

THE CANTONMENTS ACT, 1924

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THE CANTONMENTS ACT, 1924

ACT NO. II OF 1924

[16th February, 1924]

An Act to consolidate and amend the law relating to the administration of cantonments.*

WHEREAS it is expedient to consolidate and amend the law relating to the administration of cantonments;

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Cantonments Act, 1924.

Short title,
extent and
commencement

(2) It extends to the whole of Bangladesh.

(3) The Government may, by notification in the official Gazette, direct that this Act, or any provisions thereof which it may specify, shall come into force on such date as it may appoint in this behalf.

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

Definitions

- (i) "Assistant Health Officer" means the medical officer appointed by the Officer Commanding-in-Chief, the Command, to the Assistant Health Officer for a cantonment;
- (ii) "Board" means a Cantonment Board constituted under this Act;
- (iii) "brigade area" means one of the brigade areas, whether occupied by a brigade or not, into which Bangladesh is for military purposes for the time

* Throughout this Act, except otherwise provided, the words "Bangladesh", "Government", "Penal Code" and "Taka" were substituted, for the words "Pakistan", "Central Government", "Pakistan Penal Code" and "rupee" or "rupees" respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

being divided, and includes for all or any of the purposes of this Act any area which the Government may, by notification in the official Gazette, declare to be a brigade area for such purpose or purposes;

- (iv) "building" means a house, outhouse, stable, latrine, shed, hut or other roofed structure whether of masonry, brick, wood, mud, metal or other material, and any part thereof, and includes a well and a wall (other than a boundary wall not exceeding eight feet in height and not abutting on a street) but does not include a tent or other portable and temporary shelter;

¹[* * *]

²[* * *]

- (vii) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of an elected member of a Board;

- (viii) "Command" means one of the Commands into which Bangladesh is for military purposes for the time being divided, and includes any area which the Government may, by notification in the official Gazette, declare to be a Command for all or any of the purposes of this Act;

³[* * *]

- (x) "dairy" includes any farm, cattle-shed, milk-store milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale or is manufactured for sale into butter, ghee, cheese or curds, and, in relation to a dairyman who does not occupy any premises for the sale of milk, includes

¹ Clause (v) was omitted by the Cantonment (Amendment) Act, 1936 (Act No. XXIV of 1936).

² Clause (vi) was omitted by the Cantonment (Amendment) Ordinance, 1960 (Ordinance No. XXXVIII of 1960).

³ Clause (ix) was omitted by section 2 and 1st Schedule of the Repealing and Amending Act, 1935 (Act No. XII of 1935).

any place in which he keeps the vessels used by him for the storage or sale of milk;

- (xi) "dairyman" includes the keeper of a cow, buffalo, goat, ass or other animal, the milk of which is offered or is intended to be offered for sale for human consumption, and any purveyor of milk and any occupier of a dairy;
- (xia) "elected member" means the Chairman of a Union Committee in a cantonment who has become a member of the Board under Article 12 of the Basic Democracies Order, 1959;
- (xib) "entitled consumer" means a person in a cantonment who is paid from the Defence Services Estimates and is authorised by general or special order of the Government to receive a supply of water for domestic purposes from the Military Engineer Services or the Public Works Department on such terms and conditions as may be specified in the order;
- (xii) "Executive Engineer" means the Public Works Officer of that grade, or the officer of the Military Engineer Services of the corresponding grade, having charge of the military works in a grade, having charge of the military works in a cantonment or where more than one such officer has charge of the military works in a cantonment such one of those officers as the Officer Commanding the Station may designate in this behalf, immediate executive engineering charge of a cantonment;
- (xiii) "Executive Officer" means the person appointed under this Act to be the Executive Officer of a cantonment;
- (xiv) "Health Officer" means the senior executive medical officer in military employ on duty in a cantonment;

¹[* * *]

- (xvi) "hut" means any building, no material portion of which above the plinth level is constructed of masonry or of squared timber framing or of iron framing;
- (xvii) "infectious or contagious disease" means cholera, leprosy, enteric fever, small-pox, tuberculosis, diphtheria, plague, influenza, venereal disease, and any other epidemic, endemic or infectious disease which the Government may, by notification in the official Gazette, declare to be an infectious or contagious disease for the purposes of this Act;
- (xviii) "inhabitant", in relation to a cantonment, or local area, means any person ordinarily residing or carrying on business or owning or occupying immovable property therein, and in case of a dispute means any person declared by the District Magistrate to be an inhabitant;

²[* * *]

- (xx) "market" includes any place where persons assemble for the purpose of selling meat, fish, fruit, vegetables, live-stock or any other article of food;

- ³[(xxa) "Military Estates Officer" means the officer appointed by the Government to perform the duties of the Military Estates Officer under rules made under clauses (a) and (b) of sub-section (2) of section 280;]

¹ Clause (xv) was omitted by section 2 of the Cantonments (Amendment) Act, 1936 (Act No. XXIV of 1936).

² Clause (xix) was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ Clause (xxa) was inserted by section 2 of the Cantonments (Amendment) Act, 1936 (Act No. XXIV of 1936).

(xxi) "Military officer" means—

- (a) a person who, being an officer within the meaning of the ¹[Army Act, 1952, or the Air Force Act, 1953], is commissioned and in pay as an officer doing military or air force duty with the military or air forces of Bangladesh, or is an officer doing such duty in any arm, branch or part of those forces; or
- (b) a person doing military or air force duty as a warrant officer with either of those forces or with any arm, branch, or part thereof, whether he is or is not an officer within the meaning of the ¹[Army Act, 1952, or the Air Force Act, 1953];

(xxii) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;

(xxiii) "occupier" includes an owner in occupation of, or otherwise using his own land or building;

(xxiv) "Officer Commanding the District" means the Officer Commanding any one of the districts into which Bangladesh is for military purposes for the time being divided, or any brigade area which does not form part of any such district, or any area which the Government may, by notification in the official Gazette, declare to be such a district for all or any of the purposes of this Act;

¹ The words, commas and figure "Army Act, 1952, or the Air Force Act, 1953" were substituted, for the words, commas and figures " Army Act or the Indian Army Act, 1911 or the Pakistan Army Act, 1952, or the Air Force Act, or the Indian Air Force Act, 1932 or the Pakistan Air Force Act, 1953" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹[(xxiva) "Officer Commanding the station" means the military officer for the time being in command of the forces in a cantonment, or, if that officer is the Officer Commanding the District or Officer Commanding-in-Chief, the Command, the military officer who would be in command of those forces in the absence of the Officer Commanding the District and Officer Commanding-in-Chief, the Command;]

²[* * *]

(xxvi) "owner" includes any person who is receiving or is entitled to receive the rent of any building or land whether on his own account or on behalf of himself and others or an agent or trustee, or who would so receive the rent or be entitled to receive it if the building or land were let to a tenant;

(xxvii) "party wall" means a wall forming part of a building and used or constructed to be used for the support or separation of adjoining buildings belonging to different owners, or constructed or adapted to be occupied by different persons;

(xxviii) "private market" means a market which is not maintained by a Board and which is licensed by a Board under the provisions of this Act;

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

(xxx) "public market" means a market maintained by a Board;

(xxxi) "public place" means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not;

¹ Clause (xxiva) was inserted by section 2 and 1st Schedule of the Repealing and Amending Act, 1935 (Act No. XII of 1935).

² Clause (xxv) was omitted by section 2 of the Cantonments (Amendment) Ordinance, 1960 (Ordinance No. XXXVIII of 1960).

(xxxii) "public slaughter-house" means a slaughter-house maintained by a Board;

¹[(xxxia) a person is deemed to reside in a cantonment if he maintains therein a house or a portion of a house which is at all times available for occupation by himself or his family even though he may himself reside elsewhere, provided that he has not abandoned all intention of again occupying such house either by himself or his family;]

(xxxiii) "shed" means a slight or temporary structure for shade or shelter;

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

(xxxv) "soldier" means a person who is a soldier or airman within the meaning of the ²[Army Act, 1952,] and who is not a military officer;

(xxxvi) "spirituous liquor" means any fermented liquor, any wine, or any alcoholic liquid obtained by distillation or the sap of any kind of palm tree, and includes any other liquid containing alcohol which the Government may, by notification in the official Gazette, declare to be a spirituous liquor for the purposes of this Act;

(xxxvii) "street" includes any way, road, lane, square, court, alley or passage in a cantonment, whether a thoroughfare or not and whether built upon or not, over which the public have a right-of-way and also the road-way or foot-way over any bridge or causeway;

¹ Clause (xxxia) was inserted by section 2 of the Cantonments (Amendment) Act, 1936 (Act No. XXIV of 1936).

² The words, commas and figure "Army Act, 1952," were substituted, for the words, commas and figures "Army Act or the Air Force Act, or is subject to the Indian Army Act, 1911 or the Pakistan Army Act, 1952" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

- (xxxviii) "vehicle" means a wheeled conveyance of any description which is capable of being used on a street, and includes a motor-car, motor lorry, motor omnibus, cart, locomotive, ¹[* * *] hand-cart, truck, motor-cycle, bicycle, tricycle and rickshaw;
- (xxxix) "water-works" includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, water-trucks, sluices, mains, pipes, culverts, hydrants, stand-pipes, and conduits, and all machinery, lands, buildings, bridges and things, used for, or intended for the purpose of, supplying water to a cantonment; and
- (xl) "year" means the year commencing on the first day of July.

CHAPTER II

DEFINITION AND DELIMITATION OF CANTONMENTS

Definition of
cantonments

3. (1) The Government may, by notification in the official Gazette, declare any place or places in which any part of the regular forces or the regular air force of Bangladesh is quartered or which, being in the vicinity of any such place or places, is or are required for the service of such forces to be a cantonment for the purposes of this Act and of all other enactments for the time being in force, and may, by a like notification, declare that any cantonment shall cease to be a cantonment.

(2) The Government may, by a like notification, define the limits of any cantonment for the aforesaid purposes.

(3) When any place is declared a cantonment for the first time, the Government may, until a Board is constituted in accordance with the provisions of this Act, by order make any provision which appears necessary to it either for the administration of the Cantonment or for the constitution of the Board.

¹ The words and comma "tram-car," were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

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

4. (1) The Government may, by notification in the official Gazette, declare its intention to include within a cantonment any local area situated in the vicinity thereof or to exclude from a cantonment any local area comprised therein.

Alteration of
limit of
cantonments

(2) Any inhabitant of a cantonment or local area in respect of which a notification has been published under sub-section (1) may, within six weeks from the date of the notification, submit in writing to the Government through the Officer Commanding-in-Chief, the Command, an objection to the notification, and the Government shall take such objection into consideration.

(3) On the expiry of six weeks from the date of the notification, Government may, after considering the objections, if any, which have been submitted under sub-section (2), by notification in the official Gazette, include the local area in respect of which the notification was published under sub-section (1), or any part thereof, in the cantonment or, as the case may be, exclude such area or any part thereof in the cantonment.

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

The effect of
including area
in cantonment.

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

Disposal of
cantonment
fund when
area ceases to
be a
cantonment

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

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

7. (1) When, by a notification under section 4, any local area forming part of a cantonment ceases to be under the control of a particular Board and is immediately placed under the control of some other local authority, such portion of the cantonment fund and other property vesting in the Board and such portion of the liabilities of the Board, as the Government may, by general or special order, direct, shall be transferred to that other local authority.

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

Application of
funds and
property
transferred
under sections
6 and 7

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

Limitation of
operation of
Act

9. The Government may, by notification in the official Gazette, exclude from the operation of any part of this Act the whole or any part of a cantonment, or direct that any provision of this Act shall, in the case of any cantonment in which the Board is superseded under section 54, apply with such modifications as may be so specified.

CHAPTER III

CANTONMENT BOARDS

Boards

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

Cantonment
Board and
Executive
Officer

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

Incorporation
of Cantonment
Board

12. (1) The Executive Officer of every cantonment shall be appointed by the Government, or by such person as the Government may authorise in this behalf, ¹[* * *].

Appointment
of Executive
Officer

²[* * *]

(2) Not less than half the cost of the salary of the Executive Officer and a proportionate share of the his leave salary and pension contribution shall be paid to the Government from the cantonment fund.

³[* * *]

(3) The Executive Officer shall be the Principal Executive Officer of the Cantonment Board and the Secretary of the Board and of every committee of the Board but shall not be a member of the Board or of any such committee. He shall have the right to take part in the discussions but not to move any proposals at the meetings of the Board and of the Committees.

¹ The words and comma "from officers appointed, to the Pakistan Military Lands and Cantonments Services" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² Proviso was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ Proviso was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Classification
of
Cantonments

13. (1) Cantonments shall be divided into three classes, namely:—

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

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

Constitution of
Cantonment
Boards

¹[**13A.** (1) In Class I Cantonments, the Board shall consist of the following members, namely:—

- (a) the Officer Commanding the station or, if the Government so directs in respect of any cantonment, such other civil or military officer as may be nominated in his place by the Officer Commanding-in-Chief, the Command;

²[* * *]

- (c) a Magistrate of the first class nominated by the District Magistrate;
- (d) the Health Officer;
- (e) the Executive Engineer;

¹ Section 13A was inserted by section 4 of the Cantonments (Amendment) Ordinance, 1960 (Ordinance No. XXXVIII of 1960).

² Clause (b) was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

- (f) four civil or military officers nominated by the Officer Commanding the station by order in writing.

¹[* * *]

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

- (a) the Officer Commanding the station or, if the Government so directs in respect of any cantonment, such other civil or military officer as may be nominated in his place by the Officer Commanding-in-Chief, the Command;

²[* * *]

- (c) a Magistrate of the first class nominated by the District Magistrate;
- (d) the Health Officer;
- (e) the Executive Engineer;
- (f) three civil or military officers nominated by the Officer Commanding the station by order in writing.

³[* * *]

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

- (a) the Officer Commanding the station or, if the Government so directs in respect of any cantonment, such other civil or military officer as may be nominated in his place by the Officer Commanding-in-Chief, the Command;

¹ Proviso was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² Clause (b) was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ Proviso was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹[* * *]

- (c) one civil ²[and one] military officer nominated by the Officer Commanding the station by order in writing.

(4) The Officer Commanding the station may, if he thinks fit, with the sanction of the Officer Commanding-in-Chief, the Command, nominate in place of any civil or military officer whom he is empowered to nominate under clause (f) of sub-section (1), clause (f) of sub-section (2) or clause (c) of sub-section (3), any person, whether in the service of the ³[Republic] or not, who is ordinarily resident in the cantonment or in the vicinity thereof.

(5) The name of every ⁴[* * *] nominated member of the Board, and every vacancy in the membership thereof, shall be notified by the Government in the official Gazette.]

Power to vary
constitution of
Boards in
special
circumstances

14. (1) Notwithstanding anything contained in section 13A, if the Government is satisfied—

- (a) that, by reason of military operations it is necessary, or
(b) that, for the administration of the cantonment, it is desirable,

to vary the constitution of the Board in any cantonment under this section, the Government may, by notification in the official Gazette, make a declaration to that effect.

¹ Clause (b) was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words "and one" were substituted, for the word "or" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ The word "Republic" was substituted, for the word "State" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

⁴ The words "elected or" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

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

- (a) the Officer Commanding the station;
- (b) one military officer nominated by name by the Officer Commanding the station by order in writing;
- (c) one member, not being a person in the service of the¹[Republic], nominated by the Officer Commanding the station.

²[* * *]

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

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

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

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

(5) When the term of office of a Board constituted under this section has expired or ceased, the Board shall be replaced by

¹ The word "Republic" was substituted, for the word "Government" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² Proviso was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

the former Board which, but for the declaration under sub-section (1), would have continued to hold office, or, if the term of office of such former Board has expired, by a Board constituted under section 13A.

Term of office
of members

15.¹ [(1) The term of office of a member of a Board shall be five years and shall commence from the date of the notification of his nomination under sub-section (5) of section 13A, or from the date on which the vacancy has occurred in which he is nominated, whichever be later.]

(2) The term of office of an *ex-officio* member of a Board²[* * *] shall continue so long as he holds the office in virtue of which he is such member.

(3) [*Omitted by the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973), section 3 and 2nd Schedule.*]

(4) An outgoing member shall, unless the Government otherwise directs, continue in office until the³[* * *] nomination of his successor is notified under sub-section (5) of section 13A.

(5) An outgoing nominated member may, if qualified, be re-nominated.

16 and 17. [*Omitted by the Cantonments (Amendment) Ordinance, 1960 (Ordinance No. XXXVIII of 1960), section 7.*]

¹ Sub-section (1) was substituted, for sub-section (1) by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² Commas and the words ", not being an elected member," were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ The words "election or" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

18. (1) Every ¹[* * *] person who is by virtue of his office, or who is nominated to be, a member of a Board shall, before taking his seat, make at a meeting of the Board an oath or affirmation of his allegiance in the following form, namely:-

Oath or
affirmation

I,, having become/been nominated a member of this Board, do solemnly swear (or affirm) that I will bear true faith and allegiance to Bangladesh and that I will faithfully discharge the duty upon which I am about to enter.

(2) If any such person fails to make the oath or affirmation within such time as the Government considers reasonable, the Government shall, by notification in the official Gazette, declare his seat to be vacant.

19. (1) Any nominated ²[* * *] member of a Board who wishes to resign his office may forward his resignation in writing through the President of the Board to the Officer Commanding-in-Chief, the Command, who shall forward it for orders to the Government.

Resignation

(2) If the Government accepts the resignation, such acceptance shall be communicated to the Board, and thereupon the seat of the member resigning shall become vacant.

20. (1) The Officer Commanding the station, or the civil or military officer nominated in his place under section 13A, shall be the President of the Board.

President and
Vice-President

³[(2) In every Board constituted under section 13A in a class I Cantonment or class II Cantonment, there shall be a Vice-President elected by the members from amongst their number.]

¹ The words and comma "elected member, and every" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words "or elected" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ Sub-section (2) was substituted, for sub-section (2) by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Term of office
of Vice-
President

21. (1) Unless he resigns his office under sub-section (2) or is removed under sub-section (3), the term of office of a Vice-President shall be five years or the residue of his term of office as a member, whichever is less.

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

(3) A Vice-President may be removed from his office by the Government at any time during the term of his office if a no-confidence motion is passed against him by a two-third majority of the ¹[* * *] members of the Board at a meeting specially convened for this purpose, and on such removal the office shall become vacant.

Duties of
President

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

- (a) unless prevented by reasonable cause, to convene and preside at all meetings of the Board and to regulate the conduct of business thereat;
- (b) to exercise supervision and control over the financial and executive administration of the Board;
- (c) to perform all the duties and exercise all the powers specifically imposed or conferred on the President by or under this Act; and
- (d) subject to any restrictions, limitations and conditions imposed by this Act, to exercise executive power for the purpose of carrying out the provisions of this Act and to be directly responsible for the fulfilment of the purposes of this Act.

(2) The President may, by order in writing, empower the Vice-President to exercise all or any of the powers and duties referred to in clause (c) of sub-section (1) other than any power, duty or function which he is by resolution of the Board expressly forbidden to delegate.

¹ The word "elected" was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(3) The exercise or discharge of any powers, duties or functions delegated by the President under this section shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the President and to the control of, and to revision by, the President.

(4) Every order made under sub-section (2) shall forthwith be communicated to the Board and to the Officer Commanding-in-Chief, the Command.

23. It shall be the duty of the Vice-President of every Board— Duties of
Vice-President

- (a) in the absence of the President and unless prevented by reasonable cause, to preside at meetings of the Board and when so presiding to exercise the authority of the President under sub-section (1) of section 22;
- (b) during the incapacity or temporary absence of the President or pending his appointment or succession, to perform any other duty and exercise any other power of the President; and
- (c) to exercise any power and perform any duty of the President which may be delegated to him under sub-section (2) of section 22.

24. The Executive Officer shall perform all the duties imposed upon him by or under this Act, and shall be responsible for the custody of all the records of the Board, and shall arrange for the performance of such duties relative to the proceedings of the Board or of any Committee of the Board or of any Committee of Arbitration constituted under this Act, as those bodies may respectively impose on him, and shall comply with every requisition of the Board, on any matter pertaining to the administration of the cantonment. Duties of the
Executive
Officer

25. The Executive Officer may, in cases of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of the Board and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the cantonment fund: Special power
of the
Executive
Officer

Provided that—

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

Elections

26-31. *[Omitted by the Cantonment (Amendment) Ordinance, 1960 (Ordinance No. XXXVIII of 1960), section 11.]*

Members

Member not to vote on matter in which he is interested

32. No member of a Board shall vote at a meeting of the Board or of any committee of the Board on any question relating to his own conduct or on any matter, other than a matter affecting generally the inhabitants of the cantonment, which affects his own pecuniary interest or the valuation of any property in respect of which he is directly or indirectly interested, or of any property of or for which he is a manager or agent.

Liability of members

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

Removal of members

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

¹[* * *]

¹ Clause (a) was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

- (b) has absented himself for more than three consecutive months from the meetings of the Board and is unable to explain such absence to the satisfaction of the Board; or
- (c) has knowingly contravened the provisions of section 32; or
- (d) has, in the opinion of the Government, so flagrantly abused in any manner his position as a member of the Board as to render his continuance as such member detrimental to the public interests; or
- (e) being a legal practitioner, acts or appears on behalf of any other person against the Board in any legal proceeding, or against the Government in any such proceeding relating to any matter in which the Board is or has been concerned, or acts or appears on behalf of any person in any criminal proceedings instituted by or on behalf of the Board against such person; or
- (f) holds a contract for work to be done for, or goods to be supplied to, the Board concerned, or has otherwise any pecuniary interest in its affairs.

(2) The Government may, on receipt of a report from the Officer Commanding the station, through the Officer Commanding-in-Chief, the Command, remove from a Board any civil or military officer nominated a member of the Board who is, in the opinion of the Officer Commanding the station, unable to discharge his duties as such member and has failed to resign his office.

(3) and (4) [*Omitted by the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973), section 3 and 2nd Schedule.*]

(5) No court shall have jurisdiction to enquire into or question the validity of anything done or any order made under this section.

Consequences
of removal

35. (1) A member removed under clause (b) of sub-section (1) ¹[* * *] of section 34 shall, if otherwise qualified, be eligible for re-election or re-nomination.

(2) A member removed under clause (c) or clause (d) of sub-section (1) of section 34 shall not be eligible for ²[* * *] nomination for the period during which, but for such removal, he would have continued in office.

(3) A member removed under sub-section (2) of section 34 shall not be eligible for ¹[* * *] nomination until the expiry of three years from the date of his removal.

Servants

Disqualification
of person as
servant of
Board

36. (1) No person who has directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of a Board or in any employment under, by or on behalf of a Board, otherwise than as a servant of the Board, shall become or remain a servant of such Board.

(2) A servant of a Board who knowingly acquires or continues to have directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of the Board or, in any employment under, by or on behalf of, the Board, otherwise than as a servant of the Board, shall be deemed to have committed an offence under section 168 of the Penal Code.

(3) Nothing in this section shall apply to any share or interest in any contract with, by or on behalf of, or employment under, by or on behalf of a Board if the same is a share in a company contracting with, or employed by, or on behalf of, the Board or is a share or interest acquired or retained with the permission of the Officer Commanding-in-Chief, the Command in any lease or sale to, or purchase by, the Board of land or buildings or in any agreement for the same.

¹ The words, brackets and figure "or under sub-section (2A)" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words "re-election or" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

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

¹[**36A.** Every officer or servant, permanent or temporary, of a Board shall be deemed to be a public servant within the meaning of the Penal Code ²[* * *].]

Cantonment
servant to be
deemed a
public servant

Procedure

37. (1) Every board shall ordinarily hold at least one meeting in every month on such day as may be fixed, and of which notice shall be given in such manner as may be provided, by regulations made by the Board under this Chapter.

Meetings

(2) The President may, whenever he thinks fit, and shall, upon a requisition in writing by not less than one-fourth of the members of the Board, convene a special meeting.

(3) Any meeting may be adjourned until the next or any subsequent day, and an adjourned meeting may be further adjourned in like manner.

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

Business to be
transacted

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

¹ Section 36A was inserted by section 5 of the Cantonment (Amendment) Act, 1925 (Act No. VII of 1925).

² Commas and words ", and in the definition of "Legal remuneration" in section 161 of that code the word 'Government' shall, for the purposes of this section, be deemed to include a Board" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Quorum

39. (1) The quorum necessary for the transaction of business at a meeting of a Board ¹[constituted under sub-section (1) of section 13A, shall be four and of a Board constituted under sub-section (2) of section 13A shall be three].

²[(1A) The quorum necessary for the transaction of business at a meeting of a Board constituted under sub-section (3) of section 13A or under sub-section (1) of section 14, shall be two.]

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

Presiding officer

40. In the absence of—

- (a) both the President and the Vice-President from any meeting of a Board ³[* * *],
- (b) the President from a meeting of a Board constituted under sub-section (3) of section 13A or sub-section (1) of section 14,

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

¹ The words, brackets, figures and commas "constituted under sub-section (1) of section 13A, shall be four and of a Board constituted under sub-section (2) of section 13A shall be three" were substituted, for words and comma "in which there is more than one elected member shall be five or one-half of the member of members of the Board actually holding office at the time, whichever is the greater member" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² Sub-section (1A) was inserted by section 14 of the Cantonments (Amendment) Act, 1936 (Act No. XXIV of 1936).

³ The words "in which there is more than one elected member" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

41. (1) Minutes of the proceedings of each meeting shall be recorded in a book and shall be signed by the President before the close of the meeting, and shall, at such times and in such place as may be fixed by the Board, be open to inspection free of charge by any inhabitant of the cantonment. Minutes

(2) Copies of the minutes shall, as soon as possible after each meeting, be forwarded for information to the Officer Commanding-in-Chief, the Command, the Officer Commanding the District, the Officer Commanding the brigade area, the District Magistrate and the Military Estates Officer.

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

43. (1) All questions coming before a meeting shall be decided by the majority of the votes of the members present and voting. Method of deciding questions

(2) In the case of an equality of votes, the President shall have a second or casting vote.

(3) The dissent of any member from any decision of the Board shall, if the member so requests, be entered in the minutes, together with a short statement of the grounds for such dissent.

¹[**43A.** (1) Every Board constituted under section 13A in a Class I Cantonment or Class II Cantonment shall appoint a committee consisting of the ²[Vice-President] of the Board, the Health Officer and the Executive Engineer for the administration of such areas in the cantonment as the Government may, by notification in the official Gazette, declare to be bazar areas, and may delegate its powers and duties to such committee in the manner provided in clause (e) of sub-section (1) of section 44. Committees for Bazars

¹ Section 43A was inserted by section 17 of the Cantonments (Amendment) Act, 1936 (Act No. XXIV of 1936).

² The word "Vice-President" was substituted, for the words "elected members" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

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

Power to make regulations

44. (1) A Board may make regulations consistent with this Act and with the rules made thereunder to provide for all or any of the following matters, namely:-

- (a) the time and place of its meetings;
- (b) the manner in which notice of the meeting shall be given;
- (c) the conduct of proceedings at meetings and the adjournment of meetings;
- (d) the custody of the common seal of the Board and the purpose for which it shall be used; and
- (e) the appointment of committees for any purpose and the determination of all matters relating to the constitution and procedure of such committees, and the delegation to such committees, subject to any conditions which the Board thinks fit to impose, of any of the powers or duties of the Board under this Act other than a power to make regulations or bye-laws.

(2) No regulation made under clause (e) of sub-section (1) shall take effect until it has been approved by the Government.

(3) No regulation made under this section shall take effect until it has been published in such manner as the Government may direct.

Joint action with other local authority

45. (1) A Board may—

- (a) join with any other local authority—
 - (i) in appointing a joint committee for any purpose in which they are jointly interested and in appointing a chairman of such committee;
 - (ii) in delegating to such committee power to frame terms binding on the Board and such other local authority as to the construction and future maintenance of any joint work or to exercise any power which might be exercised by the Board or by such other local authority; and

- (iii) in making rules for regulating the proceedings of any such committee relating to the purposes for which it has been appointed; or
- (b) with the previous sanction of the Officer Commanding-in-Chief, the Command, and the ¹[Government], enter into an agreement with any other local authority regarding the levy of any tax or toll whereby the said tax or toll respectively leviable by the Board and by such other local authority may be levied together instead of separately within the limits of the aggregate area comprising the areas subject to the control of the Board and such other local authority.

(2) If any difference of opinion arises between any Board and other local authority acting together under this section, the decision thereon of the Government or of an officer appointed by the Government in this behalf shall be final.

(3) When any agreement such as is referred to in clause (b) of sub-section (1) has been entered into, then—

- (a) where the agreement relates to an octroi or terminal tax or toll, the other local authority with which the Board has made such agreement shall have the same powers to establish octroi limits and octroi stations and places for the collection of the terminal tax and terminal toll within the cantonment, as it has within the area ordinarily subject to its control;
- (b) such other local authority shall have the same power of collecting such tax or toll in the cantonment, and the provisions of any enactment in force relating to the levy of such tax or toll by such other local authority shall apply in the same manner, as if the cantonment were comprised within the area ordinarily subject to its control; and

¹ The word "Government" was substituted, for the words "Provincial Government concerned" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

- (c) the total of the collection of such tax and toll made in the cantonment and in the area ordinarily subject to the control of such other local authority and the costs thereby incurred shall be divided between the cantonment fund and the fund subject to the control of such other local authority, in such proportion as may have been determined by the agreement.

Report on
administration

¹[45A. Every board shall, as soon as may be after the close of the year and not later than the date fixed in this behalf by the Government, submit to the Government through the Officer Commanding-in-Chief, the Command, a report on the administration of the cantonment during the preceding financial year, in such form and containing such details as the Government may direct. The comments, if any, of the Officer Commanding-in-Chief, the Command, on such report shall be communicated by him to the Board which shall be allowed a reasonable time to furnish a reply thereto, and the comments together with the reply, if any, shall be forwarded to the Government along with the report.]

Control

Power of
Government to
require
production of
documents

46. The Government may at any time require a Board—

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

Inspection

47. The Government or the Officer Commanding-in-Chief, the Command, may depute any person in the service of the ²[Republic] to inspect or examine any department of the office of, or any service or work undertaken by, or thing belonging to, a Board, and to report thereon, and the Board and its officers and servants shall be bound to afford the person so deputed access

¹ Section 45A was inserted by section 19 of the Cantonments (Amendment) Act, 1936 (Act No. XXIV of 1936).

² The word "Republic" was substituted, for the word "State" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

at all reasonable times to the premises and property of the Board and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties.

48. The Officer Commanding-in-Chief, the Command, may, by order in writing,– Power to call for documents

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

49. If, on receipt of any information or report obtained under section 46 or section 47 or section 48, the Government or the Officer Commanding-in-Chief, the Command, is of opinion– Power to require execution of work, etc.

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

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

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

50. If, within the period fixed by a direction made under section 49, any action the taking of which has been directed under that section has not been duly taken, the Government or the Officer Commanding-in-Chief, the Command, as the case may be, may make arrangements for the taking of such action, and may direct that all expenses connected therewith shall be defrayed out of the cantonment fund. Power to Provide for enforcement of direction under section 49

Power to
override
decision of
Board

51. (1) If the President dissents from any decision of the Board, which he considers prejudicial to the health, welfare or discipline of the troops in the cantonment, he may, for reasons to be recorded in the minutes, by order in writing, direct the suspension of action thereon for any period not exceeding one month and, if he does so, shall forthwith refer the matter to the Officer Commanding-in-Chief, the Command, the reference being made, save in cases where the Officer Commanding the District is himself the Officer Commanding-in-Chief, the Command, for the purposes of this Act, through the Officer Commanding the District, who may make such recommendations thereon as he thinks fit.

(2) If the District Magistrate considers any decision of a Board to be prejudicial to the public health, safety or convenience, he may, after giving notice in writing of his intention to the Board, refer the matter to the Government; and, pending the disposal of the reference to the Government no action shall be taken on the decision.

(3) If any Magistrate who is a member of a Board, being present at a meeting, dissents from any decision which he considers prejudicial to the public health, safety or convenience, he may, for reasons to be recorded in the minutes and after giving notice in writing of his intention to the President, report the matter to the District Magistrate; and the President shall, on receipt of such notice, direct the suspension of action on the decision for a period sufficient to allow of a communication being made to the District Magistrate and of his taking proceedings as provided by sub-section (2).

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

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

- (a) direct that any matter or any specific proposal other than one which has been referred to the Government under sub-section (2) of section 51 be considered or re-considered by the Board; or
- (b) direct the suspension, for such period as may be stated in the order, of action on any decision of a Board, other than a decision which has been referred to him under sub-section (1) of section 51, and thereafter cancel the suspension or after giving the Board a reasonable opportunity of showing cause why such direction should not be made, direct that

the decision shall not be carried into effect or that it shall be carried into effect with such modifications as he may specify.

(2) When any decision of a Board has been referred to him under sub-section (1) of section 51, the Officer Commanding-in-Chief, the Command, may, by order in writing,—

- (a) cancel the order given by the President directing the suspension of action; or
- (b) extend the direction of the order for such period as he thinks fit; or
- (c) after giving the Board a reasonable opportunity of showing cause why such direction should not be made, direct that the decision shall not be carried into effect or that it shall be carried into effect by the Board with such modifications as he may specify.

53. When any decision of a Board has been referred to the Government under sub-section (2) of section 51, the Government may, after consulting the Officer Commanding-in-Chief, the Command, by order in writing,—

Powers of Government on a reference made under section 51

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

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

Supersession of Board

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

(2) When a Board is superseded by an order under sub-section (1)–

- (a) all members of the Board shall, on such date as may be specified in the order, vacate their offices as such members but without prejudice to their eligibility for ¹[* * *] nomination under clause (c);
- (b) during the supersession of the Board, all powers and duties conferred and imposed upon the Board by or under this Act or otherwise by law shall be exercised and performed by the Officer Commanding the station subject to such reservation, if any, as the Government may prescribe in this behalf; and
- (c) before the expiry of the period of supersession ²[nomination shall be] made for the purpose of reconstituting the Board.

Validity of Proceedings

Validity of proceedings, etc.

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

(2) No disqualification or defect in the ³[***] nomination or appointment of a person acting as the President or a member of a Board or of any such committee shall vitiate any act or proceeding of the Board or committee if the majority of the persons present at the time of the act being done or the proceeding being taken were duly qualified members thereof.

¹ The words "election or" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words "nomination shall be" were substituted, for the words "elections shall be held and nominations" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ The word and comma "election," were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(3) Any document or minutes which purport to be the record of the proceedings of a Board or of any committee of a Board shall, if made and signed substantially in the manner prescribed for the making and signing of the record of such proceedings, be presumed to be a correct record of the proceedings of a duly convened meeting, held by a duly constituted Board or committee, as the case may be, whereof all the members were duly qualified.

CHAPTER IV

SPIRITUOUS LIQUORS AND INTOXICATING DRUGS

56. If within a cantonment, or within such limits adjoining a cantonment as the Government may, by notification in the official Gazette define, any person not subject to military or air-force law or any person subject to military or air-force law otherwise than as a military officer or a soldier knowingly barter, sells or supplies, or offers or attempts to barter, sell or supply, any spirituous liquor or intoxicating drug to or for the use of any soldier or follower or soldier's wife or minor child without the written permission of the Officer Commanding the station or of some person authorised by the Officer Commanding the station to grant such permission, he shall be punishable with fine which may extend to one hundred Taka, or with imprisonment for a term which may extend to three months, or with both.

Unauthorised
sale of
spirituous
liquor or
intoxicating
drug

57. If within a cantonment, or within any limits defined under section 56,—

Unauthorised
possession of
spirituous
liquor

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

Arrest of persons and seizure and confiscation of things for offences against the two last foregoing sections

58. (1) Any police officer or excise officer may, without an order from a Magistrate and without a warrant, arrest any person whom he finds committing an offence under section 56 or section 57, and may seize and detain any spirituous liquor or intoxicating drug in respect of which such an offence has been committed and any vessels or coverings in which the liquor or drug is contained.

(2) Where a person accused of an offence under section 56 has been previously convicted of an offence under that section, an officer in charge of a police station may, with the written permission of a Magistrate, seize and detain any spirituous liquor or intoxicating drug within the cantonment or within any limits defined under that section which, at the time of the alleged commission of the subsequent offence, belonged to, or was in the possession of, such person.

(3) The Court convicting a person of an offence under section 56 or section 57 may order the confiscation of the whole or any part of anything seized under sub-section (1) or sub-section (2).

(4) Subject to the provisions of Chapter XLIII of the Code of Criminal Procedure, 1898, anything, seized under sub-section (1) or sub-section (2) and not confiscated under sub-section (3) shall be restored to the person from whom it was taken.

Saving of articles sold or supplied for medicinal purposes

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

CHAPTER V

TAXATION

Imposition of Taxation

General power of taxation

60. (1) The Board may, with the previous sanction of the Government, impose in any cantonment any tax which, under any enactment for the time being in force, may be imposed in any municipality ¹[* * *].

¹ The words "in the Province wherein such cantonment is situated" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

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

61. When a resolution has been passed by the Board proposing to impose a tax under section 60, the Board shall in the manner prescribed in section 255 publish a notice specifying—

Framing of preliminary proposals

- (a) the tax which it is proposed to impose;
- (b) the persons or classes of persons to be made liable and the description of the property or other taxable thing or circumstance in respect of which they are to be made liable; and
- (c) the rate at which the tax is to be levied.

62. (1) Any inhabitant of the cantonment may, within thirty days from the publication of the notice under section 61, submit to the Board an objection in writing to all or any of the proposals contained therein and the Board shall take any objection into consideration and pass orders thereon by special resolution.

Objections and disposal thereof

(2) If the Board decides to modify its proposals or any of them, it shall re-publish the modified proposals in the manner provided by section 61 indicating that the proposals are in modification of the proposals previously published; and the provisions of sub-section (1) of this section shall apply to such modified proposals.

(3) When the Board has finally settled the proposals, it shall submit them along with the objections, if any, made in connection therewith to the Government through the Officer Commanding-in-Chief, the Command.

63. The Government may authorise the Board to impose the tax either in the original form or, if any objection has been submitted, in that form or any such modified form as it thinks fit.

Imposition of tax

Definition of
"annual value"

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

- (a) in the case of railway stations, hotels, colleges, schools, hospitals, factories and any other buildings which a Board decides to assess under this clause, one-twentieth of the sum obtained by adding the estimated present cost of erecting the building to the estimated value of the land appertaining thereto, and
- (b) in the case of a building or land not assessed under clause (a), the gross annual rent for which such building (exclusive of furniture or machinery therein) or such land is actually let or, where the building or land is not let or in the opinion of the Board is let for a sum less than its fair letting value, might reasonably be expected to let from year to year:

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

Incidence of
taxation

65. (1) Save as otherwise expressly provided in the notification imposing the tax, every tax assessed on the annual value of buildings or lands or of both shall be leviable primarily upon the actual occupier of the property upon which the said tax is assessed, if he is the owner of the buildings or lands or holds them on a building or other lease granted by or on behalf of the Government or the Board or on a building lease from any person.

(2) In any other case, the tax shall be primarily leviable as follows, namely:—

- (a) if the property is let, upon the lessor;
- (b) if the property is sub-let, upon the superior lessor;
- (c) if the property is unlet, upon the person in whom the right to let the same vests.

(3) On failure to recover any sum due on account of such tax from the person primarily liable, there may be recovered from the occupier of any part of the buildings or lands in respect of which the tax is due such portion of the sum due as bears to the whole amount due the same ratio which the rent annually

payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list.

(4) An occupier who makes any payment for which he is not primarily liable under this section shall, in the absence of any contract to the contrary, be entitled to be reimbursed by the person primarily liable for the payment, and, if so entitled, may deduct the amount so paid from the amount of any rent from time to time becoming due from him to such person.

Assessment List

66. When a tax assessed on the annual value of buildings or lands or both is imposed, the Board shall cause an assessment list of all buildings or lands in the cantonment, or of both, as the case may be, to be prepared in such form as the Government may by rule prescribe.

Assessment
list

67. When the assessment list has been prepared, the Board shall give public notice thereof, and of the place where the list or a copy thereof may be inspected, and every person claiming to be the owner, lessee or occupier of any property included in the list, and any authorised agent of such person, shall be at liberty to inspect the list and to make extracts therefrom free of charge.

Publication of
assessment list

68. (1) The Board shall, at the same time, give public notice of a date, not less than one month thereafter, when it will proceed to consider the valuations and assessments entered in the assessment list, and, in all cases in which any property is for the first time assessed or the assessment is increased, it shall also give written notice thereof to the owner and to any lessee or occupier of the property.

Revision of
assessment list

(2) Any objection to a valuation or assessment shall be made in writing to the Board before the date fixed in the notice, and shall state in what respect the valuation or assessment is disputed, and all objections so made shall be recorded in a register to be kept for the purpose by the Board.

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

(4) The Assessment Committee shall consist of not less than three persons, and, it shall not be necessary to appoint to the Assessment Committee any member of the Board.

Authentication
of assessment
list

69. (1) When all objections made under section 68 have been disposed of, and the revision of the valuation and assessment has been completed, the assessment list shall be authenticated by the signature of the members of the Assessment Committee who shall, at the same time, certify that they have considered all objections duly made and have amended the list so far as is required by their decisions on such objections.

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

Evidential
value of
assessment list

70. Subject to such alterations as may thereafter be made in the assessment list under the provisions of this Chapter and to the result of any appeal made thereunder, the entries in the assessment list authenticated and deposited as provided in section 69 shall be accepted as conclusive evidence—

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

Amendment of
assessment list

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

- (a) by inserting or omitting the name of any person whose name ought to have been or ought to be inserted or omitted, or
- (b) by inserting or omitting any property which ought to have been or ought to be inserted or omitted, or
- (c) by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, whether on the part of the Board or of the Assessment Committee or of the assessee, or

- (d) by revaluing or re-assessing any property the value of which has been increased, or
- (e) in the case of a tax payable by an occupier, by changing the name of the occupier:

Provided that no person shall by reason of any such amendment become liable to pay any tax or increase of tax in respect of any period prior to the commencement of the year in which the assessment is made.

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

(2) Any person interested in any such amendment may tender an objection to the Board in writing before the time fixed in the notice, and shall be allowed an opportunity of being heard in support of the same in person or by authorised agent.

72. The Board shall prepare a new assessment list at least once in every three years, and for this purpose the provisions of sections 66 to 71 shall apply in like manner as they apply for the purpose of the preparation of an assessment list for the first time.

Preparation of
new
assessment list

73. (1) Whenever the title of any person primarily liable for the payment of a tax on the annual value of any building or land to or over such building or land is transferred, the person whose title is transferred and the person to whom the same is transferred shall, within three months after the execution of the instrument of transfer or after its registration, if it is registered, or after the transfer is effected, if no instrument is executed, give notice of such transfer to the Executive Officer.

Notice of
transfers

(2) In the event of the death of any person primarily liable as aforesaid, the person on whom the title of the deceased devolves shall give notice of such devolution to the Executive Officer within six months from the death of the deceased.

¹ Sub-section (1A) was inserted by section 27 of the Cantonments (Amendment) Act, 1936 (Act No. XXIV of 1936).

(3) The notice to be given under this section shall be in such form as the Executive Officer may direct, and the transferee or other person on whom the title devolves shall, if so required, be bound to produce before the Executive Officer any documents evidencing the transfer or devolution.

(4) Every person who makes a transfer as aforesaid without giving such notice to the Executive Officer shall continue liable for the payment of all taxes assessed on the property transferred until he gives notice or until the transfer has been recorded in the registers of the Board, but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax.

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

Notice of
erection of
buildings

74. (1) If any building is erected or re-erected within the meaning of section 179, the owner shall give notice thereof to the Executive Officer within thirty days from the date of its completion or occupation, whichever is earlier.

(2) Any person failing to give the notice required by sub-section (1) shall be punishable with fine which may extend to fifty Taka or ten times the amount of the tax payable on the said building, as erected or re-erected, as the case may be, in respect of a period of three months, whichever is greater.

Remission and Refund

Demolition,
etc., of
buildings

75. If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the Board may, on the application in writing of the owner or occupier, remit or refund such portion of any tax assessed on the annual value thereof as it thinks fit.

Remission of
tax

76. In a cantonment, when any building or land has remained vacant and unproductive of rent for sixty or more consecutive days, the Board shall remit or refund, as the case may be, such portion of any tax assessed on the annual value thereof as may be proportionate to the number of days during which the said building or land has remained vacant and unproductive of rent.

¹[* * *]

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

Power to require entry in assessment list of details of buildings

²[77A.] No remission or refund under section 76, or section 77 shall be made unless notice in writing of the fact that the building, land or tenement has become vacant and unproductive of rent has been given to the Board, and no remission or refund shall take effect in respect of any period commencing more than fifteen days before the delivery of such notice.

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

78. (1) For the purposes of sections 76 and 77 no building, tenement or land shall be deemed vacant if maintained as a pleasure resort or town or country house, or be deemed unproductive of rent if let to a tenant who has a continuing right of occupation thereof, whether he is in actual occupation or not.

What buildings, etc., are to be deemed vacant

(2) The burden of proving all facts entitling any person to claim relief under section 75, or section 76, or section 77, shall be upon him.

79. (1) The owner of any building, tenement or land in respect of which a remission or refund of tax has been given under section 76 or section 77 shall give notice of the re-occupation of such building, tenement or land within fifteen days of such re-occupation.

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

¹ Proviso was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The proviso was numbered as section 77A by section 11 of the Cantonments (Amendment) Act, 1927 (Act No. XXVI of 1927).

(2) Any owner failing to give the notice required by subsection (1) shall be punishable with fine which shall not be less than twice the amount of the tax payable on such building, tenement or land in respect of the period during which it has been re-occupied and which may extend to fifty Taka, or to ten times the amount of the said tax, whichever sum is greater.

Charge on Immovable Property

Tax on
buildings and
land to be a
charge thereon

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

Octroi, Terminal Tax and Toll

Inspection of
imported
goods, etc.

81. Every person bringing or receiving any goods, vehicles or animals within the limits of any cantonment in which octroi or terminal tax or toll is leviable, shall, when so required by an officer duly authorized by the Board in this behalf, so far as may be necessary for ascertaining the amount of tax chargeable—

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

Evasion of
octroi or
terminal tax

82. (1) Any person who takes or attempts to take past any octroi station or any other place appointed within a cantonment for the collection of octroi, terminal tax or toll any goods, vehicles or animals, on account of which octroi, terminal tax or toll is leviable and thereby evades, or attempts to evade, the payment of such octroi, terminal tax or toll, and any person who abets any such evasion or attempt at evasion, shall be punishable with fine which may extend either to ten times the value of such octroi, terminal tax or toll, or to fifty Taka, whichever is greater and which shall not be less than twice the value of such octroi, terminal tax or toll, as the case may be.

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

which is of sufficient value to satisfy the demand and shall give a receipt specifying the items seized.

(3) The Board, after the lapse of five days from the seizure, and after the issue of a notice in writing to the person in whose possession the goods, vehicles or animals were at the time of seizure, fixing the time and place of sale, may cause the property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand and any expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid:

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

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

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

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

Lease of
octroi,
terminal tax or
toll

- (a) be bound by any orders made by the Board for their guidance;
- (b) have such powers exerciseable by officers or servants of the Board under this Act as the Board may confer upon them; and

- (c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the Board for the management and collection of the octroi, terminal or toll, as the case may be:

Provided that no article distrained may be sold except under the orders of the Board.

Appeals

Appeals
against
assessment

84. (1) An appeal against the assessment or levy of, or against the refusal to refund, any tax under this Act shall lie to the District Magistrate or to such other officer as may be empowered by the Government in this behalf:

Provided that, where the person to whom the appeal would ordinarily lie is, or was when the tax was imposed, a member of the Board, the appeal shall lie to the Commissioner of the Division ¹[* * *].

(2) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of, a tax arises on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of the appellant, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with his own opinion on the point for the decision of the ²[High Court Division].

(3) On a reference being made under sub-section (2), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the ²[High Court Division] contained in Order XLVI of the First Schedule to the Code of Civil Procedure, 1908.

¹ The commas and the words ", or, in a Province where there are no Commissioners, to the District Judge" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words "High Court Division" were substituted, for the words "High Court" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

85. In every appeal the costs shall be in the discretion of the officer hearing the appeal.

Costs of appeal

86. If the Board fails to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the Officer awarding the costs may order the person having the custody of the balance of the cantonment fund to pay the amount.

Recovery of costs from Board

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

Conditions of right to appeal

- (a) the appeal is, in the case of a tax assessed on the annual value of buildings or lands or both, brought within thirty days next after the date of the authentication of the assessment list under section 69 (exclusive of the time requisite for obtaining a copy of the relevant entries therein), or, as the case may be, within thirty days of the date on which an amendment is finally made under section 71, and, in the case of any other tax, within thirty days next after the date of the receipt of the notice of assessment or of alteration of assessment or, if no notice has been given, within thirty days next after the date of the presentation of the first bill in respect thereof:

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

- (b) the amount, if any, in dispute in the appeal has been deposited by the appellant in the office of the Board.

88. The order of an appellate authority confirming, setting aside or modifying an order in respect of any valuation or as assessment or liability to assessment or taxation shall be final:

Finality of appellate orders

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

Payment and Recovery of Taxes

Time and
manner of
payment of
taxes

89. Save as otherwise expressly provided under this Act, any tax imposed under the provisions of this Act shall be payable on such dates and in such instalments, if any, as the Board may, by public notice, direct.

Presentation of
bill

90. (1) When any tax has become due, the Executive Officer shall cause to be presented to the person liable for the payment thereof a bill for the amount due.

(2) Every such bill shall specify the particulars of the tax and the period for which the charge is made.

Notice of
demand

91. (1) If the amount of the tax for which any bill has been presented is not paid to the Board within thirty days from the presentation thereof, the Executive Officer may cause to be served upon the person liable for the payment of the same a notice of demand in the form set forth in Schedule I.

(2) For every notice of demand which the Executive Officer causes to be served on any person under this section, a fee of such amount, not exceeding one Taka, as shall in each case be fixed by the Executive Officer, shall be payable by the said person and shall be included in the costs of recovery.

Recovery of
tax

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

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

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

Distress

93. (1) It shall be lawful for any servant of the Board to whom a warrant issued under section 92 is addressed to distrain, wherever it may be found in the cantonment, any moveable property of or standing timber, growing crops or grass belonging to the person therein named as defaulter, subject to the

following conditions, exceptions and exemptions, namely:—

- (a) the following property shall not be distrained:—
 - (i) the necessary wearing apparel and bedding of the defaulter, his wife and children,
 - (ii) tools of artisans,
 - (iii) books of account, or
 - (iv) when the defaulter is an agriculturist, his implements of husbandry, seed-grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood;
- (b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which, in the opinion of the Executive Officer, should not have been distrained, it shall forthwith be returned.

(2) The person charged with the execution of a warrant of distress shall forthwith make an inventory of the property which he seizes under such warrant, and shall, at the same time, give a written notice in the form set forth in Schedule III to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

94. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is, when added to the amount to be recovered, likely to exceed its value, the Executive Officer shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.

Disposal of
distrained
property

(2) If the warrant is not in the meantime suspended by the Executive Officer, or discharged, the property seized shall, after the expiry of the period named in the notice served under sub-section (2) of section 93, be sold by public auction by order of the Executive Officer.

(3) The surplus of the sale-proceeds, if any, shall forthwith be credited to the cantonment fund, and notice of such credit shall be given at the same time to the person from whose

possession the property was taken, and, if the same is claimed by written application to the Board within one year from the date of the notice, a refund thereof shall be made to such person. Any surplus not claimed within one year as aforesaid shall be the property of the Board.

(4) For every distraint under this Chapter a fee of such amount, not exceeding one Taka, as shall in each case be fixed by the Executive Officer shall be charged, and the said fee shall be included in the costs of recovery.

Recovery from
a person about
to leave
cantonment

95. (1) If the Executive Officer has reason to believe that any person from whom any sum is due or is about to become due on account of any tax is about to remove from the cantonment, he may direct the immediate payment by such person of the sum so due or about to become due, and cause a bill for the same to be served on such person.

(2) If, on the service of such bill, such person does not forthwith pay the sum so due or about to become due, the amount shall be leviable by distress and sale in the manner hereinbefore provided in this Chapter, except that it shall not be necessary to serve upon the defaulter any notice of demand and the warrant for distress and sale may be issued and executed without any delay.

Power to
institute suit
for recovery

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

Special Provisions relating to Taxation

Power to
prohibit or
exempt from
taxation

97. Every Board shall be deemed to be a ¹[Paurashava] for the purposes of the Municipal Taxation Act, 1881.

¹ The word "Paurashava" was substituted for the words "Municipal Committee" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

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

Power to make special provision for conservancy in certain cases

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

99. (1) When, in pursuance of section 98, a Board has fixed a special rate for the cleansing of any factory, hotel, club or group of buildings or lands, such premises shall be exempted from the payment of any conservancy or scavenging tax imposed in the cantonment.

Exemption in the case of buildings

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

- (a) places set apart for public worship and either actually so used or used for no other purpose;
- (b) buildings used for educational purposes and public libraries, play-grounds and dharmshalas which are open to the public and from which no income is derived;
- (c) hospitals and dispensaries maintained wholly by charitable contributions;
- (d) burning and burial grounds, not being the property of the Government or a Board, which are controlled under the provisions of this Act;
- (e) buildings or lands vested in a Board; and
- (f) any buildings or lands, used or acquired for the public service or for any public purpose, which are the property of the Government, or in the occupation of ¹[the Government].

¹ The words "the Government" were substituted, for the words "the Central or any Provincial Government" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

General power of exemption	¹ [99A. The Government may, by notification in the official Gazette, exempt, either wholly or in part from the payment of any tax imposed under this Act, any person or class of persons or any property or goods or class of property or goods.]
Exemption of poor persons	100. A Board may exempt, for a period not exceeding one year at a time from the payment of any tax or any portion of a tax imposed under this Act, any person who is in its opinion by reason of poverty unable to pay the same.
Composition	101. (1) A Board may, with the previous sanction of the Officer Commanding-in-Chief, the Command allow any person to compound for any tax. (2) Every sum due by reason of the composition of a tax sub-section (1) shall be recoverable as if it were a tax.
Irrecoverable debts	102. A Board may write-off any sum due on account of any tax or rate or of the costs of recovering any tax or rate if such sum is, in its opinion, irrecoverable: Provided that, where the sum written-off in favour of any one person exceed fifty Taka, the sanction of the Officer Commanding-in-Chief, the Command, shall be first obtained.
Obligation to disclose liability	103. (1) The Executive Officer may, by written notice, call upon any inhabitant of the cantonment to furnish such information as may be necessary for the purpose of ascertaining— (a) whether such inhabitant is liable to pay any tax imposed under this Act; (b) at what amount he should be assessed; or (c) the annual value of the building or land which he occupies and the name and address of the owner or lessee thereof. (2) If any person, when called upon under sub-section (1) to furnish information, neglects to furnish it or furnishes information which is not true to the best of his knowledge or belief, he shall be punishable with fine which may extend to one hundred Taka.

¹ Section 99A was inserted by section 7 of the Cantonments (Amendment) Act, 1926 (Act No. XXXV of 1926).

104. No assessment and no charge or demand on account of any tax or fee shall be impeached or affected by reason only of any mistake in the name of any person liable to pay such tax or fee, or in the description of any property or thing, or any mistake in the amount of the assessment, charge or demand, if the directions contained in this Act and the rules and bye-laws made thereunder have in substance and effect been complied with; but any person who sustains any special damage by reason of any such mistake shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

Immaterial error not to affect liability

105. No distress levied under this Chapter shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account only of any defect of form in the notice of demand, warrant of distress or other proceeding relating thereto; nor shall any such person be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but any person who sustains any special damage by reason of any such irregularity shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

Distraint not to be invalid by reason of immaterial defect

CHAPTER VI

CANTONMENT FUND AND PROPERTY

Cantonment Fund

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

Cantonment fund

- (a) the balance, if any, of the cantonment fund formed for the cantonment under the Cantonments Act, 1910,
- (b) all sums received by or on behalf of the Board.

107. (1) Where in or near cantonment there is a Government treasury or sub-treasury, or a branch of the ¹[Bangladesh Bank], the cantonment fund shall be kept in such treasury, sub-treasury or bank, as the case may be.

Custody of cantonment fund

¹ The words "Bangladesh Bank" were substituted, for the words "State Bank of Pakistan" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(2) Where there is no such treasury, sub-treasury or bank, the cantonment fund may be deposited with any bank to which the Government treasury business has been entrusted, and, in the absence of such a bank, with any banker or person acting as a banker who has given such security for the safe custody of the fund and the payment on demand of the funds so deposited as the Government may in each case direct.

(3) A Board may, from time to time, with the previous sanction of the Officer Commanding-in-Chief, the Command, invest any portion of its cantonment fund in securities of the Government or in such other securities, including fixed deposits in banks, as the Government may approve in this behalf, and may dispose of such investments or vary them for others of a like nature.

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

Property

Property

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

- (a) all markets, slaughter-houses, manure and night-soil depots, and buildings of every description;
- (b) all water-works for the supply, storage or distribution of water for public purposes and all bridges, buildings, engines, materials, and things connected therewith or appertaining thereto;
- (c) all sewers, drains, culverts and water-courses, and all works, materials and things appertaining thereto;
- (d) all dust, dirt, dung, ashes, refuse, animals matter, filth and rubbish of very kind, and dead bodies of animals collected by the Board from the streets, houses, privies, sewers, cesspools or elsewhere, or deposited in places appointed by the Board for such purpose;

- (e) all lamps and lamp-posts and apparatus connected therewith or appertaining thereto;
- (f) all land or other property transferred to the Board¹[by the Government], or by gift, purchase or otherwise for local public purposes; and
- (g) all streets and the pavements, stones and other materials thereof, and also all trees erections, materials, implements, and things existing on or appertaining to streets.

109. The cantonment fund and all property vested in a Board shall be applied for the purposes, whether express or implied, for which, by or under this Act or any other law for the time being in force, powers are conferred or duties or obligations are imposed upon the Board:

Application of
cantonment
fund and
property

Provided that the Board shall not incur any expenditure for acquiring or renting land beyond the limits of the cantonment or for constructing any work beyond such limits except—

- (a) with the sanction of the Government, and
- (b) on such terms and conditions as the Government may impose:

Provided, further, that priority shall be given in the order hereinafter set forth to the following liabilities and obligations of a Board, that is to say,—

- (a) to the liabilities and obligations arising from a trust legally imposed upon or accepted by the Board;
- (b) to the repayment of, and the payment of interest on, any loan incurred under the provisions of the Local Authorities Loans Act, 1914;
- (c) to the payment of establishment charges;
- (d) to the payment of such expenses on account of pauper lunatics sent from the cantonment to public lunatic asylums and mental hospitals as the Government directs the Board to pay; and
- (e) to the payment of any sum the payment of which is expressly required by the provisions of this Act or any rule or bye-law made thereunder.

¹ The words "by the Government" were substituted, for the words "by the Central or a Provincial Government" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Acquisition of immovable property

110. When there is any hindrance to the permanent or temporary acquisition upon payment of any land required by a Board for the purposes of this Act, the Government may, at the request of the Board, procure the acquisition thereof under the provisions of the Land Acquisition Act, 1894, and on payment by the Board of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Board.

Power to make rules regarding cantonment fund and property

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

- (a) the conditions on which property may be acquired by Boards or on which property vested in a Board may be transferred by sale, mortgage, lease, exchange or otherwise; and
- (b) any other matter relating to the cantonment fund or cantonment property in respect of which no provision or insufficient provision is made by or under this Act, and provision is, in the opinion of the Government, necessary.

CHAPTER VII

CONTRACTS

Contracts by whom to be executed

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

Sanction

113. (1) Every contract—

- (a) for which budget provision does not exist, or
- (b) which involves a value or amount exceeding one hundred Taka,

shall require the sanction of the Board.

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

Execution of contracts

114. (1) Every contract made by or on behalf of a Board, the value or amount of which exceeds fifty Taka, shall be in writing, and every such contract shall, be signed by two members, of whom the President or the Vice-President shall be one, and be countersigned by the Executive Officer and be sealed with the common seal of the Board:

Provided that, the Executive Officer may in a case of urgency, with the previous sanction of the President of the Board, execute on behalf of the Board any contract the value or amount of which does not exceed two hundred Taka.

(2) Where an Executive Officer executes a contract on behalf of a Board under sub-section (1), he shall submit a report of his action and of the reasons therefore to the Board at its next meeting.

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

Contracts improperly executed not to be binding on a Board

CHAPTER VIII

DUTIES AND DISCRETIONARY FUNCTIONS OF BOARDS

116. It shall be the duty of every Board, so far as the funds at its disposal permit, to make reasonable provision within the cantonment for—

Duties of Board

- (a) lighting streets and other public places;
- (b) watering streets and other public places;
- (c) cleansing streets, public places and drains, abating nuisances and removing noxious vegetation;
- (d) regulating offensive, dangerous or obnoxious trades, callings and practices;
- (e) removing, on the ground of public safety, health or convenience, undesirable obstructions and projections in streets and other public places;
- (f) securing or removing dangerous buildings and places;
- (g) acquiring, maintaining, changing and regulating places for the disposal of the dead;
- (h) constructing, altering and maintaining streets, culverts, markets, slaughter-houses, latrines, privies, urinals, drains, drainage works and sewerage works;
- (i) planting and maintaining trees on roadsides and other public places;
- (j) providing or arranging for a sufficient supply of pure and wholesome water, where such supply does not exist, guarding from pollution water used for human consumption, and preventing polluted water from being so used;

- (k) registering births and deaths;
- (l) establishing and maintaining a system of public vaccination;
- (m) establishing and maintaining or supporting public hospitals and dispensaries, and providing public medical relief;
- (n) establishing and maintaining or assisting primary schools;
- (o) rendering assistance in extinguishing fires, and protecting life and property when fires occur;
- (p) maintaining and developing the value of property vested in, or entrusted to the management of, the Board; and
- (q) fulfilling any other obligation imposed upon it by or under this Act or any other law for the time being in force.

Power to
manage
property

¹[**116A.** A Board may, subject to any conditions imposed by the Government, manage any property entrusted to its management by the Government on such terms as to the sharing of rents and profits accruing from such property as may be determined by rule made under section 280.]

Discretionary
functions of
Board

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

- (a) laying out in areas, whether previously built upon or not, new streets, and acquiring land for that purpose and for the construction of buildings, and compounds of buildings, to abut on such streets;
- (b) constructing, establishing or maintaining public parks, gardens, offices, dairies, bathing or washing places, drinking fountains, tanks, wells and other works, of public utility;
- (c) reclaiming unhealthy localities;

¹ Section 116A was inserted by section 6 of the Cantonments (Amendment) Act, 1925 (Act No. VII of 1925).

- (d) furthering educational objects by measures other than the establishment and maintenance of primary schools;
- (e) taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics;
- (f) making a survey;
- (g) giving relief on the occurrence of local epidemics by the establishment or maintenance of relief works or otherwise;
- (h) securing or assisting to secure suitable places for the carrying on of any offensive, dangerous or obnoxious trade, calling or occupation;
- (i) establishing and maintaining a farm or other place for the disposal of sewage;
- (j) constructing, subsidising or guaranteeing tramways or other means of locomotion, and electric lighting or electric power works; or
- (k) adopting any measure, other than a measure specified in section 116 or in the foregoing provisions of this section, likely to promote the safety, health or convenience of the inhabitants of the cantonment.

(2) A Board may, either within or outside the cantonment, make provision for the doing of anything on which expenditure is declared by the Government, or by the Board with the sanction of the Government, to be an appropriate charge on the cantonment fund.

¹[**117A.** A Board may make provision for educational objects outside the cantonment if it is satisfied that the interests of the residents of the cantonment will be served thereby.]

Power of
expenditure
for educational
purposes
outside the
cantonment

¹ Section 117A was inserted by the section 8 of Cantonment (Amendment) Act, 1926 (Act No. XXXV of 1926).

CHAPTER IX**PUBLIC SAFETY AND SUPPRESSION OF NUISANCES***General Nuisances*

Penalty for
causing
nuisances

118. (1) Whoever—

- (a) in any street or other public place within a cantonment,—
 - (i) is drunk and disorderly or drunk and incapable of taking care of himself; or
 - (ii) uses any threatening, abusive or insulting words, or behaves in a threatening or insulting manner with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned; or
 - (iii) eases himself, or wilfully or indecently exposes his person; or
 - (iv) loiters, or begs importunately, for alms, or
 - (v) exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound; or
 - (vi) carries meat exposed to public view; or
 - (vii) is found gaming; or
 - (viii) pickets animals, or collects carts; or
 - (ix) being engaged in the removal of night-soil or other offensive matter or rubbish, willfully or negligently permits any portion thereof to spill or fall, or neglects to sweep away or otherwise effectually to remove any portion thereof which may spill or fall in such street or place; or
 - (x) without proper authority affixes upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document; or
 - (xi) without proper authority defaces or writes upon or otherwise marks any building, monument, post, wall, fence, tree or other thing; or

- (xii) without proper authority removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Act; or
- (xiii) without proper authority displaces, damages, or makes any alteration in, or otherwise interferes with, the pavement, gutter, storm-water-drain, flags or other materials of any such street, or any lamp, bracket, direction-post, hydrant or water-pipe maintained by the Board in any such street or public place, or extinguishes a public light; or
- (xiv) carries any corpse not decently covered or without taking due precautions to prevent risk of infection or injury to the public health or annoyance to passers-by or to persons dwelling in the neighbourhood; or
- (xv) carries night-soil or other offensive matter or rubbish at any hour prohibited by the Board by public notice, or in any pattern of cart or receptacle which has not been approved for the purpose by the Board, or fails to close such cart or receptacle when in use; or
- (b) carries night-soil or other offensive matter or rubbish along any route in contravention of any prohibition made in this behalf by the Board by public notice; or
- (c) deposits, or causes or permits to be deposited, earth or materials of any description, or any offensive matter or rubbish, in any place not intended for the purpose in any street or other public place or waste or unoccupied land under the management of the Board; or
- (d) having charge of a corpse fails to bury, burn or otherwise lawfully dispose of the same within twenty-four hours after death; or
- (e) makes any grave or buries or burns any corpse in any place not set apart for such purpose; or
- (f) keeps or uses, or knowingly permits to be kept or used, any place as a common gaming house, or assists in conducting the business of any common gaming house; or

- (g) at any time or place at which the same has been prohibited by the Board by public or special notice, beats a drum or tom-tom, or blows a horn or trumpet, or beats any utensil, or sounds any brass or other instrument, or plays any music; or
- (h) disturbs the public peace or order by singing, screaming or shouting; or
- (i) lets loose any animal so as to cause, or negligently allows any animal to cause, injury, danger, alarm or annoyance to any person; or
- (j) being the occupier of any building or land in or upon which an animal dies, neglects within three hours of the death of the animal, or, if the death occurs at night, within three hours after sunrise, either—
 - (i) to report the occurrence to the Executive Officer or to an officer, if any, appointed by him in this behalf with a view to securing the removal and disposal of the carcass by the public conservancy establishment; or
 - (ii) to remove and dispose of the carcass in accordance with any general directions given by the Board by public notice or any special directions given by the Executive Officer on receipt of such report as aforesaid; or
- (k) save with the written permission of the Board and in such manner as it may authorise, stores or uses night-soil, manure, rubbish or any other substance emitting an offensive smell; or
- (l) uses or permits to be used as a latrine any place not intended for that purpose;

shall be punishable with fine which may extend to fifty Taka.

(2) Whoever does not take reasonable means to prevent any child under the age of twelve years being in his charge from easing himself in any street or other public place within the cantonment shall be punishable with fine which may extend to twenty-five Taka.

(3) The owner or keeper of any animal found picketed or straying without a keeper in a street or other public place in a cantonment shall be punishable with fine which may extend to twenty Taka.

(4) Any animal found picketed as aforesaid may be removed by any officer or servant of the Board or by any police officer to a pound as if the animal had been found straying.

Dogs

119. (1) A Board may make bye-laws to provide for the registration of all dogs kept within the cantonment.

Registration
and control of
dogs

(2) Such bye-laws shall—

- (a) require the registration, by the Officer Commanding each military unit, of all dogs kept in the lines occupied by that unit;
- (b) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the registration authority, and fix the fee issued payable for the issue thereof;
- (c) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose; and
- (d) fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week;

and may provide for such other matters as the Board thinks fit.

(3) A Board may—

- (a) cause to be destroyed, or to be confined for such period as it may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies;
- (b) by public notice direct that, after such date as may be specified in the notice, dogs which are without collars or without marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners, if any, may be destroyed, and cause them to be destroyed accordingly.

(4) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section.

(5) Whoever, being the owner or person in charge of any dog, neglects to restrain it so that it shall not be at large in any street without being muzzled and without being secured by a chain lead in any case in which—

- (a) he knows that the dog is likely to annoy or intimidate any person, or
- (b) the Board has, by public notice during the prevalence of rabies, directed that dogs shall not be at large without muzzles and chain leads,

shall be punishable with fine which may extend to one hundred Taka.

(6) Whoever in a cantonment—

- (a) allows any ferocious dog which belongs to him or is in his charge to be at large without being muzzled, or
- (b) sets on or urges any dog or other animal to attack, worry or intimidate any person, or
- (c) knowing or having reason to believe that any dog or animal belonging to him or in his charge has been bitten by an animal suffering or reasonably suspected to be suffering from rabies, neglects to give immediate information of the fact to the Executive Officer or gives information which is false,

shall be punishable with fine which may extend to two hundred Taka.

Traffic

Rule of the road

120. Whoever in driving, leading or propelling a vehicle along a street fails, except in a case of actual necessity,—

- (a) to keep to the left when passing a vehicle coming from the opposite direction, or
- (b) to keep to the right when passing a vehicle going in the same direction as himself,

shall be punishable with fine which may extend to fifty Taka.

Prevention of Fire, etc.

121. (1) A Board may, by public notice, direct that within such limits in the cantonment as may be specified in the notice, the roofs and external walls of huts or other buildings shall not, without the permission in writing of the Board, be made or renewed of grass, mats, leaves or other inflammable materials, and may, by notice in writing, require any person who has disobeyed any such direction as aforesaid to remove or alter the roofs or walls so made or renewed.

Use of inflammable materials for building purposes

(2) A Board may, by notice in writing, require the owner of any building in the cantonment which has an external roof or wall made of any such material as aforesaid to remove such roof or wall within such time as may be specified in the notice, notwithstanding that a public notice under sub-section (1) has not been issued or that such roof or wall was made with the consent of the Board or before the issue of such public notice:

Provided that, in the case of any such roof or wall in existence before the issue of such a public notice or made with the consent of the Board, ¹[the Board] shall make compensation, not exceeding the original cost of constructing the roof or wall, for any damage caused by the removal.

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

Stacking of collecting inflammable materials

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

Care of naked lights

¹ The words "the Board" were substituted, for the words "that Authority" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Provided that nothing in this section shall be deemed to prohibit the use, subject to the permission in writing of the Board, of lights for purposes of illumination on the occasion of a festival or public or private entertainment.

Regulation of
cinematographic
and dramatic
performances

124. (1) Notwithstanding anything contained in the Cinematograph Act, 1918, no exhibition of pictures or other optical effects by means of a cinematograph or other like apparatus for the purpose of which inflammable films are used, and no public dramatic performance or pantomime, shall be given in any cantonment elsewhere than in premises for which a license has been granted by the Board under this section.

(2) If the owner of a cinematograph or other apparatus uses the apparatus or allows it to be used, or if any person takes any part in any public dramatic performance or pantomime, in contravention of the provisions of this section, or if the occupier of any premises allows them to be used in contravention of the provisions of this section or of any condition of any license granted under this section, he shall be punishable with fine which may extend to two hundred Taka and, in the case of a continuing offence, with an additional fine which may extend to fifty Taka for each day after the first during which the offence continues.

(3) Nothing in this section shall be deemed to prohibit the giving of any exhibition or any dramatic performance or pantomime in any theatre or institute which is the property of the Government where the exhibition, performance or pantomime is held with the permission and under the control of the military authorities.

Discharging
fire-works, fire-
arms, etc.

125. Whoever in a cantonment discharge any fire-arm or lets off fire-works or fire-balloons, or engages in any game in such manner as to cause or to be likely to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property shall be liable to fine which may extend to fifty Taka.

Power to require
buildings, wells,
etc., to be
rendered safe

126. Where in a cantonment any building, or wall, or anything affixed thereto, or any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is, in the opinion of the Board in a ruinous state or, for want of sufficient repairs, protection or enclosure a nuisance or, dangerous to persons

passing by or dwelling or working in the neighbourhood, the Board by notice in writing may, require the owner or part-owner or person claiming to be the owner or part-owner thereof, or, failing any of them, the occupier thereof to remove the same, or may require him to repair, or to protect or to enclose the same in such manner as it thinks necessary; and, if the danger is, in the opinion of the Board, imminent, it shall forthwith take such steps as it thinks necessary to avert the same.

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

Enclosure of waste land used for improper purposes

CHAPTER X

SANITATION AND THE PREVENTION AND TREATMENT OF DISEASE

Sanitary Authorities

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

Responsibility for sanitation

- (a) the Officer Commanding the station—all buildings and lands which are occupied or used for military purposes;
- (b) the Officer Commanding the air forces in the cantonment – all buildings and lands which are occupied or used for air-force purposes;
- (c) the head of any civil department or railway administration occupying as such any part of the cantonment – all buildings and lands in his charge as head of that department or administration.

General duties
of Health
Officer

129. (1) The Health Officer shall exercise a general sanitary supervision over the whole cantonment, and shall submit monthly to the Board a report as to the sanitary condition of the cantonment, together with such recommendations in connection therewith as he thinks fit.

(2) The Assistant Health Officer shall perform such duties in connection with the sanitation of the cantonment as are, subject to the control of the Board, allotted to him by the Health Officer.

Conservancy and Sanitation

Public latrines,
urinals and
conservancy
establishments

130. All public latrines and urinals provided or maintained by a Board shall be so constructed as to provide separate compartments for each sex and not to be a nuisance, and shall be provided with all necessary conservancy establishments, and shall regularly be cleansed and kept in proper order.

Power of Board
to undertake
private
conservancy
arrangements

131. (1) On the application or with the consent of the occupier of any building or land, or, where the occupier of any building or land fails to make arrangements to the satisfaction of the Board for the matters referred to in this section, without such consent, and after giving notice in writing to the occupier, a Board may undertake the house scavenging of any building or land in the cantonment for such period as it thinks fit on such terms as it may prescribe in this behalf.

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

(3) For the purposes of this section "house scavenging" means the removal of filth or rubbish or other offensive matter from a privy, latrine, urinal, drain, cesspool, or other common receptacle for such matter.

Deposit and
disposal of
rubbish, etc.

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

(2) The Board may, by public notice, issue directions as to the time at which, the manner in which, and the conditions subject to which, any matter referred to in sub-section (1) may be removed along a street or may be deposited or otherwise disposed of.

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

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

Cesspools,
receptacles for
filth, etc.

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

Filling up of
tank, etc.

134. (1) Where any well, tank, cistern, reservoir, receptacle, or other place in the cantonment where water is stored or accumulates, whether within any private enclosure or not, is in such a condition as to create a nuisance or, in the opinion of the Health Officer, or the Assistant Health Officer, is or is likely to be a breeding place for mosquitoes, the Board may, by notice in writing, require the owner, lessee or occupier thereof, within such period as may be specified in the notice, to fill up or cover the well, cistern, reservoir or receptacle, or to fill up the tank, or to drain off or remove the water, as the case may be.

(2) The Board may, if it thinks fit, with the previous sanction of the Officer Commanding-in-Chief, the Command meet the whole or any portion of the expenses incurred in complying with a requisition under sub-section (1).

Provision of
latrines, etc.

135. A Board may, by notice in writing, require the owner or lessee of any building or land in the cantonment to provide, in such manner as may be specified in the notice, any latrine, urinal, cesspool, dust-bin or other receptacle for filth, sewage, or rubbish, or any additional latrine, urinal, cesspool or other receptacle as aforesaid, which should, in its opinion, be provided for the building or land.

Sanitation in
factories, etc.

136. Every person employing, whether on behalf of the Government or otherwise, more than ten workmen or laborers, and every person managing or having control of a market, school, theatre or other place of public resort, in a cantonment shall give notice of the fact to the Board, and shall provide such latrine, and urinals, and shall employ such number of sweepers, as the Board thinks fit, and shall cause the latrines and urinals to be kept clean and in proper order:

Provided that nothing in this section shall apply in the case of a factory to which the ¹[Factories Act, 1965], applies.

¹ The words, comma and figure "Factories Act, 1965" were substituted, for the words, comma and figure "Indian Factories Act, 1911" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

137. A Board may, by notice in writing,—

Private latrines

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

138. (1) Where it appears to a Board that any block of building in the cantonment is in an unhealthy condition by reason of the manner in which the buildings are crowded together, or of the narrowness or closeness of the street, or of the want of proper

Removal of congested buildings

drainage or ventilation, or the impracticability of cleansing the buildings or other similar cause, it may cause the block to be inspected by a committee consisting of—

- (a) the Health Officer,
- (b) the Civil Surgeon of the district, or, if his services are not available, some other medical officer in the service of the ¹[Republic],
- (c) the Executive Engineer or a person deputed by the Executive Engineer in this behalf, and

²[* * *]

(2) The committee shall make a report in writing to the Board regarding the sanitary condition of the block, and if it considers that the condition thereof is likely to cause risk of disease to the inhabitants of the building or of the neighbourhood or otherwise to endanger the public health, it shall clearly indicate on a plan verified by the Executive Engineer or the person deputed by him to serve on the committee, the buildings which should in its opinion wholly or in part be removed in order to abate the unhealthy condition of the block.

(3) If, upon receipt of such report, the Board is of opinion that all or any buildings indicated should be removed, it may, by notice in writing, require the owners thereof to remove them:

Provided that the Board shall make compensation to the owners for any buildings so removed which may have been erected under proper authority:

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

¹ The word "Republic" was substituted, for the word "State" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² Clause (d) was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

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

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

Overcrowding
of dwelling
houses

(2) Any person who fails, without reasonable cause, to comply with a requisition made upon him under sub-section (1) shall be punishable with fine which may extend to fifty Taka, and, in the case of a continuing offence, to an additional fine which may extend to five Taka for everyday after the first during which the failure has continued.

140. (1) Where any building in a cantonment is so ill-constructed or dilapidated as to be, in the opinion of the Board, in an insanitary state, the Board may, by notice in writing, require the owner, within such time as may be specified in the notice, to execute such repairs or to make such alterations as it thinks necessary for the purpose of removing such defects.

Power to
require repair
or alteration of
building

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted on the building to which it relates.

(3) A notice issued under sub-section (1) shall be deemed to have been complied with if the owner of the building to which it relates has, instead of executing the repairs or making the alterations directed by the notice, removed the building.

141. (1) The Executive Officer may, by notice in writing, require the owner, lessee or occupier of any building or land in the cantonment, which appears to him to be in a filthy or insanitary state, within twenty-four hours to cleanse the same or otherwise put it in a proper state, in such manner as may be specified in the notice.

Power to
require land or
building to be
cleansed

(2) If, within three months from the date of the service of a notice under sub-section (1), any building or land in respect of which the notice was issued is again in a filthy or insanitary state, the owner, lessee or occupier, as the case may be, shall be punishable with fine which may extend to two hundred Taka.

Power to order
disuse of house

142. If a Board is satisfied that any building or part of a building in the cantonment which is intended for or used as a dwelling place is unfit for human habitation, it may cause a notice to be posted on some conspicuous part of the building prohibiting the owner or occupier thereof from using the building or room for human habitation, or allowing it to be so used, until it has been rendered fit for such use to the satisfaction of the Board.

Removal of
noxious
vegetation

143. A Board may, by notice in writing, require the owner, lessee, or occupier of any land in the cantonment to clear away and remove any thick or noxious vegetation or undergrowth which appears to it to be injurious to health or offensive to persons residing in the neighbourhood.

Agriculture and
irrigation

144. Where, in the opinion of a Board, the cultivation in the cantonment of any description of crop or the use therein of any kind of manure or the irrigation of any land therein in any specified manner is likely to be injurious to the health of persons dwelling in the neighbourhood, the Board may, by public notice, prohibit such cultivation, use or irrigation after such date as may be specified in the notice, or may, by a like notice, direct that it shall be carried out subject to such conditions as the Board thinks fit:

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

Burial and Burning Grounds

145. A Board may, by notice in writing, require the owner or person in charge of any burial or burning ground in the cantonment to supply such information as may be specified in the notice concerning the condition, management or position of such ground.

Power to call for information regarding burial and burning grounds

146. (1) No place in a cantonment which has not been used as a burial or burning ground before the commencement of this Act shall be so used without the permission in writing of the Board.

Permission for use of new burial or burning ground

(2) Such permission may be granted subject to any conditions which the Board thinks fit to impose for the purpose of preventing annoyance to, or danger to the health of, persons residing in the neighbourhood.

147. (1) Where a Board, after making or causing to be made local inquiry, is of opinion that any burial or burning ground in the cantonment has become offensive to, or dangerous to the health of, persons living in the neighbourhood, it may, with the previous sanction of the Government, by notice in writing, require the owner or person in charge of such ground to close the same from such date as may be specified in the notice.

Power to require closing of burial or burning grounds

(2) Where the Government sanctions the issue of any notice under sub-section (1), it shall declare the conditions on which the burial or burning ground may be re-opened, and a copy of such declaration shall be annexed to the notice.

(3) Where the Government sanctions the issue of any such notice, it shall require a new burial or burning ground to be provided at the expense of the cantonment fund, or, if the community concerned is willing to provide a new burial or burning ground, the Government shall require a grant to be made from the cantonment fund towards the cost of the same.

(4) No corpse shall be buried or burnt in any burial or burning ground in respect of which a notice issued under this section is for the time being in force.

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

Exemption from operation of sections 145 to 147

Removal of
corpses

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

Prevention of Infectious, or Contagious Diseases

Obligation to
give
information of
infectious or
contagious
diseases

150. Any person, being in charge of, or in attendance, whether as a medical practitioner or otherwise, upon any person in a cantonment whom he knows or has reason to believe to be suffering from a contagious or infectious disease, or being the owner, lessee or occupier of any building in a cantonment in which he knows that any such person is so suffering, shall, if he fails to give information, or if he gives false information, to the Board respecting the existence of such disease, be punishable with fine which may extend to one hundred Taka:

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

Provided, further, that this section shall not apply in the case of venereal disease where the person suffering therefrom is under specific and adequate medical treatment and is, by reason of his habits and conditions of life and residence, unlikely to spread the disease.

Special
measures in
case of outbreak
of infectious or
epidemic
diseases

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

- (a) take such special measures, and
- (b) by public notice, make such temporary regulations to be observed by the public or by any class or section of the public,

as he thinks necessary to prevent the outbreak or the spread of the disease:

Provided that, where in the opinion of the Officer Commanding-in-Chief, the Command immediate measures are

necessary, he may take action without such sanction as aforesaid and, if he does so, shall forthwith report such action to the Government.

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

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

Power to
require names
of dairyman's
customers

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

Power to
require names
of a
washerman's
customers

154. Where, after inspection, the Health Officer is of opinion that any infectious or contagious disease is caused or is likely to arise in the cantonment from the consumption of the milk supplied from a dairy or from the washing of clothes or other articles in any place, or from any process employed by a washerman, he shall report the matter to the Executive Officer.

Report after
inspection of
dairy or
washerman's
place of
business

Action on report
submitted by
Health Officer

155. Upon receipt of a report submitted by the Health Officer under section 154, the Executive Officer may, by notice in writing,—

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

Examination of
milk of washed
cloths

156. The Health Officer may take possession of any milk, clothes or other articles which are or have recently been in the possession of any dairyman on whom a notice has been served under section 152, or of any clothes or other articles which are or have recently been in the possession of any washerman, on whom a notice has been served under section 153, and may subject the same or cause the same to be subjected to such chemical or other process as he may think necessary; and the Board shall pay from the cantonment fund all the costs of the process and shall also pay to the owner of the milk, clothes or other articles such sum as compensation for any loss occasioned by such process as may appear to it to be reasonable.

Contamination
of public
conveyance

157. Whoever in a cantonment—

- (a) uses a public conveyance while suffering from an infectious or contagious disease, or
- (b) uses a public conveyance for the carriage of a person who is suffering from any such disease, or
- (c) uses a public conveyance for the carriage of the corpse of a person who has died from any such disease,

shall be bound to take proper precautions against the communication of the disease to other persons using or who may thereafter use the conveyance and to notify such use to the owner, driver or person in charge of the conveyance, and further to report without delay to the Executive Officer the number of the conveyance and the name of the person so notified.

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

Disinfection of
public
conveyance

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

159. Whoever fails to make to the Executive Officer any report which he is required to make by section 157 or section 158, shall be punishable with fine which may extend to one hundred Taka.

Penalty for
failure to
report

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

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

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

Disinfection of
building or
articles therein

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

Destruction of
infectious hut or
shed

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

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

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

Temporary
shelter for
inmates of
disinfected or
destroyed
building or shed

163. The Board shall provide free of charge temporary shelter or house accommodation for the members of any family in which an infectious or contagious disease has appeared who have been compelled to leave their dwelling by reason of any proceedings taken under section 161 or section 162, and who desire such shelter or accommodation as aforesaid to be provided for them.

Disinfection of
building before
letting the same

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

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

Disposal of
infected article
without
disinfection

165. No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of to another person any article or thing which he knows or has reason to believe has been exposed to contamination by any infectious or contagious disease and is likely to be used in, or taken into, a cantonment.

166. (1) Every Board shall—Means of
disinfection

- (a) provide proper places with necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection;
- (b) cause conveyances, clothing or other articles brought for disinfection to be disinfected either free of charge or on payment of such charges as it may fix.

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

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

167. Whoever, while suffering from, or in circumstances in which he is likely to spread, any infectious or contagious disease,—Making or
selling of
food, etc., or
washing
clothes by
infected
person

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

shall be punishable with fine which may extend to one hundred Taka.

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

Power to
restrict or
prohibit sale of
food or drink

Control over
wells, tanks, etc.

169. (1) If a Board is of opinion that the water in any well, tank or other place is likely, if used for drinking, to engender, or cause the spread of, any disease, it may,—

- (a) by public notice, prohibit the removal or use of such water for drinking;
- (b) by notice in writing, require the owner or person having control of such well, tank or place to take such steps as may be directed by the notice to prevent the public from having access to or using such water; or
- (c) take such other steps as it may consider expedient to prevent the outbreak or spread of any such disease.

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

Disposal of
infectious
corpse

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

- (a) require any person having charge of the corpse to convey the same to a mortuary, thereafter to be disposed of in accordance with law; or
- (b) prohibit the removal of the corpse from the place where death occurred except for the purpose of being buried or burned or of being conveyed to a mortuary.

Hospitals and Dispensaries

Maintenance or
aiding of
hospitals or
dispensaries

171. (1) A Board may—

- (a) provide and maintain either within or without the cantonment as many hospitals and dispensaries as it thinks fit; or

- (b) make, upon such terms as it thinks fit to impose, a grant-in-aid to any hospital or dispensary or veterinary hospital, whether within or without the cantonment, not maintained by it.

(2) Every hospital or dispensary maintained or aided under sub-section (1) shall have attached to it a ward or wards for the treatment of persons suffering from infectious or contagious diseases.

(3) A medical officer, appointed in such manner as the Government may direct, shall be in charge of every hospital or dispensary maintained or aided under this section.

172. (1) Every hospital or dispensary maintained or aided under section 171 shall be maintained in accordance with any general or special orders of the Government for the conduct of hospitals and dispensaries or in accordance with the said orders modified in such manner as the Government thinks fit.

Medical supplies, appliances, etc.

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

173. At every hospital or dispensary maintained or aided under section 171, the sick poor of the cantonment and other inhabitants of the cantonment suffering from infectious or contagious diseases, and, with the sanction of the Board, any other sick persons, may receive medical or surgical treatment free of cost, and, if treated as in-patients, shall be either dieted gratuitously or, if the medical officer in charge so directs, shall be granted subsistence allowance on such scale as the Board may fix:

Free patients

Provided that the subsistence allowance shall not be less than the lowest allowance for the time being fixed for the subsistence of judgment debtors by the ¹[Government] under section 57 of the Code of Civil Procedure, 1908.

174. Any sick person who is ineligible to receive medical or surgical treatment free of cost in any hospital or dispensary under section 173 may be admitted to treatment therein upon such terms as the Board thinks fit.

Paying patients

¹ The word "Government" was substituted, for the words "Provincial Government" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Power to order
person to attend
hospital or
dispensary

175. (1) If the Health Officer or the medical officer in charge of a hospital or dispensary maintained or aided under section 171 has reason to believe that any person living in the cantonment is suffering from an infectious or contagious disease, he may, by notice in writing, call upon such person to attend for examination at any such hospital or dispensary at such time as may be specified in the notice and not to quit it without the permission of the medical officer in charge; and on the arrival of such person at the hospital or dispensary, the medical officer in charge thereof may examine him for the purpose of satisfying himself whether or not such person is suffering from an infectious or contagious disease:

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

(2) If any person on examination under sub-section (1), is found to be suffering from an infectious or contagious disease, the Health Officer or medical officer, as the case may be, may cause him to be detained in hospital until he is free from the infection or contagion:

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

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

176. (1) If the Health Officer or the medical officer in charge of a hospital or dispensary maintained or aided under section 171 reports in writing to the Officer Commanding the station that any person having received a notice under section 175 has refused or omitted to attend at the hospital or dispensary, specified in the notice, or that such person, having attended the hospital or dispensary, has quitted it without the permission of such medical officer, or that any person has failed to comply with any direction given to him under section 175,

the Officer Commanding the station may, by order in writing, direct such person to remove from the cantonment within twenty-four hours and not to re-enter it without his permission in writing.

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

Control of Traffic for Hygienic Purposes

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

Routes for pilgrims and others

- (a) on their way to or from fairs or places of pilgrimage or other places of public resort; or
- (b) during times when an infectious or contagious disease is prevalent;

and may, by public notice, require such persons as aforesaid to use such routes and no others.

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

Special Conditions regarding Essential Services

178. (1) Whoever, being a sweeper employed by a Board in the absence or a written contract authorising him so to do and without reasonable cause, resigns his employment or absents himself from his duty without having given one month's notice to the Board, or neglects or refuses to perform his duties, or any of them, shall be punishable with imprisonment which may extend to one month.

Conditions of Service of sweepers

(2) The Government may, by notification in the official Gazette, direct that on and from such date as may be specified in the notification, the provisions of this section shall apply in the case of any specified class of servants employed by a Board whose functions intimately concern the public health or safety.

(3) For the purpose of this section, "sweeper" includes any menial servant employed by a Board in the removal or disposal of filth or rubbish.

CHAPTER XI

CONTROL OVER BUILDINGS, STREETS, BOUNDARIES, TREES, ETC.

Buildings

Sanction for
building

¹[**178A.** No person shall erect or re-erect a building on any land in a cantonment, except with the previous sanction of the Board, nor otherwise than in accordance with the provisions of this Chapter and of the rules and bye-laws made under this Act relating to the erection and re-erection of buildings.]

Notice of new
buildings

179. (1) Whoever intends to erect or re-erect any building in a cantonment shall apply for sanction by giving notice in writing of his intention to the Board.

(2) For the purposes of this Act, a person shall be deemed to erect or re-erect a building who—

- (a) makes any material alteration or enlargement of any building, or
- (b) converts into a place for human habitation any building not originally constructed for that purpose, or
- (c) converts into more than one place for human habitation a building originally constructed as one such place, or
- (d) converts two or more places of human habitation into a greater number of such places, or
- (e) converts into a stable, cattle-shed or cowhouse any building originally constructed for human habitation, or
- (f) makes any alteration which there is reason to believe is likely to affect prejudicially the stability or safety of any building or the condition of any building in respect of drainage, sanitation or hygiene, or
- (g) makes any alteration to any building which increases or diminishes the height of, or area covered by, or the cubic capacity of, the building, or which reduces the cubic capacity of any room in the building below the minimum prescribed by any bye-law made under this Act.

¹ Section 178A was inserted by section 45 of the Cantonment (Amendment) Act, 1936 (Act No. XXIV of 1936).

180. (1) A person giving the notice required by section 179 shall specify the purpose for which it is intended to use the building to which such notice relates. Conditions of valid notice

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

181. (1) The Board may either refuse to sanction the erection or re-erection, as the case may be, of the building, or may sanction it either absolutely or subject to such directions as it thinks fit to make in writing in respect of all or any of the following matters, namely:— Power of Board to sanction or refuse

- (a) the free passage or way to be left in front of the building;
- (b) the space to be left about the building to secure free circulation of air and facilitate scavenging and the prevention of fire;
- (c) the ventilation of the building, the minimum cubic area of the rooms and the number and height of the storeys of which the building may consist;
- (d) the provision and position of drains, latrines, urinals, cesspools or other receptacles for filth;
- (e) the level and width of the foundation, the level of the lowest floor and the stability of the structure;
- (f) the line of frontage with neighbouring buildings if the building abuts on a street;
- (g) the means to be provided for egress from the building in case of fire;
- (h) the materials and method of construction to be used for external and party wall for rooms, floors, fireplaces and chimneys;
- (i) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on; and
- (j) any other matter affecting the ventilation and sanitation of the buildings;

and the person erecting or re-erecting the building shall obey all such written directions in every particular.

(2) The Board may refuse to sanction the erection or re-erection of any building, either on grounds sufficient in the opinion of the Board affecting the particular building, or in pursuance of a general scheme sanctioned by the Officer Commanding-in-Chief, the Command, restricting the erection or re-erection of buildings within specified limits for the prevention of over-crowding or in the interests of persons residing within such limits or for any other public purpose.

(3) The Board, before sanctioning the erection or re-erection of a building on land which is under the management of the Military Estates Officer, shall refer the application to the Military Estates Officer for ascertaining whether there is any objection on the part of Government to such erection or re-erection; and the Military Estates Officer shall return the application together with his report thereon to the Board within thirty days after it has been received by him.

(4) The Board may refuse to sanction the erection or re-erection of any building—

- (a) when the land on which it is proposed to erect or re-erect the building is held on a lease from the Government, if the erection or re-erection constitutes a breach of the terms of the lease, or
- (b) when the land on which it is proposed to erect or re-erect the building is not held on a lease from the Government, if the right to build on such land is in dispute between the person applying for sanction and the Government.

(5) If the Board decides to refuse to sanction the erection or re-erection of the building, it shall communicate in writing the reasons for such refusal to the person by whom notice was given.

(6) Where the Board neglects or omits, for one month after the receipt of a valid notice, to make and to deliver to the person who has given the notice any order of any nature specified in this section, and such person thereafter by a written communication sent by registered post to the Board calls the attention of the Board to the neglect or omission, then, if such

neglect to omission continues for a further period of fifteen days from the date of such communication the Board shall be deemed to have given sanction to the erection or re-erection, as the case may be, unconditionally:

Provided that, in any case to which the provisions of sub-section (3) apply, the period of one month herein specified shall be reckoned from the date on which the Board has received the report referred to in that sub-section.

182. (1) No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of the refusal of the Board of sanction to the erection of any building or in respect of any direction issued by it under sub-section (1) of section 181. Compensation

(2) The Board shall make compensation to the owner of any building for any actual damage or loss sustained by him in consequence of the prohibition of there-erection of any building or of its requiring any land belonging to him to be added to the street:

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

183. Every sanction for the erection or re-erection of a building given or deemed to have been given by the Board as hereinbefore provided shall be available for one year from the date on which it is given, and, if the building so sanctioned is not begun by the person who has obtained the sanction or some one lawfully claiming under him within that period, it shall not thereafter be begun unless the Board on application made therefore has allowed an extension of that period. Lapse of sanction

¹[**183A.** A Board, when sanctioning the erection or re-erection of a building as hereinbefore provided, shall specify a Period for completion of building

¹ Section 183A was inserted by section 49 of the Cantonment (Amendment) Act, 1936 (Act No. XXIV of 1936).

reasonable period after the work has commenced within which the erection or re-erection is to be completed, and, if the erection or re-erection is not completed within the period so fixed, it shall not be continued thereafter without fresh sanction obtained in the manner hereinbefore provided, unless the Board on application made therefor has allowed an extension of that period:

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

Illegal erection
and re-erection

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

- (a) without having given a valid notice as required by sections 179 and 180, or before the building has been sanctioned or is deemed to have been sanctioned, or
- (b) without complying with any direction made under sub-section (1) of section 181, or
- (c) when sanction has been refused, or has ceased to be available, or has been suspended by the Officer Commanding-in-Chief, the Command, under clause (b) of sub-section (1) of section 52,

shall be punishable with fine which may extend to five hundred Taka.

Power to stop
erection or re-
erection or to
demolish

185. (1) A Board may, at any time, by notice in writing, direct the owner, lessee or occupier of any land in the cantonment to stop the erection or re-erection of a building in any case in which the Board considers that such erection or re-erection is an offence under section 184, and may in any such case or in any other case in which the Board considers that the erection or re-erection of a building is an offence under section 184, within twelve months of the completion of such erection or re-erection in like manner direct the alteration or demolition, as it thinks necessary, of the building, or any part thereof, so erected or re-erected:

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

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

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

Provided that the Board shall pay to the owner of the building compensation for any loss actually incurred by him in consequence of the demolition or alteration of any building which has been erected or re-erected prior to the date on which the order of the Officer Commanding-in-Chief, the Command, has been communicated to him.

186. A Board may make bye-laws prescribing—

Power to make
bye-laws

- (a) the manner in which notice of the intention to erect or re-erect a building in the cantonment shall be given to the Board and the information and plans to be furnished with the notice;
- (b) the type or description of buildings which may or may not, and the purpose for which a building may or may not, be erected or re-erected in the cantonment or any part thereof;
- (c) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected;
- (d) the fees payable on provision by the Board of plans or specifications of the type of buildings which may be erected in the cantonment or any part thereof;

- (e) the circumstances in which a mosque, temple or church or other sacred building may be erected or re-erected; and
- (f) with reference to the erection or re-erection of buildings, or of any class of building, all or any of the following matters, namely:—
 - (i) the line of frontage where the building abuts on a street;
 - (ii) the space to be left about the building to secure free circulation of air and facilities for scavenging and for the prevention of fire;
 - (iii) the materials and method of construction to be used for external and party-walls, roofs and floors;
 - (iv) the position, the material and the method of construction of fireplaces, chimneys, drains, latrines, privies, urinals and cesspools;
 - (v) height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operating are to be carried on;
 - (vi) the level and width of the foundation, the level of the lowest floor and the stability of the structure;
 - (vii) the number and height of the stories of which the building may consist;
 - (viii) the means to be provided for egress from the building in case of fire;
 - (ix) the safeguarding of wells from pollution; or
 - (x) the materials and method of construction to be used for godowns intended for the storage of food grains in excess of fifty maunds in order to render them rat proof.

Projections and
obstructions

187. (1) No owner or occupier of any building in a cantonment shall, without the permission in writing of the Board, add to or place against or in front of the building any projection or structure overhanging, projecting into, or encroaching on, any street or any drain, sewer or aqueduct therein.

(2) The Board may, by notice in writing, require the owner or occupier of any such building to alter or remove any such projection or encroachment as aforesaid:

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

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

188. A Board may, by notice in writing, require any person who has, without its permission in writing, newly erected or re-erected any structure over any public sewer, drain, culvert, water-course or water-pipe in the cantonment to pull down or otherwise deal with the same as it thinks fit.

Unauthorised
buildings over
drains, etc.

189. (1) A Board may, by notice in writing, require the owner or lessee of any building or land in any street, at his own expense and in such manner as the Board thinks fit, to put up and keep in good condition proper troughs and pipes for receiving and carrying rain water from the building or land and for discharging the same or to establish and maintain any other connection or communication between such building or land and any drain or sewer.

Drainage and
sewer
connections

(2) For the purpose of efficiently draining any building or land in the cantonment, the Board may, by notice in writing, require the owner or lessee of the building or land—

- (a) to pave, with such materials and in such manner as it thinks fit, any courtyard, alley or passage between two or more buildings, or
- (b) to keep any such paving in proper repair.

190. A Board may attach to the outside of any building, or to any tree in the cantonment, brackets for lamps in such manner as not to occasion injury thereto or inconvenience.

Power to
attach brackets
for lamps

Streets

Temporary
occupation of
street, land, etc.

191. A Board may, by order in writing, permit the temporary occupation of any street, or of any land vested in the Board, for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of the public, and may charge a fee for such permission and may in its discretion withdraw such permission.

Closing and
opening of
streets

192. (1) A Board shall not permanently close any street or open any new street or without the previous sanction of the Officer Commanding-in-Chief, the Command.

(2) A Board may, by public notice, temporarily close any street or any part of a street for repair or for the purpose of carrying out any work connected with drainage, water-supply or lighting or any other work which it is by or under this Act required or permitted to carry out:

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

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

Names of streets
and numbers of
buildings

193. (1) A Board may cause a name to be given to any street and to be affixed on any building in the cantonment in such place as it thinks fit, and may also cause a number to be affixed to any such building.

(2) Whoever destroys, pulls down, defaces or alters any such name or number or puts up any name or number differing from that put up by the order of the Board shall be punishable with fine which may extend to twenty Taka.

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

Boundaries and Trees

194. (1) No boundary wall, hedge or fence of any material or description shall be erected in a cantonment without the permission in writing of the Board.

Boundary
walls, hedges
and fences

(2) A Board may, by notice in writing, require the owner or lessee of any land in the cantonment—

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

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

(3) The Board may, by notice in writing, require the owner, lessee or occupier of any such land to cut or trim any hedge on the land in such manner and within such time as may be specified in the notice.

195. (1) Where, in the opinion of a Board, the felling of any tree of mature growth standing in a private enclosure in the cantonment is necessary for any reason, the Board may, by notice in writing, require the owner, lessee or occupier of the land to fell the tree within such time as may be specified in the notice.

Felling,
lopping and
trimming of
trees

(2) A Board may—

- (a) cause to be lopped or trimmed any tree standing on land in the cantonment which belongs to the Government: or

- (b) by public notice require all owners, lessees or occupiers of land in the cantonment, or by notice in writing require the owner, lessee or occupier of any such land, to lop or trim, in such manner as may be specified in the notice, all or any trees standing on such land or to remove any dead trees from such land.

Digging of
public land

196. Whoever, without the permission in writing of the Board, digs up the surface of any open space in the cantonment, which is not private property, shall be punishable with fine which may extend to twenty Taka, and, in the case of a continuing offence, with an additional fine which may extend to five Taka for every day after the first during which the offence continues.

Improper use of
land

197. (1) If, in the opinion of a Board, the working of a quarry in the cantonment, or the removal of stone, earth or other material from the soil in any place in the cantonment, is dangerous to persons residing in or frequenting the neighbourhood of such quarry or place, or creates, or is likely to create, a nuisance, the Board may, by notice in writing, prohibit the owner, lessee or occupier of such quarry or place or the person responsible for such working or removal, from continuing or permitting the working of such quarry or the moving of such material, or require him to take such steps in the matter as the Board may direct for the purpose of preventing danger or abating the nuisance arising or likely to arise therefrom.

(2) If, in any case referred to in sub-section (1), the Board is of opinion that such a course is necessary in order to prevent imminent danger, it may, by order in writing, require a proper hoarding or fence to be put up for the protection of passers-by.

CHAPTER XII

MARKETS, SLAUGHTER-HOUSES TRADES AND OCCUPATIONS

Public markets
and slaughter-
houses

198. (1) A Board may provide and maintain, either within or without the cantonment, public markets and public slaughter-houses, to such number as it thinks fit, together with stalls, shops, sheds, pens and other buildings or conveniences for the use of persons carrying on trade or business in or frequenting such markets or slaughter-houses, and may provide and

maintain in any such market buildings, places, machines, weights, scales and measures for the weighment or measurement of goods sold therein.

(2) When such market or slaughter-house is situated beyond cantonment limits, the Board shall have the same power for the inspection and proper regulation of the same as if it were situated within those limits.

(3) The Board may at any time, by public notice, close any public market or public slaughter-house or any part thereof.

(4) Nothing in this section shall be deemed to authorise the establishment of a public market or public slaughter-house within the limits of any area administered by any local authority other than the Board without the permission of such local authority or otherwise than on such conditions as such local authority may approve.

199. (1) No person shall, without the general or special permission in writing of the Board, sell or expose for sale any animal or article in any public market.

Use of public
markets

(2) Any person contravening the provisions of this section, and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the Executive Officer or any officer or servant of the Board authorised by it in this behalf.

200. A Board may—

Levy of
stallages, rents
and fees

- (a) charge for the occupation or use of any stall, shop, standing, shed or pen in a public market, or public slaughter-house, or for the right to expose goods for sale in a public market, or for weighing or measuring goods sold therein, or for the right to slaughter animals in any public slaughter-house, such stallages, rents and fees as it thinks fit; or
- (b) with the sanction of the Officer Commanding-in-Chief, the Command, farm the stallages, rents and fees leviable as aforesaid or any portion thereof for any period not exceeding one year at a time; or
- (c) put up to public auction, or with the sanction of the Officer Commanding-in-Chief, the Command, dispose of by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen in a public market or public slaughter-house for such term and on such conditions as it thinks fit.

Stallages, rents,
etc., to be
published

201. A copy of the table of stallages, rents and fees, if any, leviable in any public market or public slaughter-house, and of the bye-laws made under this Act for the purpose of regulating the use of such market or slaughter-house, printed in the ¹[Bengali] language and in such other language or languages as the Board may direct, shall be affixed in some conspicuous place in the market or slaughter-house.

Private markets
and slaughter-
houses

202. (1) No place in a cantonment other than a public market shall be used as a market, and no place in a cantonment other than a public slaughter-house shall be used as a slaughter-house, unless such place has been licensed as a market or slaughter-house, as the case may be, by the Board:

Provided that nothing in this sub-section shall apply in the case of a slaughter-house established and maintained by the Government.

(2) Nothing in sub-section (1) shall be deemed—

- (a) to restrict the slaughter of any animal in any place on the occasion of any festival or ceremony, subject to such conditions as to prior or subsequent notice as the Executive Officer with the previous sanction of the District Magistrate may, by public or special notice, impose in this behalf, or
- (b) to prevent the Executive Officer, with the sanction of the Board, from setting apart places for the slaughter of animals in accordance with religious custom, when such animals are slaughtered for consumption by the troops or for the purpose of the sale of the flesh thereof to the troops.

(3) Whoever omits to comply with any condition imposed by the Executive Officer under clause (a) of sub-section (2) shall be punishable with fine which may extend to fifty Taka and, in the case of a continuing offence, with an additional fine which may extend to ten Taka for every day after the first during which the offence is continued.

¹ The word "Bengali" was substituted, for the word "English" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

203. (1) A Board may charge such fees as it thinks fit to impose for the grant of a license to any person to open a private market or private slaughter-house in the cantonment, and may grant such license subject to such conditions, consistent with this Act and any bye-laws made thereunder, as it thinks fit to impose.

Conditions of grant of license for private market or slaughter-house

(2) The Board may refuse to grant any such license without giving reasons for such refusal.

204. (1) Any person who keeps open for public use any market or slaughter-house in respect of which a license is required by or under this Act, without obtaining license therefore, or while the license therefore is suspended, or after the same has been cancelled, shall be punishable with fine which may extend to fifty Taka and, in the case of a continuing offence, with an additional fine which may extend to five Taka or every day after the first during which the offence is continued.

Penalty for keeping market or slaughter-house open without license, etc.

(2) When a license to open a private market or private slaughter-house is granted or refused or is suspended or cancelled, the Board shall cause a notice of the grant, refusal, suspension or cancellation to be posted in ¹[Bengali], and in such other language or languages as it thinks necessary, in some conspicuous place by or near the entrance to the place to which the notice relates.

205. Whoever, knowing that any market or slaughter-house has been opened to the public without a license having been obtained therefore when such license is required by or under this Act, or that the license granted therefore is for the time being suspended or that it has been cancelled, sells or exposes for sale and article in such market, or slaughters any animal in such slaughter-house, shall be punishable with fine which may extend to fifty Taka and, in the case of a continuing offence, with an additional fine which may extend to five Taka for every day after the first during which the offence is continued.

Penalty for using unlicensed market or slaughter-house

¹ The word "Bengali" was substituted, for the word "English" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Prohibition and
restriction of
use of slaughter-
houses

206. (1) Where, in the opinion of the Board, it is necessary on sanitary grounds so to do, it may, by public notice, prohibit for such period, not exceeding one month, as may be specified in the notice, or for such further period, not exceeding one month, as it may specify by a like notice, the use of any private slaughter-house specified in the notice, or the slaughter therein of any animal of any description so specified.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted in the slaughter-house to which it relates.

Power to
inspect
slaughter-
houses

207. (1) Any servant of a Board, authorised by order in writing in this behalf by the President of the Board or the Health Officer, may, if he has reason to believe that any animal has been, is being, or is about to be slaughtered in any place in contravention of the provisions of this Chapter, enter into and inspect any such place at any time, whether by day or by night.

(2) Every such order shall specify the place to be entered and the locality in which the same is situated and the period, which shall not exceed seven days, for which the order is to remain in force.

Power to make
bye-laws

208. A Board may, with the approval of the Government, make bye-laws consistent with this Act to provide for all or any of the following matters, namely:—

- (a) the days on, and the hours during, which any private market or private slaughter-house may be kept open for use;
- (b) the regulation of the design ventilation and drainage of such markets and slaughter-houses, and the material to be used in the construction thereof;
- (c) the keeping of such markets and slaughter-houses and lands and buildings appertaining thereto in a clean and sanitary condition, the removal of filth and refuse therefrom, and the supply therein of pure water and of a sufficient number of latrines and urinals for the use of persons using or frequenting the same;
- (d) the manner in which animals shall be stalled at a slaughter-house;
- (e) the manner in which animals may be slaughtered;
- (f) the disposal or destruction of animals offered for slaughter which are, from disease or any other cause,

unfit for human consumption; and

- (g) the destruction of carcasses which from disease or any other cause are found after slaughter to be unfit for human consumption.

Trades and Occupations

209. (1) A Board may provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use thereof as it thinks fit.

Provision of
washing
places

(2) Where the Board has provided such places as aforesaid it may, by public notice, prohibit the washing of clothes by washermen at any other place in the cantonment:

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

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

210. (1) No person of any of the following classes, namely:—

Licenses
required for
carrying on of
certain
occupations

- (a) butchers and vendors of poultry, game or fish;
- (b) persons keeping pigs for profit, and dealers in the flesh of pigs which have been slaughtered in Bangladesh;
- (c) persons keeping milch cattle or milch goats for profit;
- (d) persons keeping for profit any animals other than pigs, milch cattle or milch goats;
- (e) dairymen, buttermen and makers and vendors of ghee;
- (f) makers of bread, biscuits or cake, and vendors of bread, biscuits or cake made in Bangladesh;
- (g) vendors of fruit or vegetables;

- (h) manufacturers of aerated or other potable waters or of ice-cream, and vendors of the same;
- (i) vendors of any medicines, drugs or articles of food or drink, for human consumption (other than the flesh of pigs, milk, butter, bread, biscuits, cake, fruit, vegetables, aerated or other potable waters or ice or ice-cream) which are of a perishable nature;
- (j) vendors of water to be used for drinking purposes;
- (k) washermen;
- (l) dealers in hay, straw, wood, charcoal or other inflammable material;
- (m) dealers in fire-works, kerosene oil, petroleum or any other inflammable oil or spirit;
- (n) tanners and dyers;
- (o) persons carrying on any trade or occupation from which offensive or unwholesome smells arise;
- (p) vendors of wheat, rice and other grain or of flour;
- (q) makers and vendors of sugar or sweetmeats; and
- (r) barbers and keepers of shaving saloons;

shall carry on his trade, calling or occupation in any part of a cantonment unless he has applied for and obtained a license in this behalf from the Board.

(2) A license granted under sub-section (1) shall be valid until the end of the year in which it is issued and the grant of such license shall not be withheld by the Board unless it has reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to the public.

(3) Notwithstanding anything contained in sub-section (1),—

- (a) no person who was, at the commencement of this Act, carrying on his trade, calling or occupation in any part of a cantonment shall be bound to apply for a license for carrying on such trade or occupation in that part until he has received from the Board not less than three months' notice in writing of his obligation to do so, and if the Board refuses to grant him a license, it shall pay compensation for any loss, incurred by reason of such refusal;

- (b) no person shall be required to take out a license for the sale or storage of petroleum or for the sale or possession for sale of poisons or white arsenic in any case in which he is required to take out a license for such sale, storage or possession for sale by or under the ¹[Petroleum Act, 1934], or the Poisons Act, 1919.

(4) The Board may charge for the grant of licenses under this section such fees, not exceeding the cost of granting the licenses, as it may fix with the previous sanction of the Government.

211. A license granted to any person under section 210 shall specify the part of the cantonment in which the licenses may carry on his trade, calling or occupation, and may regulate the hours and manner of transport within the cantonment of any specified articles intended for human consumption, and may contain any other conditions which the Board thinks fit to impose in accordance with bye-laws made under this Act.

Conditions which may be attached to licenses

General Provisions

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

Power to vary license

213. Whoever carries on any trade, calling or occupation for which a license is required without obtaining a license therefore or while the license therefore is suspended or after the same has been cancelled, and whoever, after receiving a notice under section 212, uses or allows to be used any building or

Carrying on trade, etc., without license or in contravention of section 212

¹ The words, comma and figure "Petroleum Act, 1934" were substituted, for the words, comma and figure "Indian Petroleum Act, 1899" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

place in contravention thereof, shall be punishable with fine which may extend to two hundred Taka and, in the case of a continuing offence, with an additional fine which may extend to forty Taka for every day after the first during which the offence is continued.

Feeding animals
on dirt, etc.

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

Entry, Inspection and Seizure

Powers of entry
and seizure

215. (1) The President or the Vice-President, the Executive Officer, the Health Officer, the Assistant Health Officer, or any other officer or servant of a Board authorised by it in writing in this behalf,—

- (a) may at any time enter into any market, building, shop, stall or other place in the cantonment for the purpose of inspecting, and may inspect any animals, article or thing intended for human food or drink or for medicine, whether exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale, or of preparation for sale, or any utensil or vessel for preparing, manufacturing or containing any such article, or thing, and may enter into and inspect any place used as a slaughter-house and may examine any animal or article therein;
- (b) may seize any such animal, article or thing which appears to him to be diseased, or unwholesome or unfit for human food or drink or medicine, as the case may be, or to be adulterated or to be not what it is represented to be, or any such utensil or vessel which is of such a kind or in such a state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be.

(2) Any article seized under sub-section (1) which is of a perishable nature may, under the orders of the Health Officer or the Assistant Health Officer, forthwith be destroyed if, in his opinion, it is diseased, unwholesome or unfit for human food, drink or medicine, as the case may be.

(3) Every animal, article, utensil, vessel or other thing seized under sub-section (1) shall, if it is not destroyed under sub-section (2), be taken before a Magistrate who shall give orders as to its disposal.

(4) The owner or person in possession, at the time of seizure under sub-section (1), of any animal or carcass which is diseased or of any article or thing which is unwholesome or unfit for human food, drink or medicine as the case may be, or is adulterated or is not what it is represented to be, or of any utensil or vessel which is of such kind or in such state as is described in clause (b) of sub-section (1), shall be punishable with fine which may extend to one hundred Taka, and the animal, article, utensil, vessel or other thing shall be liable to be forfeited to the Board or to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for the preparation of food, drink or medicine, as the case may be.

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

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

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

Provided that—

- (a) such substance has been added to the article because the same is required for the preparation or production thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or drink or conceal the inferior quality thereof, or

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

Import of Cattle and Flesh

Import of cattle
and flesh

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

(2) Any animal or flesh brought into a cantonment in contravention of sub-section (1) may be seized by the Executive Officer or by any servant of the Board and sold or otherwise disposed of as the President of the Board may direct, and, if it is sold, the sale-proceeds may be credited to the cantonment fund.

(3) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to fifty Taka.

(4) Nothing in this section shall be deemed to apply to cured or preserved meat or to animals driven or meat carried through a cantonment or consumption outside thereof, or to meat brought into a cantonment by any person for his immediate domestic consumption:

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

CHAPTER XIII

WATER-SUPPLY, DRAINAGE AND LIGHTING

Water-supply

217. (1) In every cantonment where a sufficient supply of pure water for domestic use does not already exist, the Board shall provide or arrange for the provision of such a supply.

Maintenance
of water-
supply

(2) The Board shall, as far as possible, make adequate provision that such supply shall be continuous throughout the year, and the water shall be at all times pure and fit for human consumption.

218. (1) The Board may, with the previous sanction of the Government, by public notice, declare any lake, stream, spring, well, tank, reservoir or other source, whether within or without the limits of the cantonment (other than a source of water-supply under the control of the Military Engineer Services or the Public Works Department) from which water is or may be made available for the use of the public in the cantonment to be a source of public water-supply.

Control over
sources of
public water-
supply

(2) Every such source shall be under the control of the Board.

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

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

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

Provided that, in the case of well, such person as aforesaid may, instead of complying with the notice, signify in writing his desire to be relieved of all responsibility for the proper maintenance of the well and his readiness to place it under the

control and supervision of the Board for the use of the public, and, if he does so, he shall not be bound to carry out the requisition, and the Board shall undertake the control and supervision of the well.

Supply of water

220. (1) The Board may permit the owner, lessee or occupier of any building or land to connect the building or land with a source of public water-supply by means of communication pipes of such size and description as it may prescribe for the purpose of obtaining water for domestic use.

(2) The occupier of every building so connected with the water-supply shall be entitled to have for domestic use, in return for the water tax, if any, such quantity of water as the Board may determine.

(3) All water supplied in excess of the quantity to which such supply is limited under sub-section (2) and, in a cantonment in which a water tax is not imposed, all water supplied under this section, shall be paid for at such rate as the Board may fix.

(4) The supply of water for domestic use shall not be deemed to include any supply—

- (a) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire;
- (b) for any trade, manufacture or business;
- (c) for fountains, swimming baths or any ornamental or mechanical purpose;
- (d) for gardens or for purposes of irrigation;
- (e) for making or watering roads or paths; or
- (f) for building purposes.

Power to require water-supply to be taken

221. If it appears to the Board that any building or land in the cantonment is without a proper supply of pure water, the Board may, by notice in writing, require the owner, lessee or occupier of the building or land to obtain from a source of public water-supply such quantity of water as is, adequate to the requirements of the persons usually occupying or employed upon the building or land, and to provide communication pipes of the prescribed size and description, and to take all necessary steps for the above purposes.

222. (1) The Board may, by agreement, supply, from any source of public water-supply, the owner, lessee or occupier of any building or land in the cantonment with any water for any purpose, other than a domestic purpose, on such terms and conditions, consistent with this Act and the rules and bye-laws made thereunder, as may be agreed upon between the Board and such owner, lessee or occupier.

Supply of
water under
agreement

(2) The Board may withdraw such supply or curtail the quantity thereof at any time if it should appear necessary to do so for the purpose of maintaining sufficient supply of water for domestic use by inhabitants of the cantonment.

223. Notwithstanding any obligation imposed on Boards under this Act, a Board shall not be liable to any forfeiture, penalty or damages for failure to supply water or for curtailing the quantity thereof if the failure or curtailment, as the case may be, arises from accident or from drought or other unavoidable cause unless, in the case of an agreement for the supply of water under section 222, the Board has made express provision for forfeiture, penalty or damages in the event of such failure or curtailment.

Board not
liable for
failure of
supply

224. Notwithstanding anything hereinbefore contained or contained in any agreement under section 222, the supply of water by a Board to any building or land shall be, and shall be deemed to have been, granted subject to the following conditions, namely:—

Conditions of
universal
application

- (a) the owner, lessee or occupier of any building or land in or on which water supplied by the Board is wasted by reason of the pipes, drains or other works being out of repair shall, if he has knowledge thereof, give notice of the same to such officer as the Board may appoint in this behalf;
- (b) the Executive Officer or any other officer or servant of the Board authorised by it in writing in this behalf may enter into or on any premises supplied with water by the Board, for the purpose of examining all pipes, taps, works and fittings connected with the supply of water and of ascertaining whether there is any waste or misuse of such water;

- (c) the Board may, after giving notice in writing, cut off the connection between any source of public water-supply and any building or land to which water is supplied for any purpose therefrom, or turn off such supply if—
 - (i) the owner or occupier of the building or land neglects to pay the water tax or other charges connected with the water-supply within one month from the date on which such tax or charge falls due for payment;
 - (ii) the occupier refuses to admit the Executive Officer or other authorised officer or servant of the Board into the building or land for the purpose of making any examination or inquiry authorised by clause (b) or prevents the making of such examination or inquiry;
 - (iii) the occupier willfully or negligently misuses or causes waste of water;
 - (iv) the occupier willfully or negligently injures or damages his meter or any pipe or tap conveying water from the water-works;
 - (v) any pipes, taps, works or fittings connected with the supply of water to the building or land are found, on examination by the Executive Officer, to be out of repair to such an extent as to cause a waste of water;
- (d) the expense of cutting off the connection or of turning off the water in any case referred to in clause (c) shall be paid by the owner or occupier of the building or land;
- (e) no action taken under or in pursuance of clause (c) shall relieve any person from any penalty or liability which he may otherwise have incurred.

Supply to
persons outside
cantonment

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

Penalty

226. Whoever—

- (a) uses for other than domestic purposes any water supplied by a Board for domestic use, or

- (b) where water is supplied by agreement with a Board for a specified purpose, uses that water for any other purpose,

shall be punishable with fine which may extend to fifty Taka, and the Board shall be entitled to recover from him the price of the water misused.

Water, Drainage and other Connections

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

Power of Board to lay wires, connections, etc.

- (a) for the purpose of carrying out, establishing or maintaining any system of water-supply, lighting, drainage, or sewerage, through, across, under or over any road or street, or any place laid out or intended as a road or street, or, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or up the side of any building, situated within the cantonment, or
- (b) for the purpose of supplying water or of the introduction or distribution of outfall of water or for the removal or outfall of sewage, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or up the side of any building, situated outside the cantonment;

and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, sewer or channel in an effective state for the purpose for which the same may be used or is intended to be used:

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

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

228. In the event of any cable, wire, pipe, drain, sewer or channel being laid or carried above the surface of any land or through, over or up the side of any building, such cable, wire, pipe, drain, sewer or channel shall be so laid or carried as to

Wires, etc., laid above surface of ground

interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building, and compensation shall be payable by the Board in respect of any substantial interference with the right to any such enjoyment.

Connection with main not to be made without permission

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

Power to prescribe ferrules and to establish meters, etc.

230. A Board may prescribe the size of the ferrules to be used for the supply of gas, if any, and may establish meters or other appliances for the purpose of testing the quantity of any water, or the quantity or quality of any gas supplied to any premises by the Board.

Power of inspection

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

Power to fix rates and charges

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

Application of this Chapter to Government Water-supplies

Government water-supply

233. (1) Where in any cantonment there is a water-supply under the control of the Military Engineer Services or the Public Works Department, the Officer of the Military Engineer Services or of the Public Works Department, as the case may be, in charge of such water-supply (hereinafter in this Chapter referred to as the Officer) may publish in the cantonment in such manner as he thinks fit a notice declaring that any lake, stream, spring, well, tank, reservoir or other source, whether within or without the limits of the cantonment (other than a

source of public water-supply) under the control of the Board is a source of public water-supply and may, for the purpose of keeping any such source in good order or of protecting it from contamination or from use, require the Board to exercise any power conferred upon it by section 219.

(2) In the case of any water-supply such as is referred to in sub-section (1), the following provisions of this Chapter, namely, the provisions of sections 220, 222, 223, 224, 226, 227, 228, 229, 230, 231 and 232 shall, as far as may be, be applicable in respect of the supply of water to the cantonment, and for the purpose of such application references to the Board shall be construed as references to the Officer, and references to the Executive Officer or other officer or servant of the Board shall be construed as references to such person as may be authorised in this behalf by the Officer.

(3) The provisions of section 222 shall be applicable in respect of the supply of water by agreement to the Board by the Officer for use for any purpose other than a domestic purpose in like manner as they are applicable to such supply to the owner, lessee or occupier of any building or land in the cantonment.

234. In any case in which the provisions of section 233 apply and in which the Board is not receiving a bulk supply of water under section 234A, the water-tax, if any, imposed in the cantonment and all other charges arising out of the supply of water which may be imposed under the provisions of this Chapter as applied by section 233 shall be recovered by the Board, and all monies so recovered, or such proportion thereof as the Government may in each case determine, shall be paid by the Board to the Officer.

Recovery of charges

¹[**234A.** (1) Where in any cantonment there is a water-supply such as is referred to in sub-section (1) of section 233, the Board may and so long as the Board is unable to provide a water-supply of its own, it shall receive from the Military Engineer

Supply of water from Government water-supply to the Board

¹ Sections 234A and 234B were inserted by section 59 of the Cantonment (Amendment) Act, 1936 (Act No. XXIV of 1936).

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

(2) Any supply of water received under sub-section (1) shall be a bulk supply, and the Board shall make such payments to the Officer for all water so received as may be agreed upon between the Board and the Officer, or, in default of such agreement, as may be determined by the Government to be reasonable having regard to the actual cost of supplying the water in the cantonment and the rate charged for water in any adjacent municipality:

Provided that, notwithstanding anything contained in this Act, the Board shall not charge for the supply to persons in the cantonment of water received by the Board under this section a rate calculated to produce more than the sum of the payments made to the Officer for water received and the actual cost of the supply thereof by the Board to consumers.

(3) If any dispute arises between the Board and the Officer regarding the amount of water adequate to the requirements of persons in the cantonment other than entitled consumers, the dispute shall be referred to the Government whose decision shall be final.

Functions of the Board in relation to distribution of bulk supply

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

CHAPTER XIV

REMOVAL AND EXCLUSION FROM CANTONMENT AND SUPPRESSION OF SEXUAL IMMORALITY

235. The Officer Commanding the station may, on receiving information that any building in the cantonment is used as a brothel or for purposes of prostitution, by order in writing setting forth the substance of the information received, summon the owner, lessee, tenant or occupier of the building to appear before him either in person or by an authorised agent, and, if the Officer Commanding the station is then satisfied as to the truth of the information, he may, by order in writing, direct the owner, lessee, tenant or occupier, as the case may be, to discontinue such use of the building within such period as may be specified in the order.

Power to
remove
brothels and
prostitutes

236. (1) Whoever in a cantonment loiters for the purpose of prostitution or importunes any person to the commission of sexual immorality, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to two hundred Taka.

Penalty for
loitering and
importuning
for purposes of
prostitution

(2) No prosecution for an offence under this section shall be instituted except on the complaint of the person importuned, or of a military officer in whose presence the offence was committed, or of a member of the Military or Air Force Police, being employed in the cantonment and authorised in this behalf by the Officer Commanding the station, in whose presence the offence was committed, or of a police officer not below the rank of a sub-inspector or a sergeant who is employed in the cantonment and authorised in this behalf by the Officer Commanding the station with the concurrence of the District Magistrate.

237. If the Officer Commanding the station is, after such inquiry as he thinks necessary, satisfied that any person residing in or frequenting the cantonment is a prostitute or has been convicted of an offence under section 236, or of the abetment of such an offence, he may cause to be served on such person an order in writing requiring such person to remove from the cantonment within such time as may be specified in the order, and prohibiting such person from re-entering it without the permission in writing of the Officer Commanding the station.

Removal of
lewd persons
from
cantonment

Removal and
exclusion from
cantonment of
disorderly
persons

238. (1) A Magistrate of the first class, having jurisdiction in a cantonment, on receiving information that any person residing in or frequenting the cantonment—

- (a) is a disorderly person who has been convicted more than once of gaming or who keeps or frequents a common gaming house, a disorderly drinking shop or a disorderly house of any other description, or
- (b) has been convicted more than once, either within the cantonment or elsewhere, of an offence punishable under Chapter XVII of the Penal Code or

¹[* * *]

- (d) has been ordered under Chapter VIII of the Code of Criminal Procedure, 1898, either within the cantonment or elsewhere, to execute a bond for his good behaviour,

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

(2) Every summons issued under sub-section (1) shall be accompanied by a copy of the record aforesaid, and the copy shall be served along with the summons on the person against whom the summons is issued.

(3) The Magistrate shall, when the person so summoned appears before him, proceed to inquire into the truth of the information received and take such further evidence as he thinks fit, and if, upon such inquiry, it appears to him that such person is a person of any kind described in sub-section (1) and that it is necessary for the maintenance of good order in the cantonment that such person should be required to remove therefrom and be prohibited from re-entering the cantonment,

¹ Clause (c) was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

the Magistrate shall report the matter to the Officer Commanding the station, and, if the Officer Commanding the station so directs, shall cause to be served on such person an order in writing requiring him to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the Officer Commanding the station.

239. (1) If any person in a cantonment causes or attempts to cause or does any act which he knows is likely to cause disloyalty, disaffection or breaches of discipline amongst any portion of the armed forces of Bangladesh or is a person who, the Officer Commanding the station has reason to believe, is likely to do any such act, the Officer Commanding the station may make an order in writing setting forth the reasons for the making of the same and requiring such person to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the Officer Commanding the station:

Removal and
exclusion from
cantonment of
seditious
persons

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

(2) Every order made under sub-section (1) shall be sent to the Superintendent of Police of the district, who shall cause a copy thereof to be served on the person concerned.

(3) Upon the making of any order under sub-section (1), the Officer Commanding the station shall forthwith send a copy of the same to the Government.

(4) The Government may, of its own motion, and shall, on application, made to it in this behalf within one month of the date of the order by the person against whom the order has been made, call upon the District Magistrate to make, after such inquiry as the Government may prescribe, a report regarding the justice of the order and the necessity therefore. At every such inquiry the person against whom the order has been made shall be given an opportunity of being heard in his own defence.

(5) The Government may, at any time after the receipt of a copy of an order sent under sub-section (3), or where a report has been called for under sub-section (4), on receipt of that report, if it is of opinion that the order should be varied or rescinded, make such order thereon as it thinks fit.

(6) Any person who has been excluded from a cantonment by an order made under this section may, at any time after the expiry of one month from the date thereof, apply to the Officer Commanding-in-Chief, the Command, for the rescission of the same and, on such application being made, the said Officer may, after making such inquiry, if any, as he thinks necessary, either reject the application or rescind the order.

Penalty

240. Whoever—

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

shall be punishable with fine which may extend to two hundred Taka, and, in the case of a continuing offence, with an additional fine which may extend to twenty Taka for every day after the first during which he has persisted in the offence.

CHAPTER XV

POWERS, PROCEDURE, PENALTIES AND APPEALS

Entry and Inspection

Powers of entry

241. It shall be lawful for the President or the Vice-President of a Board, or the Executive Officer, or the Health Officer or Assistant Health Officer, or any person specially authorised by the Health Officer or the Assistant Health Officer, or for any other person authorised by general or special

order of a Board in this behalf, to enter into or upon any building or land with or without assistants or workmen in order to make any inquiry, inspection, measurement, valuation or survey, or to execute any work, which is authorised by or under this Act or which it is necessary to make or execute for any of the purposes or in pursuance of any of the provisions of this Act or of any rule, bye-law or order made thereunder:

Provided that nothing in this section shall be deemed to confer upon any person any power such as is referred to in section 207 or section 215 or to authorise the conferment upon any person of any such power.

242. With the previous sanction of the President, any member of a Board may inspect any work or institution constructed or maintained, in whole or part, at the expense of the Board, and any register, book, accounts or other document belonging to, or in the possession of, the Board.

Powers of inspection by member of a Board

243. (1) A Board may, by general or special order, authorise any person—

Power of inspection, etc.

- (a) to inspect any drain, privy, latrine, urinal, cesspool, pipe, sewer or channel in or on any building or land in the cantonment, and, in his discretion, to cause the ground to be opened for the purpose of preventing or removing any nuisance arising from the drain, privy, latrine, urinal, cesspool, pipe, sewer or channel, as the case may be;
- (b) to examine works under construction in the cantonment, to take levels or to remove, test, examine, replace or read any meter.

(2) If, on such inspection, the opening of the ground is found to be necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists or but for such opening would have arisen the ground or portion of any building, drain, or other work opened, injured or removed for the purpose of such inspection shall be filled in, reinstated, or made good, as the case may be, by the Board.

Power to enter
land adjoining
land where
work is in
progress

244. (1) The Executive Officer of a cantonment may, with or without assistants or workmen, enter on any land within fifty yards of any work authorised by or under this Act for the purpose of depositing thereon any soil, gravel, stone or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on of the same.

(2) The Executive Officer shall, before entering on any land under sub-section (1), give the occupier, or, if there is no occupier, the owner not less than three days' previous notice in writing of his intention to make such entry, and shall state the purpose thereof, and shall, if so required by the occupier or owner, fence off so much of the land as may be required for such purpose.

(3) The Executive Officer shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Board to the owner or occupier of such land, or to both, for any such damage whether permanent or temporary.

Breaking into
premises

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

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

Entry to be
made in the day
time

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

Owner's consent
ordinarily to be
obtained

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

Provided that no such notice shall be necessary if the place to be inspected is a stable for horses or a shed for cattle, or a latrine, privy or urinal, or a work under construction.

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

Regard to be had to social and religious usages

249. Whoever obstructs or molests any person employed by a Board, who is not a public servant within the meaning of section 21 of the Penal Code or any person with whom the Board has lawfully contracted, in the execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of any of the provisions of this Act or of any rule, bye-law or order made thereunder, or in fulfilment of his contract, as the case may be, shall be punishable with fine which may extend to one hundred Taka.

Penalty for obstruction

Powers and Duties of Police Officers

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

Arrest without warrant

Provided that—

- (a) in the case of the breach of any such provision as is specified in Part B of Schedule IV, no person shall be so arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall lie on the arresting officer, and no person so arrested shall be detained after his name and address have been ascertained; and
- (b) no person shall be so arrested for an offence under section 236 except—
 - (i) at the request of the person importuned or of a military officer in whose presence the offence was committed; or

- (ii) by or at the request of a member of the Military or Air Force Police, who is employed in the cantonment and authorised in this behalf by the Officer Commanding the station, and in whose presence the offence was committed or by or at the request of any police officer not below the rank of a Sub-inspector who is employed in the cantonment and authorised in this behalf by the Officer Commanding the station.

Duties of police officers

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

Notices

Notices to fix reasonable time

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

Authentication and validity of notices issued by Board

253. Every notice, order or requisition issued by a Board under this Act or any rule or bye-law made thereunder shall be signed—

- (a) either by the President of the Board or by the Executive Officer, or,
- (b) by the members of any committee especially authorised by the Board in this behalf.

Service of notice, etc.

254. (1) Every notice, order or requisition issued under this Act or any rule or bye-law made thereunder shall, save as otherwise expressly provided, be served or presented—

- (a) by giving or tendering the notice, order or requisition, or sending it by post, to the person for whom it is intended; or
- (b) if such person cannot be found, by affixing the notice, order or requisition on some conspicuous part of his last known place of abode or business, if within the cantonment, or by giving or tendering the notice, order or requisition to some adult male member or servant of his family, or by causing it to

be affixed on some conspicuous part of the building or land, if any, to which it relates.

(2) When any such notice, order or requisition is required or permitted to be served upon an owner, lessee or occupier or any building or land, it shall not be necessary to name the owner, lessee or occupier therein, and the service thereof shall, save as otherwise expressly provided, be effected either—

- (a) by giving or tendering the notice, order or requisition, or sending it by post, to the owner, lessee or occupier, or, if there are more owners, lessees or occupiers than one to any one of them; or
- (b) if no such owner, lessee or occupier can be found, by giving or tendering the notice, order or requisition to the authorised agent, if any, of any such owner, lessee or occupier, or to an adult male member or servant of the family of any such owner, lessee or occupier, or by causing it to be affixed on some conspicuous part of the building or land to which it relates.

(3) When the person on whom a notice, order or requisition is to be served is a minor, service upon his guardian or upon an adult male member or servant of his family shall be deemed to be service upon the minor.

255. Every notice which, by or under this Act, is to be given or served as a public notice or as a notice which is not required to be given to any individual therein specified shall, save as otherwise expressly provided, be deemed to have been sufficiently given or served if a copy thereof is affixed in such conspicuous part of the office of the Board or in such other public place, during such period, or is published in such local newspaper or in such other manner, as the Board may direct.

Method of giving notice

256. In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Act, or any rule or bye-law made thereunder, requiring such person to execute any work or to do any act, it shall be lawful for the Board, whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punishment therefore, after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of the act or work required to be

Powers of Board in case of noncompliance with notice, etc.

done or executed by him, and all the expenses incurred on such account shall be recoverable by the Board.

Recovery of Money

Liability of
occupier to pay
in default of
owner

257. (1) If any such notice as is referred to in section 256 has been given to any person in respect of property of which he is the owner, the Board may require any occupier of such property or of any part thereof to pay to it, instead of to the owner, any rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under section 256:

Provided that, if the occupier, on application made to him by the Board, refuses truly to disclose the amount of his rent or the name or address of the person to whom it is payable, the Board, may recover from the occupier the whole amount recoverable under section 256.

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

Relief to agents
and trustees

258. (1) Where any person, by reason of his receiving the rent of immoveable property as an agent or trustee, or of his being as an agent or trustee the person who would receive the rent if the property were let to a tenant, would under this Act be bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, funds in his hands belonging to the owner sufficient for the purpose.

(2) The burden of proving any fact entitling an agent or trustee to relief under sub-section (1) shall lie upon him.

(3) Where any agent or trustee has claimed and established his right to relief under this section, the Board may, by notice in writing, require him, to apply to the discharge of such obligation as aforesaid the first monies which may come to his hands on behalf, or for the use, of the owner, and, on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

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

Method of
recovery

Provided that the tools of artisans shall be exempt from such distress or sale.

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

Committees of Arbitration

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

Application
for a
Committee of
Arbitration

261. When a Committee of Arbitration is to be convened, the Board shall cause a public notice to be published stating the matter to be determined, and shall forthwith send copies of the order to the District Magistrate, and to the other party concerned, and shall, as soon as may be, nominate such members of the Committee, as it is entitled to nominate under section 262, and, by notice in writing, call upon the other persons who are entitled to nominate a member or members of the Committee to nominate such member or members in accordance with the provisions of that section.

Procedure for
convening
Committee of
Arbitration

Constitution of
Committee of
Arbitration

262. (1) Every Committee of Arbitration shall consist of five members, namely:—

- (a) a Chairman who shall be a person not in the service of the ¹[Republic] or the Board, and who shall be nominated by the Officer Commanding the station;
- (b) two persons nominated by the Board; and
- (c) two persons nominated by the other party concerned.

(2) If the Board or the other party concerned or the Officer Commanding the station fails within seven days of the date of issue of the notice referred to in section 261 to make any nomination which it or he is entitled to make or, if any member who has been so nominated neglects or refuses to act and the Board or other person by whom such member was nominated fails to nominate another member in his place within seven days from the date on which it or he may be called upon to do so by the District Magistrate, the District Magistrate shall forthwith appoint a member or members, as the case may be, to fill the vacancy or vacancies.

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

263. (1) No person who has a direct interest in the matter under reference, or whose services are not immediately available for the purposes of the Committee, shall be nominated a member of a Committee of Arbitration.

(2) If, in the opinion of the District Magistrate, any person who has been nominated has a direct interest in the matter under reference, or is otherwise disqualified for nomination, or if the services of any such person are not immediately available as aforesaid, and if the Board or other person by whom any such person was nominated fails to nominate another member within seven days from the date on which it or he may be called upon to do so by the District Magistrate, such failure shall be deemed to constitute a failure to make a nomination within the meaning of section 262.

¹ The word "Republic" was substituted, for the word "State" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

264. (1) When a Committee of Arbitration has been duly constituted, the Board shall, by notice in writing, inform each of the members of the fact, and the Committee shall meet as soon as may be thereafter.

Meetings and powers of Committees of Arbitration

(2) The Chairman of the Committee shall fix the time and place of meetings, and shall have power to adjourn any meeting from time to time as may be necessary.

(3) The Committee shall receive and record evidence, and shall have power to administer oaths to witnesses, and, on requisition in writing signed by the Chairman of the Committee, the District Magistrate shall issue the necessary processes for the attendance of witnesses and the production of documents required by the Committee, and may enforce the said processes as if they were processes for attendance or production before himself.

265. (1) The decision of every Committee of Arbitration shall be in accordance with the majority of votes taken at a meeting at which the Chairman and at least three of the other members are present.

Decisions of Committees of Arbitration

(2) If there is not a majority of votes in favour of any proposed decision, the opinion of the Chairman shall prevail.

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

Prosecutions

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

Prosecution

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

Composition of
offence

267. (1) A Board, or any person authorised by it, by general or special order in this behalf, may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act other than an offence under Chapter XIV:

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

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

General Penalty Provisions

General penalty

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

Cancellation
and suspension
of licenses

269. Where any person to whom a license has been granted under this Act or any agent or servant of such person commits a breach of any of the conditions thereof, or of any bye-law made under this Act for the purpose of regulating the manner or circumstances in, or the conditions subject to, which anything permitted by such license is to be or may be done, the Board may, without prejudice to any other penalty which may have been incurred under this Act, by order in writing, cancel the license or suspend it for such period as it thinks fit:

Provided that no such order shall be made until an opportunity has been given to the holder of the license to show cause why it should not be made.

270. Where any person has incurred a penalty by reason of having caused any damage to the property of a Board, he shall be liable to make good such damage, and the amount payable in respect of the damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and, on non-payment of such amount on demand, the same shall be recovered by distress and sale of the moveable property of such person, and the Magistrate shall issue a warrant for its recovery accordingly.

Recovery of amount payable in respect of damage to cantonment property

Limitation

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

Limitation for prosecution

Suits

272. No suit or prosecution shall be entertained in any Court against any Board or against any Officer Commanding a station, or against any member of a Board, or against any officer or servant of a Board, for anything in good faith done, or intended to be done, under this Act or any rule or bye-law made thereunder.

Protection of Board, Executive Officer, etc

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

Notice to be given of suits

(2) If the Board, member, officer or servant has, before the suit is instituted, tendered sufficient amends to the plaintiff, the plaintiff shall not recover any sum in excess of the amount so tendered, and shall also pay all costs incurred by the defendant after such tender.

(3) No suit, such as is described in sub-section (1), shall, unless it is an action for the recovery of immovable property or for a declaration of title thereof, be instituted after the expiry of six months from the date on which the cause of action arises.

(4) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit or proceeding.

Appeals and Revision

Appeals from
executive orders

274. (1) Any person aggrieved by any order described in the second column of Schedule V may appeal to the authority specified in that behalf in the third column thereof.

(2) No such appeal shall be admitted if it is made after the expiry of the period specified in that behalf in the fourth column of the said Schedule.

(3) The period specified as aforesaid shall be computed in accordance with the provisions of the Limitation Act, 1908, with respect to the computation of periods of limitation thereunder.

Petition of
appeal

275. (1) Every appeal under section 274 shall be made by petition writing accompanied by a copy of the order appealed against.

(2) Any such petition may be presented to the authority which made the order against which the appeal is made, and that authority shall be bound to forward it to the appellate authority, and may attach thereto any report which it may desire to make by way of explanation.

Suspension of
action pending
appeal

276. On the admission of an appeal from an order, other than an order contained in a notice issued under clause (a) of section 137, section 140, section 176, or section 238, all proceedings to enforce the order and all prosecutions for any contravention thereof shall be held in abeyance pending the decision of the appeal, and, if the order is set aside on appeal, disobedience thereto, shall not be deemed to be an offence.

277. (1) Where an appeal from an order made by the Board has been disposed of by the District Magistrate either party to the proceedings may, within thirty days from the date thereof, apply, through the Officer Commanding-in-Chief, the Command, to the Government, or to such authority as the Government may appoint in this behalf, for a revision of the decision.

Revision

(2) The provisions of this Chapter with respect to appeals shall apply, as far as may be, to applications for revision made under this section.

278. Save as otherwise provided in section 277, every order of an appellate authority shall be final.

Finality of appellate orders

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

Right of appellant to be heard

CHAPTER XVI

RULES AND BYE-LAWS

280. (1) The Government may, after previous publication, make rules to carry out the purposes and objects of this Act.

Power to make rules

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the manner in which, and the authority to which, application for permission to occupy land belonging to the Government in a cantonment is to be made;
- (b) the authority by which permission may be granted and the conditions to be annexed to the grant of any such permission;
- ¹[(bb) the allotment to a Board of a share of the rents and profits accruing from property entrusted to its management under the provisions of section 116A;]
- (c) the appointment, control, supervision, conditions of service, transfer, suspension, removal, dismissal and punishment of servants of Boards;

¹ Clause (bb) was inserted by section 12 of the Cantonments (Amendment) Act, 1925 (Act No. VII of 1925).

- (d) the circumstances in which security shall be demanded from servants of Boards and the amount and nature of such security;
- (e) the grant of leave, absence or acting allowance to servants of Boards;
- (f) the creation and management of Provident Funds, and the circumstances in which, and the conditions subject to which, contributions thereto shall be made from cantonment funds and by servants of Boards;
- (g) the keeping of accounts by Boards and the manner in which such accounts shall be audited and published;
- (h) the definition of the persons by whom, and the manner in which, money may be paid out of a cantonment fund;
- (i) the preparation of estimates of income and expenditure by Boards and the definition of the persons by whom, and the conditions subject to which, such estimates may be sanctioned;
- (j) the regulation of the procedure of Committees of Arbitration; and
- (k) the prescribing of registers, statements and forms to be used and maintained by any authority for the purposes of this Act.

Supplemental
provisions
respecting rules

281. (1) A rule under section 280 may be made either generally for all cantonments or for the whole or any part of any one or more cantonments.

(2) All rules so made shall be published in the official Gazette and in such other manner, if any, as the Government may direct and, on such publication, shall have effect as if enacted in this Act.

Power to make
bye-laws

282. Subject to the provisions of this Act and of the rules made thereunder, a Board may, in addition to any bye-laws which it is empowered to make by any other provision of this Act, make bye-laws to provide for all or any of the following matters in the cantonment, namely:—

- (1) the registration of births, death and marriages, and the taking of a census;

- (2) the enforcement of compulsory vaccination;
- (3) the regulation of the collection and recovery of taxes, tolls and fees under this Act and the refund of taxes;
- (4) the regulation or prohibition of any description of traffic in the streets;
- (5) the manner in which vehicles standing, driven, led or propelled in the streets between sunset and sunrise shall be lighted;
- (6) the seizure and confiscation of ownerless animals straying within the limits of the cantonment;
- (7) the prevention and extinction of fire;
- (8) the construction of scaffolding for building operations to secure the safety of the general public and of persons working thereon;
- (9) the regulation in any manner not specifically provided for in this Act of the construction, alteration, maintenance, preservation, cleaning, and repairs of drains, ventilation-shafts, pipes, water-closets, privies, latrines, urinals, cesspools and other drainage works;
- (10) the regulation or prohibition of the discharge into, or deposit in, drains or sewage, polluted water and other offensive or obstructive matter;
- (11) the regulation or prohibition of the stabling or herding of animals, or of any class of animals, so as to prevent danger to public health;
- (12) the proper disposal of corpses, the regulation and management of burial and burning places and other places for the disposal of corpses, and the fees chargeable for the use of such places where the same are provided or maintained by Government or at the expense of the cantonment fund;
- (13) the permission, regulation or prohibition of the use or occupation of any street or place by itinerant vendors or by any person for the sale of articles or the exercise of any calling or the setting-up of any booth or stall, and the fees chargeable for such use or occupation;

- (14) the regulation and control of encamping grounds, pounds, washing-places, serais, hotels, dak-bungalows, lodging-houses, boarding-houses, buildings let in tenements, residential clubs, restaurants, eating-houses, cafes, refreshment-rooms and places of public recreation, entertainment or resort;
- (15) the regulation of the ventilation, lighting, cleansing, drainage and water-supply of the buildings used for the manufacture or sale of aerated or other potable waters and of butter, milk, sweetmeats and other articles of food or drink for human consumption;
- (16) the matters regarding which conditions may be imposed by licenses granted under section 210;
- (17) the control and supervision of places where dangerous or offensive trades are carried on so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom;
- (18) the regulation of the erection of any enclosure, fence, tent, awning or other temporary structure of whatsoever material or nature on any land situated within the cantonment;
- (19) the laying out of streets, and the regulation and prohibition of the erection of buildings without adequate provision being made for the laying out and location of streets;
- (20) the regulation of the use of public parks and gardens and other public places, and the protection of avenues, trees, grass and other appurtenances of streets and other public places;
- (21) the regulation of the grazing of animals;
- (22) the fixing and regulation of the use of public bathing and washing places;
- (23) the regulation of the posting of bills and advertisement, and of the position, size, shape or style of name-boards, sign-boards and sign-posts;
- (24) the fixation of a method for the sale of articles whether by measure, weight, piece or any other method;

- (25) the rendering necessary of licenses within the cantonment—
 - (a) for persons working as job porters for the conveyance of goods;
 - (b) for animals or vehicles let out on hire;
 - (c) for the proprietors or drivers of vehicles, boats or other conveyances, or of animals kept or plying for hire;
 - (d) for persons impelling or carrying such vehicles or other conveyances; or
 - (e) for persons practising as nurses, midwives or *dais*;
- (26) the prescribing of the fee payable for any license required under clause (25), and of the conditions subject to which such licenses may be granted, revised, suspended or withdrawn;
- (27) the regulation of the charges to be made for the services of such job porters and of the hire of such animals, vehicles or other conveyances, and for the remuneration of persons impelling or carrying such vehicles or conveyances as are referred to in clause (25);
- (28) the regulation or prohibition, for purposes of sanitation or the prevention of disease or the promotion of public safety or convenience, of any act which occasions or is likely to occasion a nuisance, and for the regulation or prohibition of which no provision is made elsewhere by or under this Act;
- (29) the circumstances and the manner in which owners of buildings or land in the cantonment, who are temporarily absent from, or are not resident in, the cantonment, may be required to appoint as their agents, for all or any of the purposes of this Act or of any rule or bye-law made thereunder, persons residing within or near the cantonment;
- (30) the prevention of the spread of infectious or contagious diseases within the cantonment;

- (31) the segregation in, or the removal and exclusion from, the cantonment, or the destruction, of animals suffering or reasonably suspected to be suffering from any infectious or contagious disease;
- (32) the supervision, regulation, conservation and protection from injury, contamination or trespass of sources and means of public water-supply and of appliances for the distribution of water whether within or without the limits of the cantonment;
- (33) the manner in which connections with water-works may be constructed or maintained, and the agency which shall or may be employed for such construction and maintenance;
- (34) the regulation of all matters and things relating to the supply and use of water including the collection and recovery of charges therefore and the prevention of evasion of the same;
- (35) the maintenance of schools, and the furtherance of education generally;
- (36) the regulation or prohibition of the cutting or destruction of trees or shrubs, or the making or excavations, or of the removal of soil or quarrying, where such regulation or prohibition appears to the Board to be necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of landslips or of the formation of ravines or torrents, or the protection of land against erosion or against the deposit thereon of sand, gravel or stones;
- (37) the rendering necessary of licenses for the use of premises within the cantonment as stables or cow-houses or as accommodation for sheep, goats or fowls;
- (38) the control of the use in the cantonment of mechanical whistle, sirens or trumpets; and
- (39) generally for the regulation of the administration of the cantonment under this Act.

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

Penalty for breach of bye-laws

- (a) with fine which may extend to one-hundred Taka; or
- (b) with fine which may extend to one hundred Taka and in the case of a continuing contravention, with an additional fine which may extend to twenty Taka for every day during which such contravention continues after conviction for the first such contravention; or
- (c) with fine which may extend to ten Taka for every day during which the contravention continues after the receipt of a notice from the Board by the person contravening the bye-law requiring such person to discontinue such contravention.

284. (1) Any power to make bye-laws conferred by this Act is conferred subject to the condition of the bye-laws being made after previous publication and of their not taking effect until they have been approved and confirmed by the Government and published in the official Gazette.

Supplemental provisions regarding bye-laws

(2) The Government in confirming a bye-law may make any change therein which appears to it to be necessary.

(3) The Government may, after previous publication of its intention, cancel any bye-law which it has confirmed, and thereupon the bye-law shall cease to have effect.

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

Rules and bye-laws to be available for inspection and purchase

(2) Copies of all such rules and bye-laws shall be kept at the office of the Board, and shall be sold to the public at cost price singly, or in collections at the option of the purchaser.

CHAPTER XVII**SUPPLEMENTAL PROVISIONS**

Extension of
certain
provisions of
the Act and
rules to places
beyond
cantonments

286. The Government may, by notification in the official Gazette, and subject to any conditions as to compensation or otherwise which it thinks fit to impose, extend to any area beyond a cantonment and in the vicinity thereof, with or without restriction or modification, any of the provisions of Chapters IX, X, XI, XII, XIII, XIV and XV or of any rule or bye-law made under this Act for the cantonment which relates to the subject-matter of any of those Chapters, and every enactment, rule or bye-law so extended shall thereupon apply to that area as if the area were included in the cantonment.

Power to
delegate
functions of
Executive
Officer

¹[**286A.** The Board may empower any of its members or officers to exercise or perform in the absence of the Executive Officer from the cantonment all or any of such powers or duties of an Executive Officer under this Act as the Government may, by notification in the official Gazette, specify in this behalf.]

Registration

287. (1) Paragraphs 2 and 3 of section 54, and sections 59, 107 and 123 of the Transfer of Property Act, 1882, with respect to the transfer of property by registered instrument, shall, on and from the commencement of this Act, extend to every cantonment.

(2) The Registrar or Sub-Registrar of the district or sub-district formed for the purposes of the Registration Act, 1908, in which any cantonment is situated, shall, when any document relating to immoveable property within the cantonment is registered, send information of the registration forthwith to the Board or such other authority as the Government may prescribe in this behalf.

Validity of
notices and
other documents

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

¹ Section 286A was inserted by section 8 of the Cantonments (Amendment) Act, 1931 (Act No. VII of 1931).

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

Admissibility
of document
or entry as
evidence

290. No officer or servant of a Board shall, in any legal proceeding to which the Board is not a party, be required to produce any register or document the contents of which can be proved under section 289 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein save by order of the Court made for special cause.

Evidence by
officer or
servant of the
Board

291. For the purposes of the Government Buildings Act, 1899 cantonments and Boards shall be deemed to be municipalities and municipal authorities respectively.

Application of
Act IV of
1899

292. [*Repealed by the Repealing Act, 1927 (Act No. XII of 1927), section 2.*]

SCHEDULE I

NOTICE OF DEMAND

(See section 91)

To

residing at

Take notice that the Board demands from

the sum of due from on account of

(here describe the property, occupation, circumstance or thing
in respect of which the sum is payable) leviable under for the
period of commencing on the day of19 , and ending on the day of 19 , and that if, within thirty
days from the service of this notice, the said sum is not paid to the
Board at , or sufficient cause of nonpayment is not shown to
the satisfaction of the Executive Officer, a warrant of distress will be
issued for the recovery of the same with costs.

Dated this day of 19 .

(Signed)

*Executive Officer,
Cantonment***SCHEDULE II**

FORM OF WARRANT

(See section 92)(Here insert the name of the officer charged with the execution of the
warrant)Whereas A.B. of has not paid, and has not shown satisfactory
cause for the non-payment of, the sum of due on account
*(Here describe the liability.) of * for the period of commencing on the day
of 19 , and ending with the day of 19 , which sum is
leviable under ;And whereas thirty days have elapsed since the service on him of
notice of demand for the same;This is to command you to distrain, subject to the provisions of the
Cantonments Act, 1924, the moveable property of the said A.B. to the
amount of the said sum of Taka ; and forthwith to certify to me,
together with this warrant, all particulars of the property seized by you
thereunder.

Dated this day of 19 .

(Signed)

*Executive Officer,
Cantonment*

SCHEDULE III

FORM OF INVENTORY OF PROPERTY DISTRAINED AND NOTICE OF SALE

(See section 93)

To
residing at

Take notice that I have this day seized the property specified in the inventory annexed hereto, for the value of due for the liability* mentioned in the margin for the period commencing with the day of 19 , and ending with day of 19 , together with ¹[Taka] due for service of notice of demand, and that, unless within seven days from the date of the service of this notice you pay to the Board the said amount, together with the costs of recovery, the said property will be sold by public auction.

*(Here describe the liability.)

Dated this day of 19 .

(Signature of officer executing the warrant)

INVENTORY

(Here state particulars of property seized)

¹ The word "Taka" was substituted, for the word "Rs" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

SCHEDULE IV
CASES IN WHICH POLICE MAY ARREST WITHOUT WARRANT
(See section 250)

1 Section	2 Subject
PART A	
118(1)(a)(i)	Drunkenness, etc.
167.....	Making or selling of food, etc., or washing of clothes, by infected person.
PART B	
118 (1) (a) (ii)	Using threatening or abusive words, etc.
118 (1) (a) (iii)	Indecent exposure of person, etc.
118 (1) (a) (iv)	Begging.
118 (1) (a) (v)	Exposing deformity, etc.
118 (1) (a) (vii)	Gaming.
118 (1) (a) (xii).....	Destroying notice, etc.
118 (1) (a) (xiii).....	Breaking direction-post, etc.
118 (1) (f)	Keeping common gaming-house, etc.
118 (1) (g)	Beating drum, etc.
118 (1) (h)	Singing, etc., go as to disturb public peace or order.
119 (6)	Letting loose, or setting on, ferocious dog.
125	Discharging, fire-arms, etc., so as to cause danger.
176 (1)	Remaining in, or re-entering, cantonment after notice of expulsion for failure to attend hospital or dispensary.
193(2)	Destroying, etc., name of street or number affixed to building.
214	Feeding animal on filth, etc.
236	Loitering or importuning for sexual immorality.
240 (a)	Remaining in, or returning to, a cantonment after notice of expulsion.

SCHEDULE V
APPEALS FROM ORDERS
(See section 274)

1 Section	2 Executive Order	3 Appellate Authority	4 Time allowed for appeal
126	Boards notice to remove, repair, protect or enclose a building, wall or anything affixed thereto, or well, tank, reservoir, pool, depression or excavation.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Government.	Thirty days from service of notice.
134	Board's notice to fill up well, tank, etc., or to drain off or remove water.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Government.	Thirty days from service of notice.
140	Board's notice requiring a building to be repaired or altered so as to remove sanitary defects.	Officer Commanding-in-Chief, the Command, or other authority authorised in his behalf by the Government.	Thirty days from service of notice.
176	Order of Officer Commanding the station on report of Medical Officer, directing a person to remove from the cantonment and prohibiting him from re-entering at without permission.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Government.	Thirty days from service of notice.

1 Section	2 Executive Order	3 Appellate Authority	4 Time allowed for appeal
181	Board's refusal to sanction the erection or re-erection of a building.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Government.	Thirty days from the date on which the refusal shall have been communicated to the person applying for sanction.
185	Board's notice to alter or demolish a building.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Government.	Thirty days from service of notice.
188	Board's notice to pull down or otherwise deal with a building newly erected or rebuilt without permission over a sewer, drain, culvert, water-course or waterpipe.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Government.	Thirty days from service of notice.
206	Board's notice prohibiting or restricting the use of a slaughter-house.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Government.	Twenty-one days from service of notice.
238	Magistrate's notice directing disorderly person to remove from cantonment and prohibiting him from re-entering it without permission.	District Magistrate	Thirty days from service of notice.

SCHEDULE VI – [Repealed by the Repealing Act, 1927 (Act No. XII of 1927), section 2 and Schedule.]