

## Cantonments Act, 2006

### Section 353 - Power to delegate functions to the president, etc

section 346. (3) All rules made under this Act shall be published in the Official Gazette and in such other manner, if any, as the Central Government may direct and, on such publication, shall have effect as if enacted in this Act. (4) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 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, deaths and marriages, and the taking of a census; (2) the enforcement of compulsory vaccination and inoculation and levy of fees where such vaccination or inoculation is carried out at the houses of residents; (3) the regulation of the collection and recovery of taxes, tolls and fees under this Act and the refund of taxes; (4) the regulation of any description of traffic in the streets and the enforcement of measures for the reduction of noise caused thereby or the prohibition of any description of such traffic; (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 cantonments and regulation and control of cattle pounds; (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 of 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, sarais, hotels, dak-bungalows, lodging-houses, boarding-houses, buildings let in tenements, residential clubs, restaurants, eating-houses, cafes, refreshment-rooms, guest houses, holiday resorts, cinemas 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 licences granted under section 295 or section 277; (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 and the fees chargeable in respect thereof; (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 form of and the particulars which shall be contained in a development scheme or an improvement scheme and the manner in which such

scheme shall be framed or altered and levy of development charges; (21) 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; (22) the regulation of the grazing of animals and the fees chargeable in respect thereof; (23) the fixing and regulation of the use of public bathing and washing places; (24) the regulation of the posting of bills and advertisement, and of the position, size, shape or style or name-boards, sign-boards and sign-posts; (25) the fixation of a method for the sale of articles whether by measure, weight, piece or any other method; (26) the rendering necessary of licences within the cantonment for-- (a) persons working as job porters for the conveyance of goods; (b) animals or vehicles let out on hire or used for hawking articles; (c) the proprietors or drivers of vehicles, boats or other conveyances, or of animals kept or plying for hire or used for hawking articles; (d) persons impelling or carrying such vehicles or other conveyances; or (e) persons practising as nurses, midwives or dais; (27) the prescribing of the fee payable for any licence required under clause (26), and of the conditions subject to which such licences may be granted, revised, suspended or withdrawn; (28) 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 (26); (29) the prescribing of fee payable for any licence except as otherwise specifically provided in the Act, sanction or for any written permission granted by the Chief Executive Officer; (30) 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; (31) 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 of any rule or bye-law made thereunder, persons residing within or near the cantonment; (32) the prevention of the spread of infectious or contagious diseases within the cantonment; (33) the segregation in, or the removal and exclusion from, the cantonment, or the destruction, of animals suffering from or reasonably suspected to be suffering from any infectious or contagious disease; (34) 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; (35) 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; (36) the regulation of all matters and things relating to the supply and use of water including the collection and recovery of charges therefor and the prevention of evasion of the same; (37) the maintenance of schools, and the furtherance of education generally; (38) the regulation or prohibition of the cutting or destruction of trees or shrubs, or of the making of excavations, or of the removal of soil or quarrying, where such regulation or prohibition appears to the Board to be not prejudicial to the maintenance of ecological balance and to be necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of landscape 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; (39) the rendering necessary of licences for the use of premises within the cantonment as stables, kennels, sites or cowhouses or as accommodation for sheep, goats or fowls; (40) the control of the use in the cantonment of mechanical whistles, sirens or trumpets; (41) the regulation of supply of copies of official document and prescribing the fee payable in respect thereof; (42) the regulation of permission for granting licence for use of loud-speakers and prescribing the fee payable in respect thereof; (43) the conservation and maintenance of ancient and historical monuments, archaeological sites and remains or place of public importance in the cantonment; and (44) generally for the regulation of the administration of the cantonment under this Act. (1) Any bye-law made by a Board under this Act may provide that a contravention thereof shall be punishable-- (a) with fine which may extend to five thousand rupees; or (b) with fine which may extend to five thousand rupees and, in the case of a continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention; or (c) with fine which may extend to one hundred fifty rupees for every day during which the contravention continues after the receipt of a notice from the Board or Chief Executive Officer by the person contravening the bye-law requiring such person to discontinue such contravention. (2) Any such bye-law may also provide that a person contravening the same shall be required to remedy, so far as lies in his power, the damage or mischief, if any, caused by such contravention. (1) Any power to make bye-laws conferred by this Act is

conferred subject to the conditions of bye-laws being made after previous publication and of their not taking effect until they have been approved and confirmed by the Central Government and published in the Official Gazette. (2) The Central Government in confirming a bye-law may make any change therein which appears to it to be necessary. (3) The Central 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. (4) Every bye-law and Regulation made under this Act and every order made under sub-section (3) shall be laid as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the bye-law and Regulation, or order or both Houses agree that the bye-law and Regulation, or order should not be made, the bye-law and Regulation, or order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that bye-law and Regulation or order. (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. (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 collection at the option of the purchaser. The Central Government may, by notification in the Official Gazette, and subject to any conditions as to compensation or otherwise which 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 VIII to 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. 1)The Board may, by a resolution passed in this behalf, delegate to the President, Vice-President, Chief Executive Officer or Health Officer, subject to such conditions, if any, as may be specified in the resolution, all or any of its functions under clause (b) of subsection (5) of