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Cantonments Act, 1924

Chapter XIV - Removal and Exclusion from Cantonments and Suppression of Sexual Immorality

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The1[Officer Commanding the station]2[or the Board] 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 him2[or the Board, as the case may be] either in person or by an authorised agent, and, if the3[Officer Commanding the station]2[or the Board] is then satisfied as to the truth of the information,4[the Officer Commanding the station or, as the case may be, the Board may], by order in writing, direct the owner, lessee, tenant or occupier, as the case may be, to discontinue such use of the building with such period as may be specified in the order.

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1. Substituted by Act 7 of 1925, section 10, for "Commanding Officer of a cantonment".

2. Inserted by Act 2 of 1954, section 20.

3. Substituted by Act 7 of 1925, section 14, for "Commanding Officer of the Cantonment".

4. Substituted by Act 2 of 1954, section 20, for "he may".

Section 236 - Penalty for loitering and importuning for purposes of prostitution

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(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 to1[five hundred rupees].

(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 Military2[, Naval] or Air Force Police, being employed in the cantonment and authorised in this behalf by the3[Officer Commanding the station], in whose presence the offence was committed, or of a police officer not below the rank of a sub-inspector4[or a sergeant] who is employed in the cantonment and authorised in this behalf by the3[Officer Commanding the station]4 [with the concurrence of the District Magistrate].

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1. Substituted by Act 15 of 1983, section 134, for "two hundred rupees" (w.e.f. 1-10-1983).

2. Inserted by Act 15 of 1983, section 134 (w.e.f. 1-10-1983).

3. Substituted by Act 7 of 1925, section 14, for "commanding Officer of the Cantonment".

4. Inserted by Act 7 of 1931, sec 7.

Section 237 - Removal of lewd persons from cantonment

If the1[Officer Commanding the station]2[or the Board] is, after such inquiry3[as he or it 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,4[he or, as the case may be, the Board 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 the5[Officer Commanding the station]2[or the Board].

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1. Substituted by Act 7 of 1925, section 10, for "commanding Officer of the cantonment".

2. Inserted by Act 2 of 1954, section 21.

3. Substituted by Act 2 of 1954, section 21, for "as he thinks necessary".

4. Substituted by Act 2 of 1954, section 21 for "he may".

5. Inserted by Act 7 of 1931, sec 7.

Section 238 - Removal and exclusion from cantonments of disorderly persons

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(1) A1[Judicial Magistrate of 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 Indian Penal Code (45 of I860), or

2[***]

(d) has been ordered under Chapter VIII of the3[Code of Criminal Procedure, 1973 (2 of 1974)], 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 there from and be prohibited from re-entering the cantonment, the Magistrate shall report the matter to the4[Officer Commanding the station], and, if the4[Officer Commanding the station]5[so agrees], 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 the5 [Officer Commanding the station].

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1. Substituted by Act 15 of 1983, section 135, for "Magistrate of the first class" (w.e.f. 1-10-1983).

2. Clause (c) omitted by Act 15 of 1983, section 135 (w.e.f. 1-10-1983).

3. Substituted by Act 15 of 1983, section 135, for "code of Criminal Procedure, 1898" (w.e.f. 1-10-1983).

4. Substituted by Act 7 of 1925, section 14, for "Commanding Officer of the cantonment".

5. Substituted by Act 15 of 1983, section 135, for "so directs" (w.e.f. 1-10-1983).

Section 239 - Removal and exclusion from cantonment of seditious persons

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(1)If any person in a cantonment causes or attempts to cause or does any act whichhe knows is likely to cause disloyalty, disaffection or breaches of disciplineamongst any portion of the 1 [Forces] or is a person who the 2 [OfficerCommanding the station] has reason to believe, is likely to do any such act, the2 [Officer Commanding the station] may make an order in writingsetting forth the reasons for the making of the same and requiring such personto remove from the cantonment within such time as may be specified in the orderand prohibiting him from re-entering it without thepermission in writing of the 2 [Officer Commanding the station]:

Provided that no ordershall be made under this section against any person unless he has had areasonable opportunity of being informed of the grounds on which it is proposedto 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 acopy thereof to be served on the person concerned.

(3)Upon the making of any order under sub-section (1),the 2 [Officer Commanding the station] shall forthwith send a copy ofthe same to the 3 [Central Government].

(4)The 3 [Central Government] may, of its own motion, and shall, onapplication, made to it in this behalf within one month of the date of the orderby the person against whom the order has been made, call upon the DistrictMagistrate to make, after such inquiry as the 3 [Central Government]may prescribe, a report regarding the justice of the order and the necessitytherefor. At every such inquiry the person against whom the order has been madeshall be given an opportunity of being heard in hisown defence.

(5) The3 [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 ofopinion that the order should be varied or rescinded, 4 [make suchorder thereon as it thinks fit].

(6) Any person who has been excluded from acantonment by an order made under this section may, at any time after the expiryof 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.

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1. Substituted by Act 15of 1983, section 136, for "Armed Forces of the Union" (w.e.f. 1-10-1983).

2.Substituted by Act 7 of1925, section 14, for "Commanding Officer of the cantonment".

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

4.Substituted by the A.O.1937, for "refer the case to the G.G. in C., who shall pass such ordersthereon as he thinks fit".

Section 240 - Penalty

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 to1[five hundred rupees], and, in the case of a continuing offence, with an additional fine which may extend to2[fifty rupees] for every day after the first during which he has persisted in the offence.

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1. Substituted by Act 15 of 1983, section 137, for "two hundred rupees" (w.e.f. 1-10-1983)

2. Substituted by Act 15 of 1983, section 137, for "twenty rupees" (w.e.f. 1-10-1983).

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