

Cantonments Act, 1924

Section 239 - REMOVAL AND EXCLUSION FROM CANTONMENT OF SEDITIOUS PERSONS

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 [Forces] 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] : 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 [Central Government]. (4) The [Central 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 [Central Government] may prescribe, a report regarding the justice of the order and the necessity therefor. 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 [Central 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been called for under sub-section (4), on receipt of that report if it is of opinion that the order should be varied or rescinded, make such order thereon as it thinks fit, (6) Any person who has been excluded from a cantonment by an order made under this section may, at any time after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. Act 15 of 1983, Clause 136.- This clause seeks to amend section 239 of the Act and the change is consequential to the insertion of a new definition of the expression "Forces" in the Act. - Gaz. of Ind., 9-7-1982, Pt. II, S. 2. Ext., P. 57 (No. 26)