

# The Cantonments (House Accommodation) Act, 1923

( ACT NO. VI OF 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

### Short title, extent and commencement

1.(1) This Act may be called the Cantonments (House-accommodation) Act, 1923.

(2) It extends to the whole of Bangladesh.

(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:

1[\* \* \*]

### Definitions

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

(a) "Brigade area" means of the Brigade areas, whether occupied by a brigade or not, into which Bangladesh is for military purposes for the time being divided, and includes any area which the Government may, by notification in the official Gazette, declare to be a Brigade area for all or any of the purposes of this Act;

(b) "Cantonment Board" means a Cantonment Board constituted under the Cantonments Act, 1924;

(c) "Command" means one of the Commands into which Bangladesh is for military purposes for the time being divided, and includes any area which the Government may, by notification in the official Gazette, declare to be a Command for all or any of the purposes of this Act;

(d) "Officer Commanding the station" means the officer for the time being in command of the forces in a cantonment 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 Bangladesh is for military purposes for the time being divided, it includes a Brigade area which does not form part of any such District and any area which the Government may, by notification in the 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 the military or air forces of Bangladesh on military or air-force duty in a cantonment, and includes <sup>2</sup>[\* \* \*] 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;

(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, properly 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 Officer Commanding the station whose decision thereon shall, subject to revision by the Collector, be final.

## CHAPTER II

### APPLICATION OF ACT

#### **Cantonments or parts of cantonments in which Act to be operative**

3.(1) The Government, may, by notification in the officer Gazette, declare this Act to be operative in any cantonment or part of a cantonment.

(2) Before issuing a notification under sub-section (1) in respect of any cantonment or part of a cantonment, the 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.

#### **Saving of written instruments**

4. Nothing in this Act shall affect the provisions of any written Government contract unless all the parties to that contract consent in writing to be bound by the terms of this Act.

## CHAPTER III

### APPROPRIATION OF HOUSES

#### **Liability of houses to appropriation**

5. Every house situate in a cantonment or part of a cantonment in respect of which a notification under sub-section (1) of section 3 is for the time being in force shall be liable to appropriation by Government on a lease in the manner and subject to the conditions hereinafter provided.

#### **Conditions on which houses may be appropriated**

6.(1) Where-

(a) a military officer who is stationed in or has been posted to the cantonment, or a President of military mess in the cantonment, applies in writing to the Officer Commanding Station that he is unable to secure suitable accommodation in the cantonment for himself or the mess on reasonable terms by private agreement, and that no suitable house or quarter belonging to the Government is available for his occupation or for

the occupation of the mess, and the Officer Commanding the Station is satisfied on inquiry of the truth of facts so stated; or

(b) the Officer the Commanding the Station is satisfied on inquiry that there is not in the cantonment a sufficient and assured supply of houses available at reasonable rates of rent by private agreement to meet the requirements of the military officers and military messes whose accommodation in the cantonment is in his opinion necessary or expedient,

the Officer Commanding the Station may, with a view to enforcing the liability under section 5, serve a notice on the owner of any house which appears to him to be suitable for occupation by a military officer or a military mess, as the case may be, within the cantonment, or, if this Act is in force in part only of the cantonment, within that part, requiring the owner to permit the house to be inspected, measured and surveyed by such person and on such date, not being less than three clear days from the service of the notice, and at such time between sunrise and sunset, as may be specified in the notice.

(2) On the date and at the time specified the owner shall be bound to afford all reasonable facilities to the person specified in the notice for the purpose of the inspection, measurement and survey of the house and if he refuses or neglects to do so, such person may, subject to any rules made under this Act, enter on the premises and do all such things as may be reasonably necessary for the said purpose.

**Procedure  
for taking  
house on  
lease**

7.(1) If, on the report of such person as aforesaid, the Officer Commanding the station is satisfied that the house is suitable for occupation by a military officer or a military mess, he may, by notice-

(a) require the owner to execute a lease of the house to the Government for a specified period which shall not be less than five years;

(b) require the existing occupier, if any, to vacate the house; and

(c) require the owner to execute within such time as may be specified in the notice such repairs as may, in the opinion of the Officer Commanding

the station, be necessary for the purpose of putting the house into a state of reasonable repair.

(2) Every notice issued under sub-section (1) shall state the amount of the annual rent proposed as reasonable for the house, calculated on the assumption that the owner will carry out the required repairs, if any. It shall also contain an estimate of the cost of such repairs.

(3) The following shall be deemed to be conditions of every lease executed under sub-section (1), namely:-

(a) that the house shall, on the expiration of the lease, be re-delivered to the owner in a state of reasonable repair, and

(b) that the grounds and the garden, if any, appertaining to the house shall be maintained in the condition in which they are at the time at which the lease is executed:

Provided that nothing in this sub-section shall be deemed to affect the right of the Government to avoid the lease in any such event as is specified in clause (e) of section 108 of the Transfer of Property Act, 1882.

**[Repealed]**

8. [Repealed by section 5 of the Cantonment (House-Accommodation Amendment) Act, 1930 (Act No. IX of 1930).]

**Sanction to be obtained before a house is occupied as a hospital, etc.**

9. No house in any cantonment or part of a cantonment in which this Act is operative shall, unless it was so occupied at the date of the issue of the notification declaring this Act or the Cantonments (House-Accommodation) Act, 1902, as the case may be, to be operative, be occupied for the purposes of a hospital, school, school hostel, bank, hotel, or shop, or by <sup>3</sup>[the railway;] administration, a company or firm engaged in trade or business or a club, without the previous sanction of the Officer Commanding the District given with the concurrence of the Commissioner <sup>4</sup>[\* \* \*].

**Houses not to be appropriated in certain cases**

10. No notice shall be issued under section 7 if the house-

(a) was, at the date of the issue of the notification declaring this Act or the Cantonments (House-Accommodation) Act, 1902, as the case may be, to