbitration in case of transfer on relief.

* Edition of 1878.

the terms of the sale or transfer are to be adjusted by a Committee of Arbitration.

(*c*) If the ground has been built upon, the buildings are not to be disposed of to any person who does not belong to the army until the consent of the Officer Commanding the station has been previously obtained under his hand.

Transfer of house to civilian.

(*d*) *When it is proposed, with the consent of the Commanding Officer, to transfer possession to a native, should the value of the house, buildings or property to be so transferred exceed Rs. 5,000, the sale must not be effected until the sanction of Government has been obtained through the Commander-in-Chief.

Transfer to native.

This rule applies to officers in the service of Government only; but the sale or transfer of any house in cantonments must first receive the sanction of the military authorities.

All applications for permission to sell, to a native, cantonment house-property exceeding in value the above amount are to include the name and status of the proposed purchaser, and to be accompanied by a certificate from the civil officer of the district that there is no objection to the sale.

(*e*) The Commanding Officer has power to cancel the grant if the ground be not brought into use for the purpose specified within twelve months.

Cancellation of grant within twelve months.

* * * * * *

APPENDIX No. 24.

Form. APPLICATION FOR A GRANT OF LAND.

SIR,

I request you will apply for permission for me to occupy the ground herein described.

I have, etc.,

(*Applicant's signature.*)

Site of ground.	Quantity.	Boundaries.	How to be occupied.	REMARKS.
				I fully understand the terms on which the occupation of the ground is permitted, and I hereby engage to comply with them without demur, and not to transfer the property to any other person except under the regulations in force at the time for the tenure of land and property in cantonments. And I farther engage to build on the site applied for, and not to transfer it to any one else for this purpose. (*Applicant's signature.*)

* * * * * *

* By G. O. No. 117, dated 10th July, 1882, the following was substituted for clause (*d*) :—
"When it is proposed, with the consent of the Commanding Officer, to transfer possession to a native, the procedure prescribed in section 7, paragraph 38 (as revised by General Order No. 38 of 1882), is to be adhered to.
"This rule applies to officers and others in the service of Government only, but the sale or transfer of any house in cantonments must first receive the sanction of the local authorities."

SECTION XVII.—CANTONMENTS.

I.—General Rules. II.—Grants of Land.

I.—General Rules.

BENGAL AND BOMBAY.

Page 470.

Boundaries.

1921. The limits of all military cantonments are to be defined by pillars of masonry erected at each angle of the boundary line, and which are to be replaced whenever they have been destroyed or are not forthcoming.

Page 470.

Boundaries of bazars and villages. Removal of buildings erected beyond boundaries.

1922. The boundaries of sadr, station and regimental bazars, and of any villages within the limits of cantonments, are also to be defined by pillars of masonry; and all houses, walls or enclosures improperly built beyond the authorized boundaries are to be thrown down and the ruins and fences removed at the expense of the proprietor or persons by whom they were erected.

Page 470.

Alteration of boundaries.

1923. No deviation from the fixed limits of a cantonment is permitted without the sanction of Government, to be applied for through the Quarter Master General's Department. No alteration of the limits of lines, bazars or compounds* can be made without the authority of the Commander-in-Chief.

Page 470.

Transfer of surplus land to civil authorities.

1924. In Bengal, when from any cause any portion of land which has been taken up for military purposes is found to be no longer required for such, a report to that effect is to be made by the Commanding Officer to the Quarter Master General in order that it may be made over to the civil authorities.

Page 471.

Officer to perform duties connected with lands and boundaries.

1935. All matters connected with cantonment lands and boundaries will be conducted, under the orders of the Commanding Officer, by the officer of the Quarter Master General's Department at the station, or, in his absence, by the Cantonment Magistrate or the Staff Officer of the station, assisted, if necessary, by the Executive Engineer. Questions requiring the decision of higher authority are to be referred to head-quarters through the Quarter Master General (paragraph 2505, section XXII).

Rent or Sale of Private Buildings.

Page 471.

Military character of cantonments.

1936. A military cantonment is, as its designation implies, a locality set apart primarily for military and medical officers, chaplains, soldiers, subordinates attached to the troops, and the officers and subordinates of all departments connected with the housing and supplies of the troops, for whom houses situated within such limits are by priority of right available.

Priority of claim of military men to houses.

Regimental officers to live near their lines.

Regimental officers are required ordinarily to live near the barracks or lines of their respective corps.

Page 471.

Civilians permitted to reside in cantonments.

1937. Civil and political officers of Government and officials belonging to the Public Works Department and railways are permitted to reside within the limits of military cantonments whenever the public interest may require that they should so reside, or whenever special grounds may exist for granting the indulgence, such as the want of other available shelter or the necessity of ensuring their

* The words "or compound" were struck out by G. O. No. 51 of 1887.

personal safety; but these exceptions are not ordinarily to interfere with the priority of right possessed by military officers or others on duty at the station to the houses within its boundaries.

Officials of the Government Telegraph Department are also permitted to reside within the limits of military cantonments under the foregoing conditions when the main telegraph office lies within cantonment limits.*

Page 472.

Compulsory transfer of tenants. Notice. Legal proceedings.

1938. In the event of a house in cantonments occupied by a non-military resident being required for an officer, a formal notice should be served on the occupant requiring him to vacate by a certain date, and warning him that, in the event of his declining or failing to comply, legal proceedings will be taken to enforce compliance. Should the notice (which should be personally served, if possible) fail of effect, intimation of the same should be forwarded to the Local Government in order that the necessary steps may be taken in the matter.

Precautions in requiring change of tenants.

Commanding Officers should not, however, have recourse to this measure except under the most unavoidable circumstances, when houses are legally claimable and absolutely necessary for the accommodation of officers whose services are actually required in the station and for whom shelter is not available within a fairly reasonable distance of their duty. In the case of officials mentioned in paragraph 1937, applications for their removal are to be made to the Commander-in-Chief through the Quarter Master General for submission to Government.

Page 472.

Power to require owner to let house to military officer.

1939. The owner of any house in a military cantonment not occupied by a person belonging to the army on duty at the station, or by a person directed or authorised by Government to reside therein (paragraph 1937), may be required to rent the same to any military officer belonging to the station who may require it to reside in, if the Officer Commanding the station is satisfied that there is no other suitable house available, with due regard to the rank of the claimant and to the duties he may have to perform.

Vacation of house on sale to another military officer.

In every such case, however, if the owner may have formerly intimated to the officer who has so obtained the house his desire to sell rather than to let it, and the offer has not been accepted, the officer may at any time be required to vacate it within a week of his receiving notice through the Staff Officer of the station that the house has, with the consent of the Commanding Officer of the station, been sold to another military officer on duty at the station who requires it for his own residence.

Committee of Arbitration.

The rent to be paid in such cases, or the price to be paid for the house when the claimant accedes to the owner's desire that he shall purchase it, is to be fixed, in the event of the parties disagreeing as to the amount, by a Committee of Arbitration to be assembled by order of the Officer Commanding the division or district after he has fully satisfied himself as to the necessity for the same, and that the application for the Committee is not opposed to the orders of Government (paragraph 1947).

Page 472.

Owner to have option to let or sell.

1940. In all cases of dispute the owner should be called upon, previous to the assembly of the Committee of Arbitration, to elect whether he will rent or sell his house. Should he elect to rent the house, the Committee cannot compel him to sell it.

Page 473.

Monthly tenancy.

1941. Houses situated within the limits of military cantonments that may be declared to be for hire can only, according to these regulations and customs, be let by the month.

Page 473.

Reduction of rent not claimable by tenants.

1942. A tenant who has once taken possession of a house, or who is occupying it, cannot appeal for any reduction of rent which he may have agreed to pay, nor can a Committee be assembled to arbitrate on this point.

Page 473.

Composition of Committee of Arbitration.

1943. Committees of Arbitration are to be composed of a civil officer (the principal one, if practicable, at or in the vicinity of the station), the Commanding Officer of the cantonment, and any other individual (who need not belong to either the civil or military services) whom the proprietor of the house may please to nominate. When the

* This clause was added by G. O. No. 41 of 1890.

Commanding Officer of the station is an interested party, the next senior officer is to be nominated one of the Committee in his stead.

Page 473. 1944. When a house is transferred from one officer to another on the occasion of a relief, and a difference arises as to terms, the price or rent is to be fixed by a Committee constituted as above, with an additional member to be nominated by the intending occupant or purchaser.

Reference to Committee of Arbitration in case of transfer on relief.

Page 473. 1945. In the case referred to in paragraph 1939 the decision of the Committee of Arbitration is to be conclusive, unless it be reversed by Government, for whose orders the proceedings are to be submitted through the regular channel whenever the proprietor of the premises is dissatisfied with the award; but in the case referred to in paragraph 1944 there is no appeal from the decision of the Committee, which is to be final.

Appeal when to lie from decision of Committee of Arbitration.

Page 473. 1946. Due notice must in every instance be given to proprietors of premises, or to their agents, by the Commanding Officer of the cantonment, of the intention to hold a Committee thereon; and, in the event of the owner or agent neglecting to nominate a member of such Committee after having received the notice,—which, if the owner or agent be a non-resident in the cantonment or its vicinity, is to be taken to mean an official notification dated one month prior to the day on which the Committee is to assemble,—the Commanding Officer will, under the orders of the Officer Commanding the division or district, nominate a member of the Committee to represent such proprietor, and the Committee will thereupon proceed to arbitration.

Notice of intention to convene Committee of Arbitration.
Nomination of member to represent owner.

Page 373. 1947. When an officer to whom a house in cantonments has been specially allotted under these regulations may choose, on going away on leave or on temporary duty, to give it up, he has no right to claim the special allotment of a house on his return under the provisions of paragraph 1939, should a suitable one not be at the time available for rent. In the event of any special circumstances rendering a departure from this rule necessary, the case should be referred to the Quarter Master General for the decision of the Commander-in-Chief.

Officer giving up house on temporarily leaving cantonment to have no claim to re-allotment.

Page 474. 1948. In the event of the tenant of a house considering that the house requires repairs, and of his being unable to induce the owner to execute them, he should call on his landlord to join with him in appointing a Committee of Arbitration to decide the question.

Committee of Arbitration for repairs.

If the cantonment rules are in force, the Committee will be composed of one civilian, the Officer Commanding the station, and two officers or European residents, to be appointed, one by the landlord and the other by the occupant; otherwise the landlord should be called on to name an arbitrator to act with one to be named by the occupant, who are together to appoint a third in case of difference.

Composition of Committee of Arbitration.

In either case the landlord should be informed that, unless within a named time he either executes the necessary repairs or joins in the reference, the occupant will have the repairs done on the landlord's account and risk at the Public Works Departmental rates, and that the costs will be set off against the rent.

Notice as to executing repairs at cost of owner.

* * * * * * * *

Page 474. 1950. In cases where buildings in cantonments are required for public purposes, the officer of the Public Works Department in executive charge will, under the authority of the Officer Commanding the division or district, settle for the valuation and purchase of the same according to the rules of the Public Works Department, and recourse is only to be had to Committees of Arbitration in the event of any disagreement and on the application of the Executive Engineer or of the proprietor of the premises.

Purchase of buildings for public purposes.

Committee of Arbitration.

1951. Whenever it may be necessary to rent buildings for the use of the troops, the officer of the Public Works Department on the spot is in all cases to arrange for the hiring of such buildings and to obtain sanction for the arrangements in communication with, and assisted by, the local military authorities; and Officers Commanding stations are

Hiring of buildings for public purposes.

to bear in mind that they are bound to direct the officer of the Public Works Department to make all necessary provision for accommodating the troops in any emergency, whenever this is possible, rather than to act themselves, and thus accept a grave pecuniary responsibility in the event of their action being disapproved of.

When, however, the local military authorities have been obliged to act themselves owing to the absence of the Executive Engineer from the station, it is the duty of such officer on his return to suggest to them any modification of the arrangements which his knowledge and experience might suggest as better for the soldier or more for the interest of Government, and also to submit the arrangements for sanction as if originally made by himself.

1952. Officers Commanding stations are required, in cases of disputes relative to houses or lands in cantonments, before taking action thereon, to submit the same, with their opinion, for the consideration and approval of the General Officer in local command, who will transmit them to the Quarter Master General if he is unable to decide them himself. Page 475.

Disputes to be reported.

1953. On no account is any church, chapel, mosque, temple, tomb or other buildings devoted to religious use to be occupied as a dwelling-house or for any other purpose without the full and free consent of the persons interested in it, and the sanction of the principal civil or political authority on the spot. Page 475.

Buildings devoted to religious uses.

II.—Grants of Land.

(BENGAL AND BOMBAY.)

1994. In no case is any cantonment land to be enclosed or occupied without the sanction of the *General Officer Commanding*, and Commanding Officers are strictly prohibited from allowing any one to occupy a site under any circumstances whatever, until such sanction has been officially received; nor are the boundaries of compounds to be changed, without similar authority.* Page 481.

Sanction required to occupation of land.

Building-sites granted to officers in military cantonments should be no larger than is absolutely necessary, conforming as far as possible to the dimensions laid down in the Public Works Code.

Size of sites granted to officers.

†1994A. No old roads in cantonments are to be closed, or new ones opened without the sanction of the Commander-in-Chief.

Closing or opening of roads.

1995. All applications for unoccupied ground, for the purpose of being enclosed, built upon, or in any way appropriated to private purposes, are to be forwarded, for transmission to the Officer Commanding the station, through the officer of the Quarter Master General's Department at the station, or, in his absence, through the Cantonment Magistrate or Staff Officer of the station, as the case may be. Page 481.

Submission of application for land.

1996. The health and comfort of the troops are paramount considerations to which all others must give way, and the Commanding Officer will be held responsible that no ground is occupied in any way calculated to be injurious to either or to the appearance of the cantonment. In forwarding to the Assistant or Deputy Assistant‡ Quarter Master General any application for a grant, he must certify that it is not objectionable in these or any other respects. Page 481.

Certificate by Commanding Officer.

1997. All such applications are to be made on Bengal Form No. 85 / Bombay Form No. 212, and must be accompanied by a sketch or rough plan of the site applied for, embracing the portion of the cantonment adjacent to it, and exhibiting the roads, public buildings or private estates by which it is bounded; also any line of railway proposed or actually passing through the cantonment; and, where the line of railway does not immediately abut on the ground applied for, the direction and distance are to be shown. Page 481.

Form of application for land.
Plan of site.

This plan is to be authenticated by an officer of the Quarter Master General's Department at the station, or, when no such officer is present, by the Executive Engineer of the division, to the effect that no departmental objection is known to the application, and that the grant, if made, does not seem likely to interfere with any building existing or likely to be required.

Certificate by local officer of Quarter Master General's Department or Executive Engineer.

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* Paragraph 1994 is printed as altered by G. O. No. 51 of 1887.
† Paragraph 1994A was inserted by G. O. No. 51 of 1887.
‡ The words "Assistant or Deputy Assistant" were inserted by G. O. No. 51 of 1887.

Page 482.

1998. All grants are to be registered (Public Works Code,* paragraph 162, page 201) by the Cantonment Magistrate, where one is allowed, otherwise by the Staff Officer of the station; and all grants are to be immediately noted on the plan of the cantonment in the Quarter Master General's office.

Grants to be registered and noted on plan.

Page 482.

1999. No ground will be granted except on the following conditions, which are to be subscribed to by every grantee as well as by those to whom his grant may subsequently be transferred:—

Conditions of occupancy.

(*a*) Government to retain the power of resumption at any time on giving one month's notice and paying the value of such buildings as may have been authorised to be erected.

Resumption of land.

(*b*) The ground, being in every case the property of Government, cannot be sold by the grantee; but houses or other property thereon situated may be transferred by one military or medical officer or chaplain to another on a joint report being made to the Staff Officer, who will make the requisite entry in the register, except in the case of relief, when, if required, the terms of the sale or transfer are to be adjusted by a Committee of Arbitration.

Land belongs to Government.
Land cannot be sold by grantee.
Transfer of house between military officers.
Arbitration in case of transfer on relief.

(*c*) If the ground has been built upon, the buildings are not to be disposed of to any person who does not belong to the army until the consent of the Officer Commanding the station has been previously obtained under his hand.

Transfer of house to civilian.

(*d*) When it is proposed, with the consent of the Commanding Officer, to transfer possession to a native, the procedure prescribed in section VII, paragraph 724, is to be adhered to. This rule applies to officers and others in the service of Government only, but the sale or transfer of any house in cantonments must first receive the sanction of the local military authorities.

Transfer to native.
Sanction required to any transfer.

(*e*) The Commanding Officer has power to cancel the grant if the ground be not brought into use for the purpose specified within twelve months.

Cancellation of grant within twelve months.

* * * * * * * *

Bengal Form No. 85.

(Referred to in Army Regulations, India, 1887, Volume II, Part II, paragraph 1997, supra, page 33.)

Form.

APPLICATION FOR A GRANT OF LAND.

SIR,

I request you will apply for permission for me to occupy the ground herein described.

I have, etc.,

(Applicant's Signature.)

Site of ground.	Quantity.	Boundaries.	How to be occupied.	REMARKS.
				I fully understand the terms on which the occupation of the ground is permitted, and I hereby engage to comply with them without demur, and not to transfer the property to any other person except under the regulations in force at the time for the tenure of land and property in cantonments. And I further engage to build on the site applied for, and not to transfer this to anyone else for this purpose. *(Applicant's Signature.)*

* Edition of 1878.

BOMBAY.

Government General Order, dated 15th April, 1819.

The Governor in Council is pleased to publish for the information of the army the following Regulation passed on the 25th February in the Judicial Department, defining the powers of the police within the military bazars under this Presidency, and confirming the principle laid down in the General Orders by Government dated the 5th April, 1805, and 4th December, 1817:—

Aitchison's Code, 1824, page 41, Art. 25.

A. D. 1819, Regulation I.

* * * * * * * *

(iv) On receipt of this Regulation the limits of the cantonments, including the military bazars attached thereto, at which any division or corps of the army, or any considerable detachment (not less than half of a battalion) may be quartered, shall be fixed by the Commanding Officers in concert with the Criminal Judge or Zila Magistrate.

Ib., page 42, Art. 32.

Boundaries.

The Commanding Officer at each of those stations will accordingly submit to Government, through the usual channel, as soon as circumstances may conveniently admit, a report framed in concert with the Criminal Judge or Zila Magistrate, within whose jurisdiction the cantonments may be situated upon the local limits of the cantonments, forwarding at the same time any separate remarks which the Criminal Judge or Zila Magistrate may wish to make on the subject for the final orders of the Governor in Council.

Report as to boundaries.

(v) The above rules shall be considered applicable to all cantonments in which any considerable body of the troops, not being less than half a battalion, is quartered, whether the cantonments be situated at the place of residence of the Judge, Criminal Judge and Zila Magistrate or in any other part of the districts.

Ib., page 42, Art. 33.

Local extent of rules.

Government General Order, dated 6th January, 1827.

The Honourable the Governor in Council thinks it necessary to explain in General Orders that any permission which officers not provided with public quarters may receive to erect houses on ground within a fortress or military cantonment confers on them no right of property whatever in the ground allotted them for that purpose, which continues the property of the State, and resumable at the pleasure of Government.

Aitchison's Code, Supplement, 1832, page 27, Art. 92.

Land belongs to Government.

Resumption of land.

Government General Order, dated 1st May, 1827.

With a review to the better security of the health of the troops, the Governor in Council is pleased to establish it as a general rule that as soon as the limits of any military cantonment are fixed according to the existing regulations, all grounds not required to be occupied be immediately cleared and left vacant, and on no account appropriated for the cultivation of grain. It should be a particular duty of Commanding Officers to take care that no vegetation of any kind that threatens to be injurious to health should be permitted within the limits of cantonments.

Aitchison's Code, Supplement, 1832, page 194, Art. 38; Jameson's Code, 1844, page 112, Art. 243; Jameson's Code, 1850, page 132, Art. 5.

Land not required to be cleared and left vacant.

Cultivation.

Government letter, dated 8th January, 1830.

The Right Honourable the Governor in Council concurs with His Excellency the Commander-in-Chief as to the expediency of making it a general rule to fix the rent of houses within military cantonments.

Aitchison's Code, Supplement, 1836, page, 40, Art. 223.

Fixing of rent.

(N.B.—The rent of all such houses is to be fixed by a Committee.)

Ib.

Government (Bombay) General Order, dated 30th October, 1832.

As in conformity with the principle of Regulation XXII, A. D. 1827, section XXI, clause 1st, and of Government General Order, 6th January, 1827, Military Code, Second Supplement, page 27, Article 1804, no private landed property is to be included within the limits of cantonments in which the whole of the ground belongs to Government, the Right Honourable the Governor

Aitchison's Code, Supplement, 1836, page 28, Art.

Exclusion of private land.

in Council is pleased to declare that Commanding Officers have the power of removing from cantonments, and preventing the residence therein, of any person not being an officer or soldier belonging to the force, and that it is the duty of Commanding Officers of cantonments so to remove from within the limits all such persons whose residence therein they may deem objectionable under due responsibility to superior authority for the proper exercise of this power.

Power to remove civilians from cantonments.

Persons removed from a cantonment are, of course, to be allowed to dispose of or take away the materials of any building in the cantonment belonging to them, and their property of every description.

Right of excluded persons to remove their property.

Aitchison's Code, Supplement, 1836, page 36, Art. 205.

Government (Bombay) General Order, dated 22nd August, 1835.

Aitchison's Code, Supplement, 1836, page 39, Art. 217.

The Right Honourable the Governor in Council has been pleased to pass the following rules regarding the appropriation of unoccupied ground within the limits of military cantonments :

Rules as to appropriation of unoccupied land.

Ib., Art. 218.

(1) All applications for unoccupied Government ground, for the purpose of being enclosed, built upon or appropriated in any way whatsoever within the limits of military cantonments, are in the first instance to be made to the Commanding Officer of the station in which such ground is situated.

Submission of application for land.

Ib., Art. 219.

(2) The Commanding Officer of the station is held responsible that no such ground is occupied to the inconvenience of the service or the public or to the injury of the appearance of the camp or cantonment, and will satisfy himself on these points, and certify the same on the face of each application that he may forward.

Certificate by Commanding Officer.

Ib., Art. 220.

(3) If no objection exists, the application will be forwarded to the General or other Officer Commanding the division. But in all cases in which ground hitherto unappropriated is applied for for the purpose of being enclosed, the applications are to be handed up in the usual manner to His Excellency the Commander-in-Chief for the final approval of Government.

Approval required.

Ib., Art. 221.

(4) All such applications are in future to be made according to the annexed form.

Form of application.

Ib., Art. 222.

(5) It is to be understood that permission to occupy ground within the limits of a cantonment confers no proprietary right on the occupant.

Permission to occupy confers no proprietary right.

FORM.

Form.

To

The Assistant Quarter Master General (or other Staff Officer).

SIR,

I request you will procure permission for me to occupy the ground herein described :—

Situation of the ground.	Enclosed or open.	Extent.	Nature of the soil.	How to be laid out.	Bounded on the north, south, east and west.

Government General Order, dated 7th May, 1838.

Jameson's Code, 1844, pages 111, 112, 238 to 242 ; Jameson's Code, 1850, pages 118, 133, Arts. 7 to 17.

The various orders now in force in this Presidency in regard to the occupation of ground and the disposal of premises or buildings within the limits of military cantonments are rescinded, and the following regulations substituted :—

Rules as to occupation of land and disposal of land or buildings.

All applications for unoccupied ground, for the purpose of being enclosed, built upon or in any way appropriated to private purposes within the limits of a military cantonment are in the first instance to be made to the Commanding Officer of the station through the usual channel ; and in no case are the boundaries of compounds to be changed, old roads closed or new ones opened without the sanction of the Commanding Officer.

Submission of application for land.

Alteration of boundaries and closing or opening of roads.

As the health and comfort of the troops are paramount considerations, to which all others must give way, the Commanding Officer will be held responsible that no ground is occupied in any way calculated to be injurious to either, or to the appearance of the cantonment, and in forwarding any application for grant he must certify that it is not objectionable in those or any other respects.

Certificate by Commanding Officer.

When no objection occurs, the application is to be forwarded through the prescribed channel by the Commanding Officer of the station to the Quarter Master General of the army, who, if the Commander-in-Chief approves, will submit it for the orders of Government.

Orders of Government required.

All such applications are to be made according to the annexed form.

Form of application.

(FORM.)

To

The Assistant Quarter Master General (or other Staff Officer).

SIR,

I request you will procure permission for me to occupy the ground herein described :—

Situation of the ground.	Enclosed or open.	Extent.	Nature of the soil.	How to be laid out.	Bounded on the north, south, east and west.

Permission to occupy ground in a military cantonment confers no proprietary right on the occupant : it continues the property of the State and resumable at the pleasure of Government : but in all practicable cases one month's notice of resumption will be given, and the value of all buildings which may have been erected thereon, as estimated by a Committee, will be paid to the owner.

Permission to occupy confers no proprietary right.

Resumption of land.

Committee of Arbitration.

Houses or other property situated on such ground may be transferred by one officer to another without restriction (beyond the permission of the local Commanding Officer to the purchaser to live in a particular quarter or section of the cantonment), recourse being had in cases of dispute to a Committee of Arbitration, whose decision shall be binding on both parties.

Transfer of houses between military officers.

Committee of Arbitration.

Whenever the Commanding Officer at a station shall deem it necessary for the public service, or for the accommodation of the officers or soldiers at that station, to take possession of any house occupied within the cantonment by a person not being an officer or soldier of the force at such station, the occupant shall receive the full value of such house as a building, and, in case of its being intended to keep up such house, it shall be at the option of the previous occupant to claim either its full value as purchase, or a fair rent for the occupation of the same; the rent or value in the above case to be determined by a Committee of Arbitration.

Owner to have option to let or sell.

Committee of Arbitration.

When houses of the officers of one corps are to be transferred to those of another, as on occasion of a relief, if a difference of opinion should arise as to the terms of transfer, the price shall be fixed by a Committee of Arbitration.

Committee of Arbitration.

Committees of Arbitration assembled under this order are to be composed of five officers having no interest in the subject of reference. In all practicable cases the Officer Commanding the cantonment should preside, and an officer of the Quarter Master General's Department and of the Engineers, if present, should be ordered to assist. The decision of such Committees to be final.

Composition of Committees of Arbitration.
No appeal.

In all cases where houses occupied by a person not being an officer or soldier of the force at that station are taken possession of as above-mentioned, care shall be taken to consult the advantage and convenience of the occupants as far as the exigency of the case and the public interests will permit, and the Committee of Arbitration appointed to fix the value or rent of such a house shall take fully into their consideration all the circumstances of the case, and any representation made by or on behalf of the occupants, before they make their award; and the proceedings of the Committee shall be submitted to His Excellency the Commander-in-Chief, who may direct a revision by the same or any other Committee if he thinks proper, and no award of any Committee shall be carried into effect until it shall have received His Excellency's sanction and approbation.

Precautions in requiring change of tenants.

Proceedings of Committee of Arbitration to be submitted to Commander-in-Chief.

Government General Order No. 496, dated 27th August, 1844.

Jameson's Code, 1850, page 132, Arts. 1 to 4.

Government is pleased to direct that, whenever it may be required to mark the limits of cantonments, particular attention be paid to the section * of Regulations XXII of 1827, *viz.*—

Boundaries.

Clause 1st.—"At military stations situated within the territories subordinate to the Presidency of Bombay, the limits of cantonments or bazars shall, when directed by the Governor in Council, be marked by the local Magistrate and Commanding Officer in conjunction, subject to approval by the Governor in Council, in which limits private property is not to be included.

Exclusion of private land.

Clause 2nd.—"The above-mentioned officers will report the limits, with a plan thereof, to the Governor in Council, and, when they have been approved, a plan shall be kept by the Magistrate and another by the Commanding Officer."

Plan.

When the local Magistrate and Commanding Officer shall in conjunction have marked the limits, the report and the plan thereof are to be signed by both these officers before they are submitted for the approval of Government and for publication in General Orders.

Whenever an alteration may be required in any part of the limits of a cantonment which have been regularly marked out and published, the local Magistrate and Commanding Officer are to draw up and sign a report and plan of the entire limits after alteration; and a new description will then be published in General Orders which will be considered to supersede and cancel the former description altogether.

Alteration of boundaries.

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* *i. e.*, section 21.

General Order by the Commander-in-Chief, dated 7th July, 1847.

Jameson's Code, 1850, page 133, Art. 18.

The Commander-in-Chief calls attention of all Officers Commanding divisions and stations to the Order of the 7th May, 1838, laid down by Government for the disposal of ground in military cantonments; and the circumstance of any enclosure having been obtained without these rules being observed, if brought to His Excellency's notice, will cause it to be immediately resumed, and should any buildings have been erected thereon, they will be cleared away at the expense of those who granted it.

Enforcement of rules of May, 1838.

Government letter, dated 20th August, 1847.

Jameson's Code, 1850, page 133, Art. 19.

Government direct that any deviations from the above regulations on the part of local Commanding Officers will not be permitted, and any grant made without due authority for the purpose of a new enclosure or the extension of an old one will, whenever brought to notice, be immediately annulled.

Enforcement of rules of May, 1838.

Government General Order No. 569, dated 8th November, 1849.

Jameson's Code, 1850, page 927 Art. 22.

Government directs the publication of the following rules connected with the formation and conservation of cantonments, in addition to those already existing, and as an addenda to those of 1838:—

Ib., Art. 23.

The limits of every military cantonment shall be fixed by the Commmanding Officer of the station, in concert with the Political Officer or Collector of the district, marked by boundary stones, or in some other equally permanent manner, and the description thereof published in General Orders.

Boundaries.
Regulation XXII, Chapter IV, Section XXI; Clause I, Civil Regulations, 1827.

Ib., Art. 24.

A plan of every cantoment so marked to be signed by these authorities will be kept in the Quarter Master General's office, where it will be duly registered.

Plan.

Ib., Art. 25.

Officers Commanding divisions of the army, or in charge of cantonments, shall not permit dwelling-houses or such like buildings to be erected within the limits of a military station until they shall have obtained the sanction of Government through the prescribed channel.

Sanction required to building.

Ib., Art. 26.

The preservation of cleanliness is of the first importance; and to this end the encroachment of huts or shops, temporary or otherwise, beyond the space already marked out for that purpose, or extending enclosures or court-yards, without the sanction of Government, is to be particularly prevented. Any person erecting such buildings without this necessary sanction shall be liable to have them demolished, and he will be required to remove the materials at his own cost.

Encroachments.

Removal of buildings erected beyond boundaries.

* * * * * * * * *

Ib., Art. 28.

Owners of houses within cantonments, not being resident, military officers, are required to have their names registered in the Major or Brigade or Station Staff Officer's office, together with the *bonâ fide* value of their buildings, monthly rent and the names of their occupants.

Registration of value and rent of buildings and names of occupants.

Ib., Art. 29.

The rent of all buildings to be limited to 20 per cent. of their *bonâ fide* value if taken from month to month, or 15 per cent. if for a period of twelve months; and in case of dispute this value to be determined by a Committee of Arbitration, as laid down in the Code, paragraph 133, Article 16.

Limitation to rate of rent.

Committee of Arbitration.

Ib., Art. 30.

But, as no rule can be framed for making this estimate, the Committee will be guided by their own judgment and experience when taking into consideration the value of the materials composing each building, its state of repair, accommodation and general convenience.

Procedure in fixing rent.

Ib., Art. 31.

Should the rent charged be found to exceed 20 per cent. in the former case and 15 in the latter of the *bonâ fide* value of the buildings, it shall be reduced to that standard. It is to be understood that this percentage includes the cost of all annual and necessary repairs, etc., should the house-owner be bound to make them.

Reduction of rent to standard.

Jameson's Code, 1850, page 927, Art. 32.

Reduction of rent and execution of repairs by tenant.

In the event of the house-owner refusing to lower his rent or declining to make the repairs required, should such be his agreement, the tenant will be at liberty, with the previous sanction of the Officer Commanding the station, to make them himself, deducting the cost thereof, as well as the sum in excess of the percentage laid down in the preceding paragraph, from the rent.

Ib., Art. 33.

Local extent of rules.

The above rules are to be considered applicable to all military stations under this Presidency, excepting the garrison of Bombay.

Government General Order, No. 677, dated 15th December, 1851.

Jameson's Code, 1850, Appendix No. I, 1852, page 20, Art. 129.

Rules as to boundaries, occupation of land and buildings, and dispósal of land and buildings.

The following modified rules connected with cantonments and houses, cancelling paras. 7 to 17, pages 132 and 133, of the Code, and paras. 22 to 33 ,page 927, addenda to Code, are published for general information :—

Ib., Art. 130.

Boundaries.

The limits of every military cantonment shall be fixed by the Comanding Officer of the station, in concert with the Political Officer or Collector of the district, marked by boundary stones, or in some other equally permanent manner and the description thereof published in General Orders.

Ib., Art. 131.

Plan.

A plan of every cantonment so marked to be signed by those authorities will be kept in the Quarter Master General's office, where it will be duly registered.

Ib., Art. 132.

Submission of application for land. Alteration of boundaries and closing or opening of r[illegible].

All applications for unoccupied ground, for the purpose of being enclosed, built upon or in any way appropriated to private purposes* within the limits of military cantonments, are in the first instance to be made to the Commanding Officer of the station through the usual channel; and no case are the boundaries of compounds to be changed, old roads closed or new ones opened without the sanction of the Commanding Officer.

Ib., Art. 133.

Certificate by Commanding Officer.

As the health and comfort of the troops are paramount considerations to which all others must give way, the Commanding Officer will be held responsible that no ground is occupied in any way calculated to be injurious to either or to the appearance of the cantonment; and, in forwarding any application for grant, he must certify that it is not objectionable in those or any other respects.

Ib., Art. 134.

Orders of Government required.

When no objection occurs, the application is to be forwarded through the prescribed channel, by the Commanding Officer of the station, to the Quarter Master General of the army, who, if the Commander-in-Chief approves, will submit it for the orders of Government.

Ib., Art. 135.

Form of application.

All applications are to be made according to the annexed form :—

To

The Assistant Quarter Master General (or other Staff Officer).

SIR,

I request you will procure permission for me to occupy the ground herein described :—

Situation of ground.	Enclosed or open.	Extent.	Nature of the soil.	How to be laid out.	Bounded on the north, south, east and west.

* The words "to private purposes" were cancelled by G. G. O., dated 11th November, 1853, *post*.

Jameson's Code, 1850, Appendix No. I, 1852, page 20, Art. 136.

Sanction required to building.

Officers Commanding stations shall not permit private* buildings to be erected within the limits of a military station until they shall have obtained the sanction of Government through the prescribed channel.

Ib., Art. 137.

Encroachments. Removal buildings erected beyond boundaries.

The preservation of cleanliness is of the first importance, and to this end the encroachment of huts or shops, temporary or otherwise, beyond the space already marked out for that purpose, or extending enclosures or court-yards, without the sanction of Government, is to be particularly prevented. Any person erecting such buildings, without this necessary sanction will be liable to have them demolished, and to be required to remove the materials at his own cost.

* * * * * * * * *

Ib., Art. 139.

Permission to occupy confers no proprietary right. Resumpt on of land. Committee of Arbitration.

Permission to occupy ground in a military cantonment confers no proprietary right. It continues the property of the State, and resumable at the pleasure of Government; but in all practicable cases one month's notice of resumption will be given, and the value of all buildings which may have been erected thereon, as estimated by a Committee, will be paid to the owner.

Ib., Art. 140.

Transfer of houses between military officers. Committee of Arbitration.

Houses or other property situated on such ground may be transferred by one officer to another without restriction (beyond the permission of the local Commanding Officer to the purchaser to live in a particular quarter or section of the cantonment), recourse being had in cases of dispute to a Committee of Arbitration, whose decision, duly confirmed, shall be binding on both parties.

Ib., page 21, Art. 141.

Owner to have option to let or sell. Committee of Arbitration.

Whenever the Commanding Officer at a station shall deem it necessary for the public service, or for the accommodation of the officers or soldiers at that station, to take possession of any house within the cantonment owned by a person not being an officer or soldier of the force at such station, the owner shall receive the full value of such house as a building; or, in case of its being intended to keep up such house, it shall be at the option of the owner to claim either its value or a rent for occupation, such rent or value to be determined by a Committee of Arbitration.

Ib., Art. 142.

Committee of Arbitration.

When houses of the officers of one corps are to be transferred to those of another, as on occasion of a relief, if a difference of opinion should asise as to the terms of transfer, the price or rent shall be fixed by a Committee of Arbitration.

Ib., Art. 143.

Composition of Committee of Arbitration.

Committees of Arbitration assembled under this order are to be composed of five officers having no interest in the subject of reference, especially selected for their judgment and experience, the owner being allowed to name one member, a military officer at the station, and willing to officiate; in all practicable cases the Officer Commanding the cantoment should preside, and an officer of the Quarter Master General's Department and of the Engineers if present should be ordered to assist.

Ib., Art. 144.

Precautions in requiring change of tenants. Proceedings of Committee of Arbitration to be submitted to Commander-in-Chief.

In all cases where houses are taken possession of as above-mentioned, care shall be taken to consult the advantage and convenience of the occupants and owners, as far as the exigency of the case and the public interest will permit; and the Committee of Arbitration appointed to fix the value or rent of such a house shall take fully into their consideration any representation made by or in behalf of the owners, before they make their award; the owner, or his agent, in all practicable cases to be warned of the intended assembly of a Committee and invited to attend; and the proceedings of the Committee shall be submitted, with any remarks thereon the Officer Commanding the station and division may think advisable, to the Commander-in-Chief, who may direct a revison by the same or by any other Committee, if he think proper; and no award of any Committee shall be carried into effect until it shall have received His Excellency's sanction.

* The word "private" was cancelled by G. G. O., dated 11th November, 1853, *post*.

Jameson's Code, 1850, Appendix No. I, 1852, page 20, Art. 145.

Registration of value and rent of buildings and names of occupants.

Owners of houses within cantonments, not being resident military officers, are required to have their names registered in the Major or Brigade or Staion Staff Officer's office, together with the *bonâ fide* value of their buildings, monthly rent and the names of their occupants.

Ib., Art. 146.

Owner to record whether he desires to sell or let.

The owner of every house coming under this order, in giving in the value and rent of his property, will at the same time record if it is his desire to sell or rent, and he is not to be allowed to change the record but by permission of the Brigadier of the station on his showing sufficient grounds.

Ib., Art. 147.

Limitation to rate of rent.

The rent of buildings valued by Committees to be not less than 20 per cent. of their *bonâ fide* value if taken from from month to month, or 15 per cent. if for twelve months or more; but Committees may award as much more as in their judgment, considering the probable deterioration, cost of repairs, and any local or peculiar circumstances, may be a just and sufficient return for money invested in house property. If an officer taking a house for twelve months quits it under any circumstances before that period has expired, he is to pay the higher percentage for the time of actual occupation.

Ib., Art. 148.

Procedure in fixing rent.

In estimating the value of houses, the opinion of an Engineer Officer, when available, should always be taken; any circumstances tending to enhance its value to the tenant, such as extensive grounds, gardens, advantageous situation, etc., should also be attended to by the Committee.

Ib., Art. 149.

Reduction of rent and execution of repairs by tenant.

In the event of a house-owner refusing to lower his rent to the standard fixed by a Committee, or declining to make the necessary repairs, the tenant will be at liberty, with the previous sanction of the Officer Commanding the station as to extent and amount, to make them himself, deducting the cost thereof, as well as the sum in excess of the percentage, from the rent.

Ib., Art. 150.

Recovery of rent.

In any case where a house-owner shall represent that there is difficulty or delay in procuring the stipulated amount of house-rent, the Commanding Officer of the station is authorised, if on enquiry it appears to him expedient to do so, to direct the amount to be deducted monthly from the officer's abstract and paid over to the owner by the regimental Paymaster.

Ib., page 22, Art. 151.

Local extent of rules.

The above rules are to be considered applicable to all military stations under this Presidency, excepting the garrison of Bombay.

General Order by the Commander-in-Chief, dated 16th May, 1853.

Jameson's Code, 1850, Appendix No. II, 1854, page 18, Art. 172.

The following orders relating to good order and cleanliness in cantonments are published:—

Sale of land illegal.

1st.—By Article 139, Section XI, Appendix No. 1, to Jameson's Code, it is declared that permission to occupy ground in a millitary cantonment confers *no proprietary right*, yet cases have been brought to notice where land in cantonments, the use or occupation of which has been granted to officers by Government, has been *sold* to natives. Such acts are illegal and dishonest.

Ib., Art. 173.

Houses not claimable as of right for occupation by civilians.

2nd.—No persons, except military officers belonging to a force at a station, or to the divisional or general staff, can *of right* occupy houses in a cantonment, or without obtaining the permission of the Officer Commanding to do so; but this permission is only to be refused on public grounds, and every desire is to be shown to accommodate officers in the public service whose duty requires them to live in or near a cantonment, and other persons of irreproachable character and conduct.

Ib., page 19, Art. 174.

Precautions in requiring change of tenants.

3rd.—The power accorded by paragraph 141, Section XI, Appendix No. 1, of the Code, to an Officer Commanding a station to take possession of a house owned or occupied by a person not belonging to the force is to be exercised with the greatest reserve and considered as applying only to extreme cases. No house to be taken possession of against the will of the owner or occupier because a military officer may simply *prefer it to others*, but only when it can be satisfactorily shown that no other house befitting his rank is to be procured within a reasonable distance from the part of the cantonment where his public duty specially requires his presence.

Jameson's Code, 1850, Appendix No. II, 1854, page 18, Art. 175.

4th.—When a necessity occurs for removing any person from his house for the benefit of an officer of the force, a party not on duty or belonging to the public service, and as far as practicable the last comer, is to be the first to be displaced.

New tenant to carry out engagements of previous tenant.

An officer in whose favour another party has been removed from a house is to make good all engagements to which the previous tenant was liable.

Ib., Art. 176.

Staff Officers.

Staff Officers may be allowed to live in any part of a cantonment.

Ib., Art. 177.

Encroachments.

6th.—The prohibition in paragraphs 18 and 19, Section XI of the Code, to the alteration of compound limits, without sanction of Government, applies to internal as well as external alterations.

Ib., Art. 178.

7th.—Commanding Officers of regiments aided by their Quartermasters, are to be held responsible that the regulations in paragraphs 123, 137 and 138, Section XI, Appendix No. I, to the Code, are observed within the lines of their respective corps by all who reside within such lines, whether belonging to the regiment or not.

Ib, Art. 179.

Expulsion from cantonment.

8th.—If the directions to non-military parties relative to these orders are after due warning unattended to, Officers Commanding stations may compel them to leave the cantonment.

* * * * * * * *

Government General Order No. 674, dated 11th November, 1853.

Jameson's Code, 1850, Appendix No II, 1854, page 17, Art. 154.

To prevent misconception hereafter, the words "*to private purposes*" in Art. 132, and "*private*" in Art. 136, Section XI, Appendix No. I to Jameson's Code, are cancelled.

Government Resolution, Military Department, No. 816, dated 15th March, 1862 and General Order by the Commander-in-Chief, No. 338, dated 29th March 1862.

Permission to occupy confers no proprietary right.
Land belongs to Government.
Resumption of land.
Committee of Arbitration.

Permission to occupy ground in a military cantonments confers no proprietary right It continues the property of the State, and resumable at the pleasure of Government; but in all practicable cases one month's notice of resumption will be given, and the value of all buildings which may have been erected thereon, as estimated by a Committee, will be paid to the owners.

In sales of land only a right of occupancy is transferred.

Allotments of ground cannot be sold to any one, but the right of occupancy of an allotment in the sadr bazar of a cantonment may be sold where a fixed rate has been established by the Brigadier in conjunction with the cantonment staff and approved of by the Commander-in-Chief: it being clearly understood that it is only the occupancy that is to be sold, subject to the conditions specified in this paragraph; it being further understood that where more than one candidate comes forward for the same lot, an auction will be held, and the right of occupancy knocked down to the highest bidder. In the case of resumption of the ground, the price paid for the right of occupancy will be repaid to the occupant.

Government Resolution, Military Department, No. 2631, dated 29th June, 1870.

Permission to occupy land is cantonment in foreign territory.

It has been ruled by Government that there appears to be no reason why the military authorities should not grant a right of occupancy in cantonment limits at stations situated within foreign territory on the same conditions on which the right is granted in military cantonments in British India. These conditions effectually protect the sovereign or proprietary rights of the State in the land, and so long as these remain unaffected no objection can be legitimately made to any arrangements which the military authorities may find it necessary to adopt for the internal administration of a cantonment.

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SECTION 18.—CANTONMENTS.

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I.—GENERAL RULES.

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4. The limits of cantonments or bazars shall be marked by the Magistrate or Political Agent and Commanding Officer in conjunction. In marking out the limits of new cantonments, private property is not to be including therein.

Boundaries.
Exclusion of private land.

5. When the local Magistrate and Commanding Officer shall in conjunction have marked the limits, a report and plan thereof are to be signed by both these officers and submitted through the Quarter Master General for the approval of Government and for publication, when approved, in General Orders; the limits are then to be marked by pillars or in some other equally permanent manner.

Report and plan as to boundaries.
Boundaries.

6. A plan of every cantonment so marked and signed will be kept in the Quarter Master General's office, where it will be duly registered, and a copy thereof, with a register of enclosures, will be furnished by the divisional or District Assistant Quarter Master General to each Brigadier or Station Commanding Officer, who is to report to divisional head quarters all changes in boundaries or occupations as they occur. All such changes are to be reported by the Divisional Assistant to the Quarter Master General to enable him to correct the register and standard plans in his office.

Record of plan showing boundaries.
Alteration of boundaries.

7. Whenever an alteration may be required in any part of the limits of a cantonment which have been regularly marked out and published, the Magistrate and Commanding Officer are to draw up and sign a report and plan of the entire limits, as proposed after alteration, and a new description will then be published in General Orders which will be considered to supersede and cancel the previous plans and register.

New plan on alteration of boundaries.

8. When an extension of cantonment limits, or the acquisition of ground for other military purposes is proposed, the General Officer Commanding the division concerned will prepare (in communication with the civil authorities) a sketch plan exhibiting the ground asked for, together with a description of the same.

Procedure for extending boundaries.

This plan and description, accompanied by a detail of the reasons on which the acquisition of the land is urged, and a statement of the probable cost of obtaining possession, will be submitted for the information of His Excellency the Commander in-Chief, who, should the object to be attained by the proposed acquisition warrant the proceeding, will forward the same for the sanction of Government.

9. The boundaries of sadr, station and regimental bazars, and of any villages within limits of cantonments, are also to be defined by pillars of masonry.

Boundaries of bazars and villages.

10. The preservation of cleanliness is of the first importance, and to this end the encroachment of huts or shops, temporary or otherwise, beyond the space already marked out for that purpose, or extending enclosures or courtyards without the sanction of Government, is to be particularly prevented. Any person erecting such buildings without this necessary sanction will be liable to have them demolished, and to be required to remove the materials at his own cost (paragraph 160).

Encroachments.

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14. No deviation from the fixed limits of a cantonment, or from those of the lines, bazars or enclosures surrounding Government buildings, is permitted without the sanction of Government, to be applied for through the Quarter Master General's Department.

Alteration of boundaries.

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19. The regimental and departmental lines, and all unoccupied ground in military cantonments, are to be guarded from the intrusion of persons unconnected with the corps or departments for whom the lines are intended.

Intrusion.

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31. All matters connected with cantonment lands and boundaries will be conducted, under the orders of the Commanding Officer, by the officer of the Quarter Master General's Department at the station, or, in his absence, by the Cantonment Magistrate or the Staff Officer of the station, assisted, if necessary, by the Executive Eugineer. Questions requiring the decision of higher authority are to be referred to head-quarters through the Quarter Master General.

Officer to perform duties connected with lands and boundaries.

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33. The use of private lands for military purposes should be obtained through the Quarter Master General of the Army.

Obtainment of private lands for military purposes.

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Rent or Sale or Private Buildings.

35. A military cantonment is, as its designation implies, a locality set apart primarily for military and medical officers, chaplains, soldiers, subordinates attached to the troops and their families, for whom houses situated within such limits are by priority of right available.

Military character of cantonments.
Priority of claim of military men to houses.

Regimental officers are required ordinarily to live near the lines of their respective corps.

Regimental officers to live near their lines.

36. Civil and political officers of Government, and officers of the Public Works Department, are permitted to reside within the limits of military cantonments whenever the public interests may require that they should so reside, or whenever special grounds may exist for granting the indulgence, such as the want of other available shelter or the necessity of ensuring their personal safety; but these exceptions are not ordinarily to interfere with the priority of right possessed by military officers and others on duty at the station to the houses within its boundaries.

Civilians permitted to reside in cantonments.

37. In the event of a house in cantonments occupied by a non-military resident being required for an officer, a formal notice should be served on the occupant requiring him to vacate by a certain date, and warning him that, in the event of his declining or failing to comply, legal proceedings will be taken to enforce compliance. Should the notice (which should be personally served if possible) fail of effect, intimation of the same should be forwarded to Government in order that the necessary steps may be taken in the matter.

Compulsory transfer of tenants.
Notice.
Legal proceedings.

Commanding Officers should not, however, have recourse to this measure except under the most unavoidable circumstances, when houses are claimable and absolutely necessary for the accommodation of officers whose services are actually required in the station, and for whom shelter is not available within a fairly reasonable distance of their duty. In the case of civil or political officers, or officers of the Public Works Department, applications for their removal are to be made to the Commander-in-Chief through the Quarter Master General for submission to Government.

Precautions in requiring change of tenants.

38. The owner of any house in a military cantonment not occupied by a person belonging to the army on duty at the station, or by a person in the service of Government directed or authorised by Government to reside therein, may be required to rent the same to any military officer belonging to the station who may require it to reside in if the Officer Commanding the station is satisfied that there is no other suitable house.

Power to require owner to let house to military officer.

available (paragraph 46), with due regard to the rank of the claimant and to the duties he may have to perform.

In every such case, however, if the owner shall have formally intimated to the officer who has so obtained the house his desire to sell rather than to let it, and the offer shall not have been accepted, the officer shall at any time be required to vacate it within a week of his receiving notice through the Staff Officer of the station that the house has been sold, with the consent of the Commanding Officer of the station, to another military officer on duty at the station who requires it for his own residence.

Vacation of house on sale to another officer.

The rent to be paid in such cases, or the price to be paid for the house when the claimant accedes to the owner's desire that he shall purchase it, shall be fixed, in the event of the parties disagreeing as to the amount, by a Committee of Arbitration, to be assembled by order of the Officer Commanding the division or district, after he has fully satisfied himself as to the necessity for the same, and that the application for the Committee is not opposed to the orders of Government (paragraphs 42 and 44).

Committee of Arbitration.

39. When a house is required to be rented for a military or medical officer under the conditions laid down in these regulations, the right to insist on anything beyond a monthly tenancy does not exist in cantonments unless there is some specific authority for taking the building out of the usual conditions on which land for building purposes is usually granted for military limits.

Monthly tenancy.

40. In all cases of dispute the owner should be called upon, previous to the assembly of the Committee of Arbitration, to elect whether he will rent or sell his house. Should he elect to rent the house, the Committee cannot compel him to sell it.

Owner to have option to let or sell.

41. A tenant who has once taken possession of a house, or who is occupying it, cannot appeal for any reduction of rent which he may have agreed to pay, nor can a Committee be assembled to arbitrate on this point.

Reduction of rent not claimable by tenants.

42. Committees of Arbitration are to be composed of a civil officer (the principal one, if practicable, at or in the vicinity of the station), the Commanding Officer of the cantonment, and *any* other individual (who need not belong to either the civil or military services) whom the proprietor of the house may please to nominate. When the Commanding Officer of the station is an interested party, the next senior officer is to be nominated one of the Committee in his stead.

Composition of Committee of Arbitration.

43. When a house is transferred from one officer to another on the occasion of a relief, and a difference arises as to terms, the price or rent is to be fixed by a Committee constituted, as above, with an additional member to be nominated by the intending occupant or purchaser (paragragh 44).

Reference to Committee of Arbitration in case of transfer on relief.

44. In the case referred to in paragraph 38, the decision of the Committee of Arbitration is to be conclusive, unless it be reversed by Government, for whose orders the proceedings are to be submitted through the regular channel, whenever the proprietor of the premises is dissatisfied with the award; but in the case referred to in paragraph 43 there is no appeal from the decision of the Committee, which is to be final.

Appeal when to lie from decision of Committee of Arbitration.

45. Due notice shall in every instance be given to proprietors of premises, or to their agents, by the Commanding Officer of the cantonment of the intention to hold a Committee thereon; and in the event of the owner or agent neglecting to nominate a member of such Committee after having received the notice,—which, if the owner or agent be a non-resident in the cantonment or its vicinity, shall be taken to mean an official notification dated one month prior to the day on which the Committee is to assemble,—the Commanding Officer will, under the orders of the Officer Commanding the division or district, nominate a member of the Committee to represent such proprietor, and the Committee shall thereupon proceed to arbitration.

Notice of intention to convene Committee of Arbitration.

Nomination of member to represent owner.

46. When an officer to whom a house in cantonments has been specially allotted under these regulations may choose, on going away on leave or on temporary duty, to give it up, he has no right to claim the special allotment of a house on his return, under the provisions of paragraph 38, should a suitable one not be at the time available for rent. In the event of any special circumstances rendering a departure from this rule necessary, the case should be referred to the Quarter Master General for the decision of His Excellency the Commander-in-Chief.

Officer giving up house on temporarily leaving cantonment to have no claim to re-allotment.

47. In the event of a tenant of a house considering that a house requires repairs, and is unable to induce the owner to execute them, he should call on his landlord to join with him in appointing a Committee of Arbitration to decide the question.

Committee of Arbitration for repairs.

If the cantonment rules are in force, the Committee will be composed of one civilian, the Officer Commanding the station, and two officers or European residents, to be appointed, one by the landlord and other by the occupant; otherwise the landlord should be called on to name an arbitrator to act with one to be named by the occupant, who are together to appoint a third in case of difference.

Composition of Committee of Arbitration.

In either case the landlord should be informed that, unless within a named time he either commences the necessary repairs or joins in the reference, the occupant will have the repairs done on the landlord's account and risk at the Public Works Departmental rates, and that the costs will be set off against the rent.

Notice as to executing repairs at cost of owner.

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49. In cases where buildings in cantonments are required for public purposes, the officer of the Public Works Department in executive charge will, under the authority of the Officer Commanding the division or district, settle for the valuation and purchase of the same according to the rules of the Public Works Department, and recourse is only to be had to Committees of Arbitration in the event of any disagreement, and on the application of the Executive Engineer or of the proprietor of the premises.

Purchase of buildings for public purposes.

50. Whenever it may be necessary to rent buildings for the use of the troops, the officer of the Public Works Department on the spot is *in all cases* to arrange for the hiring of such buildings, and to obtain sanction for the arrangements in communication with, and assisted by, the local military authorities; and Officers Commanding stations are to bear in mind that they are bound to direct the officer of the Public Works Department to make all necessary provision for accommodating the troops in any emergency, whenever this is possible, rather than to act themselves, and thus accept a grave pecuniary responsibility in the event of their action being disapproved of.

Hiring of buildings for public purposes.

When, however, the local military authorities have been obliged to act themselves owing to the absence of the Executive Engineer from the station, it is the duty of such officer on his return to suggest to them any modification of the arrangements which his knowledge and experience might suggest as better for the soldier or more for the interests of Government, and also to submit the arrangements for sanction as if originally made by himself.

51. Officers Commanding stations are required in cases of dispute relative to houses or lands in cantonments, before taking action thereon, to submit the same, with their opinion, for the consideration and approval of the General Officer in local command, who will transmit them to the Quarter Master General if he is unable to decide them himself.

Disputes to be reported.

52. Mosques, temples or other buildings of a religious description, which may be within the boundaries of a cantonment, are not to be occupied as dwelling-houses without the most positive assurance that the religious habits or feelings of the natives are not likely to be in any way offended thereby.

Buildings devoted to religious uses.

II.—Grants of Land.

53. In no case is any cantonment land to be enclosed or occupied without the sanction of the Commander-in-Chief; and Commanding Officers are strictly prohibited from allowing any one to occupy a site *under any circumstances whatever*, until such sanction shall have been officially received; nor are the boundaries of compounds to be changed, old roads closed or new ones opened without similar authority.

Sanction required to occupation of land.

Alteration of boundaries and closing or opening of roads.

Building-sites granted to officers in military cantonments should be no larger than is absolutely necessary.

Size of site granted to officers.

No application for ground within cantonment limits, other than the bazar, can be received from persons who are not Government servants requiring residence in cantonments for the performance of their duties.

Applications from private persons barred.

54. All applications for unoccupied ground, for the purpose of being enclosed, built upon or in any way appropriated to private purposes, are to be forwarded, for transmission to the Officer Commanding the station, through the officer of the Quarter Master General's Department at the station, or, in his absence, through the Cantonment Magistrate or Staff Officer of the station, as the case may be.

Submission of application for land.

55. The health and comfort of the troops are paramount considerations to which all others must give way, and the Commanding Officer will be held responsible that no ground is occupied in any way calculated to be injurious to either or to the appearance of the cantonment. In forwarding to the Quarter Master General any application for a grant, he must certify that it is not objectionable in these or any other respects.

Certificate by Commanding Officer.

56. All such applications shall be made according to Bombay Form No. 212 and must be accompanied by a sketch or rough plan of the site applied for, embracing the portion of the cantonment adjacent to it, and exhibiting the roads, public buildings or private estates by which it is bounded; also any line of railway proposed or actually passing through the cantonment; and where the line of railway does not immediately abut on the ground applied for, the direction and distance are to be shown.

Form of application for land.
Plan of site.

This plan is to be authenticated by the officer of the Quarter Master General's Department at the station, or, when no such officer is present, by the Executive Engineer of the division in which the cantonment may be situated.

Authentication of plan by local officer of Quarter Master General's Department or Executive Engineer.

Such application must also be accompanied by a certificate from the Executive Engineer of the division to the effect that no departmental objection is known to the application, and that the grant, if made, does not seem likely to interfere with any building existing or likely to be required.

Certificate by Executive Engineer.

57. All grants are to be registered by the Cantonment Magistrate, where one is allowed, or otherwise by the Staff Officer of the station, and all grants are to be immediately noted on the plan of the cantonment in the Quarter Master General's office.

Grants to be registered and noted on plan.

58. No ground will be granted except on the following conditions, which are to be subscribed to by every grantee, as well as by those to whom their grants may subsequently be transferred:—

Conditions of occupancy.

(*a*) Government to retain the power of resumption at any time on giving one month's notice and paying the value of such buildings as may have been authorised to be erected.

Resumption of land.

(*b*) The ground, being in every case the property of Government, cannot be sold by the grantee; but houses or other property thereon situated may be transferred by one military or medical officer or chaplain to another on a joint report being made to the Staff Officer, who will make the requisite entry in the register, except in the case of relief, when, if required, the terms of the sale or transfer are to be adjusted by a Committee of Arbitration.

Land belongs to Government.
Land cannot be sold by grantee.
Transfer of house between military officers.
Arbitration in case of transfer on relief.

(*c*) If the ground has been built upon, the buildings are not to be disposed of to any person who does not belong to the army until the consent of the Officer Commanding the station shall have been previously obtained under his hand.

Transfer to civilian.

(*d*) When it is proposed, with the consent of the Commanding Officer of the station, to transfer possession to a native, the sale must not be effected until the sanction of Government shall have been obtained.

Transfer to native.

(*e*) The Commanding Officer shall have power to cancel the grant if the ground be not brought into use for the purpose specified within twelve months.

Cancellation of grant within twelve months.

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SECTION XVII.—CANTONMENTS.

I.—General Rules. | II.—Grants of Land.

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I.—General Rules.

BENGAL AND BOMBAY.

[See paragraphs 1921 to 1953, *supra*, pages 30 to 33.]

BOMBAY.*

1954. The limits of cantonments or bazars shall be marked by the local Magistrate or Political Agent and Commanding Officer in conjunction. In marking out the limits of new cantonments private property is not to be included therein. Page 475.

Boundaries.
Exclusion of private land.

1955. When the local Magistrate and Commanding Officer shall in conjunction have marked the limits, a report and plan thereof are to be signed by both these officers and submitted through the Quarter Master General for the approval of Government and for publication. When approved in General Orders, the limits are then to be marked by pillars or in some other equally permanent manner. Page 475.

Report and plan as to boundaries.
Boundaries.

1956. A plan of every cantonment so marked and signed will be kept in the Quarter Master General's office, where it will be duly registered, and a copy thereof, with a register of enclosures, will be furnished by the Divisional or District Assistant Quarter Master General to each Brigadier or Station Commanding Officer, who is to report to divisional head-quarters all changes in boundaries or occupations as they occur. All such changes are to be reported by the Divisional Assistant to the Quarter Master General to enable him to correct the registers and standard plans in his office. Page 475.

Record of plan showing boundaries.
Alteration of boundaries.

1957. Whenever an alteration may be required in any part of the limits of a cantonment which have been regularly marked out and published, the Magistrate and Commanding Officer are to draw up and sign a report and plan of the entire limits, as proposed after alteration, and a new description will then be published in General Orders, which will be considered to supersede and cancel the previous plans and register. Page 475.

New plan of alteration of boundaries.

1958. When an extension of cantonment limits, or the acquisition of ground for other military purposes, is proposed, the General Officer Commanding the division concerned will prepare (in communication with the civil authorities) a sketch plan exhibiting the ground asked for, together with a description of the same. Page 475.

Procedure for extending boundaries.

This plan and description, accompanied by a detail of the reasons for which the acquisition of the land is urged, and a statement of the probable cost of obtaining possession, will be submitted for the information of His Excellency the Commander-in-Chief, who, should the object to be attained by the proposed acquisition warrant the proceeding, will forward the same for the sanction of Government.

1959. The preservation of cleanliness is of the first importance, and to this end the encroachment of huts or shops, temporary or otherwise, beyond the space already marked out for that purpose, or extending enclosures or courtyards without the sanction of Government, is to be particularly prevented. Any person erecting such buildings without this necessary sanction will be liable to have them demolished and to be required to remove the materials at his own cost. Page 476.

Encroachments.
Removal of buildings erected beyond boundaries.

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1964. The regimental and departmental lines, and all unoccupied ground in military cantonments, are to be guarded from the intrusion of persons unconnected with the corps or departments for whom the lines are intended. Page 476.

Intrusion.

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1967. The use of private lands for military purposes should be obtained through the Quarter Master General. Page 476.

Obtainment of private lands for public purposes.

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II.—Grants of Land.

BENGAL AND BOMBAY.

[See paragraphs 1994 to 1999, *supra*, pages 33, 34.]

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* The word "Bombay" was inserted by G. O. No. 51 of 1887.

Bombay Form No. 212.

(*Referred to in Regulations and Orders for the Army of the Bombay Presidency, 1875, Section 18, paragraph 56,* supra, *page 48, and in Army Regulations, India, 1887, Volume II, Part II, paragraph 1997,* supra, *page 34.*)

Form of Application for grant of land in cantonments in the Bombay Presidency.

_____ *18* .

To

_____

_____

SIR,

I request you will be good enough to procure permission for me to

as shown on the annexed plans, and described below :—

Situation.	Enclosed or open.	Extent and area.	Nature of soil.	How to be laid out.	Bounded on the
					North.
					South.
					East.
					West.

I am,

SIR,

Your obedient servant,

_____

_____

Original sanction, Quarter Master General's No. , dated . Estimated cost Rs. . Proposed rent Rs.

Certified that the grant of the ground applied for, or the buildings to be erected thereon, will not, so far as I am aware, be injurious to the health and comfort of the troops, or to the inhabitants of the cantonment or to the appearance of the cantonment.

Commanding at _____

_____ *18* .

OPINION OF THE CANTONMENT COMMITTEE.

Secretary, Cantonment Committee

_____ *18* .

No _____

Submitted for orders.

Commanding _____

_____ *18* .

QUARTER MASTER GENERAL'S OFFICE;

Poona, _____ *18* .

No. _____

By order,

Quarter Master General.

Sketch Plan of Ground.

Certified that I have personally examined the ground applied for, and compared the above plan with the standard plan in my office, and it is correct.

Assistant Quarter Master General.

_____

Plan of Houses, Buildings, etc.

The work will be commenced and completed as soon as possible after sanction has been communicated to me.

_____

_____ *18* .

(*Applicant's signature.*)

I certify that the conditions on which the ground referred to in my application dated _____ has been granted to me have been explained to, and are perfectly understood by, me as follows :—

Conditions of occupancy.

*1st.**—Government retains the power of resumption at any time on giving one month's notice and paying the value of such buildings as may have been authorised to be erected (the value to be fixed by a Committee of Arbitration), together with the sum originally paid as ground fee.

Resumption of land.

*2nd.**—The ground, being the property of Government, cannot be sold by the grantee. The right of occupancy alone can be sold by the grantee, but not without the sanction of His Excellency the Commander-in-Chief obtained through the Officer Commanding the station. The fact of registering such deed of sale does not legalize it, if it is otherwise contrary to regulations.

Land belongs to Government. Land cannot be sold by grantee.

3rd.—That the buildings to be erected on the ground are to be strictly in accordance with the plan submitted, and that no alterations or additions are to be made thereto without permission of the Officer Commanding.

Erection of buildings.

4th.—That the military authorities have the power to cancel the grant if the ground be not brought into use for the purpose specified within twelve months.

Cancellation of grant within twelve months.

Grantee.

The above conditions have been explained by me to the grantee, and have been subscribed to by him in my presence.

Cantonment Magistrate or Staff Officer.

_____*18* .

MADRAS.

General Order by the Governor in Council, dated 8th May, 1812.

The Honourable the Governor in Council is pleased to direct that officers in command of divisions of the army, or in charge of forts, under this Presidency shall not permit private buildings of any description to be erected within the walls of forts until they shall have obtained the sanction of Government through the Military Board ; and all officers or other persons in submitting applications for this purpose will be particularly careful to explain the extent and site of the ground, and whether it be the property of the public or of individuals. They will also submit plans of the buildings which they may desire to erect and the estimated amount of the expense, which is never to be exceeded except under the sanction of the same authority.

Sanction required to building.

Ownership of land. Plan of buildings.

The Honourable the Governor in Council has further resolved that no buildings shall be erected on the esplanade of a fort within 1,200 yards of the ditch ; and that no officer or other person shall be permitted to erect any building on ground belonging to the Company within the walls of a fort, or within the limits of any cantonment, but on condition of its immediate surrender to the Government at a fair valuation to be determined by their authority if at any future period it shall be required for public purposes, nor shall the grant in perpetuity of any piece of ground within the precincts of a fort or cantonment be hereafter accorded to any individual.

Prohibition of building in certain localities. Resumption of land.

No grant in perpetuity.

On occasions when applications for grounds may be laid before the Government, it will rest with them to grant or not, as may be deemed expedient, a lease for twenty-one years, renewable at their pleasure at the expiration of every seven years, subject to the yearly payment of a ground-rent or tax, and of a certain fine at the renewal of every lease proportioned to the extent or relative value of the ground.

Lease.

Ground-rent.

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* Clauses *1st* and *2nd* were inserted by G. O. C. C. dated 2nd July, 1877.

In order also to prevent the impositions to which officers are occasionally exposed in renting houses in forts or cantonments, the Honourable the Governor in Council is further pleased to direct that, from the date on which the above-mentioned agreement may be concluded between the Government and an individual, the latter shall, if required, restrict the rent of his house to an estimate which the engineer will be directed to submit on the occasion, and, in default of such valuation being acceded to by the proprietor, it will be reported to the Government, who will decline to sanction the renewal of the lease.

Regulation of rent.

General Order by the Governor in Council, dated 1st October, 1813.

The following code of regulations for the conduct of the Quarter Master General's Department, compiled under the orders of His Excellency the Commander-in-Chief, having been approved by the Honourable the Governor in Council, it is hereby directed that the same be considered as Standing Orders of the Government of Fort St. George, and that printed copies be transmitted to every station, and to the head-quarters of every corps, for the general information and guidance of the army.

* * * * * * * *

20. Officers in command of divisions of the army, or in charge of forts, under this Presidency shall not permit private buildings of any description to be erected within the walls of forts until they shall have obtained the sanction of Government through the Military Board ; and all officers or other persons, in submitting applications for this purpose, will be particularly careful to explain the extent and site of the ground and whether it be the property of the public or of individuals. They will also submit plans of the buildings which they may desire to erect, and the estimated amount of the expense, which is never to be exceeded except under the sanction of the same authority.

Sanction required to building.

Ownership of land. Plan of buildings.

21. No buildings shall be erected on the esplanade of a fort within 1,200 yards of the ditch ; and no officer or other person shall be permitted to erect any building on ground belonging to the Company within the walls of a fort, or within the limits of any cantonment, but on condition of its immediate surrender to the Government at a fair valuation to be determined by their authority if at any future period it shall be required for public purposes ; nor shall the grant in perpetuity of any piece of ground within the precincts of a fort or cantonment be hereafter accorded to any individual.

Prohibition of building in certain localities. Resumption of land.

No grant in perpetuity.

22. On occasions when applications for grounds may be laid before the Government, it will rest with them to grant or not, as may be deemed expedient, a lease for twenty-one years, renewable at their pleasure at the expiration of every seven years, subject to the yearly payment of a ground-rent or tax, and of a certain fine at the renewal of every lease proportioned to the extent or relative value of the ground.

Lease.

Ground-rent.

23. In order also to prevent the impositions to which officers are occasionally exposed in renting houses in forts or cantonments, it is directed that from the date on which the above-mentioned agreement may be concluded between the Government and an individual, the latter shall, if required, restrict the rent of his house to an estimate which the engineer will be directed to submit on the occasion, and, in default of such valuation being acceded to by the proprietor, it will be reported to the Government, who will decline to sanction the renewal of the lease.

Regulation of rent.

* * * * * * * *

General Order by the Governor in Council, dated 12th September, 1820

The following revised code of regulations for the conduct of the Quarter Master General's Department, compiled under the orders of His Excellency the Commander-in-Chief, having been approved by the Honourable the Governor in Council, it is hereby directed that the same be considered as Standing Orders of the Government of Fort St. George, and that printed copies be transmitted to every station and to the head-quarters of every corps for the general information and guidance of the army.

* * * * * * * *

29. Officers in command of divisions of the army, or in charge of forts, under this Presidency shall not permit private buildings of any description to be erected within the walls of forts until they shall have obtained the sanction of Government through the Military Board; and all officers or other persons, in submitting applications for this purpose, will be particularly careful to explain the extent and site of the ground, and whether it be the property of the public or of individuals. They will also submit plans of the buildings which they may desire to erect, and the estimated amount of the expense, which is never to be exceeded except under the sanction of the same authority.

Sanction required to building.

Ownership of land.

Plan of buildings.

30. No buildings shall be erected on the esplanade of a fort within 1,200 yards of the ditch; and no officer or other person shall be permitted to erect any building on ground belonging to the Company within the walls of a fort, or within the limits of any cantonment, but on condition of its immediate surrender to the Government at a fair valuation to be determined by their authority, if at any future period it shall be required for public purposes; nor shall the grant in perpetuity of any piece of ground within the precincts of a fort or cantonment be hereafter accorded to any individual.

Prohibition of building in certain localities.

Resumption of land.

No grant in perpetuity.

31. On occasions when applications for grounds may be laid before the Government, it will rest with them to grant or not, as may be deemed expedient, a lease for twenty-one years, renewable at their pleasure at the expiration of every seven years, subject to the yearly payment of a ground-rent or tax, and of a certain fine at the renewal of every lease proportioned to the extent or relative value of the ground.

Lease.

Ground-rent.

32. The proportions of ground to be allotted to the several ranks of officers under the above rule shall be regulated according to the following scale, and applications for the same shall be transmitted to the Quarter Master General of the army, who will lay them before the Military Board:—

Scale of land allowed to officers.

	Superficial contents. Sq. Yds.
Field officers	22,500
Captains	12,000
Subalterns	7,000

33. Although the above is to be considered the usual scale, yet as it may occasionally happen that, from the inequality of ground or other local causes there may be no objection to an extension of the scale, in all such cases the Military Board shall notify the same to the Government in submitting the applications for grants.

Extension of scales.

34. All officers who may be desirous of disposing of their houses erected on grounds leased out to them, under the foregoing regulations, shall apply to the Military Board for permission, specifying the person who may wish to purchase their property.

Sale of houses.

35. In order also to prevent the impositions to which officers are occasionally exposed in renting houses in forts or cantonments, it is directed that, from the date on which the above-mentioned agreement may be concluded between the Government and an individual the latter shall, if required, restrict the rent of his house to an estimate which the Engineer will be directed to submit on the occasion, and, in default of such valuation being acceded to by the proprietor, it will be reported to the Government, who will decline to sanction the renewal of the lease.

Regulation of rent.

* * * * * * * *

General Order by the Governor in Council, dated 19th December, 1826.

The following revised code of regulations for the conduct of the Quarter Master General's Department, compiled under the orders of His Excellency the Commander-in-Chief, having been approved by the Honourable the Governor in Council, it is hereby directed that the same be considered as Standing Orders of the Government of Fort St. George, and that printed copies be transmitted to every station and to the head-quarters of every corps for the general information and guidance of the army.

* * * * * * * *

34. Officers in command of divisions of the army or in charge of cantonments shall not permit private buildings of any description to be erected within the limits of a military station until they shall have obtained the sanction of Government; and all officers or other persons, in submitting applications for this purpose, will be particularly careful to explain the extent and site of the ground, and whether it be the property of Government or of individuals.

Sanction required to building.

Ownership of land.

35. They will also submit plans of the buildings which they may desire to erect, and the estimated amount of the expense, which is never to be exceeded except under the sanction of the same authority.

Plan of buildings.

36. No building shall be erected within the limits of any cantonment but on condition of its immediate surrender to the Government at a fair valuation to be determined by their authority if at any future period it shall be required for public purposes; nor shall the grant in perpetuity of any piece of ground within the precincts of a fort or cantonment be hereafter accorded to any individual.

Resumption of land.

No grant in perpetuity.

37. On occasions when applications for grants of grounds may be laid before the Government, it will rest with them to comply* or not, as may be deemed expedient, a lease for twenty-one years, renewable at their pleasure at the expiration of every seven years, subject to the yearly payment of a ground-rent or tax, and of a certain fine at the renewal of every lease proportioned to the extent or relative value of the ground.

Lease.

Ground-rent.

38. The proportions of ground to be allotted to the several ranks under the above rule shall be regulated according to the following scale, and applications for the same shall be transmitted to the Quarter Master General of the Army, through whom all requisitions for Government grants shall be forwarded, whether for military or other public purposes. These applications, as well as the applications of individuals, shall be sent by the Quarter Master General of the Army to the Collector of Customs in his capacity of Registrar of Government Grants, together with the title-deeds; and every other document showing by what right the ground in question is held by Government must invariably be transmitted:—

Scale of land allowed to officers.

Registration of grants.

	Superficial contents. Sq. yds.
Field officers	22,500
Captains	12,000
Subalterns	7,000

39. Although the above is to be considered the usual scale, yet as it may occasionally happen that from the inequality of ground or other local causes there may be no objection to an extension of the scale, in all such cases the Quarter Master General shall notify the same to the Collector of Madras when forwarding the applications for grants.

Extension of scale.

40. All officers who may be desirous of disposing of their houses erected on grounds leased out to them under the foregoing regulations shall apply to the Quarter Master General for permission, specifying the person who may wish to purchase their property.

Sale of houses.

41. In order also to prevent the impositions to which officers are occasionally exposed in renting houses in forts or cantonments, it is directed that, from the date on which the above-mentioned agreement may be concluded between the Government and an individual, the latter shall, if required, restrict the rent of his house to an estimate which the Engineer will be directed

Regulation of rent.

*Sic. *Read* grant?

to submit on the occasion, and, in default of such valuation being acceded to by the proprietor, it will be reported to the Government, who will decline to sanction the renewal of the lease.

42. Form No. 3 will be observed in all applications for Government grants. These will in the first instance be submitted to the Commanding Officer of the station in which the ground is situated, and, upon his certifying them to the Officer Commanding the division, that there is no objection to the ground being occupied by the applicant, the same shall be forwarded, through the channel already prescribed, for the sanction of Government.

Form of application for land.
Submission of application.
Certificate by Commanding Officer.
Sanction of Government required.

* * * * * * * *

General Order by the Governor in Council, No. 273, dated 4th December, 1829.

Doubts having arisen as to the channel through which applications for grants of land situated within forts and military cantonments should be submitted to the Government, the Right Honourable the Governor in Council is pleased to declare paragraphs 34 to 42 of the Quarter Master General's regulations to be still in force, with the exception of that part of the 37th clause which restricts the terms of leases to a period of twenty-one years, and the portion of the 42nd paragraph which, in reference to the General Order by Government of the 8th May, 1812, prescribes the Military Board as the channel through which applications for grants should be submitted to Government.

Applications for grants of land within the limits of forts and military cantonments will be made hereafter, in the first instance, to Officers Commanding, who, on having satisfied themselves as to the propriety of each particular grant, will forward the applications to the Quarter Master General of the army, who, having received His Excellency the Commander-in-Chief's orders, will submit them for the approval or rejection of Government. In the event of their being sanctioned, the resolution of Government will be communicated to the Military Board, by whom the usual lease will be prepared.

Submission of application for land.
Sanction of Government required.
Lease.

To give proprietors of land situated within military limits a more permanent interest in the property and a stronger inducement to construct good houses, the Right Honourable the Governor in Council is pleased to declare that grants shall hereafter be made for a period not exceeding fifty years, and that they shall be renewable at the expiration of every tenth year on the conditions of the original deed on payment of a small fine of ten rupees.

As it is desirable that all grants of land by the Government should be registered in one office, it will be the duty of the Military Board, previously to the delivery of leases for land within fortresses and cantonments, to send such deeds for registry to the office of the Registrar of Government Grants, who will return them, without delay, with his countersignature attached, in acknowledgment of their having been recorded in his office, making no charge for fees thereon.

Registration of grants.

This order is to be considered applicable to all military stations, with the exception of that on the Neilgherry Hills. The grants for buildings constructed there will receive the separate consideration of the Right Honourable the Governor in Council.

Local extent of rules.

General Order by the Governor in Council, No. 11, dated 16th January, 1838.

The Right Honourable the Governor in Council, in reference to G. O., 8th May, 1812, and 4th December, 1829, is pleased to direct that, previously to submitting to Government applications, whether from Europeans or natives, for grants of land within fortresses or the limits of military cantonments, a reference shall be made by the Commanding Officer to the Collector of the district to ascertain how the land, if the property of the Government, is entered in his accounts, and what rent has hitherto been assessed upon

Enquiry as to assessment, etc., of Government land.

it; and the report of the Collector shall accompany the application for such land through the channel prescribed by the existing rules.

With respect to lands not being the property of Government within fortresses and cantonments, application shall be made through the Collector and the Board of Revenue, and on the production of a certificate from the Commanding Officer that the occupation of the land in the manner proposed is free from objection in a military point of view.

Application as to private land.
Certificate by Commanding Officer.

General Order by the Governor in Council, No. 107, dated 19th July, 1844.

The Most Noble the Governor in Council is pleased to direct the publication of the following extract from the Minutes of Consultation in the Revenue Department, dated the 15th June, 1844, No. 588, relative to the payment of quit-rent or assessment for lands situated within military cantonments :—

" The Most Noble the Governor in Council resolves to direct, in modification of all former orders, that the following rules, which will be promulgated through the Military Department, shall guide the local officers in the disposal of questions arising on the subject of lands in military cantonments :—

Ground-rent.

" 1st.—That the terms of the grants which have been obtained for lands situated in military cantonments shall be respected, and that such lands shall pay the amount of quit-rent stipulated in those grants.

" 2ndly.—That for all lands in excess of the extent entered in such grants the ordinary assessment shall be levied for such excess.

" 3rdly.—That for all lands for which grants have not been obtained the ordinary assessment shall be charged, except when that may exceed the quit-rent, in which case the amount of quit-rent shall be levied."

General Order by the Governor in Council, No. 71, dated 17th April, 1849.

The Right Honourable the Governor in Council directs the publication of the following rules in supersession of paragraphs 34 to 42 of section I of the regulations for the Quarter Master General's Department.

CANTONMENTS—GRANTS OF LAND.

* * * * * * * *

Boundaries.

2. The limits of every military cantonment shall be marked by boundary stones or in some other equally permanent manner.

Record of plans.

3. A plan of every cantonment so marked will be kept in the Quarter Master General's office, where it will be duly registered.

Sanction required to building.

4. Officers Commanding divisions of the army, or in charge of cantonments, shall not permit dwelling-houses, churches or such like buildings to be erected within the limits of a military station until they shall have obtained the sanction of Government.

Encroachments.
Removal of unauthorized buildings.

5. The preservation of cleanliness is of the first importance, and to this end the encroachment of huts and shops, temporary or otherwise, is to be particularly prevented. Any person erecting such buildings on Government land without having first obtained the permission of the local authority for so doing shall be liable to have them demolished and he will be required to remove the materials at his own cost.

* * * * * * * *

8. Applications for grants of land by Europeans or natives within the limits of fortresses, military cantonments and stations will be made in the first instance to the Officer Commanding the station, according to the following form :—

Application for land.

To

The Officer Commanding

(Station).

Form.

SIR,—I request you will have the goodness to take the necessary steps for my obtaining a Government grant for the ground herein described :—

Situation of the ground.	Since when enclosed.	Title under which it is held and whether the property of Government or of individuals.	Extent of the ground.			Nature of the soil.	How laid out, and whether buildings upon it.	Bounded on the			
			Cawnies.	Grounds.	Square feet.			North by	South by	East by	West by

* *Sic ?*

Certificate by Commanding Officer.

(Here enter certificate of the Commanding Officer of the station that the ground does not interfere with any parade or military work.)

I am,
SIR,
Your most obedient servant,

9. Having satisfied himself that there is no objection in a military point of view to the occupation of the ground by the applicant, as also of its not encroaching on or interfering with any public road, parade or military work, he will ascertain from the Collector of the district how the land, if the property of Government, is entered in his accounts, and what rent has hitherto been assessed on it. He will then submit the Collector's reply, and a sketch showing the boundaries of the ground and its vicinity, accompanied by the application previously made to him, through the Officer Commanding the division or force, to the Quarter Master General of the army, by whom it will be submitted for the consideration of the Commander-in-Chief; and, if approved of by him, it will be laid before Government.

Duties of Commanding Officer.

Enquiry as to assessment, etc., of Government land.

Plan of site.

In the event of its being sanctioned, the resolution of Government will be communicated to the Quarter Master General and the Military Board, and by the latter a lease containing the following conditions will be prepared :—

Lease.

Term.

I. The grant to be allowed for fifty years.

Renewal.

II. The lease to be renewable at the end of every ten years by endorsement, for which purpose it is to be forwarded, through the Quarter Master General, to the Military Board, in whose office every such endorsement will be registered.

Ground-rent.

III. Payment of a yearly ground rent as per Collector's valuation.

N.B.—In the Tenasserim provinces this yearly payment is levied by the authorities at Moulmein under the denomination either of quit-rent or house-tax.

Transfer of house.

IV. No grant or lease of the premises to be assigned by the applicant to any person not under the license or protection of the Company.

Protection of Government and tenants.

V. To do nothing to the premises which shall occasion annoyance to the Company or their tenants.

Amount of rent.

VI. The rent of all buildings erected on the premises to the limited to 15 per cent. of their *bonâ fide* value. This value to be determined by the Engineer of the division.

Resumption of land.

VII. If the Government needs the land and buildings at any time, they are to be surrendered.

VIII. The Government in this case to pay the value of the buildings, which is to be determined by the Engineer of the division.

IX. If dissatisfied with this value, the same to be fixed by the Government.

Cancellation of grant within twelve months.

X. If the ground is not built upon, or brought into use for the purpose specified, within twelve months, the lease may be cancelled under the orders of His Excellency the Commander-in-Chief.*

Continuance of lessee's rights.

XI. The observance of all these stipulations to entitle the applicant to the land for the time prescribed without let or hindrance.

No grant in perpetuity.

10. The grant in perpetuity of any piece of ground within the precincts of any fort or cantonment shall not hereafter be accorded to any individual.

Rejection of application for grant.

11. It is of course sufficient to reject any application for ground if it be ascertained that to grant it would interfere with the public convenience in any manner whatever.

Application as to private land.

12. With respect to land not the property of Government within fortresses or cantonments, application shall be made through the Collector and Board of Revenue to Government; a certificate from the Commanding Officer being at the same time produced to the effect that the occupation of

Certificate by Commanding Officer.

the land in the manner proposed is free from objection in a military point of view.

Registration of grants.

13. All grants of land made by Government under the above provisions shall be entered in the office of the Registrar of Government Grants who is to return them, without delay, with his countersignature attached in acknowledgment of their having been recorded in his office. No charge is to be made for this duty.

Scale of land allowed to officers.

14. The proportion of land allowed to officers of the army requiring it is as follows :—

	Sq. yds.
Field officers	22,500
Captains	12,000
Subalterns	7,000

Extension of scale.

15. Although the above is to be considered the usual scale, yet as it may occasionally happen that, from the inequality of ground or other local causes, there may be no objection to an extension of the scale, in all such cases the Quarter Master General shall notify the same to Government when forwarding the applications for grants.

Sale of houses.

16. All officers who may be desirous of disposing of their houses erected on ground leased out to them under the foregoing regulations shall apply to the Quarter Master General for permission to do so, specifying the person who may wish to purchase their property.

* Clause X was added by G. G. O. No. 386, dated 13th October, 1868.

17. Officers occupying houses built upon ground for which a grant has been made, considering that they are overcharged for rent, are at liberty to apply to the Officer Commanding the division for a house-board. Should the Board be of the same opinion, the Engineer of the division will be called on to prepare an estimate of the value of the house or buildings agreeably to the terms of the grant.

House-board for settlement of rent.

18. As no rules can be framed for making this estimate, the Engineer will be guided by his own judgment and experience when taking into consideration the valuation of the materials composing each building, its state of repair, accommodation and general convenience.

Valuation of house by Engineer.

19. Should the rent charged be found to exceed 15 per cent. of the *bonâ fide* value of the buildings, it shall be reduced to that standard. It is to be understood that this percentage includes the cost of all annual and necessary repairs, etc., which the house-owner is bound to make. The proceedings of the Board and estimate of the Engineer will be forwarded, through the channel above prescribed, to the Quarter Master General and eventually, if necessary, to Government.

Reduction of rent to 15 per cent.

20. In the event of the house-owner refusing to lower his rent according to the terms of his lease, he will be liable to have it cancelled; or, should he decline to make the repairs required, the tenant will be at liberty to make them himself, deducting the cost from the rent.

Cancellation of lease for over charge of rent.

Right of tenant to make repairs at cost of owner.

21. In the case of parties possessing buildings on land for which no grant has been issued, the above stipulations are equally binding; but, should they refuse to conform to them, they will be obliged to have the buildings removed from off the ground within six months from the date of the receipt of the order to do so.

Buildings on land of which no grant made.

22. The above rules are to be considered applicable to all military stations under this Presidency, the Neilgherry Hills excepted.

Local extent of rules.

* * * * * * * *

General Order by the Governor in Council, No. 181, dated 6th September, 1853.

The Right Honourable the Governor in Council directs that the following be substituted for rule 20 in G. O. G., 17th April, 1849, No. 71 :—

"In the event of the house-owner refusing to lower his rent according to the terms of his lease, he will be liable to have it cancelled. Should he decline to make the repairs required, a house-board will be assembled to decide upon what is really required, and what expense is to be incurred. The house will be repaired agreeably to its decision, and the *bonâ fide* cost deducted from the rent."

Cancellation of lease for overcharge of rent.

House-board for repairs.

General Order by the Governor in Council, No. 227, dated 6th June, 1862.

His Excellency the Governor in Council is pleased to publish the following rules for regulating the residence of officers and others in military cantonments, which are to form part of the Quarter Master General's regulations :—

Occupation of Houses in Cantonments.

1. A military cantonment is, as its designation implies, a locality set apart primarily for military and medical officers, chaplains, soldiers, European and East Indian subordinates, and their families; and limits are fixed for each cantonment in order that the space within which military authority may be exercised should be publicly recognized.

Military character of cantonments.

2. Houses situated within such limits are consequently by priority of right available for officers and soldiers above described.

Priority of claim of military men to houses.

3. The above rule is not, however, to interfere with gentlemen of the Covenanted Civil Service as regards the houses usually occupied by them in military cantonments.

Civilians permitted to reside in cantonments.

4. Regimental officers are required to live as near their lines or barracks as is practicable. A certain number of houses for each regiment will, therefore, be set apart in each cantonment by local Commanding Officers, and every opportunity should be taken advantage of to adjust the present inconvenient distribution of officers in cantonments so as to bring all stations under the above arrangement in course of time.

Regimental officers to live near their lines.

5. Staff Officers may be allowed to live in any Staff Officer's part of a cantonment.

Staff Officers.

6. The rate of rent of all houses in a cantonment should be registered by the Staff Officer of the station, and recorded together with the proceedings of all "House Boards."

Registration of rent.

7. Other claims for house accommodation noted in the margin for gentlemen and others will be considered and adjusted by the Officer Commanding the station, with due respect to their rank and position, and with regard to the availableness of houses in the cantonment for their use. But these gentlemen cannot retain any house that may be absolutely required for an officer of the military force at the station.

Claims of civilians to houses.

Officers, Public Works and other departments.

European and East Indian subordinates, etc., in the Civil or Public Works Department.

Missionaries and other residents.

8. Houses within the limits of a cantonment, built on ground the property of Government, whether held on lease or not, are liable to be occupied as above under the control of the Officer Commanding the station.

Houses to which the foregoing paragraphs apply.

Houses built on land not the property of Government, or held on free-hold tenure, or occupied as shops, are exempt from this liability.

Exemption of houses on private land and shops.

9. In the case of necessity arising requiring the removal of a non-military tenant to make way for an officer, not less than one month's notice in writing must be given to the owner as well as the tenant of the house that the house in question is required.

Compulsory transfer of house to officer.

No *summary* ejectment is ever to be permitted, and the greatest consideration should be shown to the occupant whose removal on public grounds is rendered necessary.

Precautions in requiring change of tenants.

The Officer Commanding the cantonment may, however, extend the period of such notice when circumstances will admit of it; and other quarters should be provided for the person, if removed as above, whenever practicable.

10. The register of houses occupied and vacant, referred to in paragraph 6 of this order, is to be kept in the Station Staff Office, alterations being made in it from time to time; and no house is to be taken by any non-military officer unless with the concurrence of the Officer Commanding the station, whose duty it will be to see that such occupancy of the house will not interfere with public convenience.

Register of houses.

Sanction required to occupation of house by civilians.

11. In order that the number of dwelling-houses in a cantonment available for civil and military officers and officers of public departments, missionaries and others, may not be unduly diminished, no house built on Government land or land leased from Government, or assigned to Government for its own use, hitherto occupied as above, shall be converted into a shop, or otherwise rendered unsuitable as a residence, except under the sanction of the Officer Commanding the station; but any houses occupied as shops on the promulgation of this order will not be liable to be registered as dwelling-houses unless the owners wish it or His Excellency the Commander-in-Chief may consider it absolutely necessary.

Sanction required to conversion of house into shop, etc.

Registration of shop as dwelling-house.

12. House-boards can only assemble on houses erected subsequent to 1813, when the G. O. on that subject was first promulgated.

House-board.

13. At stations, such as Secunderabad, where the ground is foreign territory, but assigned by the *Nizam's* Government to Her Majesty's Government for military purposes, the above rules, as regards the rental of houses and allotment of officers in the cantonment, are to have equal effect.

Application of rules to British cantonments in foreign territory.

Exemption of Bangalore.

Bangalore is specially exempted from the operation of these rules.

14. These rules are not to have *retrospective* effect*: nor are they to disturb the residence of officers and others at the present moment, except in cases of extreme and proved public inconvenience. Their object is to secure gradually, and as opportunity offers, a better arrangement for the future.

Rules not to have retrospective effect.

* Houses built prior to the establishment of military jurisdiction not being included under these rules.

15. In ordinary cases, the decision of the Station Commanding Officer should be considered final, but appeals may be heard and decided by the Officer Commanding the division; and, if necessary, they may be submitted for the orders of the Commander-in-Chief, those submitted by gentlemen of the Civil Service being forwarded, with the observations of His Excellency, for final disposal by Government.

Appeal.

General Order by the Commander-in-Chief, No. 65, dated 30th May, 1865.

CANTONMENTS—MILITARY BUILDINGS.

Instances having occurred in which departments of the army have occupied sites within the limits of military cantonments for the erection of buildings for the use of their departments without the cognizance or the authority of the Officer Commanding the division or force, or of Army Head-Quarters, and contrary to the provisions of G. O. G. No 71 of 1849, paragraph 4, the Commander-in-Chief is pleased to direct that, whenever a site for such purposes is required, it shall first be applied for to the Officer Commanding the division, who will forward the application, with his observations, to the Commander-in-Chief for approval or otherwise.

Application for land.

General Order by the Commander-in-Chief, No. 122, dated 21st September, 1865.

CANTONMENTS.

The Commander-in-Chief directs the attention of Officers Commanding cantonments to paragraph 5 of G. O. G. No. 71 of 1849:—

"The preservation of cleanliness is of the first importance; and to this end the encroachment of huts or shops, temporary or otherwise, is to be particularly prevented. Any persons erecting such buildings on Government land without having first obtained the permission of the local authority for so doing shall be liable to have them demolished; and he will be required to remove the materials at his own cost."

Encroachments.

Removal of unauthorised buildings.

The Madras Army Regulations, 1869.

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SECTION 19.—CANTONMENTS.

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Page 222.

1276. The limits of every military cantonment are to be clearly defined, boundary stones or pillars being erected where there are no well-marked natural boundaries.

Boundaries.

A plan of each cantonment on a scale sufficiently large to show every building in it is to be kept in the office of the divisional Quarter Master General or Station Staff Officer.

Record of plans.

Page 222.

1277. A military cantonment is, as its designation implies, a locality set apart primarily for military and medical officers, chaplains, soldiers, European and East Indian subordinates, and their familes, for whom houses situated within such limits are by priority of right available.

Military character of cantonments.

Priority of claim of military men to houses.

This rule, however, is not to interfere with gentlemen of the Covenanted Civil Service as regards houses usually occupied by them in military cantonments.

Civilians permitted to reside in cantonments.

1278. Regimental officers are required to live as near their lines or barracks as is practicable. A certain number of houses for each regiment will, therefore, be set apart in each cantonment by local Commanding Officers, and every opportunity should be taken advantage of to adjust the present inconvenient distribution of officers in cantonments so as to bring all stations under the above arrangement in course of time. Page 222.

Regimental officers to live near their lines.

Staff Officers may be allowed to live in any part of a cantonment.

Staff Officers.

1279. Other claims for house accommodation noted in the margin for gentlemen and others will be considered and adjusted by the Officer Commanding the station, with due respect to their rank and position, and with regard to the availableness of houses in the cantonment for their use. But those gentlemen cannot retain any house that may be absolutely required for any officer of the military force at the station. Page 222.

Claims of civilians to houses.
Officers, Public Works and other Departments.
European and East Indian subordinates, etc., in the Civil or Public Works Department.
Missionaries and other residents.

1280. Houses within the limits of a cantonment, built on ground the property of Government, whether held on lease or not, are liable to be occupied as above under the control of the Officer Commanding the station. Page 222.

Houses to which regulations 1277 to 1279 apply.

Houses built on land not the property of Government, or held on free-hold tenure or occupied as shops, are exempt from this liability.

Exemption of houses on private land and shops.

1281. In the case of necessity arising requiring the removal of a non-military tenant to make way for an officer, not less than one month's notice in writing must be given to the owner as well as the tenant of the house that the house in question is required. Page 222.

Compulsory transfer of house to officer.

No *summary* ejectment is ever to be permitted, and the greatest consideration should be shown to the occupant whose removal on public grounds is rendered necessary.

Precautions in requiring change of tenants.

The Officer Commanding the cantonment may, however, extend the period of such notice when circumstances will admit of it, and other quarters should be provided for the person, if removed as above, whenever practicable.

1282. A register of houses occupied and vacant, showing the rent of each, is to be kept in the Station Staff office, alterations being made in it from time to time; and no house is to be taken by any non-military officer unless with the concurrence of the Officer Commanding the station, whose duty it will be to see that such occupancy of the house will not interfere with public convenience. Page 223.

Register of houses and rents.

Sanction required to occupation of house by civilian.

1283. In order that the number of dwelling-houses in a cantonment available for civil and military officers, and officers of Public Departments, missionaries and others, may not be unduly diminished, no house built on Government land or land leased from Government, or assigned to Government for its own use, hitherto occupied as above, shall be converted into a shop, or otherwise rendered unsuitable as a residence, except under the sanction of the Officer Commanding the station; but any houses occupied as shops will not be liable to be registered as dwelling-houses unless the owners wish it, or His Excellency the Commander-in-Chief may consider it absolutely necessary. Page 223.

Sanction required to conversion of house into shop, etc.

Registration of shop as dwelling-house.

1284. At stations, such as Secunderabad, where the ground is foreign territory, but assigned by the *Nizam's* Government to Her Majesty's Government for military purposes, the above rules as regards the rental of houses and allotment of officers in the cantonment are to have equal effect. Page 223.

Application of rules to British cantonments in foreign territory.

Bangalore is specially exempted from the operation of these rules.

Exemption of Bangalore.

Kamptee and Cuttack are under the Bengal cantonment rules.

Page 223.

1285. In ordinary cases the decision of the Station Commanding Officer should be considered final, but appeals may be heard and decided by the Officer Commanding the division, and, if necessary, they may be submitted for the orders of the Commander-in-Chief; those submitted by gentlemen of the Civil Service being forwarded, with the observations of His Excellency, for final disposal by Government.

Appeal.

Page 223.

1286. Applications for grants of land within the limits of cantonments or fortresses will be made in the first instance to the Officer Comamnding the station in the following form.

Form of application for land.

No grants of land will be made except for the purpose of erecting thereon officers' quarters or shops for the convenience of residents. It will be the duty of the Officer Commanding the station to see that this purpose is fulfilled.

Grants only for officers' quarters or shops.

Form.

To

The Officer Commanding

(*Station*).

SIR,

I request you will have the goodness to take the necessary steps for my obtaining a Government grant for the ground herein described:—

Situation of the ground.	Since when enclosed.	Title under which it is held, and whether the property of Government or of individuals.	Extent of the ground. Square yards.	Nature of the soil.	How laid out, and whether buildings upon it.	Bounded on the North by	Bounded on the South by	Bounded on the East by	Bounded on the West by

Certificate by Commanding Officer.

(Here enter certificate of the Commanding Officer of the station that the ground does not interfere with any parade ormilitary work.)

I am

SIR,

Your most obedient servant,

1287. The Officer Commanding the station, having satisfied himself that there is no objection in a military point of view to the occupation of the ground by the applicant, as also that it does not encroach on or interfere with any public road, parade or military work, will ascertain from the Collector of the district how the land, if the property of Government, is entered in his accounts; and what rent

Duties of Commanding Officer.

Enquiry as to assessment, etc., of Government land.

has hitherto been assessed on it: he will then submit the Collector's reply, and a sketch showing the boundaries of the ground and its vicinity, accompanied by the application previously made to him, through the Officer Commanding the division or force to the Quarter Master General, by whom it will be submitted for the consideration of the Commander-in-Chief.

Plan of site.

In the event of its being sanctioned, a lease will be prepared by the Quarter Master General containing the following conditions:—

Lease.

(i) To hold the lease for fifty years, renewable at the end of every ten years, at the option of Government.

Term and renewal.

(ii) To pay a yearly ground-rent; to well and sufficiently repair, maintain, amend and keep the premises and appurtenances in such good and substantial repair as is necessary for the occupation of a tenant at rack-rent; to scour and cleanse all drains and water-courses belonging to the premises, and keep the same free from obstruction; to remove from the premises, and keep the same free from prickly-pear and aloe and all causes of malaria; hedges to be of a height not exceeding four feet from the level of the public road in front of or leading to the premises; to lop, and keep lopped, the branches of all trees, present and future, which shall grow lower than six feet from the ground.

Ground-rent. Maintenance.

(iii) The premises, although maintained in the above order, to be given to Government at any time, if required.

Government claim to house.

(iv) The premises to be open to the Government authorities to take plans and examine the condition thereof.

Inspection.

(v) All or parts of requirements, if found necessary, to be supplied. notice of which in writing to be left at the premises, to be attended to by the lessee within three calendar months.

Requirements to be supplied.

(vi) Not to do, or do willingly cause or suffer any act or thing to be done, in or upon the premises to the annoyance, grievance, damage or disturbance of Government or their tenants.

Protection of Government and tenants.

(vii) On assigning the premises to another a notice in writing of the assignment to be given to the Office Commanding the cantonment, with full particulars, within three calendar months.

Notice of assignments.

(viii) The monthly rent should be limited to a sum equal to one-twelfth part of a sum equivalent to Rs. 15 per cent. per annum on the *bonâ fide* value of the building to be certified by the local Engineer officer.

Amount of rent.

(ix) To officers the monthly rent to be limited to, and in no case to exceed, either the said sum, or the sum of hundred rupees, whichever of the said sums shall be least in amount; the meaning being that no more than one hundred rupees a month as rent can be demanded, although the *bonâ fide* value of the building may be more.

Rent to officers not to exceed Rs. 100.

(x) If at any time the tenant, being a military officer, shall consider the rent to exceed the amount mentioned in the foregoing clause, and if the Engineer certify to that effect, the lessee should reduce the rent to what the Engineer shall fix.

Reduction of rent.
N. B.—This is not intended to do away with the assembly of a house-board.

(xi) If at any time it is desired to let or sell, the preference should be given to military officers of the cantonment over anybody else.

Priority of military officers as to hiring or buying.

(xii) If the house is required for the residence of any of the officers of the cantonment, notice in writing to be given to the owner, and, after thirty days, the house should be vacated for occupation by such officer.

Vacation in favour of military officer.

(xii) If the Government require the land at any time, it should be restored on payment of the fair value of the buildings to be fixed *by the Engineer*. If dissatisfied with this value, the amount to be fixed by Government, which decision will be final.

Resumption of land.

(xiv) The lessee to conform to and obey all present and prospective orders and regulations of Government.

Government orders to be obeyed.

(xv) If the annual rent to Government is not paid within thirty days after the due date, or if the lessee become bankrupt or insolvent, and if there is any execution out against the lessee where the lease shall be seized, or in case of the breach or non-performance of any of the conditions contained in the lease, it shall be lawful for the Government to obtain re-possession of the premises on payment of their value.*

Resumption of land for default.

(xvi) If the ground is not built upon, or brought into use for the purpose specified, within twelve months, the lease may be cancelled under the orders of His Excellency the Commander-in-Chief.

Cancellation of lease within twelve months.

Page 226.

1288. The grant in perpetuity of any piece of ground within the precincts of any fort or cantonment shall not hereafter be accorded to any individual.

No grant in perpetuity.

It is of course sufficient to reject any application for ground if it be ascertained that to grant it would interfere with the public convenience in any manner whatever.

Rejection of application for grant.

With respect to land not the property of Government within fortresses or cantonments, application shall be made through the Collector and Board of Revenue to Government; a certificate from the Commanding Officer being at the same time produced to the effect that the occupation of the land in the manner proposed is free from objection in a military point of view.

Application as to private land.

Certificate by Commanding Officer.

Page 226.

1289. All grants of land made by Government under the above provisions shall be entered in the office of the Registrar of Government Grants, who is to return them, without delay, with his counter-signature attached in acknowledgment of their having been recorded in his office. No charge is to be made for this duty.

Registration of grants.

Scale of land allowed to officers.

The proportion of land allowed to officers of the army requiring it is as follows:—

Field officers	...	...	...	...	22,500 square yards.
Captains	...	...	...	...	12,000 ditto.
Subalterns	...	...	...	...	7,000 ditto.

Although the above is to be considered the usual scale, yet it may occasionally happen that, from the inequality of ground or other local causes, there may be no objection to an extension of the scale.

Page 226.

1290. Officers occupying houses built upon ground for which a grant has been made, considering that they are overcharged for rent, are at liberty to apply to the Officer Commanding the division for a house-board. Should the Board be of the same opinion, the Engineer of the division will be called on to prepare an estimate of the value of the house or buildings agreeably to the terms of the grant. The Engineer will be guided by his departmental rules in making the estimate, taking into consideration the valuation of the materials composing each building, its state of repair, accommodation and general convenience.

House-board for settlement of rent.

Valuation of house by Engineer.

Should the rent charged be found to exceed 15 per cent. of the *boná fide* value of the buildings, it shall be reduced to that standard. It is to be understood that this percentage includes the cost of all annual and necessary repairs, etc., which the house-owner is bound to make.

Reduction of rent to 15 per cent.

* Quit-rent is not charged in Burma.

The proceedings of the Board and estimate of the Engineer will be forwarded through the channel above prescribed to the Quarter Master General, and eventually, if necessary, to Government.

Submission of proceedings to Quarter Master General.

1291. In the event of the house-owner refusing to lower his rent according to the terms of his lease, he will be liable to have it cancelled.

Page 227.

Cancellation of lease for overcharge of rent.

Should he decline to make the repairs required, a house-board will be assembled to decide upon what is really required, and what expense is to be incurred. The house will be repaired agreeably to its decision, and the *boná fide* cost deducted from the rent.

House-board for repairs.

1292. In the case of parties possessing buildings on land for which no grant has been issued, the above stipulations are equally binding; but, should they refuse to conform to them, they will be obliged to have the buildings removed from off the ground within six months from the date of the receipt of the order to do so.

Page 227.

Buildings on land of which no grant made.

1293. No building of any kind is to be erected in a cantonment without the sanction of the Commander-in-Chief, which must be applied for, through the station and divisional authorities, to the Quarter Master General. This applies to public departmental buildings as well as all others. Every application should state clearly the description and size of the building it is proposed to erect, and the purpose for which it is required, and should be accompanied by a sketch of the proposed site showing the buildings and roads, etc., in its immediate vicinity.

Page 227.

Sanction required to building.

Plan of site.

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Regulations and Orders for the Army of the Madras Presidency, 1876.

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SECTION 18.—CANTONMENTS.

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I.—GENERAL RULES.

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2046. A military cantonment is, as its designation implies, a locality set apart primarily for military and medical officers, chaplains, soldiers, European and East Indian subordinates, and their families, for whom houses situated within such limits are by priority of right available.

Page 326.

Military character of cantonments. Priority of claim of military men to houses.

This rule, however, is not to interfere with gentlemen of the Covenanted Civil Service as regards the houses usually occupied by them in military cantonments.

Civilians permitted to reside in cantonments.

2047. Regimental officers are required to live as near their lines or barracks as is practicable. A certain number of houses for each regiment will therefore be set apart in each cantonment by local Commanding Officers, and every opportunity should be taken advantage of to adjust the present inconvenient distribution of officers in cantonments, so as to bring all stations under the above arrangement in course of time.

Page 327.

Regimental officers to live near their lines.

Staff Officers may be allowed to live in any part of a cantonment.

Staff Officers.

2048. Other claims for house-accommodation noted in the margin for gentlemen and others will be considered and adjusted by the Officer Commanding the station, with due respect to their rank and position, and with regard to the availableness of houses in the cantonment for their use. But these gentlemen cannot retain any house that may be absolutely required for an officer of the military force at the station.

Page 327.

Claims of civilians to houses.

Officers, Public Works and other Departments.
European and East Indian subordinates, etc., in the Civil or Public Works Department.
Missionaries and other residents.

2049. Houses within the limits of a cantonment, built on ground the property of Government, whether held on lease or not, are liable to be occupied as above under the control of the Officer Commanding the station.

Page 327.

Houses to which Regulations 2046 to 2048 apply.

Houses built on land not the property of Government, or held on freehold tenure, or occupied as shops, are exempt from this liability.

Exemption of houses on private land and shops.

Page 327. 2050. In the case of necessity arising requiring the removal of a non-military tenant to make way for an officer, not less than one month's notice in writing must be given to the owner as well as the tenant of the house that the house in question is required.

Compulsory transfer of house to officer.

No *summary* ejectment is ever to be permitted, and the greatest consideration should be shewn to the occupant whose removal on public grounds is rendered necessary.

Precautions in requiring change of tenants.

The Officer Commanding the cantonment may, however, extend the period of such notice when circumstances will admit of it; and other quarters should be provided for the person, if removed as above, whenever practicable.

Page 327. 2051. The limits of every military cantonment are to be clearly defined, boundary stones or pillars being erected where there are no well-marked natural boundaries.

Boundaries.

A plan of each cantonment on a scale sufficiently large to show every building in it is to be kept in the office of the divisional Quarter Master General or Station Staff Officer.

Record of plans.

Page 327. 2052. The boundaries of sadr, station and regimental bazars, and of any villages within the limits of cantonments, are also to be defined by pillars of masonry; and all buildings erected beyond the proper boundaries or assigned limits are to be thrown down and the ruins removed at the expense of the proprietor.

Boundary-marks for bazars and villages.

Removal of buildings erected beyond boundaries.

Page 328. 2053. No deviation from the fixed limits of a cantonment, or from those of the lines, bazars or enclosures surrounding Government buildings, is permitted without the sanction of Government, to be applied for through the Quarter Master General's Department.

Alteration of boundaries.

Page 328. 2054. When from any cause any portion of the area of an existing cantonment is found to be no longer required for military purposes, a report to that effect is to be made by the Commanding Officer to the Quarter Master General in order that it may be made over to the civil authorities.

Transfer of surplus land to civil authorities.

Page 328. 2055. A register of houses occupied and vacant, showing the rent of each, is to be kept in the Station Staff Office, alterations being made in it from time to time; and no house is to be taken by any non-military officer unless with the concurrence of the Officer Commanding the station, whose duty it will be to see that such occupancy of the house will not interfere with public convenience.

Register of houses and rents.

Sanction required to occupation of house by civilian.

Page 328. 2056. In order that the number of dwelling-houses in a cantonment available for civil and military officers and officers of public departments, missionaries and others, may not be unduly diminished, no house built on Government land or land leased from Government, or assigned to Government for his own use, hitherto occupied as above, shall be converted into a shop, or otherwise rendered unsuitable as a residence, except under the sanction of the Officer Commanding the station; but any houses occupied as shops will not be liable to be registered as dwelling-houses unless the owners wish it or His Excellency the Commander-in-Chief may consider it absolutely necessary.

Sanction required to conversion of house into shop, etc.

Registration of shop as dwelling-house.

Page 328. 2057. At stations, such as Secunderabad, where the ground is foreign territory, but assigned by the *Nizam's* Government to Her Majesty's Government for military purposes, the above rules as regards the rental of houses and allotment of officers in the cantonment are to have equal effect.

Application of rules to British cantonments in foreign territory.

Bangalore is specially exempted from the operation of these rules.

Exemption of Bangalore.

Kamptee and Cuttack are under the Bengal cantonment rules.

2058. In ordinary cases the decision of the Station Commanding Officer should be considered final, but appeals may be heard and decided by the Officer Commanding the division or district, and, if necessary, they may be submitted for the orders of the Commander-in-Chief, those submitted by gentlemen of the Civil Service being forwarded, with the observations of His Excellency, for final disposal by Government. Page 328.

Appeal.

* * * * * * * *

2068. All matters connected with cantonment lands and boundaries will be conducted, under the orders of the Commanding Officer, by the officer of the Quarter Master General's Department at the station or, in his absence, by the Cantonment Magistrate or the Staff Officer of the station, assisted, if necessary, by the Executive Engineer. Questions requiring the decision of higher authority are to be referred to head-quarters through the Quarter Master General. Page 330.

Officer to perform duties connected with lands and boundaries.

II.—GRANTS OF LAND.

2069. Application for grants of land within the limits of cantonments or fortresses will be made in the first instance to the Officer Commanding the station in the following form. Page 330.

Form of application for land.

No. grants of land will be made except for the purpose of erecting thereon officers' quarters or shops for the convenience of residents. It will be the duty of the Officer Commanding the station to see that this purpose is fulfilled.

Grants only for officers' quarters or shops.

Form

To

The Officer Commanding

(*Station*).

SIR,

I request you will have the goodness to take the necessary steps for my obtaining a Government grant for the ground herein described:—

Situation of the ground.	Since when enclosed.	Title under which it is held, and whether the property of Government or of individuals.	Extent of the ground. Square yards.	Nature of the soil.	How laid out, and whether buildings upon it.	Bounded on the North by	Bounded on the South by	Bounded on the East by	Bounded on the West by

[Here enter certificate of the Commanding Officer of the station that the ground does not interfere with any parade or Military work.]

Certificate by Commanding Officer.

I am,
SIR,

Your most obedient servant,

Page 331.

2070. The Officer Commanding the station, having satisfied himself that there is no objection in a military point of view to the occupation of the ground by the applicant, as also that it does not encroach on or interfere with any public road, parade or military work, will ascertain from the Collector of the district how the land, if the property of Government, is entered in his accounts, and what rent has hitherto been assessed on it. He will then submit the Collector's reply, and a sketch showing the boundaries of the ground and its vicinity, accompanied by the application previously made to him, through the Officer Commanding the division, district or force, to the Quarter Master General, by whom it will be submitted for the consideration of the Commander-in-Chief.

Duties of Commanding Officer.

Enquiry as to assessment, &c., of Government land.

Plan of site.

Lease. In the event of its being sanctioned, a lease will be prepared by the Quarter Master General containing the following condions :—

Term and renewal. (i) To hold the lease for fifty years, renewable at the end of every ten years, at the option of Government.

(ii) To pay a yearly ground-rent; to well and sufficiently repair, maintain, amend and keep the premises and appurtenances in such good and substantial repair as is necessary for the occupation of a tenant at rack-rent; to scour and cleanse all drains and water-courses belonging to the premises, and keep the same free from obstruction; to remove from the premises and keep the same free from prickly-pear and aloe and all causes of malaria; hedges to be of a height not exceeding four feet from the level of the public road in front of, or leading to, the premises; to lop, and keep lopped, the branches of all trees, present and future, which shall grow lower than six feet from the ground.

Ground-rent.
Maintenance.

Government claim to house. (iii) The premises, although maintained in the above order, to be given to Government at any time if required.

(iv) The premises to be open to the Government authorities to take plans and examine the condition thereof.

Inspection.

(v) All or parts of requirements, if found necessary, to be supplied, notice of which in writing to be left at the premises, to be attended to by the lessee within three calendar months.

Requirements to be supplied.

Protection of Government and tenants. (vi) Not to do or willingly cause or suffer any act or thing to be done in or upon the premises to the annoyance, grievance, damage or disturbance of Government or their tenants.

(vii) On assigning the premises to another, a notice in writing of the assignment to be given to the Officer Commanding the cantonment, with full particulars, within three calendar months.

Notice of assignment.

(viii) The monthly rent should be limited to a sum equal to one-twelfth part of a sum equivalent to Rs. 15 per cent. per annum on the *bonâ fide* value of the building to be certified by the local Engineer officer.

Amount of rent.

(ix) To officers the monthly rent to be limited to, and in no case to exceed, either the said sum or the sum of one hundred rupees, whichever of the said sums shall be least in amount; the meaning being that no more than one hundred rupees a month as rent can be demanded, although the *bonâ fide* value of the building may be more.

Rent to officers not to exceed Rs. 100.

Reduction of rent. (x) If at any time the tenant, being a military officer, shall consider the rent to exceed the amount mentioned in the foregoing clause, and if the Engineer certify to that effect, the lessee should reduce the rent to what the Engineer shall fix.

N. B.—This is not intended to do away with the assembly of a house-board.

(xi) If at any time it is desired to let or sell, the preference should be given to military officers of the cantonment over anybody else.

Priority of military officers as to hiring or buying.

(xii) If the house is required for the residence of any of the officers of the cantonment, notice in writing to be given to the owner, and, after thirty days, the house should be vacated for occupation by such officer.

Vacation in favour of military officer.

(xiii) If the Government require the land at any time, it should be restored on payment of the fair value of the buildings to be fixed *by the Engineer*. If dissatisfied with this value, the amount to be fixed by Government, which decision will be final.

Resumption of land.

Government orders to be obeyed. (xiv) The lessee to conform to and obey all present and prospective orders and regulations of Government.

(xv) If the annual rent to Government is not paid within thirty days after the due date, or if the lessee become bankrupt or insolvent, and if there is any execution out against the lessee where the lease shall be seized, or in case of the breach or non-performance of any of the conditions contained in the lease, it shall be lawful for the Government to obtain repossession of the premises on payment of their value.*

Resumption of land for default.

* Quit-rent is not charged in Burma.

(xvi) If the ground is not built upon or brought into use for the purpose specified within twelve months, the lease may be cancelled under the orders of His Excellency the Commander-in-Chief.

Cancellation of lease within twelve months.

Page 332. 2071. The grant in perpetuity of any piece of ground within the precincts of any fort or cantonment shall not hereafter be accorded to any individual.

No grant in perpetuity.

It is of course sufficient to reject any application for ground if it be ascertained that to grant it would interfere with the public convenience in any manner whatever.

Rejection of application for grant.

With respect to land not the property of Government within fortresses or cantonments, application shall be made through the Collector and Board of Revenue to Government; a certificate from the Commanding Officer being at the same time produced to the effect that the occupation of the land in the manner proposed is free from objection in a military point of view.

Application as to private land.

Certificate by Commanding Officer.

Page 333. 2072. All grants of land made by Government under the above provisions shall be entered in the office of the Registrar of Government grants, who is to return them without delay, with his countersignature attached in acknowledgment of their having been recorded in his office. No charge is to be made for this duty.

Registration of grants.

Scale of land allowed to officers. The proportion of land allowed to officers of the army requiring it is as follows :—

Field officers	22,500	square yards.
Captains	12,000	ditto.
Subalterns	7,000	ditto.

Although the above is to be considered the usual scale, yet it may occasionally happen that, from the inequality of ground or other local causes, there may be no objection to an extension of the scale.

Page 333. 2073. Officers occupying houses built upon ground for which a grant has been made, considering that they are overcharged for rent, are at liberty to apply to the Officer Commanding the division for house-board. Should the house-board be of the same opinion, the Engineer of the

House-board for settlement of rent.

division will be called on to prepare an estimate of the value of the house or buildings agreeably to the terms of the grant. The Engineer will be guided by his departmental rules in making the estimate, taking into consideration the valuation of the materials composing such building,* its state of repair, accommodation and general convenience.

Valuation of house by Engineer.

* *i. e.*, value of materials and labour at the time such building was erected.

Should the rent charged be found to exceed 15 per cent. of the *bonâ fide* value of the buildings, it shall be reduced to that standard. It is to be understood that this percentage includes the cost of all annual and necessary repairs, etc., which the house-owner is bound to make.

Reduction of rent to 15 per cent.

The proceedings of the Board and estimate of the Engineer will be forwarded, through the channel above prescribed, to the Quarter Master General, and eventually, if necessary, to Government.

Submission of proceedings to Quarter Master General.

Page 333. Cancellation of lease for overcharge of rent.

2074. In the event of the house-owner refusing to lower his rent according to terms of his lease, he will be liable to have it cancelled.

Should he decline to make the repairs required, a house-board will be assembled to decide upon what is really required, and what expense is to be incurred. The house will be repaired agreeably to its decision and the *bonâ fide* cost deducted from the rent.

House-board for repairs.

Page 333. Buildings on land of which no grant made.

2075. In the case of parties possessing buildings on land for which no grant has been issued, the above stipulations are equally binding; but, should they refuse to conform to them, they will be obliged to have the buildings removed from off the ground within six months from the date of the receipt of the order to do so.

Page 333. Sanction required to building.

2076. No building of any kind is to be erected in a cantonment without the sanction of the Commander-in-Chief, which must be applied for, through the station and divisional authorities, to the Quarter Master General. This applies to public departmental buildings as well as all others. Every application should state clearly the description and size of the building it is proposed to erect, and the purpose for which it is required; and should be accompanied by a sketch of the proposed site showing the buildings and roads, etc., in its immediate vicinity.

Plan of site.

* * * * * * *

Army Regulations, India, 1887.

VOLUME II, PART III.

DISCIPLINE.

* * * * * * *

SECTION XVII.—CANTONMENTS.

I.—General Rules. II.—Grants of Lands.

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I.—General Rules.

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MADRAS.

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Page 477. Military character of cantonments.

1971. A military cantonment is, as its designation implies, a locality the military limits of which have been defined under the authority of Government, and which is set apart primarily for military

and medical officers, chaplains, soldiers, European and East Indian subordinates and their families, for whom houses situated within such limits are by priority of right available.

Priority of claim of military men to houses.

This rule, however, is not to interfere with gentlemen of the Covenanted Civil Service as regards the houses usually occupied by them in military cantonments.

Civilians permitted to reside in cantonments.

Page 477. Regimental officers to live near their lines.

1972. Regimental officers are required to live as near their lines or barracks as is practicable. A certain number of houses for each regiment will, therefore, be set apart in each cantonment by local Commanding Officers, and every opportunity should be taken advantage of to adjust the present inconvenient distribution of officers in cantonments so as to bring all stations under the above arrangement in course of time.

Staff Officers.

Staff Officers may be allowed to live in any part of a cantonment.

Page 478. Claim of civilians to houses.

1973. Other claims for house-accommodation noted in the margin* for gentlemen and others will be considered and adjusted by the Officer Commanding the station, with due respect to their rank and position, and with regard to the availableness of houses in the cantonment for their use. But these gentlemen cannot retain any house that may be absolutely required for an officer of the military force at the station.

*Officers, Public Works and other Departments.
Officials of the Government Telegraph Department when the main telegraph office lies within cantonment limits.†
European and East Indian subordinates, etc., in the Civil or Public Works Department.
Missionaries and other residents.

Page 478. Houses to which regulations 1971 to 1973 apply.

1974. Houses within the limits of a cantonment, built on ground the property of Government, whether held on lease or not, are liable to be occupied as above under the control of the Officer Commanding the station.

Exemption of houses on private land and shops.

Houses built on land not the property of Government, or held on freehold tenure or occupied as shops, are exempt from this liability.

Page 478. Compulsory transfer of house to officer.

1975. In the case of necessity arising requiring the removal of a non-military tenant to make way for an officer, not less than one month's notice in writing must be given to the owner as well as the tenant of the house that the house in question is required.

Precautions in requiring change of tenants.

No *summary* ejectment is ever to be permitted, and the greatest consideration should be shown to the occupant whose removal on public grounds is rendered necessary.

The Officer Commanding the cantonment may, however, extend the period of such notice when circumstances will admit of it, and other quarters should be provided for the person, if removed as above, whenever practicable.

Page 478. Boundaries.

1976. The limits of every military cantonment are to be clearly defined, boundary stones or pillars being erected where there are no well-marked natural boundaries.

Record of plans.

A plan of each cantonment on a scale sufficiently large to show every building in it is to be kept in the office of the Quarter Master General and that of the divisional Quarter Master General or Station Staff Officer.

Boundary marks for bazars and villages.
Removal of buildings erected beyond boundaries.

1977. The boundaries of sadr, station and regimental bazars, and of any villages within the limits of cantonments, are also to be defined by pillars of masonry; and all buildings erected beyond the proper boundaries or assigned limits are to be thrown down, and the ruins removed at the expense of the proprietor.

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† These officials were afterwards added by G. O. No. 41 of 1890.

Page 478. 1978. No deviation from the fixed limits of a cantonment, or from those of the lines, bazars or enclosures surrounding Government buildings, is permitted without the sanction of Government, to be applied for through the Quarter Master General's Department.

Alteration of boundaries.

Page 478. 1979. When from any cause any portion of the area of an existing cantonment is found to be no longer required for military purposes, a report to that effect is to be made by the Commanding Officer to the Quarter Master General in order that it may be made over to the civil authorities.

Transfer of surplus land to civil authorities.

Page 478. 1980. A register of houses occupied and vacant, showing the rent of each, is to be kept in the station staff office, alterations being made in it from time to time, and no house is to be taken by any non-military officer unless with the concurrence of the Officer Commanding the station, whose duty it will be to see that such occupancy of the house will not interfere with public convenience.

Register of houses and rents.

Sanction required to occupation of house by civilian.

Page 479. 1981. In order that the number of dwelling-houses in cantonments available for civil and military officers, and officers of Public Departments, missionaries and others, may not be unduly diminished, no house built on Government land or land leased from Government, or assigned to Government for its own use, hitherto occupied as above, shall be converted into a shop, or otherwise rendered unsuitable as a residence, except under the sanction of the Officer Commanding the station; but any houses occupied as shops will not be liable to be registered as dwelling-houses unless the owners wish it, or His Excellency the Commander-in-Chief may consider it absolutely necessary.

Sanction required to conversion of house into shop, etc.

Registration of shop as dwelling-houses.

Page 479. 1982. At stations, such as Secunderabad, where the ground is foreign territory, but assigned by the *Nizam's* Government to Her Majesty's Government for military purposes, the above rules as regards the rental of houses and allotment of officers in the cantonment are to have equal effect.

Application of rules to British cantonments in foreign territory.

Exemption of Bangalore. Bangalore is specially exempted from the operation of these rules.

Kamptee and Cuttack are under the Bengal cantonment rules.

Page 479. 1983. In ordinary cases the decision of the Station Commanding Officer should be considered final, but appeals may be heard and decided by the Officer Commanding the division or district, and, if necessary, they may be submitted for the orders of the Commander-in-Chief, those submitted by gentlemen of the Civil Service being forwarded, with the observations of His Excellency, for final disposal by Government.

Appeal.

* * * * * * * *

Page 480. 1993. All matters connected with cantonment lands and boundaries will be conducted under the orders of the Commanding Officer, by the officer of the Quarter Master General's Department at the station, or, in his absence, by the Cantonment Magistrate or the Staff Officer of the station, assisted, if necessary, by the Executive Engineer. Questions requiring the decision of higher authority are to be referred to head-quarters through the Quarter Master General.

Officer to perform duties connected with lands and boundaries.

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II.—Grants of Land.

* * * * * * * * *

MADRAS.

Page 482. 2000. Applications for grants of land within the limits of cantonments or fortresses will be made in the first instance to the Officer Commanding the station, in the following form.

Form of application for land.

Grants only for officers' quarters or shops. No grants of land will be made except for the purpose of erecting thereon officers' quarters or shops for the convenience of residents. It will be the duty of the Officer Commanding the station to see that this purpose is fulfilled.

Form.

To

The Officer Commanding

(*Station.*)

SIR,

I request you will have the goodness to take the necessary steps for my obtaining a Government grant for the ground herein described:—

Situation of the ground.	Since when enclosed.	Title under which it is held, and whether the property of Government or of individuals.	Extent of the ground. Square yards.	Nature of the soil.	How laid out, and whether buildings upon it.	Bounded on the North by	Bounded on the South by	Bounded on the East by	Bounded on the West by

Certificate by Commanding Officer. (Here enter certificate of the Commanding Officer of the station that the ground does not interfere with any parade or military work.)

I am,

SIR,

Your most obedient servant,

Page 483. 2001. The Officer Commanding the station, having satisfied himself that there is no objection in a military point of view to the occupation of the ground by the applicant, as also that it does not encroach on or interfere with any public road, parade or military work, will ascertain from the Collector of the district how the land, if the property of Government, is entered in his accounts, and what rent has hitherto been assessed on it. He will then submit the Collector's reply, and a sketch showing the boundaries of the ground and its vicinity, accompanied by the application previously made to him, through the Officer Commanding the division, district or force, to the Quarter Master General, by whom it will be submitted for the consideration of the Commander-in-Chief.

Duties of Commanding Officer.

Enquiry as to assessment, etc., of Government land.

Plan of site.

In the event of its being sanctioned, a lease will be prepared by the Quarter Master General containing the following conditions :—

Lease.

(i) To hold the lease for fifty years, renewable at the end of every ten years, at the option of Government.

Term and renewal.

(ii) To pay a yearly ground-rent* as per Collector's valuation ; to well and sufficiently repair, maintain, amend and keep the premises and appurtenances in such good and substantial repair as is necessary for the occupation of a tenant at rack-rent ; to scour and cleanse all drains and water-courses belonging to the premises, and keep the same free from obstruction ; to remove from the premises and keep the same free from prickly-pear and aloe, and all causes of malaria ; hedges to be of a height not exceeding four feet from the level of the public road in front of, or leading to, the premises ; to lop, and keep lopped, the branches of all trees, present and future, which shall grow lower than six feet from the ground.

Ground-rent.
Maintenance.

* Quit-rent is not charged in Rangoon, Tenghoo and Thayetmyo ; but in Moulmein this yearly payment is levied by the civil authorities under the denomination either of quit-rent or house-tax.

(iii) The premises, although maintianed in the above order, to be given to Government at any time if required.

Government claim to house.

(iv) The premises to be open to the Government authorities to take plans and examine the condition thereof.

Inspection.

(v) All or parts of requirements, if found necessary, to be supplied, notice of which in writing to be left at the premises, to be attended to by the lessee within three calendar months.

Requirements to be supplied.

(vi) Not to do or willingly cause or suffer any act or thing to be done in or upon the premises to the annoyance, grievance, damage or disturbance of Government or their tenants.

Protection of Government and tenants.

(vii) On assigning premises to another, a notice in writing of the assignment to be given to the Officer Commanding the cantonment, with full particulars, within three calendar months.

Notice of assignment.

(viii) The monthly rent should be limited to a sum equal to one-twelfth part of a sum equivalent to Rs. 15 per cent. per annum on the *bonâ fide* value of the building to be certified by the local Engineer officer.

Amount of rent.

(ix) To officers the monthly rent to be limited to, and in no case to exceed, either the said sum or the sum of one hundred rupees, whichever of the said sums shall be least in amount ; the meaning being that no more than one hundred rupees a month as rent can be demanded, although the *bonâ fide* value of the building may be more.

Rent to officers not to exceed Rs. 100.

(x) If at any time the tenant, being a military officer, shall consider the rent to exceed the amount mentioned in the foregoing clause, and if the Engineer certify to that effect, the lessee should reduce the rent to what the Engineer shall fix.

Reduction of rent.

N.B.—This is not intended to do away with the assembly of a house-board.

(xi) If at any time it is desired to let or sell, the preference should be given to military officers of the cantonment over anybody else.

Priority of military officers as to hiring or buying.

(xii) If the house is required for the residence of any of the officers of the cantonment, notice in writing to be given to the owner, and, after thirty days, the house should be vacated for occupation by such officer.

Vacation in favour of military officer.

(xiii) If the Government require the land at any time, it should be restored on payment of the fair value of the buildings to be fixed *by the Engineer*. If dissatisfied with this value, the amount to be fixed by Government, which decision will be final.

Resumption of land.

(xiv) The lessee to conform to and obey all present and prospective orders and regulations of Government.

Government orders to be obeyed.

(xv) If the annual rent to Government is not paid within thirty days after the due date, or if the lessee become bankrupt or insolvent, and if there is any execution out against the lessee where the lease shall be seized, or in case of the breach or non-performance of any of the conditions contained in the lease, it shall be lawful for the Government to obtain repossession of the premises on payment of their value.

Resumption of land for default.

(xvi) If the ground is not built upon or brought into use for the purpose specified within twelve months, the lease may be cancelled under the orders of His Excellency the Commander-in-Chief.

Cancellation of lease within twelve months.

2002. The grant in perpetuity of any piece of ground within the precincts of any fort or cantonment shall not hereafter be accorded to any individual. Page 485.

No grant in perpetuity.

It is of course sufficient to reject any application for ground if it be ascertained that to grant it would interfere with the public convenience in any manner whatever.

Rejection of application for grant.

With respect to land not the property of Government within fortresses or cantonments, application shall be made through the Collector and Board of Revenue to Government ; a certificate from the Commanding Officer being at the same time produced to the effect that the occupation of the land in the manner proposed is free from objection in a military point of view.

Application as to private land.

Certificate by Commanding Officer.

2003. All grants of land made by Government under the above provisions shall be entered in the office of the Registrar of Government Grants, who is to return them without delay, with his counter-signature attached in acknowledgment of their having been recorded in his office. No charge is to be made for this duty. Page 485.

Registration of grants.

Scale of land allowed to officers.

The proportion of land allowed to officers of the army requiring it is as follows :—

Field officers	...	...	...	...	...	22,500 square yards.
Captains	...	...	...	...	...	12,000 ditto.
Subalterns	...	...	...	...	...	7,020 ditto.

Although the above is to be considered the usual scale, yet it may occasionally happen that, from the inequality of ground or other local causes, there may be no objection to an extension of the scale.

2004. Officers occupying houses built upon ground for which a grant has been made, considering that they are overcharged for rent, are at liberty to apply to the Officer Commanding the division for a house-board. Should the house-board be of the same opinion, the Engineer of the division will be called on to prepare an estimate of the value of the house or buildings agreeably to the terms of the grant. The Engineer will be guided by his departmental rules in making the estimate, taking into consideration the valuation of the materials composing each building,* its state of repair, accommodation and general convenience. Page 485.

House-board for settlement of rent.

Valuation of house by Engineer.

Should the rent charged be found to exceed 15 per cent. of the *bonâ fide* value of the buildings, it shall be reduced to that standard. It is to be understood that this percentage includes the cost of all annual and necessary repairs, etc., which the house-owner is bound to make.

Reduction of rent to 15 per cent.

The proceedings of the Board and estimate of the Engineer will be forwarded, through the channel above prescribed, to the Quarter Master General, and eventually, if necessary, to Government.

Submission of proceedings to Quarter Master General.

2005. In the event of the house-owner refusing to lower his rent according to the terms of his lease, he will be liable to have it cancelled. Page 486.

Cancellation of lease for overcharge of rent.

* That is, value of materials and labour at the time such building was erected.

House-board for repairs.

Should he decline to make the repairs required, a house-board will be assembled to decide upon what is really required, and what expense is to be incurred. The house will be repaired agreeably to its decision and the *bonâ fide* cost deducted from the rent.

Page 486.

Buildings on land of which no grant made.

2006. In the case of parties possessing buildings on land for which no grant has been issued, the above stipulations are equally binding; but, should they refuse to conform to them, they will be obliged to have the buildings removed from off the ground within six months from the date of the receipt of the order to do so.

Page 485.

Sanction required to building.

2007. No building of any kind is to be erected in a cantonment without the sanction of the Commander-in-Chief, which must be applied for, through the station and divisional authorities, to the Quarter Master General. This applies to Public Departmental buildings as well as all others.

Every application should state clearly the description and size of the building it is proposed to erect, and the purpose for which it is required; and should be accompanied by a sketch of the proposed site showing the buildings and roads, etc., in its immediate vicinity.

Closing or opening of roads.

2007A. No old roads in cantonments are to be closed or new ones opened without the sanction of the Commander-in-Chief.*

* * * * * * * *

* Paragraph 2007A was added by G. G. O. No. 9 of 1888.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ANNEXURE

TO

Bill to make better provision for securing house-accommodation for military officers in cantonments.

(*Statement of Objects and Reasons.*)

G. C. Press, Simla.—No. 159 L. D.—4-11-98.—350.

No. 1659.

CHIEF SECRETARY'S OFFICE
10 NOV. 1898
GOVERNMENT OF MADRAS

FROM

J. M. MACPHERSON, ESQ., C. S. I.,

Secretary to the Government of India,

Legislative Department,

TO THE CHIEF SECRETARY TO THE GOVERNMENT OF Madras.

Dated Simla, the 5th November 1898.

SIR,

I AM directed to forward herewith forty copies of the papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this Department with an expression of his opinion on the provisions of the Bill, and with the opinions of the Hon'ble the Judges of the High Court and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

A Bill to make better provision for securing house accommodation for officers in Cantonments, with Statement of Objects and Reasons.

2. I am also to request that the Bill and Statement may be published in the Fort St. George Gazette in English, and in such other languages as the Governor in Council may deem proper, and that the dates of such publication ~~of both~~ may be communicated in your reply.

3. The reply to this letter should be sent in by the 15th January next.

I have the honour to be,

SIR

Your obedient Servant,

J. M. Macpherson

Secretary to the Government of India.

* Sent by parcel post

G. C. Press, Simla.—No. 498 L. D.—2-4-98.—200.

[G. / 24]
1,000—15-12-98.

Rec'd 4-55 P.M. 12/1/99.

Public DEPARTMENT

138 Pub

C. No. 687 From the Govt. of India L. Dept., No. 1659, dated 5-11 1898.

" " " " " " 189 .

" " " " " " 189 .

" " " " " " 189 .

Order No. 127
Refer. [illegible] 14-1-99

Communicated to the Hon'ble the Judges of the High Court, the Advocate Genl., the Deputy Adjutant General Madras Command, and to the Collectors of the Districts named in the margin for favour of very early remarks.

Chingleput
Bellary
Ganjam
Malabar
Trichinopoly
~~Wellington~~
Nilgiris

Cy
12.1.99

12/1/99

Cd 14/1/99

To the Hon'ble the Ch. Justice with C.L.
. Advocate Genl.
. Dy. Adjt. Genl. M. Comd.
. Collectors of the Districts named above

A of current [illegible] & S.C. of [illegible].

P.T.O.

Note for office. The current Gl. [illegible] [illegible] Public [illegible] the file [illegible]

note for the Ch. Secy. – The office order regarding procedure will be drafted after the endorsement overleaf has been issued. The issue of the endt. is an urgent matter.

Cu
12-1-99

Public (1899) Department.

CURRENT No. 256.

CHIEF SECRETARY
22 JAN 1899
GOVERNMENT OF MADRAS

CHIEF SECRETARY
23 JAN 9
PUBLIC ETC.

Order

From

The Collector of Malabar

No. D 125.
Pub.

Dated 20th
Received 22nd
Registered 23rd
January 1899

Enclosures ——— " ———

Spare copies ——— " ———

SUBJECT.

Reporting that the Collector has no remarks to offer about the bill to make better provision for securing house accommodation for officers in cantonments

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Public

Judicial (1897) Department.

CURRENT No.

CHIEF SECRETARY'S
29 JAN 1899
GOVERNMENT OF MADRAS

From

Order

No. 102

Dated Jan 28
Received 23. 1. 99.
Registered

Enclosures

Spare copies

SUBJECT.

Stating

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

N

Despd
26/1/99.

The following telegram will be despatched to the Collector of Ganjam.

No. 39x Memo 127, 14th instant — Cantonments House Accommodation Bill. Expedite reply.

Cr 26.1.99. 26/1/99

Public (1899) Department.

CURRENT No. 356

UNDER SECRETARY 31 JAN 9 PUBLIC ETC DEPT

CHIEF SECRETARY 31. JAN. 1899 GOVERNMENT OF MADRAS

From

The Collector and District Magistrate Ganjam

Order

Dis No. 9 R/mag of 99

Dated 24 January 1899

Received 31st January 1899

Registered 31st January 1899

Enclosures

Spare copies.

SUBJECT.

Cantonments (House accomodation) Bill. — submitting remarks in connection with —,

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Public (1899) Department.

CURRENT No. [illegible]

UNDER SECRETARY 1 FEB 9 PUBLIC ETC DEPT.

CHIEF SECRETARY -1. FEB. 1899 GOVERNMENT OF MADRAS

Order

From The Collector of Bellary

R Dis: No. 69.

Dated 30-1-99.

Received 1-2-99.

Registered 1-2-99.

Enclosures

Spare copies

SUBJECT.

Cantonments (House Accommodation) bill:—

Offering remarks on the ——

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Public (1899) Department.

CURRENT No. 369

E

From The Hon'ble the Advocate-General Madras

Order

No.

Dated 31st January 1899

Received 1 - 2 . 99

Registered 1 . 2 . 99.

Enclosures 2.

Spare copies

SUBJECT.

Stating that he has no observations to offer on the Cantonments (House accommodation) bill.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Public (1897) Department.

CURRENT No. 406

From The Dy Adjutant General Madras Command.

Order

No. B/I - 1796

Dated 1. 2. 97

Received 3. 2. 97

Registered 3. 2. 97.

Enclosures

Spare copies

SUBJECT.

Stating that the report on the Bill regarding House accommodation for Officers at Cantonments will be forwarded on receipt of replies from Officers for whose opinion it has been referred to.

C. 130

Cantonments House Accommodation Bill.

Note for the S.A.

Replies are still due from the Collectors of

(1) Chingleput - Memo
(2) Trichinopoly
(3) The Nilgiris
&
(4) The D.H.G.

} draft telegrams } Subd.

Dll 1.2.99

Remrs were last sent on 26.1.99.

Dll 1.2.99

For the US

a telegram might perhaps be sent to each of the above named officers.

Cn 1.2.99

Yes - except Chingleput.

Send O.M. to him.

AK

Memo Subd.

Dll 1.2.99

P.C. reminder dep'd to the Collr. Chingleput 2/2/99

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Despatched 2-2-9 (D)

Desp'd 2/2/99

The following telegram will be despatched to the Collector of Trichinopoly and The Nilgiris & to the D.H.G.

No. 50 x Order 127, 14th Instant Cantonments House Accommodation Bill. Please expedite reply.

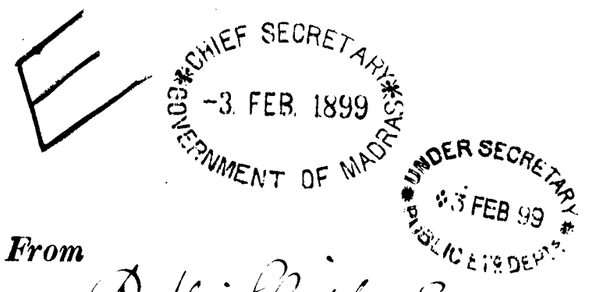
Cn 1.2.99

AK 2/2/99

Public (1899) Department.

CURRENT No. 396

E



CHIEF SECRETARY
-3. FEB. 1899
GOVERNMENT OF MADRAS

UNDER SECRETARY
3 FEB 99
PUBLIC ETC DEPTS

From R. H. Shipley Esq., Collector of Trichinopoly.

Order

P. Dis. No. ——— Rev. 488

Dated 2nd February 1899.

Received 3rd ——— ———

Registered 3rd ——— ———

Enclosures

Spare copies

SUBJECT.

Offering remarks on the Bill to make better provision for securing house accommodation for officers in Cantonments.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

How are the
Cantonments
passen getting
on? We can't
wait for the
D.A.G.'s reply
India will get
that separated
from Military

[illegible]

1499

Public (1899) Department.

CURRENT No. 413.

E Telegram

From The Dy. Adjutant General
Madras Command
Ootacamund.
No. 197 S.

Order

Dated 3. 2. 99

Received 4. 2. 99

Registered 4. 2. 99.

Enclosures

Spare copies

SUBJECT.

Stating that his letter No. B/I 1796 of the 1st instant deals with the reply to telegram of the 2nd instant regarding Cantonment house accommodation Ootc.

BACK PAPERS.

G.O.	No	Department	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

118

CURRENT No. 413.

T—14.

Class DS | INDIAN TELEGRAPH. | Monthly Local No. 80

To Station MS Nb | From Station Ootacamund

Words.	Day.	Hour.	Minute.	Official Instruction.
289	3	17	21	dfd

To (Person) Madras | From (Person) d a g Madras

197 s your 50 second instant cantonments house accommodation bill please see my letter b 1 196 first idem

NUNGUMBAKKUM 3 FEB 99

CHIEF SECRETARY * GOVERNMENT OF MADRAS * FEB 1899

UNDER SECRETARY PUBLIC ETA DEPT. 4 FEB 99

Recd. from L. N. | Sent to

At Hrs. Mts. By | At Hrs. Mts. By

Date | Postmaster.

Rem^r. telegm.

B
Cus 406/99

Public (1899) Department.

To await the reply from the Collector of Chingleput.

Send special O.K. calling for very early reply

6.2.99

CHIEF SECRETARY
4 FEB 1899
GOVERNMENT OF MADRAS

UNDER SECRETARY
6 FEB 99
PUBLIC ETC DEPTS

CURRENT No. 424

Order

From

The Collector of the Nilgiris

B.G.R. No. 145/1899

Dated 3rd February 1899.

Received 5th ——— ———

Registered 6th ——— ———

Enclosures nil

Spare copies

SUBJECT.

Draft Cantonments (Accommodation) — Bill: —

Stating that he has no remarks to offer on the ———

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

5/7/2/99

N

Public Dept.

Memo:- No. 3[illegible] 4/7-2[illegible]

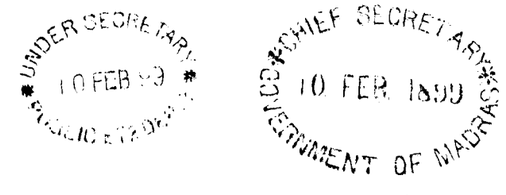
The Collector of Chingleput is requested to submit a very early reply to reference No 127 Public dated 14 Jany 1899, regarding the Cantonments House accommodation Bill. Other replies have been received, & the matter is very urgent.

[illegible] 7.2.99 [illegible] 7/2/99

To the Collector of Chingleput } Desk

Public (1899) Department.

CURRENT No.



UNDER SECRETARY 10 FEB 99 PUBLIC & T. DEPT.

CHIEF SECRETARY 10 FEB 1899 GOVERNMENT OF MADRAS

From The Ag District Magistrate, Chingleput

Order

Ord No. 79 of 1899

Dated 8th February 1899.

Received
Registered } 10. 2. 99

Enclosures

Spare copies

SUBJECT.

Submitting his remarks on the draft Cantonment (House Accommodation) Bill

BACK PAPERS.

G.O.	No.	Department.	Date.
	91	Pub:	20.1.99
	1662-3	M	26.7.97
	99	M	27.1.97
	Draft Cantonment rules of 6.		

Viceroy's Council Proceedings of 88 & 89.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

INDIAN TELEGRAPHS.

To (Office) Telephonic

From (Office) Dressage

Words.	Day.	Hour.	Minute.	Official Instructions.
	11	14	59	

To (Person) 2nd Asst C.S.

From (Person) Supt. Govt Press

The cantonments house accommodation Bill was published in English in the Gazette of the 31st Jany in English. The vernacular will probably appear in the next issue.

64 Word Form.

Code Class

INDIAN [redacted]

To (Office) Telephonic

From (Office) Messall

Words	Day	Hour	Minute	Instructions
	17	10	21	

To (Person) 2nd asst C.S.

From

There are 3 Translations in all of the [illegible] ment house accommodation Bill to be published. Malayalam appeared in last [illegible] only a portion of the Telegn & nothing of the Tamil has been received by the Press by the Translators.

Remind the translators.

[illegible]

7/7/99

C. 15. 2. 99
R. 16. 2. 99

The Cantonments (House Accommodation) Bill.

H. M.

Draft. [illegible] 16/2/99

Submitted that this need not be awaited. The Govt. of India wants an early reply, and the opinion of the Military Authorities has doubtless been already obtained direct.

[illegible] 14/2/99

Public Departme[illegible]

Cus. 256, 267, 353, 365, 369, 395, 406, 410, 42[illegible]

For Orders

The papers read above are the replies to Memo. No. 127, d[illegible] 14.1.99, inviting opinions on the draft Cantonments (House-Accommodation) Bill.

The High Court, the Advocate General and the Dt. Magt. of Malabar have no remarks to offer. The Dy. Adjutant General states that the Bill has been referred to General Officers commanding the districts and on receipt of replies a report on the Bill will be made to Govt.*

The Dt. Magt. of Trichinopoly states that in his opinion the Bill is inapplicable to the so-called Cantonment of Trichinopoly for the reason that the lands upon which the European residences stand are

are mainly patta or inam lands & not lands granted for building purposes. The owners are therefore not grantees under the Act; the further shakes that unless the Govt: is prepared to legislate especially with a view to bringing these lands & houses within the scope of the Act, its provisions will remain inoperative.

The other officers consulted viz: the Dt. Magistrates of Ganjam, Bellary, the Nilgiris & Chingleput generally approve of the provisions of the Bill but however offer some remarks & propose certain amendments. For convenience of reference these amendments to be ~~have~~ which are [illegible] have been pasted opposite to the respective sections in the Bill.

The Bill brings together rules & general orders of the Govt. of India

[illegible] 14/2/99

The Bill does not seem to have taken such cases into consideration. For Sec 3 (5) does not provide for them.

ACA.

The bulk of the legal points can be left for India to examine — it will be sufficient to forward the letters. I have marked a few matters wh. may I think be supported.

ACA 15/2/99

which have been in force for many years, but difficulty in the working of which has been experienced without legislative enactment —

The opinions of the officers consulted might be forwarded to the Govt. of India, & it remains to be considered whether any, & if so, what remarks should be made by Govt. in replying to the Govt. of India.

[illegible] 14.2.99

Please see the notes in the interleaved copy of the bill below.

[illegible] 14/2/99.

[illegible] 14/2/99.

[G. 24]
1,000—15-12-98.

The Govt. of India will be 18/2/99
addressed.

17/2/99

LETTER No: 2059 4.2.99

To

The Secy. to the Govt. of India,
Legislative Dept.

Sir,

I am directed to acknowledge the receipt of your letter No.1659, dated 5th Novr.1898, forwarding for opinion, a Bill to make better provision for securing house accommodation for officers in cantonments.

2. In reply I am to state that the Hon'ble the Judges of the High Court and the Hon'ble the Advocate-General, to whom, have no remarks to offer upon

Copies of the opinions of officers named in the margin are forwarded herewith, for the consideration of the Govt. of India. It has not been considered necessary to await the remarks of the Deputy Adjutant-Genl., Madras Command, as the opinion of the military authorities will doubtless be obtained by the Govt. of India through the Military Department. With regard to the suggestions made by the officers consulted, I am to say that the Govt. desires to endorse the recommendation by the Dist. Magte. of Ganjam regarding the exemption under clause 13 of houses in the occupation of relatives of the grantee, and of houses the grantee of which is a missionary society, and also the remark of the District Magistrate of Chingleput regarding the inadequacy of the period of 4 days allowed under clause 13(1) for giving possession of a house. This Govt. also accepts the view expressed in para. 3 of the letter from the District Magistrate of Ganjam, that in cases where, under clause 33(1), permission to transfer a house may be refused, the grantee should be given the right to insist that his house should be purchased by Govt.

4. I am to invite attention to the remark of the Collector and Magistrate, Trichinopoly to the effect that the Bill is inapplicable to the so called Cantonment of Trichinopoly, for the reason that the lands upon which the European residences stand are mainly patta or inam lands, and not lands granted for building purposes, and that the owners are therefore not grantees under the Act. The Bill does not seem to have taken such cases into consideration for sec. 3(5) does not [illegible] The bill with the statements of objects and reasons was published in English in the Fort St. George Gazette dated 31st January 1899 and in Malayalam in the Gazette of 14th February 1899. It will shortly be republished in Tamil and Telugu also.

(From orders)