



THE CANTONMENTS (HOUSE-ACCOMMODATION) ACT, 1923



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THE CANTONMENTS (HOUSE-ACCOMMODATION)

ACT, 1923

¹ACT NO. VI OF 1923

[5th March, 1923]

An Act further to amend and to consolidate the law relating to the provision of house-accommodation for military officers in cantonments.

WHEREAS it is expedient further to amend and to consolidate the law relating to the provision of house-accommodation for military officers in cantonments ; it is hereby enacted as follows :-

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.— (1) This Act may be called the Cantonments (House Accommodation) Act, 1923.

²[(2) It extends to the whole of Pakistan.]

(3) It shall come into force on the first day of April, 1923, but it shall not become operative in any cantonment or part of a cantonment until the issue, or otherwise than in pursuance, of a notification as hereinafter provided by section 3:

Provided that any notification made under section 3 of the ³Cantonments (House-Accommodation) Act, 1902 (II of 1902), which is in force at the commencement of this Act, shall be deemed to be a notification made under section 3 of this Act.

2. Definitions.—(1) In this Act, unless there is anything repugnant in the subject or context,-

(a) “Brigade area” means one of the Brigade areas, whether occupied by a brigade or not, into which ⁴[Pakistan] is for military purposes for the time being divided,

¹ For Statement of Objects and Reasons, see Gazette of India, 1922, Pt. V, p. 233 ; and for Report of Joint Committee, see Gazette of India, 1923, Pt. V, p. 5.

This Act has been extended to-

(i) the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950) ; and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499;

(ii) the Baluchistan States Unions, see the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G.G.O. 4 of 1953), as amended by the Baluchistan States Union (Federal Laws) (Extension) (Second Amdt.) Order, 1953 (G.G.O. 19 of 1953) ; and

(iii) the Khairpur State, see G.G.O. 5 of 1953, as amended by G.G.O. 24 of 1953.

The Act has been and shall be deemed to have been brought into force in Gwadur with effect from the 8th September, 1958, by the Gwadur (Application of Central Laws) Ordinance, 1960 (37 of 1960), s. 2.

² The original sub-section (2), as amended by A.O., 1937, A.O., 1949 and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951) s. 8, has been subs. by the Central Laws (Statue Reform) Ordinance, 1960, (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955).

³ Rep. by s. 39 and Sch. of this Act.

⁴ Subs. by A.O., 1949, for “India”.

and includes any area which the ¹[Federal Government] may, by notification in the ²[official Gazette], declare to be a Brigade area for all or any of the Purposes of this Act;

³[(b) “Cantonment Board” means a Cantonment Board constituted under the Cantonments Act, 1924; (II of 1924)]

(c) “Command” means one of the Commands into which ⁴[Pakistan] is for military purposes for the time being divided, and includes any area which the ⁵[Federal Government] may, by notification in the ⁶[Official Gazette], declare to be a Command for all or any of the purposes of this Act;

(d) “⁷[Officer Commanding the station]” means the Officer for the time being command of the forces in a cantonment ⁸[or, if that officer is the Officer Commanding the District, the military officer who would be in command of those forces in the absence of the Officer Commanding the District];

(e) “District” means one of the Districts into which ⁹[Pakistan] is for military purposes for time being divided; it includes a Brigade area which does not form part of any such District and any area which the ¹[Federal Government] may, by notification in the ²[official Gazette], declare to be a District for all or any of the purposes of this Act;

(f) “house” means a house suitable for occupation by a military officer or a military mess, and includes the land and buildings appurtenant to a house;

(g) “military officer” means a commissioned or warrant officer of ¹⁰[the military or air forces of Pakistan] on military or air-force duty in a cantonment, and includes a Chaplain on duty with troops in a cantonment, ¹¹[an officer of the Cantonments Department] and any person in Army departmental employment whom the Officer Commanding the District may at any time, by an order in writing, place on the same footing as a military officer for the purposes of this Act;

¹ Subs. by F.A.O. 1975, Art. 2 and Table for “Central Government” which was previously amended by A.O., 1937, for “G.G. in C.”.

² Subs. *ibid.*, for “Gazette of India”.

³ This clause, originally lettered (bb) was ins. by the Cantonments (House-Accommodation Amendment) Act, 1925 (10 of 1925), s. 2. It was re-lettered (b), and the original cl. (b) was omitted, by the Cantonments (House-Accommodation Amdt.) Act, 1930 (9 of 1930), s. 2.

⁴ Subs. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 4 and Sch. III, for “India”.

⁵ Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government” which was previously amended by A.O., 1937, for “G.G. in C.”.

⁶ Subs. *ibid.*, for “Gazette of India”.

⁷ Subs. by the Cantonment (House-Accommodation Amendment) Act, 1925 (10 of 1925), s. 6, for “Commanding Officer of the cantonment”.

⁸ Ins. by the Cantonments (House-Accommodation Amendment) Act, 1930 (9 of 1930), s. 2.

⁹ Subs. by A.O., 1949, for “India”.

¹⁰ Subs. by A.O., 1961, Art. 2 and Sch., for “His Majesty’s military or air-force” (with effect from the 23rd March, 1956).

¹¹ Subs. by Act 10 of 1925, s. 2, for “a Cantonment Magistrate”.

(h) “owner” includes the person who is receiving, or is entitled to receive, the rent of a house, whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent, or be entitled to receive it, if the house were let to a tenant; and

(i) a house is said to be in a state of reasonable repair when-

(i) all floors, walls, pillars and arches are sound and all roofs sound and watertight,

(ii) all doors and windows are intact, property painted or oiled, and provided with proper locks or bolts or other secure fastenings, and

(iii) all rooms, out-houses and other appurtenant buildings are properly colour-washed or white-washed.

(2) If any question arises whether any land or building is appurtenant to a house, it shall be decided by the ¹[Officer Commanding the station] whose decision thereon shall, subject to revision by the ²[Collector], be final.

CHAPTER II

APPLICATION OF ACT

3. Cantonments or parts of cantonments in which Act to be operative.-(1) The ³[Federal Government], ⁴* * * may, by notification in the ⁵[official Gazette], declare this Act to be operative in any cantonment or part of a cantonment ⁶* * *, ⁷* * *.

(2) Before issuing a notification under sub-section (1) in respect of any cantonment or part of a cantonment, the ³[Federal Government] shall cause local inquiry to be made with a view to determining whether it is expedient to issue such notification, and what portion (if any) of the area proposed to be included therein should be excluded therefrom.

⁸**4. Saving of written instruments.** Nothing in this Act shall affect the provisions of any written ⁹[Government] contract¹⁰ unless all the parties to that contract consent in writing to be bound by the terms of this Act.]

¹ Subs. by the Cantonment (House-Accommodation Amendment) Act, 1925 (10 of 1925), s. 6, for “Commanding Officer of the cantonment”.

² Subs. by the Cantonments (House-Accommodation Amendment) Act, 1930 (9 of 1930), s. 2, for “District Magistrate”.

³ Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government” which was previously amended by A.O., 1937, for “L.G.”.

⁴ The words “with the previous sanction of the G.G. in C.” omitted, *ibid.*

⁵ Subs. *ibid.*, for “local official Gazette.”

⁶ The words “situate in the Province” omitted, *ibid.*

⁷ The words “other than a Cantonment situate within the limits of a Presidency-town” omitted by A.O., 1949.

⁸ Subs. by A.O., 1937, for the original section 4.

⁹ Subs. by A.O., 1961, Art. 2 for “Crown” (with effect from the 23rd March, 1956).

¹⁰ For definition, see the General Clauses Act, 1897 (10 of 1897), s. 3 (14a).