Cantonments Act, 1924

Chapter VI - Cantonment Fund and Property

Section 106 - Cantonment fund

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

(a) the balance, if any, of the cantonment fund formed for the cantonment under the Cantonments Act, 1910 (15 of 1910);

(b) all sums received by or on behalf of the1[Board]2[* * *];

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1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

2. The word "and" clause (c) rep. by the A.O. 1937.

Section 107 - Custody of cantonment fund

[1][(1) Where in or near a cantonment there is a Government treasury or sub-treasury or a branch of the State Bank of India or a subsidiary bank or a nationalised bank, the cantonment fund shall be kept in such treasury, sub-treasury or bank as the Board may deem fit.

Explanation.--In this section,--

(i) "nationalised bank" means a corresponding new bank specified in the First Schedule to the Banking Companies

(Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980);

(ii) "State Bank of India" means the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955);

(iii) "subsidiary bank" means a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (38 of

1959).]

[2][[(2)] A[3][Board] may, from time to time, with the previous sanction of the[4][Officer Commanding-in-Chief, the Command], invest any portion of its cantonment fund in securities of the Central Government or in such other securities, including fixed deposits in banks, as the[5][Central Government] may approve in this behalf, and may dispose of such investments or vary them for others of a like nature.]

[6][(3)] The income resulting from any fixed deposit or from any such security as is referred to in[7][sub-section (2)] or from the proceeds of the sale of any such security shall be credited to the cantonment fund.

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1. Substituted by Act 15 of 1983,section 70, for sub-sections (1) and (2) w.e.f. 1-10-1983.

2. Substituted by Act 26 of 1927, section 12, for the original sub-section.

3. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

4. Substituted by Act 24 of 1936, section 35, for "L.G.".

5. Substituted by the A.O. 1937, for "L.G.".

6. Sub-sections (3) and (4) re-numbered as sub-sections (2) and (3) respectively by Act 15 of 1983, section 70 w.e.f. 1-10-1983.

7. Substituted by Act 15 of 1983, section 70, for "sub-section (3)" w.e.f. 1-10-1983.

Section 108 to 111 - Property

Section 108 - Property

Subject to any special reservation made by the Central Government [1] [***]all property of the nature hereinafter in this section specified which has been acquired or provided or is maintained by a [2] [Board] shall vest in and belong to that [2] [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, animal matter, fifth and rubbish of every kind, and dead bodies of animals collected by the 2 [Board] from the streets, houses, privies, sewers, cess-pools or elsewhere, or deposited in places appointed by the 2 [Board] for such purpose;

(e) all lamps and lamp-posts and apparatus connected therewith or appertaining thereto;

(f) all lands or other property transferred to the 2 [Board] 3 [by the Central or a State 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.

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1. The words "or the L.G." rep. by Act 24 of 1936, section 35.

2. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

3. Substituted by the A.O. 1937, for "by His Majesty".

Section 109 - Application of cantonment fund and property

The cantonment fund and all property vested in a1[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 the1[Board]:

Provided that the1[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 the2[Central Government], and

(b) on such terms and conditions as the2[Central Government] may impose:

Provided, further, that priority shall be given in the order hereafter set forth to the following liabilities and obligations of a1[Board], that is to say,--

(a) to the liabilities and obligations arising from a trust legally imposed upon or accepted by the1[Board];

(b) to the repayment of, and the payment of interest on, any loan incurred under the provisions of the Local Authorities Act, 1914 (9 of 1914);

(c) to the payment of establishment charges;

3[* * *]

(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.

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1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

2. Substituted by the A.O. 1937, for "L.G.".

3. Clause (d) omitted by Act 15 of 1983, ec. 71 w.e.f. 1-10-1983.

Section 110 - Acquisition of immovable property

When there is any hindrance to the permanent or temporary acquisition upon payment of any land required by a[1][Board] for the purposes of this Act, the[2][Central Government] may, at the request of the[1][Board],[3][procure the acquisition thereof] under the provisions of the Land Acquisition Act, 1894 (1 of 1894), and, on payment by the[1][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[1][Board].

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1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".

2. Substituted by the A.O. 1937, for "L.G.".

3. Substituted by the A.O. 1937, for "proceed to acquire it".

Section 111 - Power to make rules regarding cantonment fund and property

The Central 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[1][Boards] or on which property vested in a[2][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 Central Government, necessary.

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1. Substituted by Act 24 of 1936, section 69, for "Cantonment Authorities".

2. Substituted by Act 24 of 1936, section 69, for "Cantonment Authority".