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Bombay Government Gazette.

1891.

PART IV.

ACTS

PASSED BY THE

GOVERNMENT OF INDIA

AND BY THE

GOVERNMENT OF BOMBAY.

Bombay:

PRINTED AT THE GOVERNMENT CENTRAL PRESS.

MDCCCXCII.

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Bombay Government Gazette.

Published by Authority.

THURSDAY, 5TH FEBRUARY 1891.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 30th January 1891, and is hereby promulgated for general information :—

Act No. I of 1891.

An Act to amend the Cattle-trespass Act, 1871, and incorporate therein Act XVIII of 1883.

WHEREAS it is expedient to amend the Cattle-trespass Act, 1871, and incorporate therein Act XVIII of 1883 (to amend the Cattle-trespass Act, 1871); It is hereby enacted as follows:—

1. For section 1 of the Cattle-trespass Act, 1871, the following shall be substituted, namely :—

“1. (1) This Act may be called the Cattle-trespass Act, 1871, and

(2) It extends to the whole of British India except the Presidency-towns and such local areas as the Local Government, by notification in the official Gazette, may from time to time exclude from its operation.

(3) The Local Government may at any time, by notification in the official Gazette, cancel or vary a notification under sub-section (2).”

2. To section 3 of the said Act the following shall be added, namely :—

“, and

“‘Local authority’ means any body of persons for the time being invested by law with the control and administration of any matters within a specified local area, and

“‘Local fund’ means any fund under the control or management of a local authority.”

3. In section 10 of the said Act, for the words “take them or cause them to be taken without unnecessary delay” the words “send them or cause them to be sent within twenty-four hours” shall be substituted.

4. In section 11 of the said Act, for the words “take them without unnecessary delay” the words “send them or cause them to be sent within twenty-four hours” shall be substituted.

5. (1) To the first paragraph of section 12 of the said Act, prescribing the scale according to which the pound-keeper is to levy a fine for every head of cattle impounded, the following proviso shall be added, namely :—

“Provided that, when it appears to the Local Government from the report of a Magistrate of a District, or on the representation of a local authority, that, in any local area subject to the jurisdiction or control of such Magistrate or authority, cattle are habitually allowed to trespass on land and damage crops or other produce thereon, the Local Government may, by notification in the official Gazette, direct that, for every head of cattle of any kind specified there-

in which may be seized within such local area and impounded as aforesaid, the pound-keeper shall levy such fine, not exceeding double the fine mentioned in the foregoing scale, as may be prescribed in the notification."

(2) After the third paragraph of the same section the following shall be added, namely:—

"The Local Government may at any time, by notification in the official Gazette, cancel or vary a notification under the proviso to the first paragraph of this section."

6. For Chapter V of the said Act the following shall be substituted, namely:—

Substitution of new Chapter V, Act I, 1871.

"CHAPTER V.

"COMPLAINTS OF ILLEGAL SEIZURE OR DETENTION.

"20. Any person whose cattle have been seized under this Act, or having been so seized, and who has been detained in contravention of this Act, may, at any time within ten days from the date of the seizure, make a complaint to the Magistrate of the District or any Magistrate authorized to receive and try charges without reference by the Magistrate of the District.

"21. The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. It may be either in writing or verbal. If it be verbal, the substance of it shall be taken down in writing by the Magistrate.

"If the Magistrate, on examining the complainant or his agent, sees reason to believe the complaint to be well founded, he shall summon the person complained against, and make an enquiry into the case.

"22. If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant, for the loss caused by the seizure or detention, reasonable compensation, not exceeding one hundred rupees, to be paid by the person who made the seizure or detained the cattle, together with all fines paid and expenses incurred by the complainant in procuring the release of the cattle;

and, if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release and direct that the fines and expenses leviable under this Act shall be paid by the person who made the seizure or detained the cattle.

"23. The compensation, fines and expenses mentioned in section twenty-two may be recovered as if they were fines imposed by the Magistrate."

7. In section 25 of the said Act the words "under the next following section or" shall be inserted between the words "Any fine imposed" and the words "for the offence of mischief".

8. To section 26 of the said Act the following Addition to section 26, shall be added, namely:—

Act I, 1871. ly:—
"The Local Government, by notification in the official Gazette, may from time to time, with respect to any local area specified in the notification, direct that the foregoing portion of this section shall be read as if it had reference to cattle generally, or to cattle of a kind described in the notification, instead of to pigs only, or as if the words 'fifty rupees' were substituted for the words 'ten rupees' or as if there were both such reference and such substitution.

"The Local Government may at any time, by notification in the official Gazette, cancel or vary a notification under this section."

9. After Chapter VII the following shall be added, namely:—

Addition of new Chapter after Chapter VII, Act I, 1871.

"CHAPTER VIII.

"SUPPLEMENTAL.

Power for Local Government to transfer certain functions to local authority and direct credit of surplus receipts to local fund. "31. The Local Government may, from time to time, by notification in the official Gazette—

(a) transfer to any local authority, within any part of the territories under its administration in which this Act is in operation, all or any of the functions of the Local Government or the Magistrate of the District under this Act, within the local area subject to the jurisdiction of the local authority, or

(b) direct that the whole or any part of the surplus accruing in any district under section eighteen of this Act shall be placed to the credit of such local fund or funds as may be formed for any local area or local areas comprised in that district,

and may, from time to time, by notification in the official Gazette, cancel or vary any notification under this section."

10. Act XVIII of 1883 (to amend the Cattle-trespass Act, 1871) is hereby repealed: 1893. I of 1871.

Provided that orders which have been made and notified under that Act by the Local Government and are in force immediately before the commencement of this Act shall be deemed to have been made under the Cattle-trespass Act, 1871, as amended by this Act.

11. In section 6, sub-section (3), of the Cattle-trespass Act, 1889, for the words and figures "Act XVIII of 1883 (to amend the Cattle-trespass Act, 1871)" the words and figures "Act XIII of 1889" shall be substituted. XIII of 1889.

12. Any enactment or document referring to the Cattle-trespass Act, 1871, or to Act XVIII of 1883 (to amend the Cattle-trespass Act, 1871), shall be construed to refer to the Cattle-trespass Act, 1871, as amended by this Act.

13. This Act shall come into force on the first day of April 1891.

S. HARVEY JAMES,
Secretary to the Government of India.

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 12TH FEBRUARY 1891.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 6th February 1891, and is hereby promulgated for general information:—

Act No. II of 1891.

An Act to amend the Indian Christian Marriage Act, 1872.

WHEREAS it is expedient to amend the Indian Christian Marriage Act, 1872; It is hereby enacted as follows:—

1. (1) For section 6 of the Indian Christian Marriage Act, 1872, the following shall be substituted, namely:—

“6. The Local Government, so far as regards the territories under its administration, and the Governor General in Council, so far as regards any Native State, may, by notification in the local official Gazette or in the Gazette of India, as the case may be, grant licenses to Ministers of Religion to solemnize marriages within such territories and State, respectively, and may, by a like notification, revoke such licenses.”

(2) A license to solemnize marriages granted to a Minister of Religion under Act XXV of 1864 (to provide further for the solemnization of marriages in India of persons professing the Christian Religion) shall be deemed, if in force

on the day on which the Indian Marriage Act, 1865, came into force, to have been, while that Act was in force, a license granted under that Act, and, if in force on the day on which the Indian Christian Marriage Act, 1872, came into force, to have been, since that Act came into force, a license granted under that Act.

(3) A license to solemnize marriages granted to a Minister of Religion under Act XXV of 1864 (to provide further for the solemnization of marriages in India of persons professing the Christian Religion), the Indian Marriage Act, 1865, or the Indian Christian Marriage Act, 1872, shall, if in force immediately before the commencement of this Act, be deemed to have been granted under the Indian Christian Marriage Act, 1872, as amended by sub-section (1) of this section.

(4) Act XV of 1884 (for the validation of certain licenses to solemnize marriages granted to Ministers of Religion under Act XXV of 1864) is hereby repealed.

2. To the proviso to section 10 of the said Act the following shall be added, namely:—

“or
(3) a Clergyman of the Church of Scotland solemnizing a marriage according to the rules, rites, ceremonies and customs of the Church of Scotland.”

3. In section 11 of the said Act, after the words “other than a church” the words “where worship is generally held according to the forms of the Church

of England" shall be added, and between the word "no" and the word "church" in the expression "unless there is no church" the word "such" shall be inserted.

Substitution of new section for section 62, Act XV, 1872.

4. (1) For section 62 of the said Act the following shall be substituted, namely:—
 62. (1) Every person licensed under section 9 shall keep in English, or in the vernacular language in ordinary use in the district or State in which the marriage was solemnized, and in such form as the Local Government by which he was licensed may from time to time prescribe, a register-book of all marriages solemnized under this Part in his presence, and shall deposit in the office of the Registrar General of Births, Deaths and Marriages for the territories under the administration of the said Local Government, in such form and at such intervals as that Government may prescribe, true and duly authenticated extracts from his register-book of all entries made therein since the last of those intervals.

(2) Where the person keeping the register-book was licensed as regards a Native State by the Governor General in Council, references in sub-section (1) to the Local Government therein mentioned shall be read as references to the Local Government to whose Registrar General of Births, Deaths and Marriages certified copies of entries in registers of births and deaths are for the time being required to be sent under section 24, sub-section (2), of the Births, Deaths and Marriages Registration Act, 1886."

(2) Clause (c) of section 30 of the Births, Deaths and Marriages Registration Act, 1886, is hereby repealed.

Substitution of new section for section 66, Act XV, 1872.

False oath, declaration, notice or certificate for procuring marriage, intentionally.

(a) where an oath or declaration is required by this Act, or by any rule or custom of a Church according to the rites and ceremonies of which a marriage is intended to be solemnized, such Church being the Church of England or of Scotland or of Rome, makes a false oath or declaration, or,

(b) where a notice or certificate is required by this Act, signs a false notice or certificate, shall be deemed to have committed the offence punishable under section 193 of the Indian Penal Code with imprisonment of either description for a term which may extend to three years and, at the discretion of the Court, with fine."

Substitution of new section for section 68, Act XV, 1872.

6. For section 68 of the said Act the following shall be substituted, namely:—
 68. Whoever, not being authorized by section 5 of this Act to solemnize marriages, solemnizes or professes to solemnize, in the absence of a Marriage Registrar of the district in which the ceremony takes place, a marriage between persons one or both of whom is or are a Christian or Christians, shall be punished with imprisonment which may extend to ten years, or (in lieu of a sentence of imprisonment for seven years or upwards) with transportation for a term of not less than seven years, and not exceeding ten years,

or, if the offender is an European or American, with penal servitude according to the provisions of Act XXIV of 1855 (to substitute penal servitude for the punishment of transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts), and shall also be liable to fine."

Addition to section 69, Act XV, 1872.

7. To section 69 of the said Act the following shall be added, namely:—
 "Nor does this section apply to marriages solemnized by a Clergyman of the Church of Scotland according to the rules, rites, ceremonies and customs of the Church of Scotland."

Amendment of sections 71 and 72, Act XV, 1872.

8; (1) For clause (2) of section 71 of the said Act the following shall be substituted, namely:—
 "(2) after the expiration of two months after the copy of the notice has been entered as required by section 40 in respect of any marriage, solemnizes such marriage;"

(2) In section 72 of the said Act, for the words "three months" the words "two months" shall be substituted.

9. To section 74 of the said Act the following shall be added, namely:—

"Whoever, being licensed to grant certificates of marriage under Part VI of this Act, without just cause refuses, or wilfully neglects or omits, to perform any of the duties imposed upon him by that Part shall be punished with fine which may extend to one hundred rupees."

10. Section 86 of the said Act shall be read as if the words "situate within or bordering on" instead of the words "situate within the local limits of" had been enacted in that section when the Act was passed.

S. HARVEY JAMES,
 Secretary to the Government of India.

VI of 1886.

XLV of 1860.



THE Bombay Government Gazette.

Published by Authority.

THURSDAY, 19TH FEBRUARY 1891.

**Separate paging is given to this Part, in order that it may be filed as a separate compilation.*

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 13th February 1891, and is hereby promulgated for general information:—

Act No. III of 1891.

An Act to amend the Indian Evidence Act, 1872, and the Code of Criminal Procedure, 1882.

I of 1872.
X of 1882.

WHEREAS it is expedient to amend the Indian Evidence Act, 1872, and the Code of Criminal Procedure, 1882; It is hereby enacted as follows:—

INDIAN EVIDENCE ACT, 1872.

I of 1872.

1. (1) For the *Explanation* to section 14 of the Indian Evidence Act, 1872, the following shall be substituted, namely:—

“Explanation 1.—A fact relevant as showing the existence of a relevant state of mind must show that the state of mind exists, not generally, but in reference to the particular matter in question.

“Explanation 2.—But where, upon the trial of a person accused of an offence, the previous commission by the accused of an offence is relevant within the meaning of this section, the previous conviction of such person shall also be a relevant fact”.

(2) For *Illustration (b)* to the same section the following shall be substituted, namely:—

“(b) A is accused of fraudulently delivering to another person a counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.

The fact, that at the time of its delivery, *A* was possessed of a number of other pieces of counterfeit coin is relevant.

The fact that *A* had been previously convicted of delivering to another person as genuine a counterfeit coin knowing it to be counterfeit is relevant.”

2. In section 15 of the said Act, after the word “intentional,” there shall be inserted the words “or done with a particular knowledge or intention”.

3. To section 26 of the said Act the following shall be added, namely:—

“Explanation.—In this section ‘Magistrate’ does not include the head of a village discharging magisterial functions in the Presidency of Fort St. George or in Burma or elsewhere, unless such headman is a Magistrate exercising the powers of a Magistrate under the Code of Criminal Procedure, 1882.”

4. In section 30 of the said Act immediately before the *Illustrations* the following shall be inserted, namely:—

“Explanation.—‘Offence,’ as used in this section, includes the attempt of, or attempt to commit, the offence.”

5. (1) To section 43 of the said Act the following shall be added, namely:—

X of 1882.

"(e) *A* is charged with theft and with having been previously convicted of theft. The previous conviction is relevant as a fact in issue.

(*f*) *A* is tried for the murder of *B*. The fact that *B* prosecuted *A* for libel and that *A* was convicted and sentenced is relevant under section 8 as showing the motive for the fact in issue."

Substitution of new section for section 54, Act I, 1872.

6. For section 54 of the said Act the following shall be substituted, namely :—

"54. In criminal proceedings the fact that the accused person has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant.

"*Explanation 1.*—This section does not apply to cases in which the bad character of any person is itself a fact in issue.

"*Explanation 2.*—A previous conviction is relevant as evidence of bad character".

7. In the *Explanation* to section 55, after the word "but" there shall be inserted the words and figures "except as provided in section 54".

Amendment of *Explanation* to section 55, Act I, 1872.

8. In section 86 of the said Act, for the words "resident in" the words "in or for" shall be substituted, and to the same section the following

Amendment of, and addition to, section 86, Act I, 1872.

shall be added, namely :—

"An officer who, with respect to any territory or place not forming part of Her Majesty's dominions, is a Political Agent therefor, as defined in section 3 of the Foreign Jurisdiction and Extradition Act, 1879, and section 190 of the Code of Criminal Procedure, 1882, shall, for the purposes of this section, be deemed to be a representative of the Government of India in and for the country comprising that territory or place."

CODE OF CRIMINAL PROCEDURE, 1882.

9. To section 310 of the Code of Criminal Procedure, 1882, the following shall be added, namely :—

"Notwithstanding anything in this section, evidence of the previous conviction may be given at the trial for the subsequent offence, if the fact of the previous conviction is relevant under the provisions of the Indian Evidence Act, 1872."

S. HARVEY JAMES,
Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 13th February 1891, and is hereby promulgated for general information:—

Act No. IV of 1891.

An Act to amend the Code of Criminal Procedure, 1882.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882; It is hereby enacted as follows:—

Repeal of section 250, Act X, 1882.

Enactment of new section in place of repealed section 250, Act X, 1882.

“560. (1) If, in any case instituted by complaint as defined in this Code, or upon information given to a police-officer or to a Magistrate, a person is accused before a Magistrate of any offence triable by a Magistrate, and the Magistrate by whom the case is tried discharges or acquits the accused and is satisfied that the accusation against him was frivolous or vexatious, the Magistrate may, in his discretion, by his order of discharge or acquittal, direct the person upon whose complaint or information the accusation was made to pay to the accused, or to each of the accused where there are more than one, such compensation, not exceeding fifty rupees, as the Magistrate thinks fit:

Provided that, before making any such direction, the Magistrate shall—

(a) record and consider any objection which the complainant or informant may urge against the making of the direction, and,

(b) if the Magistrate directs any compensation to be paid, state in writing, in his order of discharge or acquittal, his reasons for awarding the compensation.

(2) Compensation of which a Magistrate has ordered payment under sub-section (1) shall be recoverable as if it were a fine:

Provided that, if it cannot be recovered, the imprisonment to be awarded shall be simple, and for such term, not exceeding thirty days, as the Magistrate directs.

(3) A complainant or informant who has been ordered under sub-section (1) by a Magistrate of the second or third class to pay compensation to an accused person may appeal from the order, in so far as the order relates to the payment of the compensation, as if such complainant or informant had been convicted on a trial held by such Magistrate.

(4) Where an order for payment of compensation to an accused person is made in a case which is subject to appeal under sub-section (3), the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided.

(5) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any compensation paid or recovered under this section.”

3. The words “or complained against” in the second paragraph of section 552 of the said Code are hereby repealed.

Repeal of part of section 552, Act X, 1882.

S. HARVEY JAMES,

Secretary to the Government of India.

THE



Bombay Government Gazette

Published by Authority.

THURSDAY, 5TH MARCH 1891.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 27th February 1891, and is hereby promulgated for general information :—

Act No. V of 1891.

An Act to amend and supplement the Indian Ports Act, 1889.

WHEREAS it is expedient to amend and supplement the Indian Ports Act, 1889; It is hereby enacted as follows :—

1. For clause (a) of section 6, sub-section (1), clause for section 6 (1) (a), 1889, the following shall be substituted, namely :—

“(a) for regulating the time and hours at and during which, the speed at which, and the manner and conditions in and on which, vessels generally, or vessels of any class defined in the rules, may enter, leave or be moved in any port subject to this Act;”.

2. Any direction which, having been issued by a Local Government and published in an official Gazette, expressly purports, or may be reasonably held to have been intended, to be a rule under section 7, clause 8, of Act XXII of 1855, or under section 7, clause (b), of the Indian Ports Act, 1875, or under section 6, XII of 1875, sub-section (1), clause (b), of the Indian Ports Act, X of 1889, 1889, or under any other law for the time being in force, with respect to the moving of vessels in any port which is at the commencement of this Act subject to the Indian Ports Act, 1889, shall, if the direction has not been cancelled by the Local Government by a notification in an official Gazette and could, after the commencement of this Act, be issued as a rule made under clause (a) of section 6, sub-section (1), of the Indian Ports Act, 1889, as amended by the foregoing section of this Act, be deemed to have been issued as a rule made under that clause.

Saving of past rules respecting the moving of vessels in ports.

3. The expressions “port” and “vessel” in this Act have respectively the same meanings as in the Indian Ports Act, 1889.

S. HARVEY JAMES,
Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend and supplement the Indian Ports Act, 1889, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th February 1891 :—

We, the undersigned, Members of the Select Committee to which the Bill to amend and supplement the Indian Ports Act, 1889, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Secretary to Government, Bengal, No. 289 Marina, dated 30th January 1891 [Paper No. 1].
 From Registrar, High Court, Calcutta, No. 274, dated 2nd February 1891 [Paper No. 2].
 From Acting Chief Secretary to Government, Bombay, No. 1036, dated 7th February 1891 [Paper No. 3].
 From Junior Secretary to Chief Commissioner, Burma, No. 123—5 P. D., dated 5th February 1891 [Paper No. 4].
 From Government, Madras, No. 56, dated 10th February 1891, and enclosures [Papers No. 5].

2. We are of opinion that the Bill should be passed in the form in which it was introduced.
3. The publication ordered by the Council has been made as follows :—

In English.

<i>Gazette.</i>				<i>Date.</i>
Gazette of India	...	...	...	10th January 1891.
Fort Saint George Gazette	...	...	...	27th January 1891.
Bombay Government Gazette	...	...	...	15th January 1891.
Calcutta Gazette	...	...	...	14th January 1891.
Burma Gazette	...	...	...	24th January 1891.
Sindh Official Gazette	...	...	...	29th January 1891.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>			<i>Date.</i>
Madras	Tamil	...	3rd February 1891.
Bombay...	...	Maráthi	...	22nd January 1891.
		Gujarátí	...	22nd January 1891.
		Kánarese	...	22nd January 1891.
Bengal	Bengali	...	20th January 1891.
		Uriva	...	29th January 1891.
		Hindi...	...	3rd February 1891.
Sindh	Sindhi	...	30th January 1891.

D. BARBOUR,
 ANDREW R. SCOBLE,
 F. M. HALLIDAY,
 J. NUGENT,
 JAS. L. MACKAY.

The 20th February 1891.

S. HARVEY JAMES,
 Secretary to the Government of India.

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 12TH MARCH 1891.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 6th March 1891, and is hereby promulgated for general information:—

Act No. VI of 1891.

An Act to amend certain Acts respecting Indian Merchant Shipping.

WHEREAS it is expedient to amend certain Acts respecting Indian Merchant Shipping; It is hereby enacted as follows:—

Act I of 1859.

1. (1) In clause 1 of section 12 of Act I of 1859, for the words "or any higher rank in the service of Her Majesty or of the East India Company" the following words shall be substituted, namely:—

"or any corresponding or higher rank in the service of Her Majesty or the rank of commander or first grade officer in the Indian Marine Service,"

(2) In clause 2 of the same section, after the words "any such ship as aforesaid," the following words shall be inserted, namely:—

"or who has attained or shall attain the rank of second grade officer in the Indian Marine Service,"

Addition of section after section 24, Act I, 1859.

2. After section 24 of the same Act the following shall be inserted, namely:—

"24A. (1) When a running agreement with the crew of a foreign-going ship has been made under section 23 and the ship arrives after the next following thirtieth day of June or thirty-first day of December at a port of destination in India which is not the port at which the crew have agreed to be discharged, the master may, with the previous sanction of the shipping-master, renew the agreement with the crew, or may be required by the shipping-master so to renew the agreement, for the voyage from such port of destination to the port in India at which the crew have agreed to be discharged.

"(2) If the master of the ship is required by the shipping-master to renew the agreement as aforesaid and refuses so to renew it, any expenses which may be incurred by the Government for the subsistence of the crew and their conveyance to the port at which they have agreed to be discharged shall be a charge upon the ship, and shall be recoverable as if they were expenses incurred in respect of distressed seamen under the provisions of Chapter III of the Indian Merchant Shipping Act, 1880."

Addition to section 32, Act I, 1859.

3. To section 32 of the same Act the following shall be added, namely:—

"Notwithstanding anything in this section or in any other enactment for the time being in

VII of 1880

force, the owner of home-trade ships or his agent may enter into time-agreements, in forms to be sanctioned by the Governor General in Council, with individual seamen to serve in any one or more ships belonging to him, which agreements need not expire on either the thirtieth day of June or the thirty-first day of December."

4. To section 115 of the same Act the following shall be added, namely:—

Amendment of section 115, Act I, 1859. "and for the repayment to the Secretary of State for India in Council of all expenses which may be incurred by the Government in respect of any such lascar or other native seaman who may be discharged or left behind at any port out of India and becomes distressed and is relieved under the provisions of the Merchant Shipping Act, 1854, section 211, and the enactments amending the same."

17 & 18 Vict., c. 104.

5. Section 118 of the same Act shall be modified as follows, namely:—

(1) in the definition of "home-trade ship" the words "or in the Straits Settlements" shall be inserted between the words "on the Continent of India" and the words "or in the Island of Ceylon," and

(2) in the definition of "foreign-going ship" the words "nor in the Straits Settlements" shall be inserted between the words "nor on the Continent of India" and the words "nor in the Island of Ceylon."

The Indian Merchant Shipping Act, 1880.

VII of 1880.

6. For section 72 of the Indian Merchant Shipping Act, 1880, the following shall be substituted, namely:—

Substitution of new section for section 72, Act VII, 1880. "72. But nothing in this Chapter shall be deemed to—

Savings.

(a) affect the declaration of the twenty-third day of October 1889, in the schedule to this Act, between the Government of the United Kingdom of Great Britain and Ireland and the Government of the French Republic, with reference to the disposal of the proceeds of wrecks on their respective coasts, that declaration having been made applicable to India, or

(b) affect section 29 of the Indian Ports Act, 1889, or entitle any person to salvage in respect of any property recovered by creeping or sweeping in contravention of that section."

X of 1889.

7. In section 74 of the same Act, after the words "so appointed" the words "or bringing within such limits any wreck which has been found and taken possession of elsewhere" shall be inserted.

8. To the same Act the schedule in the Addition of schedule to Act VII, 1890. shall be added.

The Indian Merchant Shipping Act, 1883.

9. To section 6 of the Indian Merchant Shipping Act, 1883, the following shall be added, namely:—

"(4) The Magistrate or other officer whose duty it is under sub-section (1) to report to the Local Government such information as is referred to in that sub-section shall be deemed to be a public servant, and shall have all the powers which an inspector appointed under section 14 of the Merchant Shipping Act, 1854, has under clauses (1) to (5) of section 15 of that Act, that is to say:—

17 & 18 c. 104.

(1) he may go on board any ship, and may inspect the same or any part thereof, or any of the machinery, boats, equipments or articles on board thereof, to which the provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any voyage: .

(2) he may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make:

(3) he may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any inquiries he thinks fit to make:

(4) he may require and enforce the production of all books, papers or documents which he considers important for such purpose:

(5) he may administer oaths, or may, in lieu of requiring or administering an oath, require any person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination:

"(5) The word 'coasts' in this section includes the coasts of creeks and tidal rivers."

10. For sub-section (1) of section 7 of the same Act the following shall be substituted, namely:—

"(1) If the Local Government to which the report prescribed by the last foregoing section has been made or within whose territories any competent witnesses of any such loss, abandonment, stranding, damage or casualty as is described in clause (a), (b), (c) or (d) of sub-section (1) of the same section have arrived or are to be found or any evidence of such supposed loss as is described in clause (e) of the same sub-section can be obtained, is of opinion that a formal investigation into the facts mentioned in any of the said clauses is requisite or expedient, such Local Government may appoint a special Court, consisting of not less than two nor more than four persons, and direct that Court to make the investigation, and may fix the place for making the same."

New sub-section substituted for sub-section (1) of section 7, Act V, 1883.

Power for Local Government to appoint special Court of Investigation.

11. In section 8 of the same Act, after the words "Local Government" the words "or by such officer as the Local Government has empowered in this behalf" shall be inserted.

Amendment of section 20, Act V, 1883.
repealed.

12. In section 20 of the same Act clause (a) and the proviso shall be

Addition of section after section 24, Act V, 1883, namely:—

13. After section 24 of the same Act the following shall be added,

"24A. (1) Notwithstanding anything in the foregoing provisions of this Act, a certificate (whether of competency or service) which has been granted by any

Local Government to a master, mate or engineer, but has not been granted under the provisions of the Merchant Shipping (Colonial) Act, 1869, or of any Order in Council under the said Act, may, if a Court conducting an investigation under this Act finds that the loss, stranding or abandonment of or damage to any ship, or loss of life, has been caused by the wrongful act or default of the master, mate or engineer, or that he is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct, be cancelled or suspended by the Court:

"Provided that the Court shall not cancel or suspend a certificate unless the holder of the certificate was furnished before the commencement of the investigation with the copy of the report or statement required by section 9 or section 10, as the case may be.

"(2) At the conclusion of the investigation, or as soon afterwards as possible, the Court shall state in open sitting the decision to which it may have come with respect to the cancelment or suspension of any certificate.

"(3) A master, mate or engineer whose certificate has been cancelled or suspended by the Court shall deliver the certificate to the Court, and the Court shall forward it to the Local Government together with the report which it is required by section 17, sub-section (1), to transmit to that Government.

"(4) A master, mate or engineer failing to deliver a certificate as required by sub-section (3) shall be punished with fine which may extend to five hundred rupees.

"(5) The duties imposed and powers conferred by sections 22, 23 and 24 on the Local Government which cancels or suspends a certificate shall, when a Court has under this section cancelled or suspended a certificate, be performed and exercised by the Local Government to which the Court has forwarded the certificate under sub-section (3), as if such Local Government had itself cancelled or suspended the certificate under section 20."

Supplemental.

14. (1) When the certificate of a master, mate, engineer or engine-driver is cancelled or suspended under any law for the time being in force, he shall deliver to the Court or person entitled to receive delivery from him of such cancelled or suspended certificate every other certificate, if any, held by him which has been granted to him under any of the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869, or which has been granted to him by any Local Government in British India.

(2) If any master, mate, engineer or engine-driver fails to comply with the requirement of sub-section (1), he shall be punished with fine which may extend to five hundred rupees.

THE SCHEDULE.

(See section 8.)

THE SCHEDULE.

(See section 72.)

Declaration between the Government of the United Kingdom of Great Britain and Ireland and the Government of the French Republic, with reference to the disposal of the Proceeds of Wrecks on their respective Coasts.

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the Government of the French Republic, desiring to regulate by a new Agreement questions relative to the disposal of the proceeds of wrecks on the coasts of the two States, have agreed to replace the Declaration signed at London on the 16th June 1879, by the following arrangements:—

ARTICLE I.

When any ship belonging to the subjects of one of the two Contracting States is wrecked or stranded on the coast of the other, the competent local authorities shall, with as little delay as possible, bring the fact to the knowledge of the Consul General, Consul, Vice-Consul or Consular Agent nearest to the spot where the wreck or stranding has taken place.

ARTICLE II.

All operations relative to the salvage of British ships which may be wrecked or stranded on the coasts of France shall be directed by the Consuls General, Consuls, Vice-Consuls or Consular Agents of Great Britain, and reciprocally the French Consuls General, Consuls, Vice-Consuls and Consular Agents shall direct all operations relative to the salvage of ships of their nation wrecked or stranded on the coasts of Great Britain.

ARTICLE III.

If the owners of the ship and cargo, or their duly authorised representatives, shall be present and shall claim it, the Consuls General, Consuls,

Vice-Consuls and Consular Agents shall hand over to them the conduct of the salvage operations after requiring the deposit of the ship's papers, as well as the reimbursement of the expenses already defrayed, and a sufficient guarantee for those incurred before the operations were handed over, and which may not have been already settled.

ARTICLE IV.

The intervention of the local authorities shall only take place in the two countries for the purpose of assisting the Consular authority, of maintaining order, of securing the interests of the salvors if they are strangers to the shipwrecked crews, and of assuring the due execution of the arrangements to be carried out for the entry and departure of the merchandise saved.

In the absence, and until the arrival, of the Consuls General, Consuls, Vice-Consuls or Consular Agents, the local authorities shall, moreover, take all necessary measures for the protection of the persons and for the preservation of the articles which shall have been saved from the wreck.

This intervention shall not give rise to any charges, with the exception of those which the salvage operations and the protection of the articles saved shall have rendered necessary, and those to which national ships would, under similar circumstances, be liable. These charges shall be paid according to the circumstances of the case, either by the Agents of the Consular service, or by their owners or their proxies.

In case absence, sickness or any other cause should prevent the Agents of the Consular service from seeing to the operations and the management of the salvage, the local authorities who may be charged with the operations and management in question shall be bound to remit to the aforesaid Agents the ship's papers and the net proceeds of the ship and the cargo.

ARTICLE V.

The merchandise and articles saved shall not be liable to any customs-duties, unless they are intended for home consumption, in which case they shall pay the same duties as they would have had to pay if they had been imported in national vessels.

ARTICLE VI.

The stipulations of the present Declaration shall be applicable to all the Colonies and

foreign possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to—

India.
The Dominion of Canada.
Newfoundland.
The Cape.
Natal.
New South Wales.
Victoria.
Queensland.
Tasmania.
South Australia.
Western Australia.
New Zealand.

Provided always that the stipulations of the present Declaration shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative to the French Republic within one year from the date of the signature of the present Declaration.

The stipulations of the present Declaration shall be applicable to all the Colonies and foreign possessions of France.

ARTICLE VII.

The present Declaration shall come into operation three months after the date of its signature, and shall remain in force until the expiration of one year from the day on which either Party may give notice of its intention to terminate it.

In witness whereof, the undersigned Plenipotentiaries, His Excellency the Earl of Lytton, Ambassador of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Excellency M. Eugène Spuller, Minister for Foreign Affairs, have signed the present Declaration, and have affixed thereto their seals.

Done at Paris, this twenty-third day of October 1889.

(L.S.) LYTTON.

(L.S.) E. SPULLER.

S. HARVEY JAMES,

Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 6th March 1891, and is hereby promulgated for general information:—

Act No. VII of 1891.

An Act to amend Act X of 1841.

WHEREAS it is expedient to amend the Act of the Governor General in Council, No. X of 1841 (*an Act for prescribing the rules to be observed in order that ships or vessels belonging to ports within the territories under the Government of the East India Company, or belonging to Native Princes or States, or their subjects, may become entitled to the privileges of British ships under a proclamation of the Governor General of India in Council made in pursuance of the Statute 3rd & 4th Vict., c. 56*); It is hereby enacted as follows:—

1. In section 2 of the said Act, the word "Singapore" is hereby repealed.

Repeal of a word in section 2, Act X of 1841.

2. For that portion of section 3 of the said Act, beginning with the words "the persons now authorised" and ending with the words "such other or different persons," the words "such persons" shall be substituted.

Amendment of section 3, Act X of 1841.

3. For sections 8 to 12, both inclusive, of the said Act the following shall be substituted, namely:—

Substitution of new sections for sections 8 to 12, Act X of 1841.

4. The certificate of the surveying officer shall be in the form in the schedule to this Act or in such other form as the Governor General in Council may from time to time prescribe; and such certificate shall be delivered to the registering officer before registry.

Certificate of surveying officer.

5. Subject to the provisions of section 70 of Act I of 1859 (*an Act for the amendment of the law relating to Merchant*

Measurement of tonnage for purpose of registry.

XIII of 1876.

Seamen) as amended by section 9 of the Indian Merchant Seamen's Act, 1876, the tonnage of a ship or vessel required by law to be registered shall, previous to her being registered, be measured and ascertained according to such of the rules and orders for the time being in force in and under the Merchant Shipping Act, 1854, as amended by subsequent Acts (including the Merchant Shipping (Tonnage) Act, 1889) as apply to measurement of tonnage for the purpose of registry.

17 & 18 Vict., c. 104.
52 & 53 Vict., c. 43.
1891.

6. Subject to the provisions referred to in the last foregoing section, the tonnage of a ship or vessel requiring to be measured for any purpose other than registry shall be measured and ascertained according to such of the rules and orders for the time being in force in and under the Merchant Shipping Act, 1854, as amended as aforesaid, as apply to measurement of tonnage for a purpose other than registry.

17 & 18 Vict., c. 104.

7. The rules and orders referred to in section 9 and section 10 of this Act shall, in their application to measurement of tonnage for the purposes of this Act, or of any enactment, rule or order referring to this Act, be read and construed as if the Governor General in Council were therein named instead of the Board of Trade or the authority for which the Board of Trade has been substituted by section 3 of the Merchant Shipping Act, 1872.

8. The true amount of the register tonnage of every ship or vessel to be measured and ascertained according to the rules and orders referred to in section 9 of this Act shall be deeply carved or cut in figures of at least three inches in length on the main beam of every such ship or vessel prior to her being registered.

Marking of register tonnage on ship or vessel.

9. In section 14 of the said Act, to the word "tonnage", wherever it occurs, the word "register" shall be prefixed, and for the words "rules herein prescribed" the words "said rules and orders" shall be substituted.

10. In section 15 of the said Act, the words "or the East India Company" are hereby repealed, and for the words and figures "Act No. II of 1839" the words "the law for the time being in force for the recovery of fines imposed by Criminal Courts" shall be substituted.

Amendment of section 14, Act X of 1841.

11. In section 17 of the said Act the word "that", where it occurs before the words "the owner or owners" and before the words "if such owner or owners", is hereby repealed.

12. To the same section the words "recoverable as aforesaid" shall be added.

13. In section 23 of the said Act, after the words "ten thousand rupees" the words "recoverable as aforesaid" shall be inserted.

14. In section 24 of the said Act, the words "issued under the Company's seal and" are hereby repealed, and for the words "for the Governor of Fort William in Bengal or for the Governor in Council of any presidency" and for the words "for the Governor of Fort William in Bengal or the Governor in Council of any presidency" the words "for a Local Government" shall be substituted.

15. After section 26 of the said Act, and before the Proclamation, the following shall be inserted, namely:—

16. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

17. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

18. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

19. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

20. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

21. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

22. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

23. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

24. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

25. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

26. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

27. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

28. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

29. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

30. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

31. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

32. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

33. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

34. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

35. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

36. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

37. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

38. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

39. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1863.

"THE SCHEDULE.

" (See Section 8.)

ACT X, 1841.

Certificate of Survey.

Name of Ship.	Port of intended Registry.	Official Number, if there has been any former Registry.		
Whether a Sailing or Steam Ship; and, if a Steam Ship, how propelled.		Where Built.	When Built.	Name and Address of Builders.
Number of Decks ...	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post ...	Feet.	Tenths.	
Number of Masts ...	Main breadth to outside of plank ...			
Rigged ...	Depth in hold from tonnage deck to ceiling at midships...			
Stern ...	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards ...			
Build ...	Length of engine room, if any ...			
Galleries ...				
Head ...				
Framework ...				

PARTICULARS OF ENGINES (IF ANY).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' Power (combined).
			Engines.				
			Boilers.				

PARTICULARS OF TONNAGE.

GROSS TONNAGE.	No. of Tons.	DEDUCTION ALLOWED.	No. of Tons.
Under Tonnage Deck ...		On account of spaces required for propelling power ...	
Closed-in spaces above the Tonnage Deck if any:		On account of spaces occupied by Seamen or Apprentices and appropriated to their use and kept free from goods or stores of every kind not being the personal property of the Crew ...	
Space or spaces between Decks ...		These spaces are the following, namely:—	
Poop ...			
Forecastle ...			
Round-House ...			
Other closed-in spaces, if any, as follows:			
Gross Tonnage ...		Cubic metres.	
Deduction, as <i>per contra</i> ...			
Registered Tonnage ...			TOTAL ...

I, the undersigned

having surveyed the above-named Ship, hereby certify that the above particulars are true.

Dated at

this _____ day of _____

18 _____

Surveyor.

S. HARVEY JAMES,

Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 6th March 1891, and is hereby promulgated for general information :—

Act No. VIII of 1891.

An Act to extend the Indian Easements Act, 1882, to certain areas in which that Act is not in force.

of 1882.

WHEREAS it is expedient to extend the Indian Easements Act, 1882, to certain areas in which

that Act is not in force ; It is hereby enacted as follows :—

1. The Indian Easements Act, 1882, is hereby extended to the territories respectively administered by the Governor of Bombay in Council and the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh.

S. HARVEY JAMES,
Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to provide for the extension of the Indian Easements Act, 1882, to certain areas in which that Act is not in force was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 17th February 1891 :—

We, the undersigned, Members of the Select Committee to which the Bill to provide for the extension of the Indian Easements Act, 1882, to certain areas in which that Act is not in force was referred, have considered the Bill and the papers not in the margin, and have now the honour to submit this our Report.

Telegram from Secretary to Government, North-Western Provinces and Oudh, dated 12th February 1891 [Paper No. 1].

From Secretary to Government, Bombay, No. 899, dated 11th February 1891, and enclosures ; from ditto, to Government of India, Home Department, No. 4245, dated 6th August 1890 [Papers No. 2].

2. We have slightly altered the title of the Bill which, as originally drawn, had reference to a further clause which has now been abandoned. In other respects we approve the Bill.

3. The publication ordered by the Council has been made as follows :—

In English.

Gazette.		Date.
Gazette of India	... ..	3rd January 1891.
Bombay Government Gazette	... ..	8th January 1891.
North-Western Provinces and Oudh Government Gazette	... ..	10th January 1891.

In the Vernaculars.

Province.	Language.	Date.
Bombay	Maráthi	22nd January 1891.
	Gujarátí	22nd January 1891.
	Kánarose	22nd January 1891.
North-Western Provinces and Oudh.	Urdu	17th January 1891.

The 27th February 1891.

ANDREW R. SCOBLE.
J. NUGENT.

S. HARVEY JAMES,
Secretary to the Government of India.

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 19TH MARCH 1891.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 13th March 1891, and is hereby promulgated for general information:—

Act No. IX of 1891.

An Act to amend the Indian Merchandise Marks Act, 1889, and the Sea Customs Act, 1878.

WHEREAS it is expedient to amend the Indian Merchandise Marks Act, 1889, and the Sea Customs Act, 1878; It is hereby enacted as follows:—

- 1. In section 1, sub-section (2), of the Indian Merchandise Marks Act, 1889, the words "subject to the provision of the last section of this Act" are hereby repealed.
- 2. Section 19 of the Indian Merchandise Marks Act, 1889, and the words "Transitory Provision" prefixed to the section are hereby repealed.
- 3. In clause (c), sub-clause (ii), of section 18 of the Sea Customs Act, 1878, as amended by section 10, sub-section (1), of the Indian Merchandise Marks Act, 1889, for the words "that place and the country in which it is situated are" the words "the country in which that place is situated is" shall be substituted.

4. After section 18 of the Indian Merchandise Marks Act, 1889, as amended by this Act, the following shall be added, namely:—

"19. For the purposes of section 12 of this Act, and clause (f) of section 18 of the Sea Customs Act, 1878, as amended by this Act, the Governor General in Council may, by notification in the *Gazette of India*, declare what classes of goods are included in the expression 'piece-goods, such as are ordinarily sold by length or by the piece.'

"20. (1) The Governor General in Council may make rules, for the purposes of this Act, to provide, with respect to any goods which purport or are alleged to be of uniform number, quantity, measure, gauge or weight, for the number of samples to be selected and tested and for the selection of the samples.

"(2) With respect to any goods for the selection and testing of samples of which provision is not made in any rules for the time being in force under sub-section (1), the Court or officer of customs, as the case may be, having occasion to ascertain the number, quantity, measure, gauge or weight of the goods shall, by order in writing, determine the number of samples to be selected and tested and the manner in which the samples are to be selected.

"(3) The average of the results of the testing in pursuance of rules under sub-section (1) or of an order under sub-section (2) shall be *prima facie* evidence of the number, quantity, measure, gauge or weight, as the case may be, of the goods.

"(4) If a person having any claim to, or in relation to, any goods of which samples have been selected and tested in pursuance of rules under sub-section (1) or of an order under sub-section (2) desires that any further samples of the goods be selected and tested, they shall, on his written application and on the payment in advance by him to the Court or officer of customs, as the case may be, of such sums for defraying the cost of the further selection and testing as the Court or officer may from time to time require, be selected and tested to such extent as may be permitted by rules to be made by the Governor General in Council in this behalf or as, in the case of goods with respect to which provision is not made in such rules, the Court or officer of customs may determine in the circumstances to be reasonable, the samples being selected in manner prescribed under sub-section (1), or in sub-section (2), as the case may be.

"(5) The average of the results of the testing referred to in sub-section (3) and of the further testing under sub-section (4) shall be conclusive proof of the number, quantity, measure, gauge or weight, as the case may be, of the goods.

"(6) Rules under this section shall be made after previous publication.

"21. An officer of the Government whose duty it is to take part in the enforcement of this Act shall not be compelled in any Court to say whence he got any information as to the commission of any offence against this Act.

"22. If any person, being within British India, Punishment of abetment abets the commission, in India of acts done out without British India, of of India. any act which, if committed in British India, would under this Act, or under any section of that part of Chapter XVIII of the Indian Penal Code which relates to trade, property XLV of 1860, and other marks, be an offence, he may be tried for such abetment in any place in British India in which he may be found, and be punished therefor with the punishment to which he would be liable if he had himself committed in that place the act which he abetted."

S. HARVEY JAMES,
Secretary to the Government of India.

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 26TH MARCH 1891.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th March 1891, and is hereby promulgated for general information:—

Act No. X of 1891

An Act to amend the Indian Penal Code and the Code of Criminal Procedure, 1882.

XLV of 1860. WHEREAS it is expedient to amend the Indian
X of 1882. Penal Code and the Code of Criminal Procedure,
1882; It is hereby enacted as follows:—

Indian Penal Code.

XLV of 1860. 1. In section 375 of the Indian Penal Code,
in the clause marked
Amendment of section 375, Act XLV, 1860. *Fifthly* and in the *Exception*, the word "twelve" shall be substituted for the word "ten".

Code of Criminal Procedure, 1882.

X of 1882. 2. After section 560 of the Code of Criminal
Procedure, 1882, the following shall be added,
namely:—

Addition of section after section 560, Act X, 1882.

"561. (1) Notwithstanding anything in this Special provisions with Code, no Magistrate except a Chief Presidency Magistrate or District Magistrate shall—

- (a) take cognizance of the offence of rape where the sexual intercourse was by a man with his wife, or
- (b) commit the man for trial for the offence :

"(2) And, notwithstanding anything in this Code, if a Chief Presidency Magistrate or District Magistrate deems it necessary to direct an investigation by a Police-officer with respect to such an offence as is referred to in sub-section (1) of this section, no Police-officer of a rank below that of Police Inspector shall be employed either to make, or to take part in, the investigation."

3. In Schedule II to the said Code, for the entry respecting section 376 of the Indian Penal Code the following shall be substituted, namely:—

Amendment of Schedule II, Act X, 1882.

Code the following shall be substituted, namely:—

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
376	Rape— If the sexual intercourse was by a man with his own wife. In any other case	Shall not arrest without warrant. May arrest without warrant.	Summons. Warrant...	Bailable... Not bail-able.	Not com-pon-d-able. Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine. Ditto ...	Court of Session. Ditto.

S. HARVEY JAMES,
Secretary to the Government of India,

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th March 1891, and is hereby promulgated for general information :—

Act No. XI of 1891.

An Act to amend the Indian Factories Act, 1881.

WHEREAS it is expedient to amend the Indian Factories Act, 1881; It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Factories Act, 1891; and

(2) It shall come into force on the first day of January 1892.

2. The words and figures "and shall come into force on the first day of July 1881," in section 1 of the Indian Factories Act, 1881, are hereby repealed.

3. For clause (b) in section 2 of the said Act, in the definition of the word "factory," the following shall be substituted, namely :—

"(b) wherein, subject to the provisions of section 20, not less than fifty persons are on any day simultaneously employed in any manual labour in, or incidental to, any such process; and"

4. (1) For the word "child" in the same section of the said Act, in the definition of the word "employed," the word "person," shall be substituted.

(2) In the same section of the said Act, in the definition of the word "employed," the word "either" is hereby repealed.

5. For the word "twelve" in sections 2, 4, 5 and 16 of the said Act the word "fourteen" shall be substituted.

6. (1) In the first paragraph of section 3 of the said Act, after the word "appoint" the words "by name or by office" shall be inserted.

(2) For the second paragraph of the same section of the said Act the following shall be substituted, namely :—

"The District Magistrate shall, in virtue of his office, be an Inspector of all factories, if any, in his district."

7. In clause (b) of section 4 of the said Act, for the word "provisions" the word "purposes" shall be substituted.

8. In section 5 of the Act, before the word "examine" the words "and on payment by such person of such fee, if any, as may from time to time be prescribed by the Governor General in Council by notification in the Gazette of India" shall be inserted.

9. For the word "seven" in sections 4, 5 and 16 of the said Act the word "nine" shall be substituted.

10. For sections 6 to 11, both inclusive, of the said Act, and for the sections for sections 6 to 11, heading "children" prefixed to the said section 6, the following shall be substituted, namely :—

"All Operatives.

"5A. (1) In every factory, except a factory in which a system of employment in shifts or sets approved by the Local Inspector is in force, there shall between noon and two o'clock in the afternoon be a stoppage of work for a full half-hour :

(2) Provided that nothing in this section shall apply to any factory of a class to which the Governor General in Council has, by notification in the Gazette of India, declared this section not to apply.

"5B. (1) No person shall be employed in any factory on a Sunday :

(2) Provided as follows :—

(a) any manager, foreman, mechanic, artisan or labourer may be employed in a factory on a Sunday in examining or repairing, or in supervising or aiding in the examination or repair of, any machinery or other thing whatsoever necessary for the carrying on of the work performed in the factory ;

(b) any person may be employed in a factory on a Sunday if he has had or will have a holiday for a whole day on one of the three days immediately preceding or succeeding the Sunday ;

(c) the Local Government may from time to time, by notification in the official Gazette, declare sub-section (1) of this section not to apply to any factory or class of factories (the factory or class being described in the notification) in which the work performed—

(i) necessitates continuous production for technical reasons, or

(ii) supplies the public with articles of prime necessity which must be made every day, or

(iii) by its nature cannot be carried on except at stated seasons or at times dependent on the irregular action of natural forces ; and

(d) the Governor General in Council may from time to time, by notification in the *Gazette of India*, declare sub-section (1) of this section not to apply to factories of any class described in the notification.

“ Women.

“ 6. (1) No woman shall be employed before five o'clock in the morning or after eight o'clock in the evening in any factory in which a system of employment in shifts or sets approved by the local Inspector is not in force.

(2) No woman shall be actually employed in any factory in any one day for more than eleven hours.

(3) Every woman shall be allowed an interval or intervals of rest amounting in the aggregate to at least an hour-and-a-half in the day when she is actually employed for eleven hours and to a proportionately less time when she is actually employed for less than eleven hours.

(4) The Governor General in Council may from time to time, by notification in the *Gazette of India*, declare all or any of the foregoing sub-sections of this section not to apply to factories of any class described in the notification or to women employed in any process so described,

“ Children,

“ 7. (1) No child shall be employed in any factory if he is under the age of nine years.

(2) No child shall be employed in any factory before five o'clock in the morning or after eight o'clock in the evening.

(3) No child shall be actually employed in any factory for more than seven hours in any one day.

(4) Every child who is actually employed in any factory for six hours in any one day shall be allowed an interval or intervals of rest amounting in the aggregate to at least half-an-hour.

“ 8. No occupier of a factory shall allow any child to clean any part of the mill-gearing or machinery of such factory while the same is in motion, or to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of the steam-engine, water-wheel or other mechanical power, as the case may be.

“ 9. The Local Government may direct any occupier of a factory to keep, in such form and with such particulars as such Government may from time to time prescribe, registers of the children (if any) employed in such factory, and of their respective employments.

“ Women and Children.

“ 10. (1) The occupier shall set up and maintain, in some conspicuous place in the factory, a printed or written notice,

in English and the languages of the district in which the factory is situated, showing the times at which such intervals as are required by section 6, sub-section (3), and section 7, sub-section (4), to be allowed to women and children, respectively, shall be allowed and the length of each interval.

(2) A woman or child shall not be deemed to be actually employed within the meaning of section 6 or section 7 during any such interval as aforesaid.

“ 11. No occupier of a factory shall employ therein on any day any woman or child who has to his knowledge already been employed on the same day in any other factory.”

11. In clause (a) of section 12 of the said Act the word “ or ”, where it first occurs, is hereby repealed.

12. In section 13 of the said Act, after the word “ hours ” the word “ next ” shall be inserted, and for the words “ such accident ” the words “ the accident ” shall be substituted.

13. (1) In section 14 of the said Act, before the words “ the place ” the words “ and of ” shall be inserted.

(2) The words “ (if any) ” in the same section of the said Act are hereby repealed.

14. For section 15 of the said Act the following shall be substituted, namely:—

“ 15. (1) Any person who, in breach of this Act or of any order or rule made thereunder,—

Penalties.

- (a) employs any person in any factory;
- (b) allows any child to perform the work forbidden by, or to work in contravention of, section 8;
- (c) neglects to keep a register in manner prescribed under section 9;
- (d) neglects to set up or maintain the notice required by section 10, sub-section (1);
- (e) neglects to fence any machinery or mill-gearing in any factory;
- (f) neglects to maintain a supply of water for the use of persons employed in any factory;
- (g) neglects to ventilate any factory or to keep any factory in a cleanly state and free from effluvia arising from any drain, privy or other nuisance;
- (h) suffers any factory to be so overcrowded, while work is carried on therein, as to be injurious to the health of the persons employed therein; or
- (i) neglects to send any notice or furnish any return,

shall be punished with fine which may extend to two hundred rupees :

Provided that—

(i) no prosecution under this sub-section shall be instituted except by, or with the previous sanction of, the local Inspector ; and

(ii) no person shall be liable under this sub-section to more than one penalty for any one description of offence committed on the same day, except where two or more persons are employed contrary to the provisions of this Act, in which case one penalty may be imposed in respect of each person so employed.

(2) Any person who corruptly uses or attempts to use, as a certificate granted to himself under section 5, a certificate granted to another person under that section, or who, having procured a certificate under the said section, corruptly allows it to be used, or an attempt to use it to be made, by another person, shall be punished with fine which may extend to twenty rupees."

15. For section 17 of the said Act the following shall be substituted, namely :—

Amendment of section 17, Act XV, 1881.

" 17. Every occupier of a factory shall be deemed primarily liable for any breach therein of this Act or of any order or rule made thereunder ; but he may discharge himself from such liability by proof that such breach was committed by some other person without his knowledge or consent, and in that case the person committing such breach shall be liable therefor."

16. (1) For section 18 of the said Act the following shall be substituted, namely :—

Amendment of section 18, Act XV, 1881.

" 18. (1) Subject to the control of the Governor General in Council, the Local Government may from time to time make rules consistent with this Act to provide for—

- (a) the fencing of machinery and mill-gearing in factories ;
- (b) the water-supply to be maintained for the use of persons employed in factories ;
- (c) the ventilation of factories and their cleanliness (including lime-washing, painting, varnishing and washing) and freedom from effluvia arising from any drain, privy or other nuisance ;
- (d) the prevention of such overcrowding of factories, while work is carried on therein, as is likely to be injurious to the health of the persons employed therein ;
- (e) the inspection of factories ;
- (f) the manner in which appeals under this Act are to be presented and heard ; and

(g) otherwise carrying out the purposes of this Act.

(2) The Governor General in Council may from time to time make rules requiring occupiers of factories to furnish such returns, occasional or periodical, as may be necessary for the effectual carrying out of this Act.

(3) Such rules shall be published in the local official Gazette, or the *Gazette of India*, as the case may be, and shall thereupon have the force of law.

(4) Before making rules under clause (b), clause (c) or clause (d) of sub-section (1) of this section the Local Government, and before making rules under sub-section (2) of this section the Governor General in Council, shall publish in such manner as may in its or his opinion be sufficient for giving information to persons interested a draft of the proposed rules, with a notice specifying a date (not less remote than two months from the publication of the notice) at or after which the draft will be taken into consideration, and shall consider any objection or suggestion which may be received from any person with respect to the draft before the date so specified."

17. In section 19 of the said Act, the word "such", where it occurs before the word "factory", is hereby repealed.

Amendment of section 19, Act XV, 1881.

18. To the said Act the following shall be added, namely :—

" 20. (1) Notwithstanding anything in clause (b) of the definition of the word "factory" in section 2, the Local Government may from time to time, by notification in the official Gazette, declare any premises, or premises of any class, which fulfil the other conditions of the said definition, to be a factory for all the purposes of this Act, or for such of those purposes as may be specified in the notification, if the number of persons simultaneously employed in the premises on any day in any manual labour in, or incidental to, any such process as is referred to in the said clause (b) is less than fifty and not less than twenty.

(2) The Local Government may, by such notification, fix any number below fifty and not below twenty as the number of persons whose simultaneous employment as aforesaid is to be held to subject premises, as a factory, to all or any of the provisions of this Act and of the orders and rules made thereunder."

19. A reference in any enactment or document to the Indian Factories Act, 1881, shall be read as a reference to that Act as amended by this Act.

References to Act XV of 1881 to be read as references to that Act as amended by this Act. XV of 1881.

APPENDIX.

ACT No. XV of 1881.

*(As amended by Act XI of 1891.)**An Act to regulate labour in Factories.*

Preamble. WHEREAS it is expedient to regulate labour in factories; It is hereby enacted as follows:—

Preliminary.

- Short title and local extent.** 1. This Act may be called the Indian Factories Act, 1881.
It applies to the whole of British India.
- Interpretation-clause.** 2. In this Act, unless there is something repugnant in the subject or context,—
- “factory” means any premises (other than indigo-factories or premises situated on, and used solely for the purposes of, a tea or coffee plantation) wherein is carried on, for not less than four months in the whole in any one year, any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale, any article or part of an article; and
- “factory:” not less than four months in the whole in any one year, any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale, any article or part of an article; and
- (a) wherein steam, water or other mechanical power is used in aid of any such process; and
(b) wherein, *subject to the provisions of section 20*, not less than fifty persons are on any day simultaneously employed in any manual labour in, or incidental to, any such process; and every part of a factory shall be deemed to be a factory, except any part used exclusively as a dwelling:
- “child.” “child” means a person under the age of *fourteen* years:
- “mill-gearing” includes every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley, rope, driving strap or band, by which the motion of the first moving power is communicated to any machine:
- “mill-gearing.”
- a person who works in a factory, whether for wages or not, in a manufacturing process or handicraft, or in cleaning any part of the factory used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to, or connected with, the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall be deemed to be employed therein within the meaning of this Act.
- “Employed.”

Inspectors and certifying surgeons.

3. The Local Government may in its discretion, by notification in the official Gazette, appoint, *by name or by office*, such persons as it thinks fit to be Inspectors of factories within such local limits as it may assign to such Inspectors, and may suspend or dismiss any person so appointed.

The District Magistrate shall, in virtue of his office, be an Inspector of all factories, if any, in his district.

Such Inspectors shall be deemed public servants within the meaning of the Indian Penal Code, and shall be officially subordinate to such authority as the Local Government may from time to time indicate in this behalf.

- Powers of Inspector.** 4. An Inspector of factories may, within the local limits for which he is appointed,—

- (a) enter, with such assistants (if any) as he thinks fit, any factory whenever he has reason to believe that any person is employed therein;
- (b) make such examination of the premises and machinery, and of the registers hereinafter prescribed, and take on the spot or otherwise such evidence of any person as such Inspector may deem necessary for carrying out the *purposes* of this Act;
- (c) order that any person shall not be employed in a factory when he has reason to believe that such employment would be in contravention of this Act,—
until the age of such person has been certified, in the manner hereinafter provided, to be above *nine* years, or
for more than the time allowed by this Act for the employment of children, until his age has been so certified to be above *fourteen* years.

5. The civil surgeon or such other person practising medicine or surgery as the Local Government may from time to time appoint in this behalf for any local area (hereinafter called the certifying surgeon) shall, at the request of any person employed or desirous of being employed in a factory situate in such local area, or of the parent or guardian of such person, and on payment by such person of such fee, if any, as may from time to time be prescribed by the Governor General in Council by notification in the Gazette of India, examine such person and grant him a certificate, stating whether his age, as nearly as it can be ascertained from such examination, is above or below *nine* years, or *fourteen* years, as the case may be.
- Certifying surgeons.**

All Operatives.

5A. (1) In every factory, except a factory in which a system of employment in shifts or sets approved Limited stoppage of work daily by the local Inspector is in force, there shall between noon and two o'clock in certain circumstances. in the afternoon be a stoppage of work for a full half-hour :

(2) Provided that nothing in this section shall apply to any factory of a class to which the Governor General in Council has, by notification in the Gazette of India, declared this section not to apply.

Holidays.

5B. (1) No person shall be employed in any factory on a Sunday :

(2) Provided as follows :—

(a) any manager, foreman, mechanic, artisan, or labourer may be employed in a factory on a Sunday in examining or repairing, or in supervising or aiding in the examination or repair of, any machinery or other thing whatsoever necessary for the carrying on of the work performed in the factory :

(b) any person may be employed in a factory on a Sunday if he has had or will have a holiday for a whole day on one of the three days immediately preceding or succeeding the Sunday ;

(c) the Local Government may from time to time, by notification in the official Gazette, declare sub-section (1) of this section not to apply to any factory or class of factories (the factory or class being described in the notification) in which the work performed—

(i) necessitates continuous production for technical reasons, or

(ii) supplies the public with articles of prime necessity which must be made every day, or

(iii) by its nature cannot be carried on except at stated seasons or at times dependent on the irregular action of natural forces ; and

(d) the Governor General in Council may from time to time, by notification in the Gazette of India, declare sub-section (1) of this section not to apply to factories of any class described in the notification.

Women.

6. (1) No woman shall be employed before five o'clock in the morning or after eight o'clock in the evening in any factory in which a system of employment in shifts or sets approved by the local Inspector is not in force.

(2) No woman shall be actually employed in any factory in any one day for more than eleven hours.

(3) Every woman shall be allowed an interval or intervals of rest amounting in the aggregate to at least an hour-and-a-half in the day when she is actually employed for eleven hours and to a proportionately less time when she is actually employed for less than eleven hours.

(4) The Governor General in Council may from time to time, by notification in the Gazette of India, declare all or any of the foregoing sub-sections of this section not to apply to factories of any class described in the notification or to women employed in any process so described.

Children.

7. (i) No child shall be employed in any factory if he is under the age of nine years.

(2) No child shall be employed in any factory before five o'clock in the morning or after eight o'clock in the evening.

(3) no child shall be actually employed in any factory for more than seven hours in any one day.

(4) every child who is actually employed in any factory for six hours in any one day shall be allowed an interval or intervals of rest amounting in the aggregate to at least half an-hour.

8. No occupier of a factory shall allow any child to clean any part of the mill-gearing or machinery of such factory while the same is in motion, or to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of the steam-engine, water-wheel or other mechanical power, as the case may be.

9 The Local Government may direct any occupier of a factory to keep, in such form and with such particulars as such Government may from time to time prescribe, registers of the children (if any) employed in such factory, and of their respective employments.

Women and Children.

10. (1) The occupier shall set up and maintain, in some conspicuous place in the factory, a printed or written notice, in English and the languages of the district in which the factory is situated, showing the times at which such intervals as are required by section 6, sub-section (3), and section 7, sub-section (4), to be allowed to women and children, respectively, shall be allowed and the length of each interval.

Provisions supplementary to sections 6 and 7.

(2) A woman or child shall not be deemed to be actually employed within the meaning of section 6 or section 7 during any such interval as aforesaid.

11. No occupier of a factory shall employ therein on any day any woman or child who has to his knowledge already been employed on the same day in any other factory.

Prohibition of employment of woman or child in two factories on same day.

Fencing.

12. (a) Every fly-wheel directly connected with a steam-engine, water-wheel or other mechanical power in any part of a factory, and every part of a steam-engine or water-wheel,

Fencing.

(b) every hoist or teagle near which any person is liable to pass or be employed, and

(c) every other part of the machinery or mill-gearing of a factory which may, in the opinion of the local Inspector, be dangerous if left unfenced, and which he may have ordered to be fenced, shall, while the same is in motion, be kept by the occupier of such factory securely fenced.

Any order under clause (c) may be set aside, on appeal or otherwise, by the Local Government or such authority as it may appoint in this behalf.

Notices.

13. When any accident occurs in a factory causing death or bodily injury whereby the person injured is prevented from returning to his work in the factory during forty-eight hours next after the occurrence of the accident, the occupier of such factory, or, in his absence, his principal agent in the management of such factory, shall send such notice of the accident to such authorities in such form and within such time as the Local Government may from time to time by rule direct.

Notice to be given of accidents.

14. Every person shall, within one month after he begins to occupy a factory, send to the local Inspector a written notice containing the name of the factory and of the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work performed in such factory, the nature and amount of the moving power therein, and the name of the person under whom the business of the factory is to be carried on.

Person beginning to occupy factory to give notice.

Penalties.

Penalties.

15. (1) Any person who, in breach of this Act or of any order or rule made thereunder,—

- (a) employs any person in any factory ;
 - (b) allows any child to perform the work forbidden by, or to work in contravention of, section 8 ;
 - (c) neglects to keep a register in manner prescribed under section 9 ;
 - (d) neglects to set up or maintain the notice required by section 10, sub-section (1) ;
 - (e) neglects to fence any machinery or mill-gearing in any factory ;
 - (f) neglects to maintain a supply of water for the use of persons employed in any factory ;
 - (g) neglects to ventilate any factory or to keep any factory in a cleanly state and free from effluvia arising from any drain, privy or other nuisance ;
 - (h) suffers any factory to be so overcrowded, while work is carried on therein, as to be injurious to the health of the persons employed therein ; or
 - (i) neglects to send any notice or furnish any return,
- shall be punished with fine which may extend to two hundred rupees :

Provided that—

- (i) no prosecution under this sub-section shall be instituted except by, or with the previous sanction of, the local Inspector ; and
- (ii) no person shall be liable under this sub-section to more than one penalty for any one description of offence committed on the same day except where two or more persons are employed contrary to the provisions of this Act, in which case one penalty may be imposed in respect of each person so employed.

(2) Any person who corruptly uses or attempts to use, as a certificate granted to himself under section 5, a certificate granted to another person under that section, or who, having procured a certificate under the said section, corruptly allows it to be used, or an attempt to use it to be made, by another person, shall be punished with fine which may extend to twenty rupees.

16. Where an act or omission would, if a person were under nine or fourteen years of age, be an offence punishable under this Act, and such person is, in the opinion of the Court, apparently under such age, it shall lie on the accused to prove that such person is not under such age.

Burden of proof as to age.

A declaration in writing by a certifying surgeon that he has personally examined a person employed in a factory and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Act, be admissible as evidence of the age of that person.

17. Every occupier of a factory shall be deemed primarily liable for any breach therein of this Act or of any order or rule made thereunder; but he may discharge himself from such liability by proof that such breach was committed by some other person without his knowledge or consent, and in that case the person committing such breach shall be liable therefor.

Miscellaneous.

18. (1) Subject to the control of the Governor General in Council, the Local Government may from time to time make rules consistent with this Act to provide for—

- (a) the fencing of machinery and mill-gearing in factories;
- (b) the water-supply to be maintained for the use of persons employed in factories;
- (c) the ventilation of factories and their cleanliness (including lime-washing, painting, varnishing and washing) and freedom from effluvia arising from any drain, privy or other nuisance;
- (d) the prevention of such overcrowding of factories, while work is carried on therein, as is likely to be injurious to the health of the persons employed therein;
- (e) the inspection of factories;
- (f) the manner in which appeals under this Act are to be presented and heard; and
- (g) otherwise carrying out the purposes of this Act.

(2) The Governor General in Council may from time to time make rules requiring occupiers of factories to furnish such returns, occasional or periodical, as may be necessary for the effectual carrying out of this Act.

(3) Such rules shall be published in the local official Gazette or the Gazette of India, as the case may be, and shall thereupon have the force of law.

(4) Before making rules under clause (b), clause (c) or clause (d) of sub-section (1) of this section the Local Government, and before making rules under sub-section (2) of this section the Governor General in Council, shall publish in such manner as may in its or his opinion be sufficient for giving information to persons interested a draft of the proposed rules, with a notice specifying a date (not less remote than two months from the publication of the notice) at or after which the draft will be taken into consideration, and shall consider any objection or suggestion which may be received from any person with respect to the draft before the date so specified.

19. This Act shall apply to factories belonging to the Crown: provided that, in case of any public emergency, the Governor General in Council or the Local Government may, by an order in writing, exempt any factory from this Act to such extent and during such period as the Governor General in Council or the Local Government, as the case may be, thinks fit.

20. (1) Notwithstanding anything in clause (b) of the definition of the word "factory" in section 2, the Local Government may from time to time, by notification in the official Gazette, declare any premises or premises of any class, which fulfil the other conditions of the said definition, to be a factory for all the purposes of this Act, or for such of those purposes as may be specified in the notification, if the number of persons simultaneously employed in the premises on any day in any manual labour in, or incidental to, any such process as is referred to in the said clause (b) is less than fifty and not less than twenty.

(2) The Local Government may, by such notification, fix any number below fifty and not below twenty as the number of persons whose simultaneous employment as aforesaid is to be held to subject premises, as a factory, to all or any of the provisions of this Act and of the orders and rules made thereunder.

S. HARVEY JAMES,
Secretary to the Government of India.

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 2ND APRIL 1891.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 21st March 1891, and is hereby promulgated for general information:—

Act No. XII of 1891.

An Act to repeal certain Obsolete Enactments and to amend certain other Enactments.

WHEREAS it is expedient that certain enactments specified in the first schedule to this Act which are spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

And whereas it is also expedient that certain formal amendments should be made in the enactments specified in the second schedule to this Act;

It is hereby enacted as follows:—

1. (1) This Act may be called the Repealing Title, extent and commencement. and Amending Act, 1891.

(2) Save in so far as it applies expressly or by necessary implication to particular territory only, it extends to the whole of British India, inclusive of Upper Burma and British Baluchistan; and

(3) It shall come into force at once.

2. (1) The enactments specified in the first schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Enactments in schedules repealed and amended respectively.

(2) The enactments specified in the second schedule shall be modified to the extent and in the manner mentioned in the fourth column thereof; but nothing in this sub-section shall

affect any Act passed after this Act comes into force by the Governor of Madras in Council, the Governor of Bombay in Council, the Lieutenant-Governor of Bengal in Council or the Lieutenant-Governor of the North-Western Provinces and Oudh in Council.

(3) The modifications hereby made in the Foreign Jurisdiction and Extradition Act, 1879, XXI of 1879, section 6, and the Customments Act, 1889, section 19, shall have effect as from the commencement of those Acts respectively.

3. The repeal by this Act of any enactment shall not affect any Statute, Act or Regulation in which such enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, inviolability, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment provide or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

A description or citation of a portion of an Act or regulation includes the words, section or other part mentioned or referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Part I.—Acts of the Governor General in Council.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1835	II	Control of Officers in Assam, Arakan and Tenasserim.	So much as has not been repealed.
"	VI	Control of Officers in Khasi Hills and Cachar.	So much as has not been repealed.
"	XIX	Assistant to Agent for Sardárs, Dekkhan.	In section 1, <i>the words</i> and in the trial of such suits the Assistant shall follow the same rules which are now applicable to the Agent <i>and the words and figures</i> under the provisions of Chapter XXII, Regulation IV of 1827 of the Bombay Code.
1836	X	Indigo-contracts	The whole Act, so far as it applies to Assam.
"	XXVI	Camp Police	So much as has not been repealed.
✓ 1838	V	Bengal Bonded Warehouse.	<i>The words</i> And it is hereby enacted that, <i>wherever they occur.</i> In sections 3, 5, 7, 8, 9, 10, 17, 18, 20, 22, 23, 24 and 27, <i>the word</i> that <i>wherever it occurs after the word</i> and. In section 31, <i>the word</i> that <i>where it occurs after the word</i> but.
"	XXV	Wills	In sections 2 to 5, 7 to 29, and 31, <i>the words</i> And it is hereby enacted that. In section 2, <i>the words</i> except so far as relates to His Majesty's colonies and plantations in America. In sections 3 and 31, <i>the word</i> that, <i>wherever it occurs.</i> In section 4, <i>the word</i> that, <i>where it occurs before the words</i> the power. In section 6, <i>the words</i> Provided also and it is hereby enacted that. Section 30.
1839	VII	Tahsildárs, Madras	Section 4.
"	XXIV	Ganjam and Vizagapatam	In section 7, <i>the word</i> fourth.
"	XXVII	Execution by the Court of Requests, Calcutta, of decrees of Courts of 24 Pergunnahs.	The whole.
"	XXIX	Dower	In sections 2 to 10, 12 and 14, <i>the words</i> And it is hereby further enacted that. In section 11, <i>the words</i> and it is hereby further enacted. In section 15, <i>the words</i> And it is hereby provided that. Section 13.
"	XXX	Inheritance	<i>The words</i> And it is hereby further enacted that <i>and.</i> And it is hereby further enacted and declared that, <i>wherever they occur.</i> In section 7, <i>the words</i> also that <i>and the word</i> that. In section 13, <i>the words</i> And it is hereby provided that.
1840	X	Temple of Jagannath	So much as has not been repealed.
1841	XXIV	Illusory appointments, &c.	Section 4, so far as it relates to section 10 of the Statute 11 George IV & 1 William IV, chapter 47. Section 5, <i>from</i> or any proceedings <i>to the end.</i>

THE FIRST SCHEDULE—continued.

Part I.—Acts of the Governor General in Council—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
✓ 1842	IX	Lease and Release ...	So far as it has not been repealed.
1844	VI	Land-customs, Madras ...	In the title, <i>the word</i> abolishing, <i>the words</i> transit or <i>and the words</i> for revising the duties on imports and exports by sea, and for determining the price at which salt shall be sold for home consumption.
1846	I	Pleaders ...	In section 6, <i>the words and figures</i> Section 25, Regulation XXVII, 1814, of the Bengal Code; Section 25, Regulation XIV, 1816, of the Madras Code; and.
✓ 1847	IX	Assessment of new lands ...	In section 13, <i>the numerals</i> VII. In section 1, <i>the words</i> and that all such investigations pending before the Collectors and Deputy Collectors in the said provinces at the said date shall forthwith be discontinued.
1848	X	Mandvee ...	So much as has not been repealed.
"	XVIII	Nawáb of Surat ...	Section 2.
			In the schedule, the names and descriptions numbered 1, 2, 3, 5, 6 and 7.
1850	XXV	Forfeited deposits... ..	In the title, <i>the words and figures</i> and Act IV, 1846. In the preamble, <i>the words</i> and judgment-debtors, <i>the words and figures</i> and in Section V, Act IV, 1846, and <i>the words</i> in execution of decrees or.
"	XXXIV	State Prisoners	Section 3.
✓ 1853	VI	Summary suits for arrears of rent, &c.	In the preamble, <i>the words and figures</i> from and whereas it is expedient to Act VIII, 1835, and <i>the words</i> from and to prevent to wrong district.
"	VIII	Colaba	So much as has not been repealed.
"	XIX	Evidence	In section 28, <i>the words</i> in addition to any proceedings under this Act.
1855	X	Witnesses	In the title, <i>the words and figures</i> and to amend the provisions of Section XI, Act XIX of 1853.
"	XXIV	Penal Servitude	In the title, <i>the words</i> and to amend the law relating to the removal of such convicts. In the preamble, <i>the words</i> and to amend the law relating to the removal of European and American convicts for the purpose of imprisonment.
"	XXXVII	Sonthal Districts... ..	In section 1, clause 1, <i>the words</i> extend to or affect any case now pending in any Court, nor.
1856	XII	Civil Court Ámins ..	In the preamble, <i>the words and figures</i> from and whereas to other agency. Section 10, from Whenever to the end.
"	XIII	Police	In section 1, <i>the words and figures</i> from Sections XXII to the end. In section 2, definition of "Local Government," <i>the words</i> in the possession and, <i>the words</i> the East, and <i>the word</i> Company. In section 3, <i>the words and figure</i> except as is otherwise provided by Section I of this Act. Form B in the schedule of Forms.
✓ "	XVIII	Collector of Calcutta ...	In the preamble, <i>the words</i> should have charge of the collection of the stamp-duty within the town of Calcutta, and that he.

THE FIRST SCHEDULE—continued.

Part I.—Acts of the Governor General in Council—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1856	XVIII —contd.	Collector of Calcutta ...	Section 1. In Section 3, <i>the words and figures</i> the said Regulation, or under Act XI of 1849, or.
✓ "	XX	Chaukidárs ...	In sections 10, 21, 33, 34, 36 and 59, <i>the words of</i> Circuit.
"	XXII	Tolls, Karatoyá River ...	Section 60. In section 5, <i>the words and figures</i> Regulation I of 1824, or of.
1857	II	Calcutta University ...	In section 1, <i>the words</i> in the possession and, <i>the words</i> the East, and <i>the word</i> Company.
"	IV	Tobacco, Bombay Town ...	Section 2, <i>from</i> and such duty <i>to the end</i> .
"	XIII	Opium ...	Section 5, <i>from</i> the import-duty <i>to the end</i> .
"	XXI	Howrah ...	In the preamble, <i>the words</i> that certain obsolete Regulations relating to the provision of opium should be formally repealed, and.
"	XXII	Bombay University ...	Section 54, the second proviso. Section 58.
"	XXV	Forfeiture of property ...	In section 1, <i>the words</i> in the possession and, <i>the words</i> the East, and <i>the word</i> Company.
"	XXVII	Madras University ...	In the title, <i>the words</i> to render officers and soldiers in the Native Army liable to forfeiture of property for mutiny, and. In the preamble, <i>the words</i> to render officers and soldiers in the Native Army, who shall be convicted of mutiny, subject to the forfeiture of all their property, and.
1858	III	State Prisoners ...	In section 1, <i>the words</i> in the possession and, <i>the words</i> the East, and <i>the word</i> Company.
"	XXXVII	Nawáb of the Carnatic ...	Section 4. In section 5, <i>the words</i> in the possession and, <i>the words</i> the East and <i>the word</i> Company.
1859	IX	Claims to property seized as forfeited.	The preamble, <i>from</i> and that <i>to</i> commencement of this Act.
✓ "	X	Rent ...	Section 2. Schedules B and C.
"	XI	Sales of land for arrears of revenue.	In the preamble, <i>the words from</i> to make provision to also expedient. The schedule, Forms E and F.
"	XIV	King of Oudh ...	Section 4. In section 53, <i>the words and figures</i> sharers in estates under butwarah who may have saved their shares from sale under Sections XXXIII and XXXIV, Regulation XIX, 1814, and.
"	XXII	Hill Tracts of Chittagong ...	The whole.
"	XXIII	Amending Act XXI of 1856 (Abkari).	Section 1, proviso.
"	XLV	Indian Penal Code ...	The whole Act, so far as it applies to Assam.
"			In section 1, <i>the words and figures</i> on and from the first day of May, 1861. In sections 1 and 15, <i>the words</i> except the Settlement of Prince of Wales' Island, Singapore and Malacca. In sections 2 and 4, <i>the words and figures</i> on or after the said first day of May, 1861.

THE FIRST SCHEDULE—*continued.**Part I.—Acts of the Governor General in Council—continued.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1860	XLV <i>—contd.</i>	Indian Penal Code. ...	In section 410, <i>the word the, where it occurs after the word which.</i>
1862	VIII	King of Oudh	So much as has not been repealed.
1863	XVI	Spirits used in Manufactures, &c.	Section 8.
1864	XVII	Official Trustees	Section 3.
✓ 1865	VII	Government Forests Act, 1865.	The whole Act, so far as it has not been repealed by the Indian Forest Act, 1878, and the Lower Burma Forest Act, 1881.
"	X	Indian Succession Act, 1865.	In section 3, <i>the words other than the Settlement of Prince of Wales' Island, Singapore and Malacca.</i>
1866	XXI	Native Converts' Marriage Dissolution Act, 1866.	In section 35, <i>the words except the Settlement of Prince of Wales' Island, Singapore and Malacca.</i>
"	XXV	Transfer to Government of deposits in High Courts.	In the preamble, <i>the words or in the late Supreme Courts at Calcutta, Madras and Bombay, respectively, and the words now or hereafter.</i> In section 1, <i>the words or of the late Supreme Courts of Calcutta, Madras and Bombay, and the words now or hereafter.</i>
1867	XXII	Sarais Act, 1867	Section 1. In section 17, <i>the words and the Settlement of Prince of Wales' Island, Singapore and Malacca.</i>
"	XXIII	Murderous Outrages, Punjab.	Section 17.
"	XXV	Printing Presses and Books.	In section 1, <i>the words other than the Settlement of Prince of Wales' Island, Singapore and Malacca.</i>
1868	I	General Clauses Act, 1868.	In section 2, clause (8), <i>the words other than the Settlement of Prince of Wales' Island, Singapore and Malacca.</i>
"	V	Commissioner in Sind ...	The schedule, so far as it relates to Act XXVI of 1850.
"	XVIII	Small Cause Jurisdiction, Nilgiris.	So much as has not been repealed.
"	XXI	Nawab of the Carnatic ...	The whole.
1869	XIV	Bombay Civil Courts Act, 1869.	In section 32, proviso, clause (b) [added by Act XV of 1880, section 3], <i>the words and figures or selected under Act No. XX of 1864 (for making better provision for the care of the persons and property of minors in the Presidency of Bombay), section 9, and the words or selection.</i>
1870	VII	Court-fees Act, 1870 ...	In section 3, <i>the word sixteen.</i> In section 7, paragraph iv, last clause, <i>the words and the provisions of the Code of Civil Procedure, section thirty-one, shall apply as if for the word 'claim' the words 'relief sought' were substituted.</i> Section 10, clause iii. Section 19, clause ii. In section 19C (inserted by Act XIII of 1875, section 6), first line, <i>the word such,</i>

THE FIRST SCHEDULE—continued.

Part I.—Acts of the Governor General in Council—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1870	VII —contd.	Court-fees Act, 1870 ...	In section 19G (inserted by Act XIII of 1875, section 6), <i>the words and figures</i> after the first day of April 1875, or. Sections 24 and 32. Schedule II, Articles, 8 and 9.
"	XXI	Hindu Wills Act, 1870. ...	In section 6, <i>the words and Parts</i> .
"	XXVI	Prisons Act, 1870 ...	In section 9, <i>the words</i> (subject to the approval of the Governor General of India in Council).
"	XXVII	Amending the Indian Penal Code.	Sections 7, 9 and 14.
1871	II	Extending the Prisons Act, 1870, to Coorg.	So much as has not been repealed.
"	IV	Coroners' Act, 1871 ...	Section 4, the second paragraph.
"	XXI	Dehrá Dun ...	Section 1, <i>from</i> and no judgment to the end. In section 2, <i>the words</i> and shall be deemed to have been heretofore authorized to exercise. In section 3, <i>the words</i> shall be deemed to have been heretofore the District Court of the said district of Dehrá Dun, and, <i>and the words and figures</i> and may, subject to the provisions of Act VI of 1871, hear appeals from decisions given in the said district before the passing of this Act. In section 4, <i>the words and figures</i> and referred to in section eleven of Act XXIV of 1864.
✓ "	XXII	Amending Act XX of 1856 (Chaukidárs).	Section 5. In section 6, <i>the words</i> but shall not take effect within the territories subject to the Lieutenant-Governor of Bengal.
✓ "	XXIII	Pensions Act, 1871 ...	Section 1, <i>from</i> but not so as to affect to the end.
✓ "	XXVI	Land Improvement Act, 1871.	The whole Act, so far as it applies to the Andaman and Nicobar Islands and the Pargana of Manpur.
1872	IV	Punjab Laws Act, 1872 ...	Section 33. Section 39G (inserted by Act XV of 1875, section 2). The first schedule, so far as it relates to Act XVII of 1861.
"	XV	Indian Christian Marriage Act, 1872.	In section 68, (as amended by Act II of 1891, section 6), <i>the words "and to amend the law relating to the removal of such convicts."</i>
1873	III	Madras Civil Courts Act, 1873.	In section 13, <i>the words and figures</i> or appeals under Madras Regulation XI of 1832, section nine.
"	IV	Punjab Municipal Act, 1873.	Section 29, the second and third paragraphs. So far as it has not been repealed.
"	V	Government Savings Banks Act, 1873.	In section 5, <i>the words</i> the said.
✓ "	XVI	North-Western Provinces Village and Road Police Act, 1873.	In section 1, <i>the words and figures</i> So far as regards the repeal of Act No. III of 1869, this Act extends to the whole of British India: the rest of.
✓ "	XIX	North-Western Provinces Land-revenue Act, 1873.	Section 2, the third paragraph
"	XX	Prince of Arcot's Privilege Act, 1873.	The whole.

THE FIRST SCHEDULE—continued.

Part I.—Acts of the Governor General in Council—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1874	I	Quieting of titles, North-Western Provinces.	The whole.
"	III.	Married Women's Property Act, 1874.	In section 9, <i>the words</i> affect any suit instituted before the passing of this Act, nor.
"	VIII	Exercise of Powers in Assam.	Section 3.
"	XIV	Scheduled Districts Act, 1874.	In section 10, <i>the words and figures</i> and No. XXV of 1869. In the first schedule, Part I, No. I, <i>the figure and words</i> (9) the Chighatti Maliah.
"	XV	Laws Local Extent Act, 1874.	The first schedule, Part XIII. Section 3, clause (f). The first schedule, so far as it relates to Acts IX of 1842, XVIII of 1854, VIII of 1859, XIV of 1859, XV of 1859, XXIII of 1861, VI of 1863, X of 1866 and X of 1868. The second schedule, so far as it relates to Madras Regulations III of 1802, section 11, I of 1805, II of 1807, IV of 1816, IX of 1816 and XIV of 1816 and Acts XVII of 1840, VII of 1852 and XI of 1869. The third schedule, so far as it relates to Bombay Regulations XII of 1827, preamble, XVI of 1827 and XXI of 1827 and Acts XI of 1843, III of 1852 and XXI of 1852. The fourth schedule, so far as it relates to Bengal Regulations XLVIII of 1793, LII of 1794, section 12, XV of 1797, I of 1798, XVII of 1806, XI of 1811, XIX of 1814, XX of 1817, sections 28 and 32, and VI of 1819 and Acts XX of 1836, XI of 1838, XX of 1856, XXI of 1856 and XXIII of 1866. The fifth schedule, so far as it relates to Bengal Regulations F of 1798, XVII of 1806, XIX of 1810, V of 1817, VI of 1819, VI of 1831 and XI of 1831, sections 4 and 8. In the sixth schedule, Part I, No. I, <i>the figure and words</i> (9) the Chighatti Maliah. The sixth schedule, Part XIII.
1875	XIII	Probates and Letters of Administration.	Section 1. So much of section 6 as directs the insertion of section 19H in the Court-fees Act, 1870.
"	XV	Punjab Laws Amendment Act, 1875.	Section 2, so far as it applies to the Punjab and relates to sections 39A and 39B.
"	XX	Central Provinces Laws Act, 1875.	Section 2, so far as it relates to section 39G. Section 2, proviso. In the third column of Part A of the schedule, in the entry opposite Regulation XI of 1806, <i>the words and figures</i> and with the exception, in section VIII, of the words and figures "under the rules prescribed by Regulation V, 1804." The schedule, so far as it relates to Bengal Regulation VI of 1819 and Act XVIII of 1853.
1876	X	Bombay Revenue Jurisdiction Act, 1876.	Section 2, and the schedule referred to therein.
	XII	Repealing Act, 1876	The whole.
	XVII	Oudh Land-revenue Act, 1876.	In section 150, <i>the words</i> stamped or. Section 178, clause (p).
"	XVII	Oudh Laws Act, 1876	Sections 17, 18 and 41.

THE FIRST SCHEDULE—continued.

Part I.—Acts of the Governor General in Council—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1876	XVIII— <i>contd.</i>	Oudh Laws Act, 1876.	In the third column of Part I of the second schedule, in the modifications of Regulation XXXIII of 1803, <i>the words for "city" read "jurisdiction," and the words and figures.</i> In section IV, omit the words "or in either of the cities of Patna, Dacca or Moorshedabad." In the third column of Part I of the second schedule, in the modifications of section 8 of Regulation XI of 1806, <i>the words and figures</i> and omit the words and figures "(under the rules prescribed by Regulation V, 1804)" and "in Regulation XXVII, 1803." The second schedule, so far as it relates to Bengal Regulation VI of 1819 and Act XIII of 1857, section 2.
✓ "	XXI	Amending the Land Improvement Act, 1871.	The whole Act, so far as it applies to the Andaman and Nicobar Islands and the Pargana of Manpur.
"	XXIII	Opium Act, 1876	The whole Act, so far as it applies to the Andaman and Nicobar Islands and the Pargana of Manpur.
1877	I	Specific Relief Act, 1877...	Section 2. In section 9, <i>the words</i> instituted within six months from the date of the dispossession. The schedule.
"	II	Amending Act XIII of 1875 (Probates and Letters of Administration).	Section 2.
"	III	Indian Registration Act, 1877.	Section 84, the last paragraph.
"	VI	Postponing operation of the Opium Act, 1876.	The whole Act, so far as it applies to the Andaman and Nicobar Islands and the Pargana of Manpur.
"	XI	Military Lunatics' Act, 1877.	Sections 2 and 9.
"	XV	Indian Limitation Act, 1877.	Section 2, <i>down to the word</i> But. Section 2, the third paragraph. The first schedule.
"	XIX	District Judges	In the preamble, <i>the words</i> the District Judges of the Lower and the North-Western Provinces of the Presidency of Fort William, and.
1878	I	Opium Act, 1878	Section 2, the first and second paragraphs. The schedule.
"	VI	Indian Treasure-trove Act, 1878.	Section 2. The schedule.
"	XI	Indian Arms Act 1878 ...	Sections 8 and 9. Section 14, the last three paragraphs. The second schedule.
"	XII	Amending the Punjab Laws Act, 1872.	Section 6. Section 7, <i>from All penalties to the end.</i>
"	XIV	Assimilation of powers, North-Western Provinces and Oudh.	In the preamble, <i>the words</i> and whereas doubts have arisen as to the validity of certain acts done since the said union, and it is expedient to remove such doubts. Section 4, the first paragraph. Section 5, the first paragraph. Sections 7 and 8.

THE FIRST SCHEDULE—continued.

Part I.—Acts of the Governor General in Council—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1878	XVII	Northern India Ferries Act, 1878.	Section 36.
1879	I	Indian Stamp Act, 1879 ...	Section 2, down to the word <i>But</i> . Schedule II, Article 2, clauses (b) and (c). Schedule II, Article 10. Schedule II, Article 11, clause (b). Schedule III.
"	III	Destruction of Records Act, 1879.	Section 9. The schedule.
"	VII	Punjab Additional Financial Commissioner's Act, 1879.	The whole.
"	XII	Amending the Code of Civil Procedure, the Registration Act, 1877, and the Limitation Act, 1877.	In the title <i>the words</i> the Code of Civil Procedure. The first preamble. Section 108, so far as it refers to Nos. 171, 171A, 171B and 171C of the second schedule to the Indian Limitation Act, 1877.
✓ "	XVII	Dekkhan Agriculturists' Relief Act, 1879.	Section 48, the second paragraph (inserted by Act XXIII of 1881, section 10).
"	XIX	Raipur and Khattra Laws Act, 1879.	Section 3.
"	XX	Glanders and Farcy Act, 1879.	Section 15.
1880	VII	Indian Merchant Shipping Act, 1880.	In section 72 (as amended by Act VI of 1891, section 6), <i>the word But</i> .
"	IX	Bombay Civil Courts Act, 1880.	Section 3.
"	XIV	Indian Census Act, 1880.	The whole.
✓ "	XV	Bombay Revenue Jurisdiction Act, 1880.	The preamble <i>from</i> and <i>to</i> make to 1871.
1881	II	Pegu and Sittang Canal Act, 1881.	Section 22.
"	V	Probate and Administration Act, 1881.	In section 152, <i>the words</i> the said.
"	IX	Administrator General's Act, 1881.	So much of section 5 as has not been repealed. Section 6, <i>from</i> and <i>the words to the end</i> .
"	XIII	Fort William Act, 1881.	Section 9.
"	XIV	Benares Family Domains Act, 1881.	Sections 2 and 14.
✓ "	XVIII	Central Provinces Land-revenue Act, 1881.	Sections 2 and 3. Section 136W (inserted by Act XVI of 1889, section 26). The schedule.
"	XIX	Lower Burma Forest Act, 1881.	Section 2. The schedule.
✓ "	XXIII	Dekkhan Agriculturists' Relief Act, 1881.	Sections 4, 5 and 16.
"	XXV	Banki Laws Act, 1881.	Section 3. In section 4, <i>the words and figures from</i> And in the following Bengal Regulations <i>to the end</i> .
"	XXVI	Negotiable Instruments Act, 1881.	Section 2. The schedule.
1882	I	Inland Emigration Act, 1882.	Section 2, the first paragraph. In section 2, second paragraph, <i>the words</i> the said, Section 193.

THE FIRST SCHEDULE—continued.

Part I.—Acts of the Governor General in Council—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1882	II	Indian Trusts Act, 1882.	Section 36, the second paragraph.
"	III	Seditious Publications Act, 1882.	In the schedule, <i>the figures</i> 89. Section 2.
"	VII	Powers-of-Attorney Act, 1882.	Section 6.
"	X	Code of Criminal Procedure, 1882.	Section 311. In section 549, <i>the figures</i> 1881, in both places in which they occur.
"	XII	Indian Salt Act, 1882.	Section 558. In section 11, <i>the words and figures</i> or under section 11 of the Inland Customs Act, 1875.
"	XIV	Code of Civil Procedure ...	Section 539, the last paragraph.
"	XV	Presidency Small Cause Courts Act, 1882.	In section 1, <i>the figures</i> 1881.
"	XIX	Punjab University Act, 1882.	Section 22.
✓ "	XXII	Dekkhan Agriculturists' Relief Act, 1882.	Sections 17 and 19.
1883	III	Repealing Act XXVII of 1884 (Nazim of Bengal).	The whole.
"	V	Indian Merchant Shipping Act, 1883.	In section 2, sub-section (2), <i>the words</i> proceedings commenced <i>and the word</i> commenced.
"	VII	Repealing the Lower Burma Labour Law, 1876.	The whole.
"	VIII	Little Cocos and Preparis Islands Laws Act, 1883.	Section 3.
✓ "	IX	Central Provinces Tenancy Act, 1883.	Section 1, the last paragraph, <i>beginning with</i> Nevertheless. Section 2. The schedule.
"	XIII	Indus Valley State Railway Lands.	Section 1.
"	XIV	North-Western Provinces and Oudh Local Boards Act, 1883.	Sections 57 and 60.
"	XV	North-Western Provinces and Oudh Municipalities Act, 1883.	Section 5, <i>from and shall to the end.</i>
✓ "	XIX	Land Improvement Loans Act, 1883.	Section 12, sub-section (2).
1884	I	Honorary Degrees...	Section 1.
"	II	Unregistered instruments of partition, Madras.	In Section 2, proviso, <i>the words</i> within three years after the date on which this Act comes into force, or <i>and the words</i> if the transfer is made after this Act comes into force.
"	III	Criminal Procedure Code Amendment Act, 1884.	Section 6.
"	IV	Indian Explosives Act, 1884.	Section 2, sub-section (2).
✓ "	V	Amending the Chutiá Nágpur Encumbered Estates Act, 1876.	Section 8, clause (a). Section 10.
"	VI	Inland Steam-vessels Act, 1884.	In section 3, sub-section (2), <i>the words</i> proceedings commenced <i>and the word</i> commenced.
"	VII	Indian Steam-ships Act, 1884.	Section 2, sub-section (2).

THE FIRST SCHEDULE—continued.

Part I.—Acts of the Governor General in Council—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1884	VIII	Repealing Bengal Regulation XIX of 1810 in the North-Western Provinces.	The whole.
"	IX	Legal Practitioners' Act, 1884.	Section 10, sub-section (2).
✓ "	XIV	Validation of Settlement-officers' Decisions, Punjab.	The whole.
"	XX	Amending the Indian Salt Act, 1882.	The whole.
"	XVII	Lower Burma Municipal Act, 1884.	Section 5, from and shall to the end of clause (b). Section 14, clauses (a) and (b).
"	XVIII	Punjab Courts Act, 1884...	Section 1, sub-section (4). Sections 2, 68 and 69. The schedule.
"	XIX	Rangoon Water-works Act, 1884.	Section 1, sub-section (3).
"	XXI	Straits Settlements Emigration.	The whole.
1885	II	Negotiable Instruments Act, 1885.	Section 7. Section 8, clause (b), and the word and at the end of clause (a).
"	VII	Panch Mahals Laws Act, 1885.	Section 4, from and in Part II to the end.
"	IX	Tariff; Excise; Sea-customs.	In the title and preamble, the words and figures to repeal part of section 6 of the Indian Tariff Act, 1882, and. Section 1. Section 2.
"	XII	Indian Sea Passengers' Act, 1885.	Section 1, sub-section (4). Sections 24 and 25.
"	XVI	Central Provinces Civil Courts Act, 1885.	Section 2.
✓ "	XVII	Central Provinces Government Wards Act, 1885.	The whole.
"	XX	Postponing temporarily the operation of certain provisions of the Bengal Tenancy Act, 1885.	The whole.
1886	II	License-tax Amendment ...	Section 1, sub-section (3). The second schedule, Part III, clause (b).
"	IV	Amending the Indian Contract Act, 1872.	Section 2.
"	V	Mirzapur Stone Mahal Act, 1886.	Section 1, sub-section (3). Sections 2 and 19.
"	VI	Births, Deaths and Marriages Registration Act, 1886.	Section 1, sub-section (3).
"	X	Amending the Code of Criminal Procedure, 1862, &c.	Section 20. Section 24, sub-section (3).
"	XIII	Indian Securities Act, 1886.	Section 1, sub-section (3).
"	XIV	North-Western Provinces Rent Act, 1886.	Section 6. In section 7, the words the word "other" is repealed; and in and the words of the same section.
"	XVIII	Amending Act XXXVI of 1853 (Lunatic Asylums).	Section 3, so far as it relates to section 17A.

THE FIRST SCHEDULE—continued.

Part I.—Acts of the Governor General in Council—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1886	XX	Upper Burma Laws Act, 1886.	In section 1, sub-section (2), <i>the words</i> within four months from the passing of the Act. Section 5. The first schedule. The second schedule, first part, so far as it relates to Act V of 1881, section 153.
"	XXII	Oudh Rent Act, 1886 ...	Section 1, sub-section (4).
✓ "	XXIII	Dekkhan Agriculturists' Relief Act, 1886.	Section 10, sub-sections (1) and (2). Section 12, sub-section (2). Section 13.
"	XXIV	Extension of the Glanders and Farcy Act, 1879, to Bombay.	The whole.
1887	II	Sea Customs; Excise; Tariff.	Sections 7 and 9.
"	IV	Indian Museum Act, 1887.	Section 2.
"	VII	Suits Valuation Act, 1887.	Section 10.
"	VIII	Abolishing Military Courts of Requests.	The whole.
"	IX	Provincial Small Cause Courts Act, 1887.	Section 2, down to the word <i>But</i> . In section 17, sub-section (1), <i>the words</i> as amended by this Act. The first schedule.
"	XII	Bengal, North-Western Provinces and Assam Civil Courts Act, 1887.	Section 2, down to the word <i>But</i> .
✓ "	XVI	Punjab Tenancy Act, 1887.	Sections 2 and 3. Section 4, clause (11), sub-clause (a). The schedule.
✓ "	XVII	Punjab Land-revenue Act, 1887.	Section 1, sub-section (4). Section 3, clause (9), sub-clause (a).
✓ 1888	VI	Debtors Act, 1888 ...	Section 9.
"	VII	Civil Procedure Code Amendment Act, 1888.	Sections 4, 25, 29 and 41. Section 49, sub-section (1). Section 50. Section 52, sub-section (1). Sections 56 and 57. In section 65, sub-section (3) <i>the words</i> "the Code of Civil Procedure." Section 66, sub-section (2).
"	VIII	Tolls	In section 5, <i>the words</i> the words "and the Governor of the Presidency of Bombay in Council" are hereby repealed, and.
"	IX	Repealing enactments relating to contagious diseases.	The whole.
"	X	Amending the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882.	Section 4.
"	XIII	Punjab Courts Act, 1888...	Section 3.
"	XVI	Repealing Act VII of 1867 and Madras Regulation XIV of 1832.	The whole.
"	XIX	Amending the Lower Burma Municipal Act, 1884.	Section 3.

THE FIRST SCHEDULE—continued.

Part I.—Acts of the Governor General in Council—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1889	V	Coroner of Madras ...	Section 3, sub-section (2). Section 4, sub-section (1).
"	VI	Probate and Administration Act, 1889.	Section 9, sub-section (2). Section 18, sub-section (1). Section 21.
"	XI	Lower Burma Courts Act, 1889.	The first and second schedules, so far as they relate to Regulation VII of 1826.
"	XII	Amending the Indian Merchandise Marks Act, 1889.	The whole.
"	XIII	Cantonments Act, 1889 ...	In Sections 3, 21 and 26, the figures 1881, wherever they occur.
✓	XVI	Central Provinces Land-revenue Act, 1889.	Section 3. In section 26, the words and figures Section 136 is hereby repealed, and. Section 26, so far as it relates to Section 136W. Section 29, sub-section (2), from and the last to the end.
✓	XVII	Central Provinces Tenancy Act, 1889.	Sections 30, 31 and 36. Section 3.
"	XX	Amending Act XXXVI of 1858 (Lunatic Asylums).	Section 3.
1890	II	Amending Act XVII of 1864, &c.	Section 11, sub-section (2).
"	III	Amending the Inland Steam-vessels Act, 1884, and the Indian Steamships Act, 1884.	Section 3. Section 4, sub-section (1). Sections 5 and 16. Section 17, sub-section (1). Section 18.
✓	V	Forest Act, 1890 ...	Section 21.
"	X	Amending Act XXV of 1867 (Printing-presses and books).	Sections 1, 2 and 7.
"	XVIII	Amending the Indian Emigration Act, 1883.	Section 6.
"	XIX	Amending the Indian Salt Act, 1882.	Section 5, and the preamble prefixed thereto.
"	XX	North-Western Provinces and Oudh Act, 1890.	Section 17. Section 21, sub-section (2). Section 35. Section 43, from and the word "Oudh" to the end. Sections 43, 50 and 56.
1891	II	Amending the Indian Christian Marriage Act, 1872.	Section 1, sub-section (4). Section 4, sub-section (2).
"	IV	Amending the Code of Criminal Procedure, 1882.	Sections 1 and 3.
"	VI	Amending certain Acts respecting Indian Merchant Shipping.	Section 12.
"	VII	Amending Act X of 1841.	Section 1. In section 5, the words the words "or the East India Company" are hereby repealed, and. Section 6, sub-section (1). In section 8, the words "issued under the Company's seal and" are hereby repealed, and.

THE FIRST SCHEDULE—continued.

Part II.—Acts of the Lieutenant-Governor of Bengal in Council.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1866	I	Amending Bengal Regulation VI of 1819 (Ferries).	The whole Act, so far as it applies to Assam.
"	V	Hackney Carriages ...	The whole Act, so far as it applies to Assam.
1867	II	Gambling ...	The whole Act, so far as it applies to Assam.
✓ 1875	V	Bengal Survey Act, 1875...	The whole Act, so far as it applies to Assam.

Part III.—Regulations of the Bengal Code.

✓ 1793	XIX	Title to Non-bād-shāhi Lāk-hirāj Grants.	In section 4, <i>the word and figures</i> and XXI.
✓ "	XXXVIII	Loans by Civil Servants ...	The title, <i>from and for re-enacting to the end.</i> Section 1, <i>from</i> From a regard <i>to</i> remained in force.
✓ 1794	III	Revenue arrears ...	In the title, <i>the words</i> for exempting proprietors of land (with certain exceptions) from being confined for arrears of revenue; and <i>and the words</i> and for expediting the trial of causes relating to the public revenue or the rents of individuals.
✓ 1795	I	Benares Permanent Settlement.	The title, <i>from and for extending to</i> 1793.
"	XV	Referring cases to Raja of Benares.	The title, <i>from for extending to</i> section X; and.
✓ "	XXVII	Benares Permanent Settlement.	The title, <i>from and for continuing to</i> functions.
1799	I	Trade on Sylhet Frontier ...	So much as has not been repealed.
"	V	Wills and Intestacies ...	In the title, <i>the words</i> and City.
1800	VIII	Registers of estates ...	The title, <i>from preparing to</i> prescribed.
✓ 1801	I	Division of joint estates ...	The title, <i>from to explain and amend part to such sales, from</i> contained in Regulation XXV, 1793, <i>to</i> Regulation XXVI, 1795, <i>and from and to fix to the end.</i>
"			In section 8, <i>the words and figures</i> by clause first of Section XXIX, Regulation VII, 1799, or any other Regulation.
"			In section 14, <i>the words and figures from</i> The rules contained in <i>to</i> affected by this Regulation <i>the words</i> It is further hereby declared that, <i>and the words and figures from</i> This declaration <i>to</i> portions thereof.
1804	X	State-offences ...	In section 2, <i>the words</i> declared to be. In section 3, <i>the words</i> It is hereby further declared that.
✓ 1805	XII	Settlement, Cuttack ...	In section 30, <i>the words and figures from</i> The rules <i>to</i> this Regulation, <i>the words</i> Provided however that, <i>the words and figures</i> under Section IV, Regulation XXIV, 1793, <i>and the word</i> likewise.

THE FIRST SCHEDULE—continued.

Part III.—Regulations of the Bengal Code—continued.

1	2	3	4
Year.	No.	Subject.	Extent of repeal.
1806	XI	Assistance to marching troops and to travellers.	The title, <i>from</i> and for extending <i>to the end</i> . Section 1, <i>from</i> And whereas it is further necessary <i>to</i> Section XII, Regulation I, 1804. In section 3, <i>the words and figures</i> (under the rules prescribed by Regulation V, 1804). In section 3, clause <i>Second</i> , <i>the words and figures</i> and Section VII, Regulation XXVII, 1795.
✓ 1812	XVIII	Leases; Apportionment of Assessment on partition.	In section 3, clause <i>Second</i> , <i>the words and figures</i> and Section VII, Regulation XXVII, 1795.
"	XXII	Territories bordering on Baudelkhand.	The title, <i>from</i> and for annexing <i>to</i> Calenger. Section 1. In section 2, <i>the words</i> Ditto of Rajah Kisseree Sing, the Rajah of Jeytpore, <i>the words</i> Ditto of Chobey Salligram, jaghirdar of Cusbah Poorwab, &c., and <i>the words</i> Ditto of Pursram Bahadur, jaghirdar of Khuddee, &c. Sections 3 and 4.
✓ 1816	V	Kánúngos ...	The whole Regulation, so far as it applies to Assam.
✓ 1817	XII	Patwáris ...	In section 32, <i>the words</i> reporting, however, the amount for the information of the Governor General in Council <i>and the words</i> when confirmed by Government.
"	XX	Police ...	The whole Regulation, so far as it applies to Assam. The title, <i>from</i> for modifying <i>to the end</i> . In the heading prefixed to section 30, <i>the word</i> badges <i>and the words</i> and insane persons. Forms Nos. 1, 4, 5, 7, 9 to 12 and 15 to 21 in the Appendix.
✓ 1819	I	Kánúngos and Patwáris ...	The title, <i>from</i> for replacing <i>to</i> Gorakhpur. Section 4, clause <i>Fifth</i> , <i>from</i> anything <i>to the end</i> . The whole Regulation, so far as it applies to Assam.
✓ "	II	Resumption of revenue-free lands.	In section 4, <i>the words and figures</i> and Regulations XLI and XLII of 1795, Regulations XXXI and XXXVI of 1803, Regulation VIII, <i>and the words and figures</i> <i>from</i> nor <i>to alter to the end</i> . In section 12, <i>the figures</i> XXVI. Section 29.
✓ "	VIII	Patni Taluqs ...	The title, <i>from</i> and <i>to explain to the end</i> . The preamble, <i>from</i> It has been likewise deemed advisable <i>to defaulters</i> .
✓ 1821	IV	Powers of Collectors and Magistrates.	The title, <i>from</i> for authorising a Collector <i>to Also</i> .
✓ 1822	VII	Settlement, Cuttack, &c....	The title, <i>from</i> for continuing <i>to five years</i> .
"	XI	Non-liability of Government for errors of Courts, &c.	The title, <i>from</i> for modifying <i>to arrears of revenue</i> .
1823	VI	Indigo-contracts ...	The preamble, <i>from</i> Under the rules <i>to drawing up the agreement</i> . In section 3, clause <i>Fourth</i> , <i>the words</i> or other officer. In section 3, clause <i>Fifth</i> , <i>the words</i> or other tribunal trying the case. In section 3, clauses <i>Sixth</i> , <i>Seventh</i> and <i>Ninth</i> , <i>the words</i> or other officer trying the case. In section 3, clause <i>Ninth</i> , <i>the words</i> or other person trying the case. The whole Regulation, so far as it applies to Assam.

THE FIRST SCHEDULE—continued.

Part III.—Regulations of the Bengal Code—continued.

1	2	3	4
Year.	No.	Subject.	Extent of repeal.
1825	IX	Defaulting mālguzars ...	The preamble, <i>from</i> and whereas the rules to sanctioned by Government. In section 2, clause <i>First</i> , the words and figures and Regulations II and XXII, 1795. In section 3, the words and Benares. Section 8, <i>from</i> Section XI, Regulation XXXI, 1803, to Conquered Provinces. Section 9.
"	XIII	Settlement of resumed Lākhirāj land.	In section 2, the figures and words IV, 1808, Regulations II and. In section 4, the words and figures or the second clause of Section VIII, Regulation XLI, 1795, in the province of Benares. In section 5, the figures and word XLII, 1795, and XXXVI, 1808.
1830	V	Indigo-contracts ...	The title, <i>from</i> for amending to contracts. The preamble, <i>down</i> to indigo crops; and. The whole Regulation, so far as it applies to Assam.
1831	VI	Sadr Adālat ...	So much as has not been repealed.
"	XI	Police-powers of Tahsildārs.	The preamble, <i>from</i> Whereas by Regulation IV, 1821, to Magistrates; and <i>and from</i> and whereas it is expedient to police officers.

THE SECOND SCHEDULE.

ENACTMENTS AMENDED.

A description or citation of a portion of an Act or Regulation includes the words, section or other part mentioned or referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Part I.—Acts of the Governor General in Council.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1835	XIX	Assistant to Agent for Sardārs, Dekkhan.	<i>Add the following section :—</i> 2. The provisions of the Code of Civil Procedure Procedure in appeals relating to appeals to a High to Governor of Bombay Court from decrees passed in in Council. appeal shall apply, so far as may be, to appeals to the Governor in Council under this Act.

THE SECOND SCHEDULE—continued.

Part I.—Acts of the Governor General in Council—continued.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1839	VII	Tahsildárs, Madras	... In section 6, for the three last preceding sections read sections 3 and 5.
1846	I	Pleaders	... In section 7, for the sections of Regulations read the section of the Regulation.
1850	XIX	Binding Apprentices	... In section 11, for section VIII read section 9. In section 20, for and, where the word occurs before administrators, read or.
1851	XII	Land-revenue, Madras Town.	In the preamble and section 1, for within the limits of the Town of Madras as defined in Section XII, Regulation II of 1802 of the Madras Code read within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Madras.
1856	VIII	Control of Gaols	... In the title and preamble, for Presidencies of Fort St. George and Bombay read Presidency of Bombay. In section 2, for each of the said Presidencies read the said Presidency.
"	XX	Chaukidárs	... In section 38 (as amended by Act XXII of 1871, section 3), for Commissioners of Circuit read Commissioner.
1857	XXV	Forfeiture of property	... In section 2, for by this Act, or Act XI of 1857, or Act XIV of 1857, or Act XVI of 1857, read by the Indian Penal Code, section 121 or section 122, or the Indian Articles of War, Article 24.
1858	XXXVII	Nawáb of the Carnatic	... For the list of names in Schedule A, read the following:— 1. Her Highness Nawáb Khair-un-Nissa Begam. 2. Nawáb Ahmad-un-Nissa Begam. 3. Nawáb Qadiria Begam. 4. Rahim-un-Nissa Begam. 5. Ammak-ul-Ali Aliyat-un-Nissa Begam.
1859	I	Merchant Seamen	... In section 62, for Act XX of 1841 (for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons) read the Succession Certificate Act, 1889. In section 115, for Sections XXI and XXII of this Act, read Chapter IV of the Indian Merchant Shipping Act, 1883, and section 22 of this Act.
1860	XXVIII	Boundary-marks, Madras	... In section 4, for the words and figures from in the same manner to the end, read in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.
"	XLV	Indian Penal Code	... In section 307, Illustration (c), after of insert the first paragraph of.
1863	XX	Religious Endowments	... In section 3, for Section I read the preamble to this Act.
1864	III	Foreigners	... In section 24, for the words and figures from according to the end, read be recovered in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.

THE SECOND SCHEDULE—continued.

Part I.—Acts of the Governor General in Council—continued.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1865	X	Indian Succession Act, 1865.	In section 242, after is <i>insert</i> or are.
1867	III	Gambling	In the preamble, after Fort William <i>insert</i> and. In section 2, for sections 13, 17 and 18 read sections 13 and 17.
"	XXIII	Murderous Outrages, Punjab.	In section 10, for the Punjab Chief Court Act, 1866, read in any other enactment for the time being in force.
"	XXV	Printing Presses and Books.	In section 3, before of the publisher <i>insert</i> the name.
1868	V	Commissioner in Sindh ...	In the schedule, for Act VII of 1854 (for the apprehension within the territories under the Government of the East India Company of persons charged with the commission of heinous offences beyond the limits of the said territories, and for delivering them up to justice, and to provide for the execution of warrants in places out of the jurisdiction of the authorities issuing them) read The Foreign Jurisdiction and Extradition Act, 1879; and for Act VII of 1865 (to give effect to rules for the management and preservation of Government forests) read The Indian Forest Act, 1878.
1869	V	Indian Articles of War ...	In Part I, clause (c), for or any Act read in any Act. In the heading to Article 170, for "committed" read "of which any person is accused."
"	XX	Indian Volunteers' Act, 1869.	In section 22, for the words from if for offences committed outside to the end, read in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.
1870	VII	Court-fees Act, 1870 ...	For section 34 read the following:— 34. (1) The Local Government may from time to time make rules for regulating the sale of stamps to be used under this Act, the persons by whom alone such sale is to be conducted, and the duties and remuneration of such persons. (2) All such rules shall be published in the local official Gazette, and shall thereupon have the force of law. (3) Any person appointed to sell stamps who disobeys any rule made under this section, and any person not so appointed who sells or offers for sale any stamp, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both. In Schedule I, Article 2, for Act No. XIV of 1854 (to provide for the limitation of suits), section 15, read the Specific Relief Act, 1877, section 9. In Schedule II, Article 4, for Bombay Act No. V of 1864 (to give Mámlatdárs' Courts jurisdiction in certain cases to maintain existing possession or to restore possession to any party dispossessed otherwise than by course of law) read the Mámlatdárs' Courts Act, 1876.
	XXIV	Oudh Tálúqdárs' Relief Act.	In section 12, for the words section three, in the second place in which they occur, read section 4.

THE SECOND SCHEDULE—*continued.**Part I.—Acts of the Governor General in Council—continued.*

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1870	XXVI	Prisons Act, 1870 ...	In the preamble, <i>for</i> and British Burma <i>read</i> Coorg and Burma. In section 6, first paragraph (as amended by Act XIV of 1878), <i>for</i> and British Burma <i>read</i> Coorg and Burma. In section 47, clause (2), <i>for</i> assaults <i>read</i> assault.
"	XXVII	Amending the Indian Penal Code.	In section 13, <i>for</i> the said sections 124A and 225A <i>read</i> sections 124A, 225A and 225B.
1871	V	Prisoners' Act, 1871 ...	In section 13, <i>for</i> section eight of Act No. XXIII of 1861 (<i>to amend Act VIII of 1859</i>) <i>read</i> section 350 of the Code of Civil Procedure, <i>and for</i> the provisions as to deposit of fees and as to release on security contained in the same section; <i>read</i> the provisions as to release on security contained in section 349 of the same Code.
1872	IV	Punjab Laws Act, 1872 ...	In section 12 (as amended by Act XII of 1878, section 2), <i>for</i> the Punjab Tenancy Act, 1868, section 34, <i>read</i> the Punjab Tenancy Act, 1887, section 53. In section 50 (as amended by Act XV of 1875, section 3), <i>for</i> sections forty-three to forty-nine <i>read</i> sections 43 to 48.
"	V	Jurisdiction over Sindh ...	In section 2 (added by Act XX of 1872), <i>for</i> the Administrator General's Act, 1867, <i>read</i> the Administrator General's Act, 1874.
"	IX	Indian Contract Act, 1872	In section 25, clause (1), <i>for</i> assurances <i>read</i> documents. In section 43, first paragraph, <i>for</i> one <i>read</i> one or more. In section 63, Illustration (e), <i>for</i> compensation <i>read</i> composition.
"	XV	Indian Christian Marriage Act, 1872.	In section 4, <i>after</i> is <i>insert</i> or are. In Schedule III, <i>for</i> (See section 28) <i>read</i> (See sections 28 and 31).
✓ 1873	VIII	Northern India Canal and Drainage Act, 1873.	In section 75, clause (3), <i>after</i> whom <i>insert</i> and.
1874	II	Administrator General's Act, 1874.	In section 15, <i>after</i> hereafter <i>insert</i> to.
"	IX	European Vagrancy Act, 1874.	In section 26, <i>for</i> the words <i>from</i> if for offences committed outside to time being <i>read</i> in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.
"	XIV	Scheduled Districts Act, 1874.	<i>After</i> section 5 <i>insert</i> the following section :— 5A. In declaring an enactment in force in a scheduled district or part thereof under section 3 of this Act, or in extending an enactment to a scheduled district or part thereof under section 5 of this Act, the Local Government, with the previous sanction of the Governor General in Council, may declare the operation of the enactment to be subject to such restrictions and modifications as that Government thinks fit.

THE SECOND SCHEDULE—continued.

Part I.—Acts of the Governor General in Council—continued.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1874	XIV —contd.	Scheduled Districts Act, 1874.	In the first schedule, Part I, No. II, for (7) The Konda Mutta of Belgám read (7) The Konda Mutta of Merangi. In the first schedule, Part III, No. I, for Divisions read Districts.
"	XV	Laws Local Extent Act, 1874.	In the second schedule, Part (a), in the entry relating to Madras Regulation II of 1806 for (parts of ss. 1 & 7) read (section 7, clause second). In the sixth schedule, Part I, No. II, for (7) The Konda Mutta of Belgám read (7) The Konda Mutta of Merangi. In the sixth schedule, Part III, No. I, for Divisions read Districts.
1876	X	Bombay Revenue Jurisdiction Act, 1876.	In section 1, clause (b), for Act XV of 1871 read Act XXI of 1881.
"	XIII	Indian Merchant Seamen's Act, 1876.	In section 8, last paragraph, for to imprisonment read with imprisonment.
✓ "	XVII	Oudh Land-revenue Act, 1876.	In section 105, for field read fields.
"	XVIII	Oudh Laws Act, 1876 ...	In section 39, clause (f), for Oudh Revenue Act read Oudh Land-revenue Act, 1876.
1877	III	Indian Registration Act, 1877.	To section 1 add the following :— The Local Government may, with the previous sanction of the Governor General in Council, cancel any order excluding districts or tracts of country from the operation of this Act. In section 83, for the words from if for offences committed outside to the end read in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts. After the third paragraph of section 89 insert the following :— Every Revenue-officer granting a certificate of sale to the purchaser of immoveable property sold by public auction shall send a copy of the certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the property comprised in the certificate is situate, and such officer shall file the copy in his Book No. 1. In section 90, clause (c), for or filed read are filed. In section 24, for Deputy Collector read Deputy Commissioner.
1878	I	Opium Act, 1878 ...	In section 41, clause (c), for dépôt read dépôts.
"	VII	Indian Forest Act, 1878 ...	In section 2, for the first schedule read Part I of the schedule.
"	VIII	Sea-customs Act, 1878 ...	In the schedule appended to section 167, in the first column of the entry numbered 3, for No. 2 read No. 4, and for landing or shipment read shipment and landing; and in the second column of the entry numbered 59, for 141 read 142.
	XVII	Northern India Ferries Act, 1878.	In section 17, clause (c), for first read in the first instance, and for the words and figures from and then to the end of the clause, read and shall then, at the discretion of the Local Government— (i) be placed at the disposal of any District Board or District Boards established under the Punjab District Boards Act, 1883, or,

THE SECOND SCHEDULE—continued.

Part I.—Acts of the Governor General in Council—continued.

1	2	3	
Year.	No.	Subject or title.	Amendment.
1878	XVII— <i>contd.</i>	Northern India Ferries Act, 1878.	(ii) be applied to any of the purposes specified in the second clause of section 5 of the Central Provinces Additional Rates Act, 1878.
1879	I	Indian Stamp Act, 1879...	as the case may be; and. In Schedule I, Article 5, clause (b), for right read rights.
"	XVI	Transport of Salt Act, 1879.	In Schedule II, Article 13, clause (b), before annual insert average.
"	XXI	Foreign Jurisdiction and Extradition Act, 1879.	In section 3, clause (a), for section twenty-eight or section thirty-one of the Act of the Governor of Bombay in Council No. VII of 1873, or by a rawāna granted under Madras Regulation I of 1805, section eleven, clause third, read Chapter V of the Madras Salt Act, 1889, or Chapter V of the Bombay Salt Act, 1890, or the corresponding law for the time being in force in the territories administered by the Governor of Fort St. George in Council or the Governor of Bombay in Council, as the case may be.
1880	VII	Indian Merchant Shipping Act, 1880.	In section 6, for the first thirty-three words read The Governor General in Council may appoint any European British subject, either by name or by virtue of his office, to be a Justice of the Peace in or for any such country or place.
1881	V	Probate and Administration Act, 1881.	In section 68, for purposes read purpose.
✓	XII	North-Western Provinces Rent Act, 1881.	In section 59, after is insert or are. In section 83, for proceeding read proceedings.
✓	XVIII	Central Provinces Land-revenue Act, 1881.	In section 94, for of village-expenses read for village-expenses, and for arrears or share read arrears, share, expenses or dues. In section 33, for the first five grades read the last five classes; for the Central Provinces Courts Act, 1865, read the Central Provinces Civil Courts Act, 1885; and for sections twelve, nineteen and twenty, read section 7. In section 34, for the Central Provinces Courts Act, 1865, sections twelve, nineteen and twenty, read the Central Provinces Civil Courts Act, 1885, section 16 and section 17, sub-section (1), and the powers of a Court of a Commissioner described in the same Act, section 15, sub-section (1). In section 35, for the first four grades read the last four classes.
"	XIX	Lower Burma Forest Act, 1881.	In section 43, clause (g), for station read stations.
"	XXII	Excise Act, 1881 ...	In sections 13 and 55, for Chief Controlling Revenue-authority read Chief Revenue-authority. In the heading to Chapter V, after spirit insert and fermented liquor.
✓	V	Indian Easements Act, 1882.	In section 14, for right read a right.
"	VI	Indian Companies Act, 1882.	In section 66, after the word cheque where it first occurs, insert or. In section 88, after dates insert of. In section 127, for prove read proof. In section 144, clause (f), after the word bill, in the last place in which it occurs, insert hundi.
"	X	Code of Criminal Procedure, 1882	In section 191, between District Magistrate and Sub-divisional Magistrate insert or.

THE SECOND SCHEDULE—continued.

Part I.—Acts of the Governor General in Council—continued.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1882	X—contd.	Code of Criminal Procedure, 1882.	In section 206, after Sub-divisional Magistrate insert or. In Schedule III, in the part entitled "I. Ordinary Powers of a Magistrate of the third class", before the first entry, insert (1A) Power to arrest, or direct the arrest, and to commit to custody a person committing an offence in his presence, section 64.
"	XIV	Code of Civil Procedure ...	In section 6, clause (d), for Maulmain, Akyab or Bassein read or Maulmain. In section 266, clause (1), for Native read Indian. In section 484, for the sum read the same.
1883	V	Indian Merchant Shipping Act, 1883.	In section 568, clause (b), for for read or.
"	XIV	North-Western Provinces and Oudh Local Boards Act, 1883.	In section 6, sub-section (3), for to simple imprisonment read with simple imprisonment.
"	XV	North-Western Provinces and Oudh Municipalities Act, 1883.	In sections 36 and 37, for Government Civil Pension and Leave Codes, wherever those words occur, read Civil Service Regulations.
"	XX	Punjab District Boards Act, 1883.	In sections 37 and 38, for Government Civil Pension and Leave Codes, read Civil Service Regulations.
1884	VI	Inland Steam-vessels Act, 1884.	In sections 28 and 29, for Government Civil Pension and Leave Codes, wherever those words occur, read Civil Service Regulations.
"	XVII	Lower Burma Municipal Act, 1884.	In section 56, for to simple imprisonment read with simple imprisonment.
1886	XII	Petroleum Act, 1886 ...	In sections 34 and 35, for Government Civil Pension and Leave Codes, wherever those words occur, read Civil Service Regulations.
"	XXIII	Dekkhan Agriculturists' Relief Act, 1886.	In section 1, sub-section (3), for The provisions of this Act read Sections 1 to 4 of this Act and the provisions.
1887	XVI	Punjab Tenancy Act, 1887.	In section 10, sub-section (3), for the same section read section 58.
1888	III	Police Act, 1888 ...	In section 45, sub-section (2), before year insert agricultural.
"	VII	Civil Procedure Code Amendment Act, 1888.	In section 2, sub-section (1), for the Bombay District Police Act, 1867, read or the corresponding law for the time being in force in the territories administered by the Governor of Bombay in Council. In section 49, sub-section (2), for the same section read section 562. In section 52, sub-section (2), for the same section read section 566.
1889	V	Coroner of Madras ...	In section 4, sub-section (2), for that Code read the Code of Criminal Procedure, 1862.
"	XI	Lower Burma Courts Act, 1889.	For section 87 read the following— 87. For the purposes of section 47 of the Guardians and Wards Act, 1890, the Special Court constituted under Chapter V of this Act shall be deemed to be the High Court in respect of appeals from orders made by the Judge of the Town of Maulmain.
"	XIII	Cantonments Act, 1889 ...	In section 19, for shall not be imposed under section 17 of this Act in the cantonment, read shall not be leviable in the cantonment in pursuance of a notification under section 17 of this Act.
"	XVIII	Central Provinces Municipal Act, 1889.	In section 29, clause (f), for used read use.

THE SECOND SCHEDULE—*concl'd.**Part I.—Acts of the Governor General in Council—concl'd.*

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1890	III	Amending the Inland Steam-vessels Act, 1884, and the Indian Steamships Act, 1884.	In section 4, sub-section (2), for the same section read section 11 of the said Act. In section 17, sub-section (2), for the same section read section 13 of the said Act.
1891	VII	Amending Act X of 1841...	In section 6, sub-section (2), for the same section read section 17 of the said Act.
<i>Part II.—Regulations of the Bengal Code.</i>			
1793	XI	Inheritance	In section 3, for that section read section 2 and for Regulation XXV, 1793, read the Estates' Partition Act, 1876.
1817	XII	Patwāris	In section 31, for Boards are read Board is. For section 86 read the following:— 35. (1) Any person aggrieved by a decision or order of a Collector under section 20 of this Regulation may appeal within six months from the date thereof to the Commissioner of the Division. (2) The Commissioner may reverse or alter any such decision or order in appeal.
	XX	Police	In the heading prefixed to section 29, for Commercial, Salt and Opium Departments read Opium Department, and for those Departments read that Department. In section 29, clause Twelfth, for Section XXXI, Regulation XIII, 1816, read Act XIII of 1857, section 21.
1818	III	State Prisoners	In section 9, after situated insert and.
1819	II	Resumption of revenue-free lands.	In section 6, clause First, for the words from in the Persian and Bengal languages to Conquered Provinces read in the vernacular of the district. In section 12, after belong insert be. In section 26, clause second, for a appeal read an appeal.
1822	III	Board of Revenue for the Lower Provinces of the Presidency of Fort William in Bengal.	(a) In section 5, clause First, for the Governor General in Council, by an order in Council, and for the Governor General in Council similarly, (b) in section 5, clause First, first proviso, clause Second and clause Third, for Government, and (c) in section 5, clauses Fourth and Fifth for the Governor General in Council—read the Lieutenant-Governor. In section 5, clause First, first proviso, before Collector insert Commissioner or. In section 5, clause First, third proviso, for formally confirmed read made or confirmed in accordance with rules sanctioned.
1823	VI	Indigo contracts	In section 6, for a investigation read an investigation.
1825	XIII	Settlement of resumed lākhirāj land.	In section 4, for the Regulations read the Regulation. In section 5, for Regulations read Regulation.

S. HARVEY JAMES,
Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 21st March 1891, and is hereby promulgated for general information:—

Act No. XIII of 1891.

An Act to amend the Inland Steam-vessels Act, 1884.

WHEREAS it is expedient to amend the Inland Steam-vessels Act, 1884; it is hereby enacted as follows:—

Substitution of new Chapter for Chapter III, Act VI, 1884.

1. For Chapter III of the said Act the following shall be substituted, namely:—

"CHAPTER III.

"MASTERS (INCLUDING SERANGS), AND ENGINEERS (INCLUDING ENGINE-DRIVERS), OF INLAND STEAM-VESSELS.

"22. The Local Government may, from time to time, appoint persons for the purpose of examining the qualifications of persons desirous of obtaining certificates of competency as masters or serangs, or as engineers or engine-drivers, of inland steam vessels.

"23. (1) The Local Government shall grant to every person who is reported by the examiners to possess the necessary qualifications a certificate of competency to the effect that he is competent to act as a first-class master, second class master, or serang, as the case may be, of an inland steam-vessel.

"(2) Every certificate granted under this section shall be in the prescribed form.

"24. (1) The Local Government shall grant to every person who is reported by the examiners to possess the necessary qualifications a certificate of competency to the effect that he is competent to act as an engineer, first-class engine-driver or second-class engine-driver, as the case may be, of an inland steam-vessel.

"(2) Every certificate granted under this section shall be in the prescribed form.

"25. Before granting a certificate under either of the two last foregoing sections, the Local Government may, if it has reason to believe that the report of the examiners regarding any applicant has been unduly made, require a re-examination of the applicant or a further inquiry into his testimonials and character.

"25A. (1) The Local Government may in its discretion grant without examination to any person who has served as a

master, or as an engineer, of an inland steam-vessel before the first day of April 1890, a certificate of service to the effect that he may act as a first-class master, second-class master or serang or as an engineer, first-class engine-driver or second-class engine-driver, as the case may be, of an inland steam-vessel.

"(2) A certificate of service so granted shall have the same effect as a certificate of competency granted under this Act after examination.

"26. Every certificate of competency or service granted under this Act shall be made in duplicate, and one copy shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded in the prescribed manner.

"27. Whenever a master or serang, or an engineer or engine-driver, proves, to the satisfaction of the Local Government which granted his certificate, that he has, without fault on his part, lost or been deprived of it, a copy of the certificate to which, by the record kept as provided by law, he appears to be entitled shall be granted to him, and shall have all the effect of the original.

"28. (1) An inland steam-vessel having engines of eighty nominal horse-power or upwards shall not proceed on any voyage unless she has—

(a) as her master a person possessing a first-class master's certificate granted under this Act or a master's certificate granted under Act I of 1859 (for the amendment of the law relating to Merchant Seamen) or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869, and

(b) as her engineer a person possessing an engineer's certificate granted under this Act or the Indian Steam-ships Act, 1884, or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869.

"(2) An inland steam-vessel having engines of thirty nominal horse-power or upwards but of less than eighty nominal horse-power shall not proceed on any voyage unless she has—

(a) as her master a person possessing a second-class master's certificate granted under this Act or a certificate of the higher grade of the nature referred to in clause (a) of sub-section (1), and

(b) as her engineer a person possessing a first-class engine-driver's certificate granted under this Act or an engine-driver's certificate granted under the Indian Steam-ships Act, 1884, or a certificate of the higher grade of the nature referred to in clause (b) of sub-section (1):

Provided that a steam-vessel shall be deemed to have complied with this sub-section if she has as her master and engineer a person possessing both a second-class master's certificate and a first-class engine-driver's certificate granted under this Act, or, in substitution for either of such certificates, as the case may be, a master's certificate or an engineer's certificate of the higher grade of the nature referred to in sub-section (1).

"(3) An inland steam-vessel having engines of less than thirty nominal horse-power shall not proceed on any voyage unless she has—

- (a) as her master a person possessing a serang's certificate granted under this Act or a certificate of the higher grade of the nature referred to in clause (a) of sub-section (1) or sub-section (2), and
- (b) as her engineer a person possessing a second-class engine-driver's certificate granted under this Act or an engine-driver's certificate granted under the Indian Steam-ships Act, 1884, or a certificate of the higher grade of the nature referred to in clause (b) of sub-section (1) or sub-section (2):

Provided that a steam-vessel shall be deemed to have complied with this sub-section if she has as her master and engineer a person possessing both a serang's certificate and a second-class engine-driver's certificate granted under this Act, or, in substitution for either of such certificates, as the case may be, a master's certificate or an engineer's or engine-driver's certificate of the higher grade of the nature referred to in sub-section (1) or sub-section (2):

"(4) Notwithstanding anything in sub-section (1), sub-section (2) or sub-section (3), the Local Government may, by general or special order, direct that a person possessing a master's certificate granted under Act I of 1859 (*for the amendment of the law relating to Merchant Seamen*) or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869, or possessing an engineer's certificate granted under the Indian Steam-ships Act, 1884, or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869, shall not act as master or engineer, as the case may be, of an inland steam-vessel unless he also possesses, in the case of a master, such a master's or serang's certificate granted under this Act as qualifies him under this section to act as master of the vessel, or, in the case of an engineer, such an engineer's or engine-driver's certificate granted under this Act as qualifies him under this section to act as engineer of the vessel:

Provided that, for the purposes of this sub-section, the Local Government may, in its dis-

cretion, grant without examination a master's or serang's or an engineer's or engine-driver's certificate of competency under this Act, and that a certificate of competency so granted without examination shall have the same effect as a certificate of competency granted under this Act after examination.

"29. (1) The Local Government may make rules to regulate the granting of certificates of competency under this Act, and may, by such rules—

- (a) provide for the conduct of the examination of persons desirous of obtaining certificates of competency as masters or serangs, or as engineers or engine-drivers under this Act;
- (b) prescribe the qualifications to be respectively required of persons desirous of obtaining first-class masters' certificates, second-class masters' certificates, serangs' certificates, engineers' certificates, first-class engine-drivers' certificates and second-class engine-drivers' certificates, respectively;
- (c) fix the fees to be paid by all applicants for examination; and
- (d) prescribe the form in which certificates are to be framed, and the manner in which the copy of the certificate which is kept by the Local Government is to be recorded.

"(2) The Local Government may also make rules with respect to the grant of certificates of service under this Act, and may by such rules—

- (a) fix the fees to be paid for such certificates, and
- (b) prescribe the form in which such certificates are to be framed and the manner in which the copy of the certificate which is kept by the Local Government is to be recorded."

2. For clause (c) of section 43 of the said Act the following shall be substituted, namely:—

"(c) if in the case of a second-class master or serang, or of an engine-driver, the master or serang, or the engine-driver, is or has become, in the opinion of the Local Government, unfit to act as a second-class master or serang, or as an engine-driver, as the case may be;"

3. Sections 9, 10 and 11 of Act III of 1890

(an Act to amend Acts VI and VII of 1884) are hereby repealed.

S. HARVEY JAMES,
Secretary to the Government of India.

17 & 18 Vict.,
c. 104, &c.

32 & 33 Vict.,
c. 11.

Substitution of new
clause for clause (c), section
43, Act VI, 1884.

Repeal of sections 9, 10
and 11, Act III, 1890.

THE



Bombay Government Gazette

Published by Authority.

THURSDAY, 21st MAY 1891.

Separate paging is given to this Part, in order that it may be filed as a separate compilation

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th May 1891, and is hereby promulgated for general information :

Act No. XVI of 1891.

An Act to declare certain Courts in British India to be Colonial Courts of Admiralty.

53 & 54 Vict.
c. 27.

WHEREAS it is provided by the Colonial Courts of Admiralty Act, 1890, that the Legislature of a British possession may by any colonial law declare any Court of unlimited civil jurisdiction in that possession to be a Colonial Court of Admiralty ;

And whereas it is expedient, in pursuance of that provision, to declare certain Courts in British India to be Colonial Courts of Admiralty ;

It is hereby enacted as follows :

1. (1) This Act may be called the Colonial Courts Title and commencement. of Admiralty (India) Act, 1891 ; and

(2) It shall come into effect,—

(a) if Her Majesty's pleasure thereon has been signified, by notification in the *Gazette of India*, on or before the first day of July 1891, then on that day ; or

(b) if Her Majesty's pleasure thereon has not been so signified on or before that day, then on the day on which Her Majesty's pleasure shall be signified by such a notification as aforesaid.

2. The following Courts of unlimited civil jurisdiction are hereby declared to be Colonial Courts of Admiralty, namely :

- (1) the High Court of Judicature at Fort William in Bengal ;
- (2) the High Court of Judicature at Madras ;
- (3) the High Court of Judicature at Bombay ;
- (4) the Court of the Recorder of Rangoon ;
- (5) the Court of the Resident at Aden ; and
- (6) the District Court of Karachi.

3. The expressions " Court having Admiralty jurisdiction " and " Admiralty Court " and the expression " Admiralty or Vice-Admiralty cause," and other expressions referring to Admiralty or Vice-Admiralty Courts or causes, shall, wherever any such expression occurs in any enactment of the Governor General in Council, or of a Governor in Council or Lieutenant-Governor in Council, be

deemed to include a Colonial Court of Admiralty and a Colonial Court of Admiralty cause, and to refer to a Colonial Court of Admiralty or a Colonial Court of Admiralty cause respectively.

4. Court-fees in suits instituted in the Colonial

Court-fees in suits in the Colonial Courts of Admiralty at Rangoon, Aden and Karachi.

Court of Admiralty at Rangoon, Aden or Karachi shall, unless the jurisdiction of the Court is to be exercised in any matter relating to the slave-trade, be leviable in accordance with the provisions of Chapter III of the Court-fees Act, 1870.

VII of 1870.

5. The enactments mentioned in the schedule

are hereby repealed to the extent specified in the

third column thereof.

THE SCHEDULE.

(See section 5.)

ENACTMENTS REPEALED.

Number and year.	Subject or title.	Extent of repeal.
1	2	3
XI of 1889.	Lower Burme Courts Act, 1889.	Section 49, and the words "Admiralty Jurisdiction" prefixed thereto.
II of 1864.	Justice at Aden ...	In the preamble the words and figures from and inclusive of "and whereas Her Majesty" down to and inclusive of "Statute 12 and 13 Vict., c. 84."

S. HARVEY JAMES,

Secretary to the Government of India"

THE



Bombay Government Gazette

Published by Authority.

THURSDAY, 27TH AUGUST 1891.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 20th August 1891, and is hereby promulgated for general information:—

Act No. XVII of 1891.

An Act to amend the Indian Merchant Shipping Act, 1880.

WHEREAS it is expedient to amend and add to the provisions of the Indian Merchant Shipping Act, 1880 (hereinafter called the said Act), respecting unseaworthy and unsafe ships; It is hereby enacted as follows:—

1. (1) This Act may be called the Deck and Load Lines Act, 1891: and

(2) It shall come into force on the first day of September 1891.

2. To section 3 of the said Act the following Addition to section 3, ing shall be added, namely:—

“The Local Government, with the previous sanction of the Governor General in Council, may from time to time, by notification in the local official Gazette, exclude from, or bring again within, the operation of this Chapter or any part thereof, subject to such modifications thereof, (if any) as may be specified in the notification, any Native craft not square-rigged.”

3. To section 4 of the said Act the following Addition to section 4, ing shall be added, namely:—

“Amidships” means the middle of the length of the load water-line as measured from the fore side of the stem to the aft side of the stern-post.

4. For sections 33 to 43, both inclusive, of the said Act the following Substitution of new sections for sections 33 to 43, sections shall be substituted, namely:—

“Deck and Load-lines.

“33. (1) Every British Indian ship shall be permanently and conspicuously marked outside with lines of not less than twelve inches in length and one inch in breadth painted longitudinally on each side amidships, or as near thereto as practicable, and indicating the position of each deck which is above water.

(2) The upper edge of each of these lines shall be level with the upper side of the deck-plank next the waterway at the place of marking.

(3) The lines shall be white or yellow on a dark ground, or black on a light ground.

“34. (1) The master of every British ship not being a coasting-vessel case of vessels which are within the meaning of not coasting-vessels. the Sea Customs Act, VIII of 1878.

1878, shall, before his ship is entered outwards from any port in British India upon any voyage, or, if that is not practicable, as soon after as may be,

mark outside upon each of her sides amidships, or as near thereto as practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre.

39 & 40 Vict.,
c. 80.

(2) The centre of the disc shall be placed at such level below the deck-line marked under the provisions of this Chapter or of the Merchant Shipping Act, 1876, as may be approved by the Local Government, and shall indicate the maximum load-line in perfectly smooth salt-water to which it shall be lawful to load the ship.

(3) When a ship has been marked as by this section required, she shall be kept so marked until she next returns to a port of discharge in British India or arrives at a port in the United Kingdom.

"35. (1) Every person applying for entry of any such ship outwards to Customs-officer for entry outwards of such vessel as aforesaid. shall insert, in the form of application made to the Customs-collector, a statement in writing of the distance in feet and inches between the centre of such disc and the upper edge of each of the lines indicating the position of the ship's decks which is above such centre; and, if default be made in delivering this statement, the Customs-collector may refuse to enter the ship outwards.

(2) A copy of this statement shall be entered in the agreement with the crew before it is signed by any member of the crew; and no shipping-master shall proceed with the engagement of a crew for any such ship until this entry has been made.

(3) The master shall enter a copy of this statement in the official log book (if any).

VIII of 1878.

"36. (1) The master of every British ship which is a coasting-vessel within the meaning of the Sea Customs Act, 1878, shall, before proceeding to sea from any port, mark outside upon each of her sides amidships, or as near thereto as practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre.

39 & 40 Vict.,
c. 80.

(2) The centre of the disc shall be placed at such level below the deck-line marked under the provisions of this Chapter or of the Merchant Shipping Act, 1876, as may be approved by the Local Government, and shall indicate the maximum load-line in perfectly smooth salt-water to which it shall be lawful to load the ship.

(3) When a ship has been marked as required by this section, she shall be kept so marked until notice has been given of an alteration.

"37. (1) The master of every such ship shall also once in every twelve months, immediately before the ship proceeds to sea, send or deliver to the Collector, or other principal officer of Customs of such port as the Local Government may, from time to time, appoint in this behalf, a statement in writing of the distance in feet and inches be-

tween the centre of the disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre.

(2) The master, before the ship proceeds to sea after any renewal or alteration of the disc, shall send or deliver to the Collector or other principal officer of Customs aforesaid notice in writing of such renewal or alteration, together with such statement in writing as before mentioned of the distance between the centre of the disc and the upper edge of each of the deck-lines.

(3) If default be made in sending or delivering any notice or statement required by this section to be sent or delivered, the master shall be liable to a fine which may extend to one thousand rupees.

"38. The foregoing provisions of this Chapter with respect to deck and load-lines are subject to the provisions of the two next following sections.

"39. (1) The position of the discs mentioned in sections 34 and 36 respectively shall be fixed in accordance with the tables framed by the Load-line

Committee appointed in the United Kingdom before the passing of the Merchant Shipping Act, 1890, subject to such allowances as may be necessary in consequence of any difference between the position of the deck-line marked under the provisions of this Chapter or of the Merchant Shipping Act, 1876, and the position of the line from which free board is measured under the said tables, and subject also to such modifications, if any, of the tables and the application thereof as may from time to time, with the previous approval of the Governor General in Council, be sanctioned by the Local Government.

(2) The Local Government shall from time to time appoint—

- (a) a surveyor employed by Lloyd's or by any other society, corporation, or association for the survey or registry of shipping approved by the Board of Trade under section 2 of the Merchant Shipping Act, 1890, and specially authorized in this behalf by Lloyd's or by such society, corporation or association, as the case may be, or
- (b) an officer specially selected by the Local Government for the purpose,

to approve and certify on its behalf from time to time the position of any such disc as aforesaid, and any alteration thereof,

and may, with the previous sanction of the Governor General in Council, from time to time fix the fees to be taken in respect of any such approval or certificate.

(3) The Local Government may suspend or remove from office any surveyor or officer so appointed.

"40. (1) The Local Government, with the previous sanction of the Governor General in Council, may from time to time make rules—

- (a) determining the lines or marks to be used in connection with any such disc as aforesaid, in order to indicate the maximum load-line

under different circumstances and at different seasons, and declaring that the provisions of this Chapter are to have effect as if any such line were drawn through the centre of the disc ;

(b) as to the mode in which the disc and the lines or marks to be used in connection therewith are to be marked or affixed on the ship, whether by painting, cutting or otherwise ;

(c) as to the mode of application for, and form of, certificates under this Chapter ; and

(d) as to the entry of such certificates, and any other prescribed particulars concerning the draught of water and freeboard of the ship, in the official log (if any) of the ship, or other publication thereof on board the ship, and as to delivering copies of such entries.

(2) Rules under clause (a) of sub-section (1) may, with respect to any class or classes of ships,—

(i) declare what shall be deemed to be seasons of fair weather and seasons of foul weather, respectively, for any of the purposes of the rules, and

(ii) modify the tables referred to in sub-section (1) of section 39.

(3) All rules intended to be made under this section shall previously be published in draft in such manner as may be prescribed by the Local Government, and shall not be formally promulgated for ninety days at the least after such publication, and all such rules shall, while in force, have effect as if enacted by this Act.

“ 41. Any master of a ship who neglects to mark, or submerges, or who allows the ship to be so loaded that when in perfectly smooth salt-water the centre of the disc is submerged,

and any person who conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate, any of the lines or marks prescribed by

or under this Chapter, except in the event of the particulars thereby denoted being lawfully altered, or for the purpose of escaping capture by an enemy,

shall be liable in respect of each such offence to a fine which may extend to one thousand rupees.

“ 42. The master of any ship on which any of the marks or lines prescribed by or under this Chapter is inaccurately placed so as to be likely to mislead, who does not forthwith cause such inaccuracy to be corrected, shall be liable to a fine which may extend to one thousand rupees.

“ 43. The provisions of this Chapter as to load-lines shall not apply to ships coming from ports in the United Kingdom.

Saving of ships marked in the United Kingdom and having such lines fixed, marked and certified in accordance with the provisions of the law for the time being there in force, or to ships registered in a British possession and having such lines fixed, marked and certified in accordance with the provisions of an enactment passed by the Legislature of that possession, with respect to which enactment such a declaration as is mentioned in section 3 of the Merchant Shipping Act, 1890, has been made by an order of Her Majesty in Council and is for the time being in force.”

5. To the said Act the following section Addition to Act VII, shall be added, namely :— 1890.

“ 85. The provisions of this Act for the prevention of the overloading and improper loading of British ships shall apply to foreign ships also when in ports of British India unless such foreign ships, if in ports of the United Kingdom, would be entitled to the benefit of an Order of Her Majesty in Council under section 4 of the Merchant Shipping Act, 1890.”

S. HARVEY JAMES,
Secretary to the Government of India.

THE



Bombay Government Gazette

Published by Authority.

THURSDAY, 8TH OCTOBER 1891.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st October 1891, and is hereby promulgated for general information:—

Act No. XVIII of 1891.

An Act to amend the Law of Evidence with respect to Bankers' Books.

WHEREAS it is expedient to amend the Law of Evidence with respect to Bankers' Books; It is hereby enacted as follows:—

Title, extent and commencement. 1. (1) This Act may be called the Bankers' Books Evidence Act, 1891.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

2. In this Act, unless there is something repugnant in the subject or context,—

(1) "company" means a company registered under any of the enactments relating to companies from time to time in force in British India, or incorporated by an Act of Parliament or of the Governor General in Council, or by Royal Charter or Letters Patent:

(2) "bank" and "banker" mean—

(a) any company carrying on the business of bankers,

(b) any partnership or individual to whose books the provisions of this Act shall have been extended as hereinafter provided:

(3) "bankers' books" include ledgers, day-books, cash-books, account-books and all other books used in the ordinary business of a bank:

(4) "legal proceeding" means any proceeding or inquiry in which evidence is or may be given, and includes an arbitration:

(5) "the Court" means the person or persons before whom a legal proceeding is held or taken:

(6) "Judge" means a Judge of a High Court:

(7) "trial" means any hearing before the Court at which evidence is taken; and

(8) "certified copy" means a copy of any entry in the books of a bank, together with a certificate written at the foot of such copy that it is a true copy of such entry; that such entry is contained in one of the ordinary books of the bank, and was made in the usual and ordinary course of business; and that such book is still in the custody of the bank, such certificate being dated and subscribed by the principal accountant or manager of the bank with his name and official title.

3. The Local Government may, from time to time, by notification in

Power to extend provisions of Act. the official Gazette, extend the provisions of this Act to the books of any partnership or individual carrying on the business of bankers within the territories under its administration, and

keeping a set of not less than three ordinary account books, namely, a cash-book, a day-book or journal and a ledger, and may in like manner rescind any such notification.

4. Subject to the provisions of this Act, a certified copy of any entry in a banker's book shall in all legal proceedings

be received as *prima facie* evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent as, the original entry itself is now by law admissible, but not further or otherwise.

5. No officer of a bank shall in any legal proceeding to which the bank is not a party be compellable to produce any banker's book the contents of which can be proved under this Act, or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the Court or a Judge made for special cause.

6. (1) On the application of any party to a legal proceeding, the Court or a Judge may order that such party be

at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of such proceeding, or may order the bank to prepare and produce, within a time to be specified in the order, certified copies of all such entries, accompanied by a further certificate that no other entries are to be found in the books of the bank relevant to the matters in issue in such proceeding, and such further certificate shall be dated and subscribed in manner hereinbefore directed in reference to certified copies.

(2) An order under this or the preceding section may be made either with or without

summoning the bank, and shall be served on the bank three clear days (exclusive of bank holidays) before the same is to be obeyed, unless the Court or Judge shall otherwise direct.

(3) The bank may at any time before the time limited for obedience to any such order as aforesaid either offer to produce their books at the trial or give notice of their intention to show cause against such order, and thereupon the same shall not be enforced without further order.

7. (1) The costs of any application to the Court or a Judge under or for the purposes of this Act and the costs of anything done or to be done under an order of the Court or a Judge made under or for the purposes of this Act shall be in the discretion of the Court or Judge, who may further order such costs or any part thereof to be paid to any party by the bank if they have been incurred in consequence of any fault or improper delay on the part of the bank.

(2) Any order made under this section for the payment of costs to or by a bank may be enforced as if the bank were a party to the proceeding.

(3) Any order under this section awarding costs may, on application to any Court of Civil Judicature designated in the order, be executed by such Court as if the order were a decree for money passed by itself:

Provided that nothing in this sub-section shall be construed to derogate from any power which the Court or Judge making the order may possess for the enforcement of its or his directions with respect to the payment of costs.

L. PORTER,

Offg. Secretary to the Govt. of India.

Bowling cuts for

1891

THE



Bombay Government Gazette

Published by Authority.

THURSDAY, 19TH NOVEMBER 1891.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 23rd August 1891, and the assent of His Excellency the Viceroy and Governor General on the 10th October 1891, and is published for general information :—

Bombay Act No. I of 1891.

An Act to amend the Bombay General Clauses Act, 1886.

(The assent of the Governor General was first published by the Governor of Bombay on the 19th November 1891.)

WHEREAS it is expedient to amend the Bombay General Clauses Act in manner hereafter appearing: It is hereby enacted as follows :—

1. Schedules A and B of the Bombay General Clauses Act, 1886, are repealed to the following extent, that is to say,

(a) In each column of Schedule A so much thereof as relates to Bombay Act VII of 1873,

(b) In each column of Schedule B so much thereof as relates

(i) to Sections 19 and 21 of Regulation XXII of 1827 of the Bombay Code,

(ii) to Bombay Act III of 1866,

(iii) to Bombay Act III of 1867,

(iv) to Bombay Act III of 1872,

(v) to Bombay Act V of 1873,

(vi) to Bombay Act VII of 1873,

(vii) to Sections 38 and 53 of Bombay Act III of 1874 and

(c) In the last column of Schedule B so much thereof as relates to Sections 6 and 12 of Bombay Act I of 1863.

2. Schedule B of the Bombay General Clauses Act, 1886, is modified to the extent and in the manner following, that is to say,

(a) In the second column thereof

(i) in the portion relating to Bombay Act VIII of 1867, and above the first entry therein, there shall be inserted in column 2 the figure "1" and in column 4 the words "Commissioner of Police" and the words and figures "Act 1867," and in column 5 the words and figures "Acts 1867 and 1890 in substitution for Act 1867."

(ii) in the portion relating to Bombay Act I of 1833, after the

figure "3" there shall be inserted the figure "4."

(b) For the words and figures in the second and fourth columns thereof relating to Bombay Act VI of 1879, there shall be substituted the following, that is to say,

In column 2	In column 4
21	"the last three words"
34	"of this Act."

By order of His Excellency the Right Honourable the Governor in Council,

A. C. LOGAN,

Secretary to the Council of the Governor of
Bombay for making Laws and Regulations.

Bombay Castle, 18th November 1891,

THE



Bombay Government Gazette

Published by Authority.

MONDAY, 18TH JANUARY 1892.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 29th September 1891, and the assent of His Excellency the Viceroy and Governor General on the 28th December 1891, and is published for general information

Bombay Act No. II of 1891.

An Act to amend the Law for the periodical inspection and the management by competent Engineers of Boilers and Prime Movers in the Presidency of Bombay.

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 18th January 1892.)

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Bombay Act No. II of 1891.

An Act to amend the Law for the periodical inspection and the management by competent Engineers of Boilers and Prime Movers in the Presidency of Bombay.

Whereas it is expedient to amend the law for the inspection and management of steam boilers, and of prime movers; It is enacted as follows:—

Preamble.

Preliminary.

1. (1) This Act may be cited as "The Bombay Boiler Inspection Act, 1891."

Short title.

(2) It shall come into force at once in the city of Bombay and in the districts and places in which the Bombay Boiler Inspection Act, 1887, is at present in force. And the Governor in Council may from time to time, by notification in the *Bombay Government Gazette*:

Commencement and extent of Act.

(a) extend it to any other district or place in the presidency of Bombay;

(b) withdraw it from operation in any district or place other than the city of Bombay to which it extends or has been by him extended.

(3) But nothing in this Act shall be deemed to apply to any boiler or prime mover in any steam-vessel, or to any locomotive engine, boiler or prime mover used upon or appertaining to any railway within the meaning of that word as defined in section 3, clause (4), of the Indian Railways Act, 1890, or to any boiler or prime mover used exclusively for domestic purposes at atmospheric pressure.

Limitation of application of Act.

Repeal of Bombay Act III of 1887.

2. (1) The Bombay Boiler Inspection Act, 1887, is hereby repealed:

(2) Provided that nothing in this Act shall affect the validity, according to its tenor, of any certificate granted under the said Bombay Boiler Inspection Act, 1887, or under the Boiler Inspection Act, 1873. Every such certificate shall, for all the purposes of this Act, be deemed to have been granted, and to be in force, under the corresponding provisions of this Act.

Proviso.

3. In this Act, unless there be something repugnant in the subject or context:

(a) "boiler" includes any cylinder or vessel for generating steam or wherein steam is generated under pressure and any steam chest or other apparatus closely attached thereto;

(b) "prime mover" includes any steam-engine, steam-hammer, fly-wheel, first driving-shaft or pulley attached to any such engine, and every appurtenance necessary for the safe and efficient working of a prime mover;

(c) "owner" includes any agent or hirer using any boiler.

Inspection of Boilers.

4. (1) Government may from time to time appoint one or more inspectors for the purposes of this Act, who shall be removable at the pleasure of Government.

(2) The local extent of each such inspector's duties and the mutual relations of inspectors shall be fixed from time to time by Government.

(3) Subject to such rules as may from time to time be framed by Government under section 35, the inspectors shall be under the control of the Collector of the place or district in which the boilers to be inspected by such inspectors are respectively situated.

5. Government shall, as occasion may require, appoint commissions, either generally or specially, for hearing appeals preferred by owners under section 11 and for determining questions submitted to them under section 14. Such commissions shall consist of such person or persons as the Government shall deem fit to nominate, and their appointment shall

Appointment of commissions.

Local extent of their duties.

Their subordination to the Collectors.

Appointment of inspectors.

endure for such term as shall be prescribed by Government.

Owner not to use a boiler without a certificate.

6. (1) It shall not be lawful for the owner of any boiler :

(a) to use the same, or to permit the same to be used, unless a certificate shall have been duly granted in respect thereof in the manner hereinafter provided; or

(b) to continue to use the same, or to permit the use thereof to be continued, after the period for which any such certificate shall have been granted has expired; or

(c) to work the same or to permit the same to be worked, at a higher pressure than that allowed by such certificate; or

(d) to work the same or permit the same to be worked at any time, except whilst he has in his employ as engineer in direct and immediate management and charge thereof, a person who is a fit and proper person to manage and be in charge of the same :

(2) Provided that :—

(e) the owner of a boiler who holds in respect thereof a certificate as aforesaid, and who before the expiry of the period of such certificate gives notice under the next following section, of his intention to continue to use the same after the expiry of the said period, may, subject to the provisions of clauses (c) and (d) of sub-section (1), continue to use the same or to permit the use thereof until it is examined in pursuance of such notice ;

(f) a person employed to manage and be in charge of not more than two sets of boilers which boilers all belong to the same owner and are so situated that no one of them is more than a thousand feet apart from any other of them, may notwithstanding their distance from each other be deemed to be employed in direct and immediate management and charge of all such boilers.

7. (1) The owner of any boiler who desires to use the same shall, if it is unregistered, cause it to be registered.

(2) The owner of a boiler may give notice in writing to the inspector that he desires to have the same registered,

Owner who desires to use a boiler to register the same.

Notice from owner, inspector to register boiler.

whereupon the inspector shall register such boiler and shall allot to it a number corresponding to the number of the entry concerning it in the register of boilers. Such number shall be called the registry number of the boiler. It shall be communicated to the owner, and shall, within such reasonable period as the inspector may direct, be permanently marked upon the boiler by the owner thereof so as to be plainly visible, and in such manner as Government may from time to time prescribe.

8. (1) If the owner of a boiler does not hold in respect thereof a certificate which is at the time in force, having caused the boiler to be registered or having given a notice under sub-section (2) of section 7 in relation thereto, shall before using or continuing to use the said boiler give notice if it be situate in a city or town for which expressly an inspector has been appointed by Government to such inspector of his intention to use or to continue to use the said boiler and of his desire to obtain a certificate.

(2) The inspector to whom such notice is given shall, appoint a time between sunrise and sunset and within four days after the receipt of such notice, for the examination of such boiler, and at such time shall carefully examine such boiler and every appurtenance closely attached thereto.

(3) If such boiler be not situate in a city or town for which expressly an inspector has been appointed by Government the owner shall, before using or continuing the use of the same, give notice to the Collector of the district in which it is situate of his intention to use or to continue to use the same, and the Collector shall, cause an examination as aforesaid to be made by an inspector with the least possible delay and within 20 days after the receipt of such notice, and shall inform the owner of the date on which the said examination will take place.

(4) Every person giving a notice under this section shall pay the fees prescribed for the examination by a rule made under section 35.

Fees to be paid. simultaneously pay the fees prescribed for the examination by a rule made under section 35.

(5) If a boiler be procured in, or be imported into, the city of Bombay, or Karáchi for use in any place beyond the said cities in which this Act is at the time in force, the owner of such boiler may, at his option, cause the same to be registered, numbered and examined for a certificate under the foregoing provisions of this section before it is removed from either of the said cities. Such certificate shall operate for a period of six months only from the date thereof.

Necessary information must be furnished by owner, and necessary dispositions made for facilitating examination.

9. (1) The owner or person in charge of any boiler so to be examined shall:

(a) afford to the inspector all reasonable facilities for such examination; and all such information as may reasonably be required by him;

(b) previously arrange that—

(i) the boiler shall be empty and cool, and shall be cleaned inside and outside;

(ii) fire-flues shall be swept;

(iii) fire-bars and fire-bridges shall be removed;

(iv) blow-off and other cocks shall be cleared for the purpose of examination;

(c) if required by the inspector, cause any brick-work or masonry in contact with the boiler to be removed;

(d) during the examination, keep the boiler effectively disconnected from any steam or hot water communication with any other boiler.

(2) the provision as to disconnection contained in clause (d) shall extend to every case wherein a person is sent, with the owner's assent goes, into a boiler for any purpose connected therewith.

10. (1) If the inspector is satisfied that the boiler and the appurtenances closely attached thereto are in good condition, and if the registry number of the boiler is properly marked thereon in accordance with sub-section (2) of section 7, the inspector shall give to the owner a certificate to that effect.

(2) Every certificate so granted shall be renewed by the inspector from time to time, if he is satisfied, after re-examining the boiler and the

appurtenances closely attached thereto under the provisions of section 8, that the same are in good condition and that the registry number of the boiler is properly marked thereon as aforesaid.

(3) Every original or renewed certificate granted under this section shall be in the form of, and contain the particulars specified in, schedule A. Except as is otherwise provided in sub-section 5 of section 8, every such certificate shall be granted for such period not exceeding twelve months as the owner of the boiler shall desire, unless it shall appear to the inspector improbable that the boiler and the appurtenances closely attached thereto will remain in good condition for so long a period, in which case the certificate shall be granted for such shorter period as the inspector in his discretion deems fit.

11. If an inspector refused to give a certificate or a renewed certificate to the owner of any boiler, or refused to give the same for the full period applied for, he shall be bound to give to such owner, within forty-eight hours, his reasons for such refusal, in writing, and any owner deeming himself aggrieved by the decision of the inspector may, within one month from the date of the said refusal, lodge with the Collector of the place or district in which the boiler is situate an appeal to be heard by a commission appointed under section 5.

Appeal to be from refusal by an inspector to give certificate.

12. (1) The owner's petition of appeal shall be forthwith forwarded by the Collector to the commission, and the said commission shall, within four days after the date of the receipt of the same, if the boiler be situated in the city of Bombay, and within ten days after the date of its receipt, if the boiler be situated elsewhere, inquire into and determine such appeal.

(2) The commission may either reject the appeal or grant the owner a certificate for such period not exceeding twelve months as it thinks fit.

(3) The inquiry shall be held in public, and the decision of the commission shall be final.

13. (1) If the commission is of opinion that the appeal is unfounded or frivolous, it may award

When commission may award costs.

any sum not exceeding one hundred and fifty rupees, to be paid by the owner as costs.

(2) Any sum so awarded by the commission shall be recoverable by the Collector from the owner, as an arrear of land-revenue.

14. (1) Any commission appointed under section 5 may after such inquiry as shall seem just revoke any certificate granted under section 10 or 12:

(a) if any fee, lawfully due under this Act, shall not be paid after the same has been duly demanded, or

(b) if there shall be reason to believe that such certificate has been fraudulently obtained or erroneously granted, or has been granted without sufficient examination, or

(c) if there shall be reason to believe that, since the granting of such certificate, the boiler in respect whereof it was granted has sustained injury or has ceased to be in good condition.

(2) After such revocation, the boiler in respect whereof the certificate has been revoked shall not again be used until a further examination shall have been made and a certificate granted by the inspector with the countersignature of the said commission, or, if the commission consists of more than two persons, of a majority thereof or of their successors in office.

15. (1) It shall be lawful for an inspector, at any time between sunrise and sunset on any day during the period for which a certificate may have been granted under section 10, 12, or 14, to examine any boiler at work or not for which boiler such certificate has been granted, in order to ascertain whether such boiler is still in good condition, and whether any cause exists for revoking the said certificate.

(2) It shall be lawful for the inspector to order the working of a boiler to be stopped only when that shall in his opinion be indispensable for the proper examination of the boiler. The reasons for any such stoppage shall be given in writing by the

inspector to the owner, on the owner's demand, concurrently with the order for stoppage, and the owner shall thereon become subject to the provisions of section 9.

16. If at any time during the period for which a certificate has been granted under section 10, 12, or 14, any structural alteration or renewal is made in any part of the boiler to which such certificate relates, it shall be the duty of the owner of such boiler to give notice in writing of such alteration to the person hereinafter specified either before the same is commenced or whilst it is in progress.

17. (1) It shall be the duty of every owner or person in charge of a boiler to report in writing to the person hereinafter specified within twelve hours of its occurrence, every accident to the boiler or to any apparatus attached thereto, which is calculated to weaken the strength of such boiler or to render it liable to explode.

(2) Every such report shall contain a true description of the nature of the accident and of the injury thereby caused, sufficient to enable the person to whom it is made to judge of the gravity of the accident.

(3) The owner or person in charge of the boiler shall be bound to answer questions truly, to the best of his knowledge and ability, every question put to him in writing by the person to whom the report is made as to the cause, nature and extent of the accident.

(4) Elsewhere than in the city of Bombay, the Collector of the district or any person whom the said Collector generally or specially authorizes in this behalf, may, after visiting the scene of any such accident as aforesaid, by an order in writing direct that the use of the boiler be discontinued until it has been examined and certified as fit for use by an inspector, and the owner and person in charge of the boiler shall be bound to obey such order.

(5) The persons to whom reports under this section and notices under the last preceding section shall be made or given

are, in the city of Bombay, the inspector, and, elsewhere, the Collector of the district or such person as the said Collector appoints to receive the same.

18. (1) The owner of any boiler who shall have obtained a certificate therefor, shall at all reasonable times during the period for which such certificate is in force, be bound to produce the same when called upon to do so by any Presidency Magistrate in the city of Bombay, or by the Collector of the district elsewhere, or by any person generally or specially authorized in writing by such Magistrate or Collector to demand its production.

(2) A person who becomes owner of a boiler during the time for which a certificate therefor operates shall be entitled to receive the certificate from the preceding owner and shall be subject to the provisions of sub-section (1).

Engineers' Certificates.

19. Examinations shall be held periodically, by a board of examiners at such places, and on such dates as Government shall determine, of persons who desire to qualify as engineers for the management of boilers.

20. The Governor in Council shall from time to time nominate competent persons to be members of the board of examiners for the said examinations. In no case shall an inspector appointed under this Act be a member of such board.

21. (1) Every applicant for examination who is declared by the said board to have passed an examination shall receive a certificate of competency in accordance with the board's decision as to his qualifications, which shall be signed by the members of the board.

(2) Certificates of competency may be of different classes, and a certificate of each class shall qualify the holder thereof to manage or be in charge of a boiler of such capacity or kind as the Governor in Council may from time to time direct in the rules to be framed under section 35.

22. (1) If any engineer is in possession of a certificate of competency granted by any competent authority in British India, or in the United Kingdom, or in any British colony, he shall be entitled to receive a certificate of competency as aforesaid, without undergoing examination.

(2) Government may from time to time determine what authorities shall be deemed competent for the purpose of this section.

(3) The certificate granted under this section shall be of such class as the board of examiners, or a majority of the members of the said board, on a consideration of the nature of the certificate in the engineer's possession, shall determine.

23. (1) The board may in the case of any person who satisfies it that he has served for a period of not less than three years prior to the date on which this Act comes into force as engineer in actual charge and management of a boiler, and that he is possessed of competent practical skill for such work, grant to him a certificate of service to the effect that he is qualified to the like extent as the holder of a certificate of competency of any class which the board in such certificate of service specifies.

(2) Such certificate of service shall be signed as in the case of a certificate of competency.

(3) A certificate of service so granted shall have the same effect as a certificate of competency granted under this Act.

24. (1) If by means of any inquiry conducted under the provisions of this Act or of the Rules, framed thereunder it shall be established to the satisfaction of the Governor in Council that any engineer possessing a certificate of competency granted under section 21 or 22 or a certificate of service granted under section 23 is incompetent, or is addicted to drunkenness, or has been guilty of any serious misconduct or negligence, the Governor in Council may cancel such certificate, or suspend the same for such time as he shall deem fit.

(2) The holder of such certificate shall, on demand by the persons charged with the inquiry, forthwith place in the hands of such persons his certificate to abide the result of such inquiry.

(3). When any holder of a certificate shall have been called on to deposit the same under sub-section 2, or when any inquiry into his conduct shall have been directed by Government, if such holder shall fail to deposit his certificate, or shall withdraw beyond the limits of the Presidency of Bombay, Government may notify such failure or withdrawal by notification giving a statement of the circumstances so far as known.

25. A duplicate of every certificate of competency or service granted under this Act shall be kept and recorded in such manner as the Governor in Council shall direct; and all orders made under the last preceding section for cancelling or suspending any certificate shall be from time to time entered on the record containing such duplicates.

26. Whenever any engine or boiler proves to the satisfaction of the Governor in Council that he has, without fault on his part, lost or been deprived of any certificate granted to him under this Act, a duplicate of the certificate to which by the record so kept as aforesaid he appears to be entitled, shall be furnished to him, which shall have for all purposes the same validity as the original certificate.

27. No person who does not possess a certificate of competency or service granted under section 21, 22, 28 or 26 shall be deemed a fit and proper person to manage or be in charge of a boiler; and no holder of any such certificate shall be deemed a fit and proper person to manage or be in charge of any boiler except to the extent of his qualification indicated by his said certificate.

Penalties.

28. Any owner of a boiler who:

(a) fails to give notice, as required by section 16, of any structural alteration or renewal thereof;

(b) refuses or neglects to produce the certificate which he has obtained therefor, when duly

called upon so to do under section 18 and every owner or person in charge of a boiler who:

(c) fails to report to the inspector, as required by section 17, any accident to a boiler, of the kind mentioned in that section,

shall, for every such omission, refusal or neglect, be punished with fine which may extend to one hundred rupees.

29. (1) The owner of any boiler who shall:

(a) use the same or permit it to be used, without a certificate duly obtained and in force in respect thereof;

(b) work the same or permit the same to be worked at any time, except whilst he has in his employ as engineer in direct and immediate management and charge thereof, a person who is a fit and proper person to manage and be in charge of the same; and any such owner or any person who shall:

(c) work the same, or permit it to be worked, in contravention of an order for discontinuing its use, made under sub-section (4) of section 17, or at a higher pressure than that allowed by any certificate duly obtained and in force in respect thereof,

shall be punished with fine which may extend to one hundred rupees for every day or part of a day that he shall so use or work the said boiler, or permit the same to be so used or worked.

(2) And if the said owner or person shall continue so to use or work the boiler, or to permit the same to be so used or worked after such fine shall have been imposed, he shall be held to have committed a separate offence, and shall be punished with a further fine which may extend to one hundred rupees for each day or part of a day after the first conviction during which the offence is continued, and in like manner after each subsequent conviction.

30. (1) Whoever removes, alters, defaces, renders invisible or otherwise tampers with the registry number marked on a boiler shall, for every such act, be punished with fine which may extend to five hundred rupees.

(2) And whoever fraudulently marks upon a boiler a registry number which has not been duly allotted to it under this Act shall be punished with imprisonment which may extend to two years or with fine or with both.

31. A person who being bound to deposit his certificate under the provisions of section 24 (2) shall refuse or omit to do so, shall be punished with fine which may extend to Rs. 500.

32. All offences against this Act shall be cognizable in the city of Bombay by a Presidency Magistrate, and elsewhere by a Magistrate of the First Class.

33. No charge shall be brought against any person of any offence punishable under this Act, except within six months after the commission of the offence, nor shall any such charge be brought except with the sanction or under the direction of the Collector of the place or district in which such offence is alleged to have been committed.

34. No proceeding shall be taken to enforce the penalties mentioned in section 30 in any district or place in which the Bombay Boiler Inspection Act, 1887, is not now in force, before such day after this Act shall have been extended to such district or place as Government shall fix by notification in the *Bombay Government Gazette*.

Miscellaneous.

35. Government may from time to time frame rules not inconsistent with this Act, for

(a) settling the duties and emoluments of commissions, inspectors and examiners appointed under this Act, and regulating the control to be exercised by Collectors over inspectors;

(b) fixing the fees to be levied for inspection of boilers under sections 8 and 17 at such rates not exceeding those prescribed in schedule B as Government thinks fit;

(c) regulating the submission of appeals under section 12, the reference and cognisance of matters under section 14, the procedure to be followed in the hearing of the appeals and inquiry into the matters aforesaid, and the conduct of the examinations to be held under section 19, and providing for interpretation in the case of candidates unacquainted with English;

(d) prescribing the qualifications to be required of candidates at the said examinations, the fees to be paid by them, the forms of the certificates to be granted to them, and the capacity or kind of boiler of which each such certificate shall qualify the holder thereof to be in charge;

(e) providing for inquiry into an allegation of drunkenness, misconduct or negligence on the part of the holder of a certificate of competence or service;

(f) generally for giving effect to the provisions of this Act.

All rules so framed may from time to time be varied, or cancelled, by Government, and shall be published in the *Bombay Government Gazette*, and when so published shall, until cancelled or varied, have the force of law.

36. All fees, costs and penalties levied under this Act shall be disposed of in such manner as Government shall from time to time direct.

37 (1). The Governor in Council may, from time to time by notification:

(a) apply so much of this Act as relates to the taking out and grant of certificates for and the inspection of boilers to prime movers generally, or to prime movers of any particular class in any place or district in which this Act is at the time in force, and

(b) cancel any such notification.

(2). During such period as any notification under the above clause (a) is in force in any place or district, the provisions of this Act thereby made applicable to prime movers shall be read and understood in such place or district as if the word "boiler" included the words "prime mover" wherever used therein.

SCHEDULE A.

(SEE SECTION 10.)

Form of Inspector's Certificate.

Name of owner.	Registry No. and Description of boiler and age.	Power.	When and where made.	When and where last repaired.	Time for which this certificate is to be in force.	Maximum pressure at which the boiler may be worked.	Remarks.

I, the undersigned, certify that I have examined the above-named boiler, and to the best of my judgment the boiler, as shown in the above statement, and all its necessary appurtenances, are in good condition and the Registry No. is properly marked thereon.

A. B., Inspector.

SCHEDULE B.

(SEE SECTION 35.)

Maximum Rates of Fees leviable for Inspections of Boilers under sections 8 and 17.

	Rs.
(1) For the inspection of each boiler not exceeding 10 horse power nominal	15
(2) Ditto ditto exceeding 10 but not exceeding 20 ditto	20
(3) Ditto ditto exceeding 20 but not exceeding 30 ditto	30
(4) Ditto ditto exceeding 30 but not exceeding 50 ditto	40
(5) Ditto ditto exceeding 50 ditto	50

By order of His Excellency the Right Honourable the Governor in Council,

C. H. A. HILL,

Secretary to the Council of the Governor of Bombay
for making Laws and Regulations.

Bombay Castle, 14th January 1892.

acts.

1892

THE



Bombay Government Gazette.

1892.

PART IV.

ACTS

PASSED BY THE

GOVERNMENT OF INDIA

AND BY THE

GOVERNMENT OF BOMBAY.

Bombay:

PRINTED AT THE GOVERNMENT CENTRAL PRESS.

MDCCCXCIII.

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THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 28TH JANUARY 1892.

Separate paging is given to this Part, in order that it may be filed as a separate compilation

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th January 1892; and is hereby promulgated for general information :—

Act No. I of 1892.

An Act to amend the Indian Tariff Act, 1882.

XI of 1882.

WHEREAS it is expedient to amend the Indian Tariff Act, 1882; It is hereby enacted as follows :—

Commencement.

1. This Act shall be deemed to have come into force on the fifteenth day of January 1892.

XI of 1882.

Substitution of new clause for clause (a) in section 5, Act XI of 1882.

2. For clause (a) in section 5 of the Indian Tariff Act, 1882, the following shall be substituted, namely :—

“(a) Foreign European Settlements bordering on any part of the territories administered by the Governor of Fort St. George in Council or by the Governor of Bombay in Council.”

S. HARVEY JAMES,

Secretary to the Government of India

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 18TH AUGUST 1892.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 29th January 1892, and is hereby promulgated for general information:—

Act No. II of 1892.

An Act to validate certain marriages solemnized under Part VI of the Indian Christian Marriage Act, 1872.

XV of 1872. WHEREAS provision is made in Part VI of the Indian Christian Marriage Act, 1872, for the solemnization of marriages between persons of whom both are Native Christians, but not of marriages between persons of whom one only is a Native Christian;

And whereas persons licensed under section 9 of the said Act have in divers parts of British India, through ignorance of the law, permitted marriages to be solemnized in their presence under the said Part between persons of whom one is a Native Christian and the other is not a Native Christian;

And whereas it is expedient that such marriages, having been solemnized in good faith, should be validated;

It is hereby enacted as follows:—

Commencement. 1. This Act shall come into force at once.

2. In this Act the expression "Native Christian" has the same meaning as in the Indian Christian Marriage Act, 1872.

XV of 1872. 3. All marriages which have already been solemnized under Part VI of the Indian Christian Marriage Act, 1872, between persons of whom one only was a Native Christian, shall be as good and valid in law as if such marriages had been solemnized between persons of whom both were Native Christians: *

Provided that nothing in this section shall apply to any marriage which has been judicially declared to be null and void, or to any case where either of the parties has, since the solemnization of such marriage and prior to the commencement of this Act, contracted a valid marriage.

4. Certificates of marriages which are declared by the last foregoing section to be good and valid in law, and registered books, and certified copies of true and duly authenticated extracts therefrom, deposited in compliance with the law for the time being in force, in so far as the register-books and extracts relate to such marriages as aforesaid, shall be received as evidence of such marriages as if such marriages had been solemnized between persons of whom both were Native Christians.

5. References in this Act to the Indian Christian Marriage Act, Application of Act to marriages under Act V of 1872, shall, so far as may be requisite, be construed as applying also to the corresponding portions of the Indian Marriage Act, 1865. XV of 1872 V of 1865.

6. If any person licensed under section 9 of the said Act to grant certificates of marriage between Native Christians shall at any time after the commencement of this Act solemnize or affect to solemnize any marriage under Part VI of the said Act or grant any such certificate as therein mentioned, knowing that one of the parties to such marriage or affected marriage was at the date of such solemnization not a Christian, he shall be liable to have his license cancelled, and in addition thereto he shall be deemed to have been guilty of an offence prohibited by section 73 of the said Act, and shall be punishable accordingly.

S. HARVEY JAMES,

Secretary to the Government of India.

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 4TH AUGUST 1892.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 29th July 1892, and is hereby promulgated for general information:

Act No. VI of 1892.

An Act to amend the Indian Limitation Act, 1877, and the Code of Civil Procedure.

WHEREAS it is expedient to amend the Indian Limitation Act, 1877, and the Code of Civil Procedure; It is hereby enacted as follows:

XV of 1877.

Addition of new section after section 5, Act XV of 1877.

1. After section 5 of the Indian Limitation Act, 1877, the following section shall be added, namely:

"5A. Whenever it is shown to the satisfaction of the Court that an appeal or an application for a review of judgment was presented after the expiration

of the period of limitation prescribed for such appeal or application owing to the appellant or applicant having been misled by any order, or practice or judgment of the High Court of the Presidency, Province or District, such appeal or application, if otherwise in accordance with law, shall for all purposes be deemed by all Courts to have been presented within the period of limitation prescribed therefor."

XIV of 1882.

2. To Chapter XXII of the Code of Civil Procedure the following section shall be added, namely:

"375A. Nothing in this Chapter shall apply to any application or other proceeding in any suit subsequent to the decree.

Applications for execution of decrees not affected.

"Explanation.—An application to the Appellate Court pending an appeal is not an application subsequent to the decree appealed from within the meaning of this section."

Addition of new section after section 582 of said Code.

3. After section 582 of the said Code the following section shall be added, namely:

"582A. If a memorandum of appeal or application for a review of judgment has been presented within the proper period of limitation, but is written upon paper insufficiently stamped and the insufficiency of the stamp was caused by a mistake on the part of the appellant or applicant as to the amount of the requisite stamp, the memorandum of appeal or application shall have the same effect and be as valid as if it had been properly stamped: Provided that such appeal or application shall be rejected unless the appellant or applicant supplies the requisite stamp within a reasonable time after the discovery of the mistake to be fixed by the Court."

4. To section 647 of the said Code the following shall be added, namely:

Addition to section 647 of said Code.

4. To section 647 of the said Code the following shall be added, namely:

"Explanation.—This section does not apply to applications for the execution of decrees, which are proceedings in suits."

5. The provisions of this Act shall apply to every appeal and review of judgment heard after the passing hereof, notwithstanding that the judgment appealed from or under review may have been passed, or the petition of appeal or application for review presented, before the passing of this Act.

Application of Act.

J. M. MACPHERSON,

Offg. Secretary to the Government of India.

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 3RD NOVEMBER 1892.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 22nd October, 1892, and is hereby promulgated for general information:

Act No. VIII of 1892.

An Act to remove doubts as to the levy and collection of tolls upon the Lansdowne Bridge over the Indus at Sukkur in the Presidency of Bombay, and for other purposes.

Bom. Act III of 1892. WHEREAS by an Act passed by the Governor of Bombay in Council intitled, "An Act for enabling Government to levy tolls on public roads and bridges in the Presidency of Bombay,"

VIII of 1861. the Act of the Governor General in Council "for enabling Government to levy tolls on public roads and bridges" was repealed as far as it affected the Presidency of Bombay;

And whereas the bridge on the line of the North-Western Railway over the Indus at Sukkur in the said Presidency of Bombay, commonly known as "The Lansdowne Bridge," was made and is repaired at the expense of the Government of India;

And whereas, in consequence of such repeal as aforesaid, doubts have arisen whether or not there is any subsisting authority competent to impose and levy tolls for the use of the said bridge, and it is expedient to remove such doubts;

It is enacted as follows:—

Title, extent and commencement. 1. (1) This Act may be called the Lansdowne Bridge Act, 1892.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

2. Notwithstanding the repeal of the lastly hereinbefore mentioned Act, the Governor General in Council may cause such rates of toll, not exceeding the rates mentioned in the schedule annexed to that Act, as he may think fit to be levied in respect of the said Lansdowne Bridge, and may place the collection of such tolls under the management of such persons as may appear to him proper: and all the provisions of the said last-mentioned Act shall apply to such tolls and the collection and recovery thereof in the same manner as if such provisions were herein re-enacted verbatim.

VIII of 1861.

3. All tolls heretofore levied or collected upon the said Lansdowne Bridge under the authority of the Governor General in Council or of the Governor of Bombay in Council shall be deemed to have been duly levied and collected under the authority of the said Act as if the same had not been repealed.

4. Where any public road or bridge has or shall have been made and repaired at the expense of the Government of India and no other adequate provision shall have been made for the levy and collection of tolls thereon, the Governor General in Council may, by notification in the *Gazette of India*, apply this Act to such road or bridge, and thereupon all the provisions of this Act shall apply to such road or bridge as if the same had been herein named in addition to the said Lansdowne Bridge.

S. HARVEY JAMES,
Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th October, 1892, and is hereby promulgated for general information:—

Act No. X of 1892.

An Act to provide for the levy of a rate on private estates under the management of the Government to meet the cost of supervision and management.

WHEREAS it is expedient to provide for the levy of a rate on private estates under the management of the Government to cover the cost of all Government establishments in so far as they are employed in the supervision and management of such estates, other than establishments specially entertained for any particular estate or group of estates, and to meet all contingent expenditure incurred by the Government in connection with such supervision and management; it is hereby enacted as follows:—

1. (1) This Act may be called the Government Title, extent and management Private Estates Act, 1892.

(2) It extends to the whole of British India, inclusive of Upper Burma and British Baluchistan; and

(3) It shall come into force at once.

2. In this Act, unless there is something repugnant in the subject or context,—

(1) "immovable property" includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops or grass;

(2) "gross income" includes all receipts of every kind in produce or cash, except money borrowed, recoveries of principal and the proceeds of sale of immovable property or of moveable property properly classed as capital; and

(3) "private estates under Government management" include—

- (a) estates under the Court of Wards;
- (b) encumbered estates under Government management;
- (c) estates attached for default of payment of Government revenue;
- (d) minors' estates placed under the guardianship of a revenue officer of the Government by a Civil Court;
- (e) estates managed by a Collector in pursuance of any order made under the Code of Civil Procedure; and
- (f) all other estates made over to or taken under the management of a revenue officer of the Government as such under any law for the time being in force or in virtue of any agreement.

3. It shall be lawful
to levy rate. for the Local Government—

(1) to levy on all private estates under Government management a rate, not exceeding five per cent. on the gross income, calculated, as nearly as may be possible, to cover—

(a) the cost of all Government establishments in so far as they may be employed in the supervision or management of such estates other than establishments specially entertained for the supervision or management of any particular estate or group of estates, and

(b) all contingent expenditure incurred in consequence of such supervision or management;

(2) from time to time to vary such rate; and

(3) to reduce or remit such rate in any special case or cases as may be equitable.

Provided that, in deciding the amount of the rate to be levied under this Act on any particular estate or group of estates, the Local Government shall consider the expenditure incurred on special establishments for such estate or estates.

4. In cases where an officer of the Government Power to levy special is employed to give legal charges. advice or to audit accounts on behalf of any estate, the Local Government, if it considers the services rendered to be of a special nature, may, in its discretion, direct a special charge to be made against that estate on account of such services, irrespective of the rate leviable under the last foregoing section.

5. Nothing in this Act shall apply to the cost of establishments specially entertained or to expenditure specially incurred in respect of any particular estate or estates.

6. All rates for general supervision or management levied by any Local Validation of levy of Government before the commencement of this Act shall be deemed to have been levied under this Act.

7. The Local Government may make any rules Power to make rules. and issue any orders which may be necessary for carrying this Act into effect, and which are consistent therewith.

8. Where any Government establishment is employed in such supervision as aforesaid, the Local Exemption from jurisdiction of Courts. Government shall be the sole judge of the cost attributable to such employment, and its decision thereon shall not be questioned in any Court of law or otherwise.

9. Section 17 of the Court of Wards Act, 1879 (passed by the Lieutenant-Governor of Bengal in Council), and so much of Act III of 1881 (also passed by the Lieutenant-Governor of Bengal in Council) as relates to Section 17 of the said Court of Wards Act, 1879, are hereby repealed. Ben. IX of 1879.

S. HARVEY JAMES,

Secretary to the Government of India.

Bombay acts
for
1892

THE



Bombay Government Gazette

Published by Authority.

THURSDAY, 11TH AUGUST 1892.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 19th March 1892, and the assent of His Excellency the Viceroy and Governor General on the 16th July 1892, and is published for general information:—

Bombay Act No. I of 1892.

An Act to prohibit the practice of Inoculation and to make the Vaccination of Children in certain portions of the Bombay Presidency compulsory.

(The assent of the Governor General of India to this Act was published by the Governor of Bombay on the 11th August 1892.)

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In case of child born within vaccination area	9	2 (a)	PROSECUTIONS AND OFFENCES.		
In case of unprotected child brought within vaccination area	ib.	2 (b)	Penalty for inoculating	22	(a)
In case of child living within vaccination area when the Act comes into force therein	ib.	2 (c)	for entering a vaccination area after inoculation	ib.	(b)
Public vaccinator is bound to vaccinate all children brought to him	ib.	3	and for bringing person inoculated into such area	ib.	(c)
Inspection	10	(1)	Magistrate may make an order for the vaccination of any unprotected child under 14 years.	23	(1)
Re-vaccination	ib.	(2)	Penalty for disobedience of such order	23	(2)
If child be unfit for vaccination, certificate in form A to be given.	11	(1)	Proviso for costs to person improperly summoned	ib.	(3)
Which shall remain in force for two months, but shall be renewable	ib.	(2)	Penalty for not producing a child.	24	...
When successive postponement of certificates are to be granted	ib.	(3)	Penalty for neglect to take child to be vaccinated	25	...
Provision for giving certificates of insusceptibility to successful vaccination	12	...	Penalty for making or signing false certificate	26	...
Provision for giving certificates of successful vaccination	13	...	Penalty for accepting illegal fee or remuneration	27	...
Vaccination must ordinarily be performed with that kind of lymph which the parent or guardian of the child may require	14	(1)	Cognizance of offences under this Act	28	...
No fee to be charged for vaccination at a public vaccine station or for certificates	15	(1)	Prosecution for neglect	29	...
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REGISTRATION.					
Registrar of Births to give notice of the requirement of vaccination	16	...	SUPPLEMENTAL.		
Duplicates of all certificates to be transmitted to the Registrar	17	...	Books and forms	30	...
Registrar to keep a vaccination notice and certificate book	18	...	Annual return to be made of the number of children vaccinated, &c.	31	...
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			SCHEDULE A.		
			Do. B.		
			Do. C.		
			Do. D.		
			Do. E.		

Bombay Act No. I of 1892.

An Act to prohibit the practice of Inoculation and to make the Vaccination of Children in certain portions of the Bombay Presidency compulsory.

WHEREAS it is expedient to prohibit the practice of inoculation and to make compulsory the vaccination of children in certain portions of the presidency of Bombay, and to remove doubts as to the legality of compulsory vaccination in the case of convicts and others confined in criminal jails, reformatories and lunatic asylums in the said presidency: It is enacted as follows:—

Preliminary.

1. This Act may be cited as the Bombay District Vaccination Act, 1892.
Short title.
2. (1) Section 33 extends to the whole of the presidency of Bombay, and shall come into force at once.
Extent and commencement
(2) The rest of the Act :
 - (a) extends to the whole of the presidency of Bombay, except the city of Bombay, and the town of Karachi; and
 - (b) shall come into force in each local area within its extent on such day as the Governor in Council by notification in the *Bombay Government Gazette* may direct.
- (3) Every such notification shall specify the local area to which it relates
 - (a) by name if such area is a territorial sub-division or area with a specific name and defined limits or,
 - (b) by defining its limits in any other case.
- (4) Except when an epidemic of small-pox exists or is apprehended, notice of the intention of Government to introduce the Act as aforesaid on a date specified shall be given in the *Bombay Government Gazette* at least one month before such notification is issued, and Government shall receive and consider such suggestions and objections as may be submitted to Government by persons interested, not later than a week before the date specified as aforesaid.
3. The Governor in Council may at any time by notification withdraw the Act from operation, or, for such period as he deems fit, suspend its operation, in any local area in which it may

have been brought into force under section 2, sub-section (2) or in any part of such area.

4. In this Act, unless there be something repugnant in the subject or context,
Interpretation.

- (a) "parent" means, in the case of a legitimate child, the father or the mother and, in the case of an illegitimate child, the mother only;
- (b) "guardian" means any person to whom the care, nurture or custody of any child falls by law or by natural right or recognised usage, or who has accepted or assumed the care, nurture or custody of any child, or to whom the care or custody of any child has been entrusted by any authority lawfully authorised in that behalf;
- (c) "public vaccinator" means any vaccinator appointed under this Act, and includes any deputy duly authorised to act for such public vaccinator;
- (d) "medical practitioner" means any person duly qualified by a diploma, degree or license to practise in medicine or surgery or specially licensed by the Governor in Council to practise vaccination and grant certificates under the provisions of this Act;
- (e) "unprotected child" means a child who has not been protected from small-pox by having been successfully vaccinated, or who has not been certified under section 12 to have already had small-pox or to be insusceptible of vaccination;
- (f) "animal lymph" means vaccine taken from the calf of a cow or buffalo;
- (g) "vaccination area" means a local area in which the Governor in Council has by notification declared this Act to be, and the Act is, in force;
- (h) "vaccination circle" or "circle" means one of the circles into which a vaccination area is sub-divided under this Act;
- (i) "Sanitary Commissioner" means the Sanitary Commissioner for the Presidency of Bombay or any officer whom the Governor in Council from time to

time directs to exercise or perform all or any of the powers or duties of a Sanitary Commissioner under this Act;

- (j) "registrar of births" means any officer or other person whose duty it is,
- (a) under any law for the time being in force other than the Births, Deaths and Marriages Registration Act, 1886, or
- (b) under any bye-law or rule having the force of law, to register births;
- (k) "register" and "registration" refer to registration in pursuance of any such law, bye-law or rule as aforesaid.

Establishment.

5. (1) Subject to such rules and orders as may from time to time be made by Government, every vaccination area shall, with the concurrence of the Commissioner, be divided by the Sanitary Commissioner into such and so many circles for the performance of vaccination, as he shall from time to time deem fit.

(2) The Sanitary Commissioner shall appoint a public vaccinator for each vaccination circle, and shall, with the concurrence of the Commissioner appoint such places in each such circle, as he shall from time to time deem fit, to be stations for the performance of vaccination. Such stations shall be called public vaccine stations.

(3) Every public vaccinator shall be removable from office by the Sanitary Commissioner.

(4) The limits of the vaccination circles made, and the positions of the public vaccine stations fixed, under sub-sections (1) and (2) and the days and hours of the public vaccinator's attendance at each station shall be published from time to time in such manner as shall be directed in rules to be framed under section 32.

6. Every public vaccinator, unless specially permitted by the Sanitary Commissioner to reside elsewhere, shall reside within the circle for which he is appointed,

and shall cause his name, with the addition of the words "Public Vaccinator for the vaccination circle of * *", to be posted up in English and in the vernacular of the district in some conspicuous place on or near the outer door of his dwelling-house, and of every public vaccine station in his circle.

7. No person shall be appointed a public vaccinator, or act as a deputy for a public vaccinator, who shall not possess a certificate of qualification signed by the Sanitary Commissioner.

8. (1). In each vaccination area a Superintendent of Vaccination shall be appointed by Government, and subject to the orders of the Sanitary Commissioner shall have a general control over all the proceedings of the public vaccinators within that area, and shall perform such duties, in addition to those prescribed by this Act, as shall be required by Government.

(2). Each Superintendent shall have, if necessary, one or more assistants as Government may from time to time direct.

Vaccination.

9. (1). Subject to the provision contained in clause (a) of sub-section 3 of section 14 it shall be the duty of the parent, or in the case of a child in the care of a guardian, of the guardian of every child such as is mentioned in sub-section (2) within the period prescribed in respect thereof in the said sub-section, to take it or cause it to be taken to a public vaccinator to be vaccinated, or to cause it to be vaccinated by a public vaccinator or by some medical practitioner.

(2). The duty imposed by sub-section (1) shall be performed in the undermentioned cases within the periods hereinbelow respectively specified, that is to say—

in the case of :

- (a) a child born within the limits of a vaccination area, — within twelve months after its birth ;

(b) an unprotected child brought to residence, whether temporarily or permanently, within the said limits,

in case of unprotected child brought within vaccination area,

(i) if the child is less than nine months old—within twelve months after its birth;

(ii) if the child is nine months or more than nine months but less than fourteen years old—within three months of its being brought within the said limits;

(c) an unprotected child living within the said limits at the date when this Act comes into force therein,

in case of child living within vaccination area when Act comes into force therein.

(i) if the child at such date is more than six months but less than fourteen years old—within six months from the date of the Act coming into force in such area;

(ii) if the child at such date is less than six months old—within twelve months from the date of its birth.

(3). The public vaccinator to whom any such child, or to whom any child under the age of fourteen years, is brought for vaccination, is hereby

Public vaccinator is bound to vaccinate all children brought to him.

required with all reasonable despatch, subject to the conditions hereinafter mentioned, to vaccinate the child.

10. (1). At an appointed hour upon the same day in the following week after vaccination shall have been performed by a public vaccinator or a medical practitioner, or on any earlier or later day, if the public vaccinator or medical practitioner so desires, the parent or guardian shall again take the child, or cause it to be taken, to the public vaccinator or to the medical practitioner by whom the operation was performed, that he may inspect it and ascertain the result of the operation.

(2). In the event of the vaccination being wholly or partly unsuccessful, such parent or guardian shall, if the public vaccinator or medical practitioner so direct, cause the child to be forthwith again vaccinated and

iv.—7

subsequently inspected as on the previous occasion.

11. (1). If any public vaccinator or medical practitioner shall be of opinion that any child is not in a fit state to be vaccinated, he shall forthwith deliver to the parent or guardian of such child a certificate under his hand, according to the form of schedule A, or to the like effect, that the child is then in a state unfit for vaccination.

(2). The said certificate shall remain in force for two months, only, but shall be renewable for successive periods of two months, until a public vaccinator or medical practitioner shall deem the child to be in a fit state for vaccination, when the child shall, with all reasonable despatch, be vaccinated, and a certificate of successful vaccination given, in the form of schedule C, according to the provisions of section 13, if warranted by the result.

(3). At or before the end of each successive period the parent or guardian shall take, or cause the child to be taken, to some public vaccinator or medical practitioner, who shall then examine the child and give a fresh certificate according to the said form A, so long as he deems requisite under the circumstances of the case.

12. If any public vaccinator or medical practitioner shall find that a child whom he has three times unsuccessfully vaccinated, is insusceptible of successful vaccination, or that a child brought to him for vaccination has already had the small-pox, he shall deliver to the parent or guardian of such child a certificate under his hand, according to the form of schedule B, or to the like effect, and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

13. Every public vaccinator or medical practitioner who shall have performed the operation of vaccination upon any child and shall have ascertained that the same has been successful, shall deliver to the parent or guardian of such child a certificate, according to the form of schedule C, or to the like effect, certifying that the said child has been successfully vaccinated.

14. (1). Except as is in sub-section (2) otherwise provided, the vaccination of a child under the provisions of this Act must, as the parent or guardian of the child may require, be performed with animal lymph or with lymph taken from a human being.

(2). It shall at any time be lawful for the Governor in Council, on its being shown to his satisfaction that animal lymph is not procurable in any vaccination area without dangerous delay, to direct, by notification in the *Bombay Government Gazette*:

(a) that, during such period as he may deem fit to appoint, the vaccination of children within such vaccination area may, without the assent of the parents or guardians of such children, be performed with lymph taken from a human being;

(b) that the public vaccinator or medical practitioner to whom, at any time during the said period, a vaccinated child is brought under the provisions of section 10 for inspection, may, if he see fit, take from such child lymph for the performance of other vaccinations in such manner as shall not be injurious to such child:

(3). The operation of any such notification shall be subject to the following provisos, *viz.*:

(a) that if the period prescribed by section 9 for the vaccination of an unprotected child will expire while such notification is in force, the parent or guardian of such child may give written notice to a public vaccinator, before the expiry of the said period, of his desire to arrange privately for the effectual vaccination of the child in conformity with the provisions of this Act, and thereupon the public vaccinator shall for the said purpose allow an extension of the said period for such times not exceeding one month, as he deems reasonable;

(b) that lymph shall not be taken from any child who does not appear to be in good health and free from taint of a disease transmissible by vaccination, or whose parents are known to the public vaccinator or medical practitioner to have suffered or to be suffering from phthisis, leprosy or syphilis.

(4). Whenever the Governor in Council shall publish such a notification as aforesaid he shall also frame and notify such regulations for the administration of the provisions thereby brought into force as shall appear necessary in order to prevent the application of the said provisions from being attended with oppression or needless offence. These regulations shall include such rules as to the sources from which lymph is to be obtained, and the means by which it is to be preserved pure, as shall appear necessary in order to satisfy reasonable scruples on the part of persons to be vaccinated or the parents or guardians of such persons.

15. (1). No fee or remuneration shall be charged by any public vaccinator to the parent or guardian of any child for any such certificate as aforesaid, nor for any vaccination done by him in pursuance of this Act at a public vaccine station.

(2). But it shall be lawful for a public vaccinator to accept, for vaccinating a child, by request of the parent or guardian, elsewhere than at a public vaccine station, a fee not exceeding such maximum as the Governor in Council may, by rule or order in this behalf, prescribe.

Registration.

16. On the registration in a vaccination area of the birth of any child, the registrar of births shall deliver to the person giving information of such birth a printed notice in the form of schedule D, or to the like effect, and such notice shall have attached thereto the several forms of certificates prescribed by this Act.

17. Every public vaccinator or medical practitioner who gives to any parent or guardian a certificate in any of the forms of schedules A, B and C shall, if possible, ascertain whether the birth of the child to which the certificate relates has been registered in any place situate within a vaccination area, or in the city of Bombay, or in the town of Karachi. If he ascertains that it has been so registered he shall, within twenty-one days of giving the certificate, transmit a duplicate thereof to the registrar of births of the said place; in every other case he shall, within the said period, transmit a duplicate of the said certificate to the

registrar of births (if any) of the place in which the child was vaccinated or presented for vaccination.

18. Every registrar of births in a vaccination area shall keep a book, in such form as may from time to time be prescribed under section 30, in which he shall enter minutes of the notices of vaccination given by him as herein required, and shall also register the duplicates of certificates transmitted to him as herein provided.

19. He shall also prepare and keep a duplicate of any register of births which it is his duty to keep with such columns added thereto as shall from time to time be prescribed under section 30, in which he shall record the date of every duplicate certificate in the form of schedule B or schedule C, received by him concerning any child whose birth he has registered, and make an entry to the effect that the child has been vaccinated, or is insusceptible of vaccination, or has already had small-pox, as the case may be.

20. He shall also keep a register of postponed vaccinations in the form of schedule E, in which he shall record the name of every child concerning whom he receives a duplicate certificate in the form of schedule A, together with the date of such duplicate certificate, and of each such successive duplicate certificate, if he receives more than one, and shall show the number and year of the entry, if any, in the register of births in which such child's birth has been registered.

21. Every registrar of births in a vaccination area shall transmit on the first of every month to the Superintendent of Vaccination a return, in such form as may from time to time be prescribed under section 30, of all cases in which duplicate certificates have not been duly received by him in pursuance of the provisions of this Act during the last preceding month.

Prosecutions and Offences.

22. Whoever:

(a) produces, or attempts to produce in any person, by inoculation, with variolous matter or by wilful

exposure to variolous matter or to anything impregnated therewith, or who wilfully by any other means produces the disease of small-pox in any person; or

(b) being above the age of fourteen years and having for entering a vaccination area after been inoculated with small-pox in a place in which this Act is not for the time being in force, shall afterwards enter a vaccination area before the expiration of forty days from the date of such inoculation, or without a certificate from a medical practitioner that such person is no longer likely to cause contagion; or

(c) having the charge, custody or control of any person so inoculated, shall, within such period or without such certificate as aforesaid, knowingly bring such person into, or permit such person to enter, a vaccination area;

shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees, or with both.

23. (1) If a Superintendent of Vaccination shall give information in writing to a Magistrate that he has reason to believe that any child within a vaccination area, under the age of fourteen years, is an unprotected child, and that he has given notice to the parent or guardian of such child to procure its being vaccinated and that the said notice has been disregarded, such Magistrate may summon such parent or guardian to appear with the child before him, and if the Magistrate shall find, after such examination as he shall deem necessary, that the child is an unprotected child, he may make an order directing such child to be vaccinated within a certain time not exceeding two months.

(2) If, at the expiration of such time, the child shall not have been vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination the person upon whom such orders shall have been made, shall, unless he can show to the Magistrate some reasonable ground for his omission to carry the order into effect, be punished with fine, which may extend to fifty rupees:

(3) Provided that if the Magistrate shall be of opinion that the person is improperly brought before him, and shall refuse to make an order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider a fair compensation for his expenses and loss of time in attending before the Magistrate.

24. If any parent or guardian intentionally omits to produce a child whom he has been summoned to produce under the last preceding section, he shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Penalty for neglect to take child to be vaccinated.

25. Whoever, in contravention of this Act,

(a) neglects, without reasonable excuse, to take, or cause a child to be taken to be vaccinated, or after vaccination to be inspected; or

(b) at any time during the period for which any notification made under section 14 is in force, prevents any public vaccinator from taking lymph from any child whom he has vaccinated; or

(c) neglects to fill up, sign and give to the parent or guardian of any child any certificate which such parent or guardian is entitled to receive from him, or to transmit a duplicate of the same to the registrar of births;

shall be punished for each such offence with fine which may extend to fifty rupees.

26. Whoever wilfully signs, or makes or procures the signing or making of, a false certificate or duplicate certificate under this Act, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

27. If any public vaccinator accepts, or obtains, or agrees to accept, or attempts to obtain from any person any fee, or remuneration, contrary to the provisions of section 15, he shall be deemed to have committed an offence punishable under section 161 of the Indian Penal Code.

28. All offences under this Act shall be cognizable by a Magistrate of the first or second class, but no complaint of any such offence shall be entertained unless the prosecution be instituted by order of, or under authority from, a Magistrate of a district or of a subdivision or of a Superintendent of Vaccination.

29. In any prosecution for neglect to procure the vaccination of a child, it shall not be necessary in support thereof to prove that the defendant had received notice from a registrar of births, or any other officer, of the requirements of the law in this respect; but if the defendant produce any certificate under section 12 or 13 or the duplicate of the register of births or the register of postponed vaccinations kept by any registrar of births as hereinbefore provided, in which such certificate shall be duly entered, the same shall be a sufficient defence for him, except in regard to the certificate according to the form of schedule A, when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid.

Supplemental.

30. The Sanitary Commissioner shall frame and provide appropriate books and forms for the use of the public vaccinators, and also such forms as shall be required for the signature of medical practitioners under the provisions of this Act, and he shall also transmit to the registrars of births such books and forms as are required by them under the provisions of this Act.

31. It shall be the duty of every registrar of births in a vaccination area to show in any annual general abstract of births prepared by him the number of children successfully vaccinated, the number whose vaccination has been postponed, and the number certified to be insusceptible of successful vaccination during the year.

32. The Sanitary Commissioner may, with the sanction of the Governor in Council, from time to time make rules or issue orders consistent with this Act;

The Sanitary Commissioner to make rules.

- (a) providing for the appointment of deputies of public vaccinators, when necessary;
- (b) determining the qualifications to be required of public vaccinators or their deputies, and regulating the grant of certificates of qualification under section 7;
- (c) for the guidance of public vaccinators and others in all other matters connected with the working of this Act.

All such rules or orders shall be published in the *Bombay Government Gazette*.

33. (1). Subject to such rules as the Inspector General of Prisons with the sanction of Government may make in this behalf, and to such exemptions as Government may from time to time, by either a general or a special order, authorize, the operation of vaccination shall be performed on every person confined in any of the cases hereinafter mentioned, whatever the age or sex of such person may be, and whether such person consent to undergo such operation

or not; that is to say in the case of every person in respect of whom:

- (a) imprisonment for more than one month or transportation has been awarded as part of the substantive sentence of a criminal court, or
- (b) a criminal court has directed imprisonment, in default of payment of fine, for a term which, if the fine be not sooner paid, will exceed one month, or
- (c) a court has directed imprisonment for failure to give security for good behaviour for a term which, if security be not sooner given, will exceed one month, or
- (d) an order has been passed by Government under either section 456 or section 471 of the Criminal Procedure Code, 1882, for his confinement as a lunatic.

(2) Every operation heretofore performed under any rules or orders made or approved by the Governor in Council, or by the Inspector General of Prisons, on any person confined or detained in a gaol, shall be deemed to have been lawfully performed and with due warrant.

SCHEDULE A.

(See Section 11.)

I, the undersigned, hereby certify that, in my opinion, * * *, the child of * * *, resident at * * *, in the vaccination area of * * *, is not now in a fit and proper state to be vaccinated, and I do hereby postpone the vaccination for the period of two months from this date.

Dated this * * * day of * * * 18 * * *.

(Signature of Medical Practitioner
or Public Vaccinator.)

SCHEDULE B.

(See Section 12.)

(Form of Certificate where child is insusceptible of small-pox.)

I, the undersigned, hereby certify that I have three times unsuccessfully vaccinated * * *, the child of * * *, residing at * * *, in the vaccination area of * * *, and I am of opinion that the said child is insusceptible of successful vaccination.

Dated this * * * day of * * * 18 * * *.

(Signature of Medical Practitioner
or Public Vaccinator.)

(Form of Certificate where child has already had small-pox.)

I, the undersigned, hereby certify that I have examined * * *, the child of * * *, residing at * * *, in the vaccination area of * * *, and that I am of opinion that the said child has already had small-pox.

Dated this * * * day of * * * 18 * * *.

(Signature of Medical Practitioner
or Public Vaccinator.)

SCHEDULE C.

(See Section 13.)

I, the undersigned, hereby certify that * *, the child of * *, age * *, resident at * *, in the vaccination area of * *, has been successfully vaccinated by me.

Dated this * * day of * * 18 * *.

(Signature of Medical Practitioner
or Public Vaccinator.)

SCHEDULE D.

(See Section 16.)

To

[Here insert the name of the parent, guardian or other person who gives information of the child's birth.]

Take notice that the child of * * * * * whose birth has this day been registered, must be vaccinated under the provisions of the Bombay District Vaccination Act, 1891, within twelve months from the date of its birth, under a penalty of fifty rupees.

The public vaccine station nearest to the house in which the child was born is at, * *.

The days and hours for vaccination at that station are as follows :—

(Here insert the days and hours when the public vaccinator is in attendance.)

On your taking, or causing the child to be taken, to the public vaccinator at the said station within the said hours on any of the said days, or at any other public vaccine station in the vaccination area on the days and within the hours prescribed for public vaccination at such station, it will be vaccinated free of charge.

You should be careful to have one of the annexed forms of certificates filled in by the public vaccinator, or, if you employ a private medical practitioner to vaccinate the child, by such medical practitioner, and to keep the same in your possession. Any such certificate will be granted to you by a public vaccinator free of charge.

Dated the * * of * * 18 * *.

Registrar of Births.

SCHEDULE E.

(See Section 20.)

Register of Postponed Vaccinations for the Vaccination Area of

Consecutive Number.	Name of Child.	BIRTH.		Date of Certificate of Postponement.	Signature of Registrar.
		Year.	Number of entry in Register.		

By order of His Excellency the Right Honourable the Governor in Council,

JOHN FITZMAURICE,

Secretary to the Council of the Governor of Bombay

for making Laws and Regulations.

Bombay Castle, 8th August 1892.



Bombay Government Gazette.

Published by Authority.

WEDNESDAY, 28TH SEPTEMBER 1892.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 21st July 1892, and the assent of His Excellency the Viceroy and Governor General on the 25th August 1892, and is published for general information:—

Bombay Act No. II of 1892.

An Act to amend the Bombay Salt Act, 1890.

(The assent of the Governor General of India to this Act was published by the Governor of Bombay on the 28th September 1892.)

Whereas it is expedient to amend the Bombay Salt Act, 1890, in manner herein-after appearing; It is enacted as follows: Bo. II of 1892.

Proviso added to section 11 of Bombay Act II of 1890. 1. To section eleven of the said Act the following proviso shall be added, viz.:

“Provided that no such license shall be necessary for any process of manufacture of salt on which duty has been paid.”

By order of His Excellency the Right Honourable the Governor in Council,

JOHN FITZMAURICE,

Secretary to the Council of the Governor of Bombay
for making Laws and Regulations.

Bombay Castle, 21st September 1892.

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 8TH DECEMBER 1892.

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PART IV.

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Bombay Act No. III of 1892.

An Act to amend the Bombay A'bkári Act, 1878.

(The assent of the Governor General of India to this Act was published by the Governor of Bombay on the 8th December 1892.)

No. A. V.,
1878.

WHEREAS it is expedient to amend the Bombay A'bkári Act, 1878; It is enacted:

Preamble.

Bombay A'bkári Act, 1878; It is enacted:

1. This Act may be cited as the Short title. "Bombay A'bkári Act Amendment Act, 1892", and shall be construed as part of the Bombay A'bkári Act, 1878, herein-after referred to as "the said Act."

New clause to section 3.

1 A. To section 3 of the said Act the following clause shall be added, viz.:

"(13) 'Mhowra flower' does not include the berry or seed of the mhowra tree."

2. Between sections 18 and 19 of the said Act the following section shall be inserted as section 18-A, namely :—

New section after section 18 and before section 19.

'V-A.—Special provisions as to Mhowra Flowers.

"18 A. (1) Save as is provided in sub-section (3), no person shall export from or import into any prescribed area or collect, transport, sell or have in his possession within any such area any quantity of mhowra flowers exceeding the prescribed limit in weight, except under the authority and subject to the terms and conditions of a license, permit or pass granted by the Collector or other officer duly empowered in this behalf.

"(2) In this section 'prescribed area' means such area, comprising either the whole or some portion of the districts of Thána and Kolába as the Governor in Council from time to time notifies in this behalf and 'prescribed limit' means four sers or such greater quantity as the Governor in Council from time to time notifies in this behalf;

"(3) Provided that during the period of two months from the 16th February to the

15th April in each year or such longer period, embracing the said two months, as the Governor in Council from time to time by notification in the *Bombay Government Gazette* directs, no license, permit or pass shall be necessary for the collection, transport, sale or possession anywhere within the limits of the talukás of Kalyán, Bhiwandi, Karjat, Murbád, Sháhápúr and Váda or within any other portion of a prescribed area which the Governor in Council thinks fit in a notification as aforesaid to specify, of any quantity of mhowra flowers which are the produce of that year and of the said talukás or of any or of either of them or other portion of a prescribed area, if any, so specified."

2 A. To section 30 of the said Act the following proviso shall be added, viz. :—

"Provided that no fee shall be charged on account of any license, permit or pass in respect of mhowra flowers granted under section 18 A."

3. The present section 43 of the said Act shall be numbered and cited as sub-section (1) of section 43 and the following shall be added as sub-section (2) of the said section, viz. :—

"(2). . . Whoever, in contravention of this Act or of any rule or order made under this Act or of any license, permit or pass granted under this Act, imports, exports, collects, transports, sells or has in his possession mhowra flowers shall be punished for each such offence with fine which may extend to five hundred rupees or with imprisonment which may extend to three months or with both: Provided that no person shall be punished in respect of any mhowra flowers which are either

growing on a tree or are lying uncollected on the ground as they have fallen from a tree."

4. In paragraph 1 of section 53 of the said Act, after the words "or intoxicating drugs" and before the words "or any such materials" there shall be inserted the following words :—

"or mhowra flowers".

5. (1) In section 54 of the said Act the words "mhowra flowers" shall be inserted in the following places :—

(a) In paragraph 1 after the words "all liquor" and before the words "or intoxicating drugs";

(b) In paragraph 3 after the words "in addition to any liquor" and before the words "or intoxicating drugs"; and

(c) In the paragraph beginning "the vessels, packages," after the word "liquor" and before the words "intoxicating drugs".

(2) In paragraph 3 after the words "all liquor, if any" and before the words "and all intoxicating drugs, if any" there shall be inserted the words "all mhowra flowers, if any".

6. Nothing in this Act shall be deemed to affect the operation of any law for the time being in force, or of any rule for the time being having the force of law, relating to mhowra flowers as an article of forest-produce.

By order of His Excellency the Right Honourable the Governor in Council,

C. H. A. HILL,

Secretary to the Council of the Governor of Bombay
for making Laws and Regulations.

Bombay Castle, 6th December 1892.

acts passed by the Govts of
India & Bombay for

1893

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THURSDAY, 26TH JANUARY 1893.

Separate paging is given to this Part, in order that it may be filed as a separate compilation

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 20th January 1893, and is hereby promulgated for general information :—

Act No. 1 of 1893.

An Act to extend the provisions of the Bankers' Books Evidence Act, 1891, to the Books of Post Office Savings Banks and Money Order Offices.

WHEREAS it is expedient to extend the provisions of the Bankers' Books Evidence Act, 1891, to the books of the savings banks and money order

offices of the Post Office; It is hereby enacted as following :—

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| <p>Short title and commencement.</p> <p>1. (1) This Act may be called the Bankers' Books Evidence Act, 1893; and</p> <p>(2) It shall come into force at once.</p> <p>2. After clause (b) of sub-section (2) of section 2 of the said Bankers' Books Evidence Act, XVIII of 1891, the following clause shall be added, namely :—</p> <p>“(c) any post office savings bank or money order office.”</p> | <p>1. (2) This Act may be called the Bankers' Books Evidence Act, 1893; and</p> <p>(2) It shall come into force at once.</p> <p>2. After clause (b) of sub-section (2) of section 2 of the said Bankers' Books Evidence Act, XVIII of 1891, the following clause shall be added, namely :—</p> <p>“(c) any post office savings bank or money order office.”</p> |
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J. M. MACPHERSON,
Offg. Secretary to the Government of India.

XVIII
of 1891.

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 16TH MARCH 1893.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th March 1893, and is hereby promulgated for general information:—

Act No. IV of 1893.

An Act to amend the Law relating to Partition.

WHEREAS it is expedient to amend the law relating to partition; It is hereby enacted as follows:—

Title, extent, commencement and saving. 1. (1) This Act may be called the Partition Act, 1893.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

(4) But nothing herein contained shall be deemed to affect any local law providing for the partition of immoveable property paying revenue to Government.

2. Whenever in any suit for partition in which, Power to Court to order sale instead of division in partition suits. if instituted prior to the commencement of this Act, a decree for partition

might have been made, it appears to the Court that, by reason of the nature of the property to which the suit relates, or of the number of the shareholders therein, or of any other special circumstance, a division of the property cannot reasonably or conveniently be made, and that a sale of the property and distribution of the proceeds would be more beneficial for all the shareholders, the Court may, if it thinks fit, on the request of any of such

shareholders interested individually or collectively to the extent of one moiety or upwards, direct a sale of the property and a distribution of the proceeds.

3. (1) If, in any case in which the Court is requested under the last foregoing section to direct a sale, any other shareholder applies for leave to buy at a valuation the share or shares of the party or parties asking for sale, the Court shall order a valuation of the share or shares in such manner as it may think fit and offer to sell the same to such shareholder at the price so ascertained, and may give all necessary and proper directions in that behalf.

(2) If two or more shareholders severally apply for leave to buy as provided in sub-section (1), the Court shall order a sale of the share or shares to the shareholder who offers to pay the highest price above the valuation made by the Court.

(3) If no such shareholder is willing to buy such share or shares at the price so ascertained, the applicant or applicants shall be liable to pay all costs of or incidental to the application or applications.

4. (1) Where a share of a dwelling-house belonging to an undivided family has been transferred to a person who is not a member of such family and such transferee sues for partition, the Court shall, if any member of the family being a shareholder shall undertake to buy the share of such transferee, make a valuation of such share in such manner as it thinks fit and direct the sale of such share to such shareholder and may give all necessary and proper directions in that behalf.

Partition suit by transferee of share in dwelling-house.

(2) If in any case described in sub-section (1) two or more members of the family being such shareholders severally undertake to buy such share, the Court shall follow the procedure prescribed by sub-section (2) of the last foregoing section.

5. In any suit for partition a request for sale may be made or an undertaking or application for leave to buy may be given or made on behalf of any party under disability by any person authorized to act on behalf of such party in such suit, but the Court shall not be bound to comply with any such request, undertaking or application unless it is of opinion that the sale or purchase will be for the benefit of the party under such disability.

6. (1) Every sale under section 2 shall be subject to a reserved bidding, and the amount of such bidding shall be fixed by the Court in such manner as it may think fit and may be varied from time to time.

(2) On any such sale any of the shareholders shall be at liberty to bid at the sale on such terms as to non-payment of deposit or as to setting off or accounting for the purchase-money or any part thereof instead of paying the same as to the Court may seem reasonable.

(3) If two or more persons, of whom one is a shareholder in the property, respectively advance the same sum at any bidding at such sale, such bidding shall be deemed to be the bidding of the shareholder.

7. Save as hereinbefore provided, when any property is directed to be sold under this Act, the following procedure shall, as far as practicable, be adopted, namely :--

(a) if the property be sold under a decree or order of the High Court of Calcutta, Madras or Bombay in the exercise of its original jurisdiction, or of the Court of the Recorder of Rangoon, the procedure of such Court in its original civil jurisdiction for the sale of property by the Registrar ;

(b) if the property be sold under a decree or order of any other Court, such procedure as the High Court may from time to time by rules prescribe in this behalf, and until such rules are made the procedure prescribed in the Code of Civil Procedure in respect of sales in execution of decrees. XIV

8. Any order for sale made by the Court under section 2, 3 or 4 shall be deemed to be a decree within the meaning of section 2 of the Code of Civil Procedure. XIV

9. In any suit for partition the Court may, if it shall think fit, make a decree for a partition of part of the property to which the suit relates and a sale of the remainder under this Act.

10. This Act shall apply to suits instituted before the commencement thereof, in which no scheme for the partition of the property has been finally approved by the Court.

J. M. MACPHERSON,

Offg. Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th March 1893, and is hereby promulgated for general information:—

Act No. V of 1893.

An Act to legalise in certain cases the execution within British India of capital sentences which have been passed by British Courts exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory.

WHEREAS a capital sentence is occasionally passed by a British Court exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory;

And whereas there may be in such territory no secure place for the confinement of a prisoner under sentence of death or no suitable appliances for his execution in a decent and humane manner; It is hereby enacted as follows:—

1. When a British Court in the exercise of such jurisdiction as is referred to in the first paragraph of the preamble to this Act—

Execution in British India of certain capital sentences not ordinarily executable there.

(a) has sentenced any person to death, and,

(b) being of opinion that such sentence should for any such reason as is referred to in the second paragraph of the said preamble be executed in British India, has issued its warrant for the execution of such sentence to the superintendent or keeper of a jail in British India,

such superintendent or keeper shall, on receipt of such warrant, cause the execution to be carried out at such place as may be prescribed therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 381 of the Code of Criminal Procedure, 1882.

2. The jails of which the superintendents or keepers are to execute sentences under any such warrants shall be such as the Governor General in Council, or a Local Government authorised by him in this behalf, may by general or special order direct.

3. The tribunals mentioned in the proviso to section 19 of the Prisoners Act, 1871, shall be deemed to be British Courts for the purposes of this Act:—

Provided that every warrant issued under this Act by any such Court shall be signed by that one of the presiding Judges thereof who is the "officer of Government" mentioned in such proviso.

J. M. MACPHERSON,
Offg. Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th March 1893, and is hereby promulgated for general information:—

Act No. VI of 1893.

An Act for Settling Bonds of the Municipal Corporation of the City of Bombay producing an annual income of one lakh and twenty-five thousand rupees and a Mansion-house and hereditaments called "Petit Hall" in the Island of Bombay, the property of Sir Dinshaw Manockjee Petit, Baronet, so as to accompany and support the title and dignity of a Baronet lately conferred by Her Present Majesty Queen Victoria on him for and during the term of his natural life, and from and immediately after his decease to hold to his second son, Framjee Dinshaw Petit, Esquire, and the heirs male of his body lawfully begotten, and in default of such issue with remainder to the heirs male of the body of the said Sir Dinshaw Manockjee Petit and for other purposes connected therewith.

WHEREAS by Letters Patent of Her Majesty Queen Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, dated at Westminster on or about the first day of September in the fifty-fourth year of Her Reign, and by Warrant under the Queen's sign-manual, Her said Majesty made known that she, of Her special Grace, certain knowledge and mere motion, had erected, appointed and created her trusty and well beloved Sir Dinshaw Manockjee Petit, of "Petit Hall," in the Island of Bombay, Knight, to the dignity, state and degree of a Baronet, and him, the said Sir Dinshaw Manockjee Petit, for Her Majesty, her heirs and successors, she did erect, appoint and create a Baronet of the United Kingdom of Great Britain and Ireland by the said Letters Patent, to hold to him, for and during the term of his natural life, and from and immediately after his decease to hold to Framjee Dinshaw Petit, Esquire, second son of the said Sir Dinshaw Manockjee Petit, and the heirs male of his body lawfully begotten and to be begotten, and in default of such issue with remainder to the heirs male of the body of the said Sir Dinshaw Manockjee Petit lawfully begotten and to be begotten;

And whereas in fulfilment of an engagement in that behalf made with Her Majesty's Government the said Sir Dinshaw Manockjee Petit is desirous of settling in perpetuity such property on himself and on the said Framjee Dinshaw Petit and the heirs male of their respective bodies who may succeed to the said Baronetcy, as shall be adequate to support the dignity of the title conferred on him and them as aforesaid;

And whereas the said Sir Dinshaw Manockjee Petit is seized of a Mansion-house and heredita-

ments situate in the Island of Bombay called "Petit Hall," and has an absolute estate of inheritance therein, and is desirous, in fulfilment of the aforesaid engagement, of settling bonds or debentures of the Municipal Corporation of the City of Bombay producing an annual income of one lakh and twenty-five thousand rupees, and the said Mansion-house and hereditaments, to the uses, upon the trusts and for the purposes hereinafter limited and declared, concerning the same respectively;

And whereas the said Sir Dinshaw Manockjee Petit is also desirous that the said Framjee Dinshaw Petit and the heirs male of his body, and also the heirs male of the body of the said Sir Dinshaw Manockjee Petit, to whom the said title and dignity of Baronet shall descend, shall, at the time of such descent upon them respectively, take and bear the names of "Dinshaw Manockjee Petit" in lieu of any other name or names whatever which they respectively may bear at the time of such descent on them respectively; and he is also desirous that the Accountant-General, Bombay, the Collector of Bombay and the Chief Presidency Magistrate, Bombay, all for the time being, shall be trustees of the aforesaid Municipal bonds, Mansion-house and hereditaments, and be likewise the trustees for carrying into execution the general purposes and powers of this Act, with relation to the same securities and also with relation to the same Mansion-house and hereditaments;

And whereas the said Sir Dinshaw Manockjee Petit is desirous of settling the said bonds and the said Mansion-house and hereditaments so as aforesaid agreed to be settled by him for the purpose of supporting the dignity of the said Baronetcy, to the uses, upon the trusts and for the purposes hereinafter limited and declared concerning the same respectively;

And whereas it is expedient that the aforesaid purposes should be effected by an Act of the Council of the Governor General for making Laws and Regulations;

It is enacted as follows:—

1. That Arthur Frederick Cox, Esquire, the Accountant-General of Bombay, James MacNabb Campbell, Esquire, the Collector of Bombay, and Charles Philip Cooper, Esquire, the Chief Presidency Magistrate of Bombay, and their successors, the Accountant-General of Bombay, the Collector of Bombay, and the Chief Presidency Magistrate of Bombay, all for the time being, shall be and they are hereby created a Corporation with perpetual succession and a common seal under the style and title of "The Trustees of the Dinshaw Manockjee Petit Baronetcy," and that the said Arthur Frederick Cox, James MacNabb Campbell, and Charles Philip Cooper, and their said successors (hereinafter styled "The Corporation"), shall be and they are hereby constituted, as such Corporation, the Trustees for executing the powers and purposes of this Act.

2. The said Framjee Dinshaw Petit and the heirs male of his body and all other the heirs male of the body of the said Sir Dinshaw Manockjee Petit, to whom the said title and dignity shall descend, pursuant to the limitations of the Patent whereby the said dignity was granted, shall take upon themselves respectively the names of "Dinshaw Manockjee Petit" in lieu and in the place of any other name or names whatever; and the said Framjee Dinshaw Petit and also such heirs male of his body and all such other the heirs male of the said Sir Dinshaw Manockjee Petit severally and successively, shall be called by the names of "Dinshaw Manockjee Petit," and by those names shall name, style and write themselves, respectively, upon all occasions whatever.

3. Immediately from and after the passing of this Act, bonds of the Municipal Corporation of the City of Bombay producing an annual income of not less than one lakh and twenty-five thousand rupees shall be transferred into the name of the Corporation, who shall hold the same upon the trusts and for the purposes hereinafter expressed concerning the same, (that is to say,) upon trust to continue to hold the said bonds until the same shall be discharged by the Municipal Corporation of the City of Bombay or shall be sold by the said Trustees at their discretion, and on such discharge or sale to invest the sum to be received on such occasion in or on any stocks, funds or securities of or the principal or interest of which is guaranteed by the Government of the United Kingdom of Great Britain and Ireland or the Government of India; and in like manner, as often as the same shall become necessary, to alter, vary and change such stocks, funds and securities for others of the same or like nature; and upon further trust from time to time to pay and apply the dividends, interest and annual income of the said bonds, stocks, funds and securities unto and for the benefit of the said Sir Dinshaw Manockjee Petit during his natural life; and from and immediately after his decease for the benefit of the said Framjee Dinshaw Petit if he shall survive the said Dinshaw Manockjee Petit during his natural life; and from and immediately after the death of the survivor of them the said Sir Dinshaw Manockjee Petit and Framjee Dinshaw Petit for the benefit of the person who, as heir male of the body of the said Framjee Dinshaw Petit or of the said Sir Dinshaw Manockjee Petit, as the case may be, shall for the time being have succeeded to and be in the enjoyment of the title of Baronet conferred by the said Letters Patent; as aforesaid notwithstanding any rule of law or equity to the contrary, and upon failure and in default of heirs male of the body of the said Framjee Dinshaw Petit and Sir Dinshaw Manockjee Petit, to whom the same title and dignity of Baronet may descend, upon trust for the said Sir Dinshaw Manockjee Petit, his executors, administrators and assigns, which ultimate remainder or reversion it shall be lawful for the said Sir Dinshaw Manockjee Petit, his executors, administrators and assigns, at any time or times, during the continuance of the said title and dignity of Baronet, and until there shall be a failure of heirs male of the body of the said Sir Dinshaw

Manockjee Petit as aforesaid to assign, transfer, bequeath and dispose of by deed or will or other assurance or assurances.

4. The Corporation during the minority of any person for the time being entitled to and in enjoyment of the said dignity of Baronet under the limitations of the said Letters Patent shall pay and apply for and towards the maintenance, education and benefit of such Baronet, in each and every year during such his minority as aforesaid, so much only of the annual interest, dividends and income of the said Trust Funds and premises as the Corporation shall in their discretion think proper, and shall from time to time invest the residue of the said annual dividends, interest and income of the said Trust Funds and premises in and upon stocks, funds and securities of or the principal or interest of which is guaranteed by the Government of the United Kingdom of Great Britain and Ireland or the Government of India, and shall upon such Baronet attaining his majority pay over, transfer and assign to him or as he shall direct and for his absolute benefit the said investments and all accumulations thereof.

5. The Mansion-house and other hereditaments called "Petit Hall" situated in the Island of Bombay, with their rights, members and appurtenances, of which the said Sir Dinshaw Manockjee Petit is seized to him and his heirs, shall, by force of this Act, from and immediately after the passing thereof, stand limited unto and to the use of the Corporation upon the trusts hereinafter declared, (that is to say,) upon trust for the said Sir Dinshaw Manockjee Petit for and during the term of his natural life and from and immediately after his decease upon trust for the said Framjee Dinshaw Petit for and during the term of his natural life, provided he shall survive the said Sir Dinshaw Manockjee Petit, and from and immediately after the decease of the survivor of them the said Sir Dinshaw Manockjee Petit and Framjee Dinshaw Petit upon trust for the heirs male of the body of the said Framjee Dinshaw Petit who may succeed to the title of Baronet conferred by the said Letters Patent as aforesaid, and, upon failure and default of heirs male of the body of the said Framjee Dinshaw Petit to whom the same title and dignity of Baronet may descend as aforesaid, upon trust for the heirs male of the body of the said Sir Dinshaw Manockjee Petit who may succeed to the said title, and upon failure and default of such last-mentioned heirs male upon trust for the said Sir Dinshaw Manockjee Petit, his heirs and assigns for ever, which ultimate remainder or reversion it shall be lawful for the said Sir Dinshaw Manockjee Petit and his heirs and assigns at any time or times during the continuance of the said title and dignity of Baronet, and until there shall be a failure of heirs male of the body of the said Sir Dinshaw Manockjee Petit, as aforesaid, to grant, convey, devise and dispose of by deed or will or by any other assurance or assurances by which such an estate in remainder or reversion is capable by law of being conveyed or disposed of by Parsee inhabitants of British India.

6. Provided always that in case any person

to whom for the time being the said title of Baronet shall have descended shall, for the space of one whole year after he

shall by virtue of this Act become entitled to the dividends, interest and income of the said stocks, funds and securities, or to the possession or receipt of the rents and profits of the said hereditaments, or being then under age shall for the space of one whole year after he shall attain the age of twenty-one years, refuse or neglect to use the names of "Dinshaw Manockjee Petit" as, hereinafter enacted, or in case any such person having so used those names shall, for the space of six calendar months consecutively during his natural life, discontinue so to use such names, then, in any or either of the said cases, the estate or interest in the said trust funds and premises of the person who shall so refuse or neglect to use or having used shall so discontinue to use the said names of "Dinshaw Manockjee Petit" shall during the remainder of his respective natural life be suspended; and that during any and every such suspension, the dividends, interest and income of the said stocks, funds and securities, and the possession and actual occupation and also the rents and profits of the said hereditaments shall devolve and belong to the person who, as heir male of the body of the said Framjee Dinshaw Petit or the said Sir Dinshaw Manockjee Petit, as the case may be, would have succeeded to and been in the enjoyment of the title of Baronet conferred by the said Letters Patent in case the person so refusing or neglecting to use or discontinuing to use the said names of "Dinshaw Manockjee Petit" had departed this life; but if there should be no such heir male, then to the person or persons who would be entitled to the same in case there had then been a total failure of issue male of the said Sir Dinshaw Manockjee Petit.

7. It shall be lawful for the said Sir Dinshaw

Manockjee Petit and Framjee Dinshaw Petit, and for any person upon whom the said title of Baronet shall from time to time descend, when in the actual enjoyment of the said title, and who shall not refuse, neglect or discontinue to use, for the respective periods hereinbefore in that behalf mentioned, the said names of "Dinshaw Manockjee Petit" as hereinbefore enacted, either before or after his marriage with any woman or women by any deed or deeds, writing or writings, with or without power of revocation to be by him sealed and delivered in the presence of two or more credible witnesses (but subject and without prejudice to any annuity or annuities, if any, which shall be then subsisting and payable by virtue of any appointment made under and in pursuance of this present power), to limit and appoint unto any woman or women whom he shall marry for her or their life or lives, and for her or their jointure or jointures in bar of dower or other legal or customary rights any annuity or yearly sum not exceeding the sum of ten thousand rupees, clear of all taxes, charges and deductions whatsoever to commence and take effect immediately after the decease of the person limiting or appointing the same and to be issuing and payable out of the

dividends, interests and annual income of the said stocks, funds and securities, and to be paid and payable by equal half-yearly payments on the thirtieth day of June and the thirty-first day of December, the first of the said half-yearly payments to be made on the half-yearly day which shall first happen after the decease of the person who shall have appointed such annuity or yearly sum: Provided always that in case any person on whom such title shall descend shall have refused or neglected to use the names of "Dinshaw Manockjee Petit" or shall discontinue to use such names for six calendar months consecutively during his natural life, every such limitation and appointment, either previously or afterwards made by him, shall be and become inoperative and invalid, and no such annuity thereby created or appointed shall take effect or be payable, or chargeable, on the said stocks, funds and securities, notwithstanding any such limitation or appointment.

8. Provided always that the said dividends,

interest and annual income of the said stocks, funds and securities shall not at one and the same time be subject to the payment of more than the yearly sum of twenty thousand rupees for or in respect of any jointure or jointures which shall be made in pursuance of the power hereinbefore contained, so that if by virtue of or under the same power the said dividends, interest and annual income would, in case this present provision had not been inserted, be charged at any one time with a greater yearly sum for jointures in the whole than the yearly sum of twenty thousand rupees, the yearly sum which shall occasion such excess or such part thereof as shall occasion the same shall during the time of such excess abate and not be payable.

9. The said Mansion-house and hereditaments called "Petit Hall,"

with their rights, members and appurtenances, shall not be subject to any right, interest or estate whatsoever which the wife of the said Sir Dinshaw Manockjee Petit or Framjee Dinshaw Petit or the wives of any of the persons who shall successively become entitled thereto may or might have or claim to have in the said Mansion-house and hereditaments under any custom or law of the Parsees, or otherwise howsoever.

10. Save as regards the ultimate remainders

or reversions, hereinbefore limited in trust for the said Sir Dinshaw Manockjee Petit, his heirs, executors, administrators and assigns respectively, so long as the said title and dignity of Baronet shall endure, and until there shall be a failure of heirs male of the body of the said Sir Dinshaw Manockjee Petit, to whom the said title and dignity of Baronet might descend pursuant to the limitations of the Patent whereby the said dignity was granted, neither the said Sir Dinshaw Manockjee Petit nor the said Framjee Dinshaw Petit nor any of the heirs male of their respective bodies in whose favour trusts are hereinbefore declared of the dividends, interest and annual income of the said bonds, stocks, funds and securities or of the said Mansion-house and

hereditaments called "Petit Hall," shall transfer, dispose of, alien, convey, charge or encumber the said bonds, stocks, funds, and securities or any part thereof, or the dividends, interest and annual income thereof or of any part thereof, or the said Mansion-house or hereditaments, or any part thereof, for any greater or larger estate, interest or time than during his natural life, and for such portion thereof only as he shall continue to use the names of "Dinshaw Manockjee Petit," nor shall any such person as aforesaid either alone or jointly with any other or others of them or with any other person or persons whomsoever have any power to discontinue or bar the estates tail hereinbefore limited in trust for the heirs male of the respective bodies of the said Framjee Dinshaw Petit and Sir Dinshaw Manockjee Petit, or either of them, or any estate or interest hereby or herein created or declared in trust or for the benefit of any person or persons for whose benefit trusts are declared by this Act of the dividends, interest and annual income of the said bonds, stocks funds and securities, or of the said Mansion-house, hereditaments and the rents and profits thereof, or to prevent any such person or persons from succeeding to, holding or enjoying, receiving or taking the same premises according to the true intent of the provisions hereinbefore contained, nor shall the same premises or any of them be held by any Court of law or equity to have vested in any such person as aforesaid for any greater estate or interest than during his life and only during such portion thereof as he shall continue to use the names of "Dinshaw Manockjee Petit," and every attempt to make any conveyance, assignment or assurance contrary to the intention of this Act shall be, and is hereby, declared and enacted to be void.

11. If at any time or times hereafter the said Sir Dinshaw Manockjee Petit or any other person or persons shall be desirous of augmenting the funds and securities for the time being subject to the trusts of this Act, and for that purpose and with that intent shall at his or her own expense transfer and deliver to the Corporation any stocks, funds or securities of or the principal or interest of which is guaranteed by the Government of the United Kingdom of Great Britain and Ireland or the Government of India, then and as often as the same shall happen the said Corporation may, with the previous consent of the Governor of Bombay in Council, accept such stocks, funds and securities, and the same shall thenceforth be held by the said Corporation upon the same trusts as are declared by this Act with regard to the said bonds of the Municipal Corporation of the City of Bombay, or upon such of them as shall then be subsisting and capable of taking effect: Provided always that the total amount of the stocks, funds and securities for the time being subject to the trusts of this Act shall at no time exceed fifty lakhs of rupees.

12. The Corporation shall keep the said Mansion-house called "Petit Hall," and all the out-buildings and offices thereof, and also all other messages or buildings which may from time to time be added thereto or

substituted therefor, or which may hereafter become subject to any of the trusts of this Act, adequately insured in the name of the said Corporation or of the persons for the time being constituting the same against loss or damage by fire, and may apply any portion of the income of the funds for the time being subject to the trusts of this Act to that purpose, and in case the hereditaments and premises so insured or any part thereof shall be destroyed or damaged by fire, the moneys received in respect of such insurance shall either be laid out under the direction of the said Corporation in re-building or reinstating the hereditaments and premises so destroyed or damaged by fire, or, upon the application of the person for the time being entitled to and in the enjoyment of the said dignity of Baronet and with the consent of the Governor of Bombay in Council, to be notified by a resolution of the Government of Bombay, may be laid out in the purchase of other hereditaments in the Presidency of Bombay suitable for the support of the dignity of the said title, in which last-mentioned case the hereditaments so purchased shall immediately from and after the completion of the purchase thereof be and become subject to the uses and trusts of this Act or such of them as shall then be subsisting and capable of taking effect in the same manner and to the same effect as if such last-mentioned hereditaments had expressly been named or described in the fifth section of this Act. Until such insurance moneys shall have been so laid out the Corporation may invest the same or any part thereof in any of the Government securities specified in section 16.

13. The said Mansion-house and premises called "Petit Hall," and all additions thereto, and also all other messages and hereditaments which from time to time may be or become subject to the trusts declared by this Act, concerning the said Mansion-house and premises, shall be kept in good repair, order and condition by and at the expense of the person for the time being in the enjoyment of the title of Baronet conferred by the said Letters Patent, and in case any such person shall at any time neglect or refuse to keep the said Mansion-house, hereditaments and premises or any of them in such good order and condition, it shall be lawful for the Corporation to keep or cause the same to be kept in good order and condition and to defray the expense incident thereto from the income of the funds for the time being subject to the provisions of this Act.

14. The Corporation shall hold the said Mansion-house and hereditaments known as "Petit Hall," and also any other hereditaments for the time being vested in them by virtue of this Act, upon trust with the consent of the person entitled to and in the actual enjoyment of the title of Baronet conferred by the said Letters Patent, and with the consent of the Governor of Bombay in Council to be notified as aforesaid, to sell or exchange for other lands or hereditaments in the Presidency of Bombay the said Mansion-house and hereditaments, and also any other such hereditaments as aforesaid, and upon

any such exchange to give or receive any money for equality of exchange.

15. And it is hereby declared that any such sale as aforesaid may be made either by public auction or private contract, and that the Corporation may make any stipulations as to title or evidence or commencement of title or otherwise in any conditions of sale or contract for sale or exchange of the said hereditaments or any part thereof, and may buy in or rescind or vary any contract for sale or exchange and re-sell or re-exchange without being responsible for any loss occasioned thereby.

16. And it is hereby declared that the said Corporation shall receive all moneys which may become payable upon any such sale or exchange as aforesaid, and with all convenient speed invest the same either in the purchase of any stocks, funds or securities of or the principal and interest of which is guaranteed by the Government of the United Kingdom of Great Britain and Ireland or the Government of India, or in the purchase of other lands or hereditaments situate in the Presidency of Bombay and suitable for the support of the dignity of the said title, yet so as that every such purchase of lands or hereditaments be made with the consent in writing of the person then entitled to and in the actual enjoyment of the said title.

17. And it is hereby declared that the stocks, funds and securities and the lands or hereditaments, respectively, so to be purchased or taken in exchange as aforesaid

Investments and lands resulting from such sale or exchange to be held on trusts declared by this Act.

shall from and immediately after the completion of the purchase or exchange thereof, respectively, be held upon the trusts in and by this Act declared of and concerning the said bonds of the Municipal Corporation for the City of Bombay and the said Mansion-house and premises called "Petit Hall," respectively, or such of them, respectively, as may then be subsisting and capable of taking effect.

18. It shall be lawful for the Corporation out of the money which shall come to their hands by virtue of the trusts and provisions of this Act to retain and reimburse themselves all costs, damages and expenses which they shall or may sustain, expend or disburse in or about the execution of the aforesaid powers, trusts and provisions, or in relation thereto.

19. Saving always to the Queen's Most Excellent Majesty, Her heirs and successors, and to all and every other person and persons, bodies politic and corporate, and his, her and their respective heirs, successors, executors and administrators and every of them (other than and except the said Sir Dinshav Manockjee Petit, his devisees, heirs and assigns), all such estate, right, title, interest, claim and demand whatsoever of, into, out of or upon the said Mansion-house and hereditaments called "Petit Hall," or any part or parts thereof, as they, every or any of them, had before the passing of this Act, and would, could or might have had, held or enjoyed in case this Act had not been passed.

J. M. MACPHERSON,

Offg. Secretary to the Government of India.

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 6TH JULY 1893.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 26th June 1893, and is hereby promulgated for general information:

Act No. VIII of 1893.

An Act to amend the Indian Coinage Act, 1870, and the Indian Paper Currency Act, 1882.

WHEREAS it is expedient to amend the Indian Coinage Act, 1870, and the Indian Paper Currency Act, 1882; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Title and commencement Coinage and Paper Currency Act, 1893; and

(2) It shall come into force at once.

2. The enactments specified in the schedule hereto shall be repealed or modified to the extent and in the manner mentioned in the third column thereof, but no such repeal or modification shall affect anything already done or any right or obligation heretofore acquired or undergone under the said enactments or any of them.

THE SCHEDULE.

Number, Year and Short Title.	Sections.	Extent of repeal or modification.
Act XXIII of 1870 (the Indian Coinage Act, 1870).	19 to 26, both inclusive.	The whole to be repealed.

Number, Year and Short Title.	Sections.	Extent of repeal or modification.
Act XX of 1882 (the Indian Paper Currency Act, 1882).	11	Clause (b), clause (d), and the proviso to be repealed.
	12	The word and letter "clause (b)" to be omitted.
	13	The words "to an extent to be specified in the order not exceeding one-fourth of the total amount of issues represented by coin and bullion as provided by the Act" to be omitted.
	14 and 15.	The whole sections to be repealed.
	21	For the proviso to sub-section (1) the following shall be substituted:— "Provided that any coin or bullion so received and appropriated may be sold or exchanged for gold or silver coin of the Government of India of the like value, which shall be so appropriated and set apart instead of the coin or bullion sold or exchanged." Sub-section (2) to be repealed.
	28	Sub-section (1), clause (f), to be omitted. Sub-section (3) to be repealed.

S. HARVEY JAMES,
Secretary to the Government of India.



Bombay Government Gazette.

Published by Authority.

THURSDAY, 17TH AUGUST 1893.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th August 1893, and is hereby promulgated for general information:—

Act No. IX of 1893.

A Bill to amend the Indian Tariff Act, 1882, as amended by subsequent Acts.

XI of 1892.

WHEREAS it is expedient to amend the Indian Tariff Act, 1882, as amended by subsequent Acts; It is hereby enacted as follows:

1. After No. 4 (Salt) in the second schedule to the Act aforesaid, the following is hereby inserted, namely:

Import of dry and wet salt-fish into Burma.

No.	Names of Articles.	Per	Tariff valuation.	Rate of Duty.
4A.	Dry salt-fish and wet salt-fish (<i>nyapi</i>) imported into Burma from any place beyond the limits of British India.	Indian maund of 82½ lbs. avoirdupois weight.	...	Such rate or rates of duty, not exceeding twelve annas, as the Governor General in Council may, by notification in the <i>Gazette of India</i> , from time to time prescribe.

2. To the words "Rice whether husked or unhusked" in the first column of the third schedule to the Act aforesaid, the words "including rice-flour" are hereby added.

S. HARVEY JAMES,
Secretary to the Government of India.

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 7TH SEPTEMBER 1893.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st September 1893, and is hereby promulgated for general information:—

Act No. X of 1893.

An Act to amend the Excise Act, 1881.

WHEREAS it is expedient to amend the Excise Act, 1881; It is hereby enacted as follows:—

1. The following shall be added to section 7 of the said Act, namely:

Addition of *Explanation* to section 7, Act XXII, 1881. "Explanation.—Duty may be fixed or made payable under this section at different rates according to the places to which any spirit is to be removed for consumption."

2. After section 23 of the said Act the following shall be inserted, namely:

"23A. The Governor General in Council may from time to time, by notification in the *Gazette of India*, impose such duty as he thinks fit on any spirit or fermented liquor or intoxicating drug

brought by land from beyond the limits of India into any territory to which this Act extends or into any specified part thereof, and may alter or abolish any duty so imposed."

3. The heading to Chapter V, Act XXII, 1881. Chapter V of the said Act shall be—

"IMPORT OF SPIRIT, FERMENTED LIQUOR AND INTOXICATING DRUGS."

4. (1) To clause (c) of section 36 of the Amendment of section said Act the word "or" shall be added.

(2) After the said clause the following clause shall be added, namely:

"(d) without payment of such duty (if any) as may for the time being be payable in pursuance of a notification under section 23A, brings any spirit or fermented liquor or intoxicating drug into any territory to which this Act extends,"

(3) In the last paragraph of the said section 36, the words "or intoxicating drug" shall be inserted between the words "fermented liquor" and the words "together with".

S. HARVEY JAMES,
Secretary to the Government of India.

acts passed by the
Legislature of India &
Bombay for the
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Bombay Government Gazette.

Published by Authority.

THURSDAY, 8TH FEBRUARY 1894.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd February 1894, and is hereby promulgated for general information:—

Act No. I of 1894.

THE LAND ACQUISITION ACT, 1894.

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An Act to amend the law for the acquisition of land for public purposes and for Companies.

WHEREAS it is expedient to amend the law for the acquisition of land needed for public purposes and for Companies and for determining the amount of compensation to be made on account of such acquisition; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be called the Land Acquisition Act, 1894.

(2) It extends to the whole of British India; and

(3) It shall come into force on the first day of March 1894.

2. (1) The Land Acquisition Act, 1870, and section 74 of the Punjab Courts Act, 1884, are hereby repealed. X of 1870.
XVIII of 1884.

(2) But all proceedings commenced, officers appointed or authorised, agreements published and rules made under the said Land Acquisition Act shall, as far as may be, be deemed to have been respectively commenced, appointed or authorised, published and made under this Act.

(3) Any enactment or document referring to the said Land Acquisition Act or to any enactment thereby repealed shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

3. In this Act, unless there is something repugnant in the subject or context,—

(a) the expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(b) the expression "person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land;

(c) the expression "Collector" means the Collector of a district, and includes a Deputy Commissioner and any officer specially appointed by the Local Government to perform the functions of a Collector under this Act;

(d) the expression "Court" means a principal Civil Court of original jurisdiction, unless the Local Government has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Act;

The Land Acquisition Act, 1894.

(Part II.—Acquisition.—Sections 4—6.)

of 1892.

(e) the expression "Company" means a Company registered under the Indian Companies Act, 1882, or under the (English) Companies Acts, 1862 to 1890, or incorporated by an Act of Parliament or of the Governor General in Council, or by Royal Charter or Letters Patent :

(f) the expression "public purpose" includes the provision of village-sites in districts in which the Local Government shall have declared by notification in the official Gazette that it is customary for the Government to make such provision ; and

(g) the following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided (that is to say)—

trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability :

a married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age ; and

the guardians of minors and the committees or managers of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics or idiots themselves, if free from disability, could have acted :

Provided that—

(i) no person shall be deemed "entitled to act" whose interest in the subject-matter shall be shown to the satisfaction of the Collector or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act ;

(ii) in every such case the person interested may appear by a next friend, or, in default of his appearance by a next friend, the Collector or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof ;

(iii) the provisions of Chapter XXXI of the Code of Civil Procedure shall, *mutatis mutandis*, apply in the case of persons interested appearing before a Collector or Court by a next friend, or by a guardian for the case, in proceedings under this Act ; and

(iv) no person "entitled to act" shall be competent to receive the compensation-money payable to the person for whom he is entitled to act, unless he would have been competent to alienate the land and receive and give a good discharge for the purchase-money on a voluntary sale.

1894 of 1892.

PART II.

ACQUISITION.

Preliminary Investigation.

4. (1) Whenever it appears to the Local Government that land in any locality is likely to be needed for any public purpose, a notification to that effect shall be published in the official Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality.

(2) Thereupon it shall be lawful for any officer, either generally or specially authorized by such Government in this behalf, and for his servants and workmen,—

to enter upon and survey and take levels of any land in such locality ;
to dig or bore into the subsoil ;
to do all other acts necessary to ascertain whether the land is adapted for such purpose ;
to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon ;
to mark such levels, boundaries and line by placing marks and cutting trenches ;
and, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle :

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

5. The officer so authorized shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief revenue-officer of the district, and such decision shall be final.

Declaration of intended Acquisition.

6. (1) Subject to the provisions of Part VII of this Act, whenever it appears to the Local Government that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders :

Provided that no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a Company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority.

(2) The declaration shall be published in the official Gazette, and shall state the district or other territorial division in which the land is

The Land Acquisition Act, 1894.

(Part II.—Acquisition.—Sections 7-14.)

situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a Company, as the case may be; and, after making such declaration, the Local Government may acquire the land in manner hereinafter appearing.

7. Whenever any land shall have been so declared to be needed for a public purpose, or for a Company, the Local Government, or some officer authorized by the Local Government in this behalf, shall direct the Collector to take order for the acquisition of the land.

8. The Collector shall thereupon cause the land (unless it has been already marked out under section 4) to be marked out. He shall also cause it to be measured, and (if no plan has been made thereof) a plan to be made of the same.

9. (1) The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the measurements made under section 8. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorized to receive service on their behalf, within the revenue district in which the land is situate.

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post in a letter addressed to him at his last known residence, address or place of business and registered under Part III of the Indian Post Office Act 1866.

10. (1) The Collector may also require any such person to make or deliver to him at a time and place mentioned (such time not being ear-

lier than fifteen days after the date of the requisition), a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

(2) Every person required to make or deliver a statement under this section or section 9 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

Enquiry into Measurements, Value and Claims, and Award by the Collector.

11. On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 9 to the measurements made under section 8, and into the value of the land, and into the respective interests of the persons claiming the compensation, and shall make an award under his hand of—

- (i) the true area of the land ;
- (ii) the compensation which in his opinion should be allowed for the land ; and
- (iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

12. (1) Such award shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and value of the land, and the apportionment of the compensation among the persons interested.

(2) The Collector shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made.

13. The Collector may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him.

14. For the purpose of enquiries under this Act, the Collector shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means, and (so far as may be) in the same manner, as is provided in the case of a Civil Court under the Code of Civil Procedure.

After declaration, Collector to take order for acquisition.

for a public purpose, or for a Company, the Local Government, or some

officer authorized by the Local Government in this behalf, shall direct the Collector to take order for the acquisition of the land.

8. The Collector shall thereupon cause the land (unless it has been already marked out under section 4) to be marked out. He shall also cause it to be measured, and (if no plan has been made thereof) a plan to be made of the same.

9. (1) The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the measurements made under section 8. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorized to receive service on their behalf, within the revenue district in which the land is situate.

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post in a letter addressed to him at his last known residence, address or place of business and registered under Part III of the Indian Post Office Act 1866.

10. (1) The Collector may also require any such person to make or deliver to him at a time and place mentioned (such time not being ear-

Power to require and enforce the making of statements as to names and interests.

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*The Land Acquisition Act, 1894.**(Part II.—Acquisition.—Sections 15—17.—Part III.—Reference to Court and Procedure thereon.—Sections 18—21.)*

15. In determining the amount of compensation, the Collector shall be guided by the provisions contained in sections 23 and 24.

Matters to be considered and neglected.

Taking Possession.

16. When the Collector has made an award under section 11, he may take possession of the land, which shall thereupon vest absolutely in the Government, free from all encumbrances.

17. (1) In cases of urgency, whenever the Local Government so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in section 9, sub-section (1), take possession of any waste or arable land needed for public purposes or for a Company. Such land shall thereupon vest absolutely in the Government, free from all encumbrances.

(2) Whenever, owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for any Railway Administration to acquire the immediate possession of any land for the maintenance of their traffic or for the purpose of making thereon a river-side or ghat station, or of providing convenient connection with or access to any such station, the Collector may, immediately after the publication of the notice mentioned in sub-section (1) and with the previous sanction of the Local Government, enter upon and take possession of such land, which shall thereupon vest absolutely in the Government free from all encumbrances:

Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours' notice of his intention so to do or such longer notice as may be reasonably sufficient to enable such occupier to remove his moveable property from such building without unnecessary inconvenience.

(3) In every case under either of the preceding sub-sections the Collector shall at the time of taking possession offer to the persons interested compensation for the standing crops and trees (if any) on such land and for any other damage sustained by them caused by such sudden dispossession and not excepted in section 24; and, in case such offer is not accepted, the value of such crops and trees and the amount of such other damage shall be allowed for in awarding compensation for the land under the provisions herein contained.

PART III.

REFERENCE TO COURT AND PROCEDURE THEREON.

18. (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be refer-

Reference to Court.

iv.—3

red by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation, among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made,—

- (a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;
- (b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire.

19. (1) In making the reference, the Collector shall state, for the information of the Court, in writing under his hand,—

- (a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;
- (b) the names of the persons whom he has reason to think interested in such land.
- (c) the amount awarded for damages and paid or tendered under sections 5 and 17, or either of them, and the amount of compensation awarded under section 11; and
- (d) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(2) To the said statement shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by, the parties interested respectively.

20. The Court shall thereupon cause a notice, specifying the day on which the Court will proceed to determine the objection, and directing their appearance before the Court on that day, to be served on the following persons, namely:—

- (a) the applicant;
- (b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded; and,
- (c) if the objection is in regard to the area of the land or to the amount of the compensation, the Collector.

21. The scope of the inquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection.

Restriction on scope of proceedings.

The Land Acquisition Act, 1894.

(Part III.—Reference to Court and Procedure thereon.—Sections 22—28.)

22. Every such proceeding shall take place in open Court, and all persons entitled to practice in any Civil Court in the province shall be entitled to appear, plead and act (as the case may be) in such proceeding.

23. (1) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration—

first, the market-value of the land at the date of the publication of the declaration relating thereto under section 6;

secondly, the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of the Collector's taking possession thereof;

thirdly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land;

fourthly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, moveable or immovable, in any other manner, or his earnings;

fifthly, if, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change; and

sixthly, the damage (if any) *bonâ fide* resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the Collector's taking possession of the land.

(2) In addition to the market-value of the land, as above provided, the Court shall in every case award a sum of fifteen per centum on such market-value, in consideration of the compulsory nature of the acquisition.

24. But the Court shall not take into consideration—

first, the degree of urgency which has led to the acquisition.

secondly, any disinclination of the person interested to part with the land acquired;

thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;

fourthly, any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put;

fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put; or,

seventhly, any outlay or improvements on, or the disposal of, land acquired, commenced, made or effected without the sanction of the Collector after the date of the publication of the declaration under section 6.

25. (1) When the applicant has made a claim to compensation, pursuant to any notice given under section 9, the amount awarded to him by the Court shall not exceed the amount so claimed or be less than the amount awarded by the Collector under section 11.

(2) When the applicant has refused to make such claim, or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded by the Court shall in no case exceed the amount awarded by the Collector.

(3) When the applicant has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him by the Court shall not be less than, and may exceed, the amount awarded by the Collector.

26. Every award under this Part shall be in writing signed by the Judge, and shall specify the amount awarded under clause *first*, of subsection (1) of section 23, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.

27. (1) Every such award shall also state the amount of costs incurred in the proceedings under this Part, and by what persons and in what proportions they are to be paid.

(2) When the award of the Collector is not upheld, the costs shall ordinarily be paid by the Collector, unless the Court shall be of opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the Collector's costs.

28. If the sum which, in the opinion of the Court, the Collector ought to have awarded as excess compensation, is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of six per centum per annum from the date on which he took possession of the land to the date of payment of such excess into Court.

The Land Acquisition Act, 1894.

(Part IV.—Apportionment of Compensation.—Sections 29-30. Part V.—Payment.—
Sections 31—33.)

PART IV.

APPORTIONMENT OF COMPENSATION.

29. Where there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

30. When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute to the decision of the Court.

PART V.

PAYMENT.

31. (1) On making an award under section 11, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award, and shall pay it to them unless prevented by some one or more of the contingencies mentioned in the next sub-section.

(2) If they shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Court to which a reference under section 18 would be submitted:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided also that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 18:

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

(3) Notwithstanding anything in this section, the Collector may, with the sanction of the Local Government, instead of awarding a money compensation in respect of any land, make any arrangement with a person having a limited interest in such land either by the grant of other lands in exchange, the remission of land-revenue on other lands held under the same title or in such other way as may be equitable having regard to the interests of the parties concerned.

(4) Nothing in the last foregoing sub-section shall be construed to interfere with or limit the power of the Collector to enter into any

arrangement with any person interested in the land and competent to contract in respect thereof.

32. (1) If any money shall be deposited in Court under sub-section (2) of the last preceding section and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Court shall—

(a) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held, or

(b) if such purchase cannot be effected forthwith, then in such Government or other approved securities as the Court shall think fit;

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same be applied—

(c) in the purchase of such other lands as aforesaid; or

(d) in payment to any person or persons becoming absolutely entitled thereto.

(2) In all cases of moneys deposited to which this section applies the Court shall order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Collector, namely:—

(a) the costs of such investments as aforesaid;

(b) the costs of the orders for the payment of the interest or other proceeds of the securities upon which such moneys are for the time being invested, and for the payment out of Court of the principal of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

33. When any money shall have been deposited in Court under this Act for any cause other than that mentioned in the last preceding section, the Court may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as it may consider will give the parties interested therein the same benefit therefrom as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be.

The Land Acquisition Act, 1894.

(Part V.—Payment.—Section 34. Part VI.—Temporary Occupation of Land.—Sections 35—37. Part VII.—Acquisition of Land for Companies.—Sections 38—41.)

34. When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of six per centum per annum from the time of so taking possession until it shall have been so paid or deposited.

PART VI.

TEMPORARY OCCUPATION OF LAND.

35. (1) Subject to the provisions of Part VII of this Act, whenever it appears to the Local Government that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the Local Government may direct the Collector to procure the occupation and use of the same for such term as it shall think fit, not exceeding three years from the commencement of such occupation.

(2) The Collector shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

(3) In case the Collector and the persons interested differ as to the sufficiency of the compensation, or apportionment thereof, the Collector shall refer such difference to the decision of the Court.

36. (1) On payment of such compensation, or on executing such agreement, or on making a reference under section 35,

the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

(2) On the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein:

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the Local Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose or for a Company.

37. In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference to the decision of the Court.

PART VII.

ACQUISITION OF LAND FOR COMPANIES.

38. (1) Subject to such rules as the Governor General of India in Council may from time to time prescribe in this behalf, the Local Government may authorize any officer of any Company desiring to acquire land for its purposes to exercise the powers conferred by section 4.

(2) In every such case section 4 shall be construed as if, for the words "for such purpose," the words "for the purposes of the Company" were substituted; and section 5 shall be construed as if after the words "the officer" the words "of the Company" were inserted.

39. The provisions of sections 6 to 37 (both inclusive) shall not be put in force in order to acquire land for any Company, unless with the previous consent of the Local Government, nor unless the Company shall have executed the agreement hereinafter mentioned.

40. (1) Such consent shall not be given unless the Local Government be satisfied, by an enquiry held as hereinafter provided,—

(a) that such acquisition is needed for the construction of some work, and

(b) that such work is likely to prove useful to the public.

(2) Such enquiry shall be held by such officer and at such time and place as the Local Government shall appoint.

(3) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the Code of Civil Procedure in the case of a Civil Court.

41. Such officer shall report to the Local Government the result of the enquiry, and, if the Local Government is satisfied that the proposed acquisition is needed for the construction of a work, and that such work is likely to prove useful to the public, it shall, subject to such rules as the Governor General of India in Council may from time to time prescribe in this behalf, require the Company to enter into an agreement with the Secretary of State for India in Council, providing to the satisfaction of the Local Government for the following matters, namely:—

*The Land Acquisition Act, 1894.**(Part VII.—Acquisition of Land for Companies.—Sections 42—44.)**Part VIII.—Miscellaneous.—Sections 45—49.)*

- (1) the payment to Government of the cost of the acquisition;
- (2) the transfer, on such payment, of the land to the Company;
- (3) the terms on which the land shall be held by the Company;
- (4) the time within which, and the conditions on which, the work shall be executed and maintained; and
- (5) the terms on which the public shall be entitled to use the work.

42. Every such agreement shall, as soon as Publication of agreement, may be after its execution, be published in the Gazette of India, and also in the local official Gazette, and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act.

43. The provisions of sections 39 to 42, both inclusive, shall not apply, and the corresponding sections of the Land Acquisition Act, 1870, shall be deemed never to have applied, to the acquisition of land for any Railway or other Company, for the purposes of which, under any agreement between such Company and the Secretary of State for India in Council, the Government is, or was, bound to provide land.

44. In the case of the acquisition of land for the purposes of a Railway Company, the existence of such an agreement as is mentioned in section 43 may be proved by the production of a printed copy thereof purporting to be printed by order of Government.

PART VIII.**MISCELLANEOUS.**

45. (1) Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 4, by the officer therein mentioned, and, in the case of any other notice, by or by order of the Collector or the Judge.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous

place in the office of the officer aforesaid or of the Collector or in the court-house, and also in some conspicuous part of the land to be acquired:

Provided that, if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address or place of business and registered under Part III of the Indian Post Office Act, 1868, and service of it may be proved by the production of the addressee's receipt.

46. Whoever wilfully obstructs any person in doing any of the acts authorized by section 4 or section 8, or wilfully fills up, destroys, damages or displaces any trench or mark, made under section 4 shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both.

47. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and, if not a Magistrate, he shall apply to a Magistrate or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the land to the Collector.

48. (1) Except in the case provided for in section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(2) Whenever the Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

(3) The provisions of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section.

49. (1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desire that the whole of such house, manufactory or building shall be so acquired:

Provided that the owner may, at any time before the Collector has made his award under section 11, by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory or building shall be so acquired:

The Land Acquisition Act, 1894.

(Part VIII.—Miscellaneous.—Sections 50—55).

Provided also that, if any question shall arise as to whether any land proposed to be taken under this Act does or not form part of a house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Court and shall not take possession of such land until after the question has been determined.

In deciding on such a reference the Court shall have regard to the question whether the land proposed to be taken is reasonably required for the full and unimpaired use of the house, manufactory or building.

(2) If, in the case of any claim under section 23, sub-section (1), *thirdly*, by a person interested, on account of the severing of the land to be acquired from his other land, the Local Government is of opinion that the claim is unreasonable or excessive, it may, at any time before the Collector has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(3) In the case last hereinbefore provided for, no fresh declaration or other proceedings under sections 6 to 10, both inclusive, shall be necessary; but the Collector shall, without delay, furnish a copy of the order of the Local Government to the person interested, and shall thereafter proceed to make his award under section 11.

50. (1) Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any Company, the charges of and incidental to such acquisition shall be defrayed from or by such fund or Company.

(2) In any proceeding held before a Collector or Court in such cases the local authority, or Company concerned may appear and adduce evidence for the purpose of determining the amount of compensation.

Provided that no such local authority or Company shall be entitled to demand a reference under section 18.

51. No award or agreement made under this Act shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

52. No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends.

53. Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure shall apply to all proceedings before the Court under this Act.

54. Subject to the provisions of the Code of Civil Procedure applicable to appeals from original decrees, an appeal shall lie to the High Court from the award or from any part of the award of the Court in any proceedings under this Act.

55. (1) The Local Government shall have power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made.

(2) The power to make, alter and add to rules under sub-section (1) shall be subject to the condition of the rules being made, altered or added after previous publication.

(3) All such rules, alterations and additions shall, when sanctioned by the Governor General in Council, be published in the official Gazette, and shall thereupon have the force of law.

S. HARVEY JAMES,
Secretary to the Government of India.



Bombay Government Gazette.

Published by Authority.

THURSDAY, 22ND FEBRUARY 1894.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th February 1894, and is hereby promulgated for general information:—

Act No. II of 1894.

An Act to amend the Indian Ports Act, 1889.

WHEREAS it is expedient to amend the Indian Ports Act, 1889; It is hereby enacted as follows:—

1. For the word "Ditto," where it occurs Amendment of first against "Balasore Ports" schedule to Act X, 1889, as in the fourth column of regards Balasore Ports. Part I (Bengal) of the first schedule to the Act aforesaid, the following shall be substituted, namely—

"Whenever the vessel enters any one of the ports, except in the case of mail-steamers and coasting-vessels, which shall not be chargeable more than once in thirty days."

S. HARVEY JAMES,
Secretary to the Government of India.

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 1st MARCH 1894.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 23rd February 1894, and is hereby promulgated for general information :—

Act No. III of 1894.

An Act to amend the Code of Criminal Procedure, 1882, and the Indian Penal Code.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882, and the Indian Penal Code; It is hereby enacted as follows :—

Code of Criminal Procedure, 1882.

1. To section 44 of the Code of Criminal Procedure, 1882, the following shall be added, namely :—

“Any act committed, at any place out of British India, which, if committed in British India, would be punishable under any of the following sections of the Indian Penal Code, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460, shall be deemed to be an offence for the purposes of this section.”

2. In section 45 of the Code of Criminal Procedure, 1882, the following shall be added after clause (d) and substituted for the *Explanation*, namely :—

“(c) the commission of, or intention to commit, at any place out of British India near such village any act which, if committed in

British India, would be an offence punishable under any of the following sections of the Indian Penal Code, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460. XLV of 1860.

“In this section—

(i) ‘village’ includes village-lands; and

(ii) the expression ‘proclaimed offender’ includes any person proclaimed as an offender by any Court or authority established or continued by the Governor General in Council in any part of India in respect of any act which, if committed in British India, would be punishable under any of the following sections of the Indian Penal Code, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460.” XLV of 1860.

3. In section 54 of the Code of Criminal Procedure, 1882, the word “and” in clause *fifthly* is repealed, the word “and” shall be added to clause *sixthly*, and the following shall be inserted after clause *sixthly*, namely :—

“*seventhly*, any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of British India, which, if committed in British India, would have been punishable as an offence,

44 & 45 Vict.,
c. 69.

and for which he is, under any law relating to extradition or under the Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in British India."

4. In Schedule II of the Code of Criminal Procedure, 1882, immediately after the entries relating to section 216 of the Indian Penal Code, the following shall be inserted, namely:—

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
216A	Harbouring robbers or dacoits.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for seven years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

Indian Penal Code.

XLV of 1860. 5. To section 177 of the Indian Penal Code Addition to section 177 the following shall be of Indian Penal Code. added, namely:—

"*Explanation.*—In section 176 and in this section the word 'offence' includes any act committed at any place out of British India, which, if committed in British India, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460; and the word 'offender' includes any person who is alleged to have been guilty of any such act."

6. To section 203 of the said Code the following Addition to section 203 shall be added, name- of same Code. ly:—

"*Explanation.*—In sections 201 and 202 and in this section the word 'offence' includes any act committed at any place out of British India, which, if committed in British India, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460."

XLV of 1860. 7. In section 212 of the Indian Penal Code, Addition to section 212 immediately before the of same Code. *Exception* the following shall be inserted, namely:—

"'Offence' in this section includes any act committed at any place out of British India, which, if committed in British India, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460;

and every such act shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in British India."

8. After section 216 of the said Code the following shall be inserted, Addition of new sections after section 216 of same Code. namely:—

"216A. Whoever, knowing or having reason to believe that any persons are about to commit or have recently committed robbery or dacoity, harbours them or any of them, with the intention of facilitating the commission of such robbery or dacoity, or of screening them or any of them from punishment, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

"*Explanation.*—For the purposes of this section it is immaterial whether the robbery or dacoity is intended to be committed, or has been committed, within or without British India.

"*Exception.*—This provision does not extend to the case in which the harbour is by the husband or wife of the offender.

"216B. In sections 212, 216 and 216A the Definition of 'harbour' word 'harbour' includes in sections 212, 216 and the supplying a person 216A. with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person in any way to evade apprehension."

S. HARVEY JAMES,
Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 23rd February 1894, and is hereby promulgated for general information:—

Act No. IV of 1894.

An Act to repeal certain obsolete Enactments and to amend certain other Enactments.

WHEREAS it is expedient that certain enactments specified in the first-schedule to this Act which are spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

And whereas it is also expedient that certain formal amendments should be made in the enactments specified in the second schedule to this Act;

It is hereby enacted as follows:—

Title, extent and commencement. 1. (f) This Act may be called the Repealing and Amending Act, 1894.

(g) It extends to the whole of the territories administered by the Governor of Bombay in Council; and

(h) It shall come into force at once.

2. (1) The enactments specified in the first schedule are hereby repealed to the extent mentioned in the fourth column thereof.

(2) The enactments specified in the second schedule shall be modified to the extent and in the manner mentioned in the fourth column thereof.

3. The repeal by this Act of any enactment shall not affect any Savings. Statute, Act or Regulation in which such enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment provide or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption,

usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
<i>Part I.—Regulations of the Bombay Code.</i>			
1827	V	Acknowledgment of debts; interest; mortgages.	Appendix B.
"	XII	Police.	Appendix E.
"	XIII	Criminal Courts.	Appendices A, B, D, E, F, G, H, I, J, K, L, M and N.
"	XX	Customs and Taxes.	So much as has not been repealed.
"	XXI	Duty on Opium and Spirits.	So much as has not been repealed.
"	XXIX	Dekkhan and Khairdeh.	In section 2, clause first, the words and figures with the exception of Regulation XVIII and of any enactments relating to stamps.
1834	I	Deputy Agent for Sardars in Dekkhan.	In the title, the words and figures for rescinding Regulation V of 1828, which defines the duties and jurisdiction of that office. In the preamble, the words to have effect from the date of promulgation.
<i>Part II.—Rules, Ordinances and Regulations relating to the Town and Island of Bombay.</i>			
1825	II	Repealing in part Rule, Ordinance and Regulation I of 1812.	The whole.
1827	I	Repealing in part Rule, Ordinance and Regulation I of 1814.	The whole.
1828	I	Preventing goods from being left on quays.	The whole.
1834	I	Repealing in part Rule, Ordinance and Regulation II of 1827.	So much as has not been repealed.

THE FIRST SCHEDULE—*contd.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.

Part III.—Acts of the Governor General in Council.

1836	VII	Authority of certain Regulations.	So much as has not been repealed.
1852	XI	Titles to rent-free estates.	In the preamble, <i>the words and figures</i> and incapable of being justly disposed of under the rules for the determination of titles and the rules of procedure contained in Chapters IX and X of Regulation XVII of 1827 of the Bombay Code and their supplements. So much of section 1 as has not been repealed. In section 2, <i>the words</i> the said.
1874	XV	Laws Local Extent Act, 1874.	Section 8, clause (4).
1875	VI	Loan to Sir Jamsetjee Jeejeebhoy.	The whole.
1876	X	Bombay Revenue Jurisdiction Act, 1876.	In the preamble <i>the words and figures</i> and to provide for the recovery by the Local Government of advances made for purposes other than those specified in section three of the Land Improvement Act, 1871.
1877	XIV	Broach and Kaira Incumbered Estates Act, 1877.	In section 39, <i>the word</i> And <i>where it first occurs</i> and <i>the word</i> further. In section 41, clause (b), <i>the words</i> the said.

THE FIRST SCHEDULE—*concl'd.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.

Part III.—Acts of the Governor General in Council—cont'd.

1878	I	Opium Act, 1878.	The third paragraph of section 2.
1884	XI	Sindh Incumbered Estates Act, 1884.	Section 8. Section 9.

THE SECOND SCHEDULE.

ENACTMENTS AMENDED.

1	2	3	4
Year.	No.	Subject or title.	Amendment.

Part I.—Regulation of the Bombay Code

1830	XIII	Jurisdiction of Jagirdars, etc.	In section 3, clause third, <i>after</i> open to <i>insert</i> appeal to.
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Part II.—Act of the Governor General in Council.

1839	XX	Levy of haqqe, etc.	In section 3, <i>for</i> shall be punishable as for an undue exaction under Regulation XVII of 1827, section XVI, of the Bombay Code, notwithstanding the offender be not a Revenue Officer of Government, <i>read</i> shall, whether he is or is not a Revenue Officer of Government, be punishable with imprisonment for a term which may extend to seven years, and shall also be liable to fine not exceeding ten times the amount of the sum so levied.
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S. HARVEY JAMES,
Secretary to the Government of India,



Bombay Government Gazette.

Published by Authority.

THURSDAY, 8TH MARCH 1894.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March 1894, and is hereby promulgated for general information:—

Act No. V of 1894.

An Act to amend the Code of Civil Procedure.

XIV of 1882. WHEREAS it is expedient to amend the Code of Civil Procedure; It is hereby enacted as follows:—

1. (1) This Act may be called the Civil Procedure Code Amendment Act, 1894; and

(2) It shall come into force at once.

XIV of 1882. 2. After section 310 of the Code of Civil Procedure the following shall be inserted, namely:—

Addition of new section after section 310 of Code.

“310A. Any person whose immovable property has been sold under this Chapter may at any time within thirty days from the date of sale apply to have the sale set aside on his depositing in Court—

Application by judgment-debtor to set aside sale on deposit of debt.

(a) for payment to the purchaser, a sum equal to five per centum of the purchase-money, and

(b) for payment to the decree-holder, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered, less any amount which may, since the date of such proclamation of sale, have been received by the decree-holder.

“If such deposit is made within the thirty days, the Court shall pass an order setting aside the sale:—

Provided that, if a person applies under the next following section to set aside the sale of his immovable property, he shall not be entitled to make an application under this section.

“Nothing in this section shall be construed to relieve the judgment-debtor from any liability he may be under in respect of costs and interest not covered by the proclamation of sale.”

3. In section 315 of the Code of Civil Procedure the figures and letter “310A” shall be inserted after the word “section” and before the figures “312”.

XIV of 1882. Amendment of section 315 of Code.

S. HARVEY JAMES,
Secretary to the Government of India.

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 15TH MARCH 1894.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 8th March 1894, and is hereby promulgated for general information:—

Act No. VI of 1894.

An Act to amend the Indian Stamp Act, 1879, with respect to Policies of Sea and Fire Insurance and Sale-Certificates.

1 of 1879 WHEREAS it is expedient to amend the Indian Stamp Act, 1879, with respect to policies of sea and fire insurance and sale-certificates; It is hereby enacted as follows:—

Policies of Sea and Fire Insurance.

1 of 1879. 1. To clause (15) of section 3 of the Indian Stamp Act, 1879, as amended by section 1 of Act I of 1893, the following shall be added, namely:—

“It includes also a policy of sea-insurance, such a policy (a) meaning any insurance made upon any ship or vessel, or upon the machinery, tackle or furniture of any ship or vessel, or upon any goods, merchandise or property of any description whatever on board of any ship or vessel, or upon the freight of, or any other interest which may be lawfully insured in or relating to, any ship or vessel, and (b) including any insurance of goods, merchandise or property for any transit which includes not only a sea risk but also any other risk incidental to the transit insured from the commencement of the transit to the ultimate destination covered by the insurance:—

“and where any person, in consideration of any sum of money paid or to be paid for additional freight or otherwise, agrees to take upon himself any risk attending goods, merchandise or property of any description whatever while on board of any ship or vessel, or engages to indemnify the owner of any such goods, merchandise or property from any risk, loss or damage, such agreement or engagement shall be deemed to be a contract for sea-insurance.”

2. Between section 7 and section 8 of the said Act, the following section shall be inserted, namely:—

“7A. (1) No contract for sea-insurance (other than such insurance as is referred to in section 55 of the Merchant Shipping Act Amendment Act, 1862,) shall be valid unless the same is expressed in a policy of sea-insurance.”

“ (2) No policy of sea-insurance made for time shall be made for any time exceeding twelve months.

“ (3) No policy of sea-insurance shall be valid unless it specifies the particular risk or adventure, or the time for which it is made, the names of the subscribers or underwriters, and the amount or amounts insured.

“ (4) Where any sea-insurance is made for or upon a voyage and also for time, or to extend to or cover any time beyond thirty days after the ship shall have arrived at her destination and been there-moored at anchor, the policy shall be charged with duty as a policy for or upon a voyage, and also with duty as a policy for time.”

3. For division (a) of article 49 of Schedule I of the said Act, as amended by section 2 of Act I of 1888, relating to sea-insurance, the following shall be substituted, namely :—

Description of Instrument.	Proper Stamp-duty.
	Rs. a. p.
(a) In the case of sea-insurance—	
(1) for or upon any voyage—	
(i) where the premium or consideration does not exceed the rate of two annas or one-eighth per centum of the amount insured by the policy ...	0 1 0
(ii) in any other case, in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy	0 2 0
(2) for time—	
(iii) in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy—	
where the insurance shall be made for any time not exceeding six months	0 2 0
where the insurance shall be made for any time exceeding six months and not exceeding twelve months.	0 4 0

49. POLICY OF INSURANCE.

4. (1) In division (c) of article 49 of Schedule I of the said Act, as amended by section 2 of Act I of 1888, the following shall be added after the words "In the case of any other insurance," namely, "except such a re-assurance as is described in division (d) of this article—".

(2) After division (c) of article 49 of Schedule I of the said Act, amended as aforesaid, the following division shall be added, namely :—

Description of Instrument.	Proper Stamp-duty.
	Rs. a. p.
49. POLICY OF INSURANCE— (d) In the case of a re-insurance, by an Insurance Company which has granted a policy of sea-insurance or a policy of insurance against loss by fire, with another Company by way of indemnity or guarantee against the payment on the original insurance of a certain part of the sum insured thereby	1 0 0

Sale-Certificates.

5. Section 24 of the said Act shall be held inapplicable of section 24 to sale-certificates. not to apply and never to have applied to any such certificate of sale as is mentioned in article 16 of Schedule I of that Act :

Provided that nothing in this section shall be deemed to affect any decree or order made by any Court or Revenue-officer before the commencement of this Act.

6. In the third column of Schedule I of the said Act, after the words "the purchase-money" against article 16, the word "only" shall be added.

S. HARVEY JAMES,
Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 8th March 1894, and is hereby promulgated for general information :—

Act No. VII of 1894.

An Act to amend the Prisoners Act, 1871.

of 1871.

WHEREAS it is expedient to amend the Prisoners Act, 1871; It is hereby enacted as follows :—

1. To section 1 of the said Act the following Addition to section 1, shall be added, namely :—

“ Any reference in Part III or Part V of this Act to a prison or jail, or to imprisonment or confinement, may be read as referring to a reformatory or reformatory school or to confinement therein.”

Repeal of section 9, Act V, 1871.

2. Section 9 of the said Act is hereby repealed.

3. In section 14 of the said Act, for the words “ or in pursuance of a warrant of any Court established in Calcutta, Madras or Bombay under the Presidency Small Cause Courts Act, 1882,” the following shall be substituted, namely :—

“ or in pursuance of a warrant of any Civil Court established in Calcutta, Madras or Bombay under any law for the time being in force.”

4. (1) In section 16 of the said Act, for the words “ acting under the authority ” the words “ acting, whether within or without British India, under the general or special authority ” shall be substituted.

(2) To the same section the following shall be added, namely :—

“ or, with the previous sanction of the Governor General in Council in each case, to any sentence or order or warrant for the detention of any person passed or issued by any Court or tribunal of any Native Prince or State under the suzerainty of Her Majesty :

“ Where a Court or tribunal of such a Native Prince or State has passed a sentence which cannot be executed without the concurrence of an officer of the British Government, and such sentence has been judicially considered on the merits and confirmed by any such officer specially authorised by name or by office in that behalf, such sentence, and any order or warrant issued in pursuance thereof, shall be deemed to be the sentence, order or warrant of a Court or tribunal acting under the authority of the Governor General in Council.”

5. (1) For the first fifty-one words of section 19 of the said Act the following shall be substituted, namely :—

“ The Governor General in Council or the Local Government may authorise the reception, deten-

tion or imprisonment in any place in British India, or in any place under such Government, as the case may be, for the period specified in their respective sentences, of persons sentenced within the territories of any Native Prince or State under the suzerainty of Her Majesty to imprisonment or transportation for any of the following offences : ”

(2) In the same section, after the words “ theft of cattle ” the following shall be inserted, namely :

“ or for any other act (referred to in this section as an offence) which would, if done in British India, have constituted an offence against any of the sections of the Indian Penal Code mentioned in the schedule to the Foreign Jurisdiction and Extradition Act, 1879.”

(3) For the proviso to the same section the following shall be substituted, namely :—

“ Provided that such sentences have been pronounced after trial before a tribunal of which the presiding Judge, or, if the Court consisted of more than one Judge, at least one of such Judges, was an officer of the British Government authorised to act as such Judge by the Native Prince or State or by the Governor General in Council.”

6. For section 30 of the said Act, the following Substitution of new section shall be substituted, namely :—

“ 30. When any person is, or has been, sentenced to imprisonment or transportation by any Court, or, in default of giving security for keeping the peace or maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Local Government, or (subject to its orders and under its control) the Inspector-General of Prisons may order his removal during the period for which he has been sentenced to imprisonment or transportation or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of confinement within the territories subject to the same Local Government.”

Removal from one jail to another in territories under same Local Government.

7. For section 32 of the said Act the following shall be substituted, namely :—

“ 32. When any person is, or has been, sentenced to imprisonment or transportation by any Court, or, in default of giving security for maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Governor General in Council may order his removal during the period for which he has been sentenced to imprisonment or transportation or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of confinement in British India.”

Substitution of new section for section 32, Act V, 1871.

Removal of prisoners from territories under one Local Government to territories under another.

S. HARVEY JAMES,

Secretary to the Government of India.

THE



Bombay Government Gazette EXTRAORDINARY.

Published by Authority.

WEDNESDAY, 14TH MARCH 1894.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council* received the assent of His Excellency the Governor General on the 10th March 1894, and is hereby promulgated for general information:—

Act No. VIII of 1894.

THE INDIAN TARIFF ACT, 1894.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Title, extent and commencement.
2. Repeal.
3. Duties specified in schedules to be levied.
4. Export of pepper from Cochin.
5. Duties on goods crossing certain frontiers.
6. Amendment of Act XVI, 1863, s. 1.
7. Duty on salt, opium and spirit when protected by a certificate.
8. Application of certain provisions as to duties and goods.
9. Power to cancel notifications.
10. When contracts have been entered into, amount of increased or decreased duty to be added or deducted.
11. Amendment of Act VIII of 1873, section 23.

IV.—8

SCHEDULE I.—ACTS REPEALED.

SCHEDULES II, III, & IV.—IMPORT TARIFF.

SCHEDULE V.—EXPORT TARIFF.

An Act to amend the law relating to Customs-duties, and for other purposes.

WHEREAS it is expedient to amend the law relating to the duties of customs on goods imported and exported by sea, and to provide for the levy of duties on goods crossing the frontier of certain Foreign European Settlements in India and of the territories of certain Native Chiefs; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Tariff Act, 1894.

(2) It extends to the whole of British India except Aden and Perim; and

(3) It shall come into force at once.

2. (1) The Acts mentioned in the first schedule are repealed to the extent specified therein:

(2) But all notifications published, and rules and orders made, under any of those Acts, and in force immediately before the commencement of this Act, shall, so far as they are consistent herewith, be deemed to have been respectively published and made under this Act: and

(3) All references made to the Indian Tariff XVI of 1867, Act, 1875, and the Indian Tariff Act, 1882, in XI of 1867: Acts or Regulations passed before the commencement of this Act, shall be deemed to be made to this Act.

(4) Nothing in this Act shall authorize the levy of duties of customs on any article carried from one customs-port in British India to another such port, except salt, opium and spirit.

3. There shall be levied and collected, in every port to which this Act applies, the duties specified in the second, third, fourth and fifth schedules.

4. On all pepper exported by sea from the port of Cochin there shall be levied such duty not exceeding nine rupees per khandi, as the Governor of Fort Saint George in Council may determine; and at the close of each year, or as soon thereafter as may be convenient, the Customs-Collector at the said port shall, after deducting the expenses of collection, pay the duty collected under this section to the Governments of Travancore and Cochin in such proportion and in such manner as the Governor of Fort Saint George in Council may direct.

5. (1) Duties of customs shall be levied at the rates respectively prescribed in the second, third and fourth schedules on goods passing by land out of, and in the fifth schedule on goods passing by land into,—

- (a) Foreign European Settlements in India;
(b) any territory declared, under the power hereinafter in this section conferred, to be foreign territory.

(2) Subject to the control of the Governor General in Council, the Governor of Fort Saint George in Council and the Governor of Bombay in Council may, by notification in the local official Gazette, respectively declare that the territory of any Native Chief situate within, or bordering on, the territories respectively administered by such Governors, but not subject to the jurisdiction of the Courts and Civil authorities of such territories, shall be deemed, for the purposes of this section, to be foreign territory.

(3) The Governor General in Council may by notification in the Gazette of India, declare that the territory of any other Native Chief shall be deemed, for the purposes of this section, to be foreign territory.

6. In Act No. XVI of 1863, section 1, for the words "calculated at ten" the words "not exceeding five" shall be substituted.

7. (1) Salt, opium, and spirit imported from any port in British India, and protected by the certificate of an officer empowered in that behalf by the Governor General in Council or the Local Government, are charge-

able with only the amount, if any, by which the duty leviable thereon under the third schedule exceeds the duty shown by such certificate to have been already paid in respect thereof.

(2) The amount, if any, paid to the Government as the price of such salt or opium is not duty within the meaning of this section.

(3) Nothing in this section applies to spirit which is exported under bond for excise-duty from one customs-port to another customs-port under the provisions of Chapter XIV of the Sea Customs Act, 1878.

VIII of

8. So far as regards the Presidency of Fort Saint George, the unrepealed provisions of Act No. VI of 1844, and, so far as regards the Presidency of Bombay, the unrepealed provisions of Act No. XXIX of 1857, relating to the levy of duties and to dutiable goods, shall, *mutatis mutandis*, apply to duties levied and goods liable to duty under or by virtue of section 5, sub-section (1), clause (b).

9. All notifications published under this Act may be cancelled by the authority publishing the same.

10. In the event of any duty of customs or excise on any article being imposed, increased, decreased or remitted after the making of any contract for the sale of such article without stipulation as to the payment of duty where duty was not chargeable at the time of the making of the contract, or for the sale of such article duty-paid where duty was chargeable at that time,—

- (a) if such imposition or increase so takes effect that the duty, or increased duty, as the case may be, is paid, the seller may add so much to the contract price as will be equivalent to the duty or increase of duty, and he shall be entitled to be paid and to sue for and recover such addition, and
(b) if such decrease or remission so takes effect that the decreased duty only or no duty, as the case may be, is paid, the purchaser may deduct so much from the contract-price as will be equivalent to the decrease of duty or remitted duty, and he shall not be liable to pay or be sued for or in respect of such deduction.

11. In the 2nd paragraph of section 23 of the Sea Customs Act, 1878, VIII Amendment of Act VIII of 1878, section 23, the words "with the previous sanction of the Governor General in Council" shall be inserted after the word "may."

SCHEDULE I—(ACTS REPEALED).

Number and year.	Title.	Extent of Repeal.
<i>Acts of the Governor General in Council.</i>		
XI of 1882 ...	Indian Tariff Act, 1882 ...	So much as has not been repealed.
II of 1887 ...	An Act to amend the Sea Customs Act, 1878, the Excise Act, 1881, and the Indian Tariff Act, 1882.	Section 8.
II of 1888 ...	An Act to provide for the levy of a customs-duty on Petroleum.	Section 1.
VIII of 1889 ...	An Act to amend the Sea Customs Act, 1878, and the Indian Tariff Act, 1882.	Sections 3, 4 and 5.
XII of 1890 ...	An Act to amend the Indian Tariff Act, 1882...	The whole.
I of 1892 ...	An Act to amend the Indian Tariff Act, 1882...	Ditto.
IX of 1893 ...	An Act to amend the Indian Tariff Act, 1882, as amended by subsequent Acts.	Ditto.

SCHEDULE II—(IMPORT TARIFF).

Arms, Ammunition and Military Stores, including in addition to the articles specifically mentioned in this Schedule,

- (a) all articles which are either "arms" or "ammunition" within the meaning of the Indian Arms Act, and
- (b) any articles which the Governor General in Council may, by notification in the Gazette of India, declare to be "Military Stores" for the purposes of this Act.

22 of 1879.

Names of Articles.	Duty.
	R. a.
1. Firearms other than pistols, for each ...	50 0
2. Barrels for the same, whether single or double, for each ...	30 0
3. Pistols, for each ...	15 0
4. Barrels for the same, whether single or double, for each ...	10 0
5. Springs used for firearms, for each ...	3 0
6. Gunstocks, sights, blocks and rollers, for each ...	5 0
7. Revolver-breeches, for each cartridge they will carry ...	2 8
8. Extractors, nippers, heel-plates, pins, screws, tangs, bolts, thumb-pieces, triggers, trigger-guards, hammers, pistons, plates, and all other parts of a firearm not herein otherwise provided for, and all tools used for cleaning or putting together or loading the same, for each ...	1 8
9. Machines for making or loading or closing cartridges, for each ...	10 0
10. Machines for capping cartridges, for each ...	2 0

Exception I.—Articles falling under the 5th, 6th, 8th, 9th, or 10th head of the foregoing list, when they appertain to a firearm falling under the 1st or 3rd head, and are fitted into the same case with such firearm, are free.

Exception II.—The following are also free, namely:—

- (a) Arms forming part of the regular equipment of an Officer entitled to wear diplomatic, military or police uniform;
- (b) a sword, a revolver or a pair of pistols when accompanying an officer of Her Majesty's Regular Forces, or a commissioned officer of a volunteer corps, or certified by the commandant of the corps to which such officer belongs, or, in the case of an officer not attached to any corps, by the officer commanding the station or district in which such officer is serving, to be imported by the officer for the purposes of his equipment;

- (e) swords and revolvers which are certified by an Inspector-General of Police to be part of the ordinary equipment of members of the Police force under his charge;
- (d) swords forming part of the equipment of native commissioned officers of Her Majesty's Army;
- (e) swords for presentation as army or volunteer prizes;
- (f) arms, ammunition and military stores imported with the sanction of the Government of India for the use of any portion of the military forces of a Native State in India which may be maintained and organized for Imperial service;
- (g) Morris tubes and patent ammunition when imported by officers commanding British and Native regiments or volunteer corps, for the instruction of their men.

Proviso 1.—No duty in excess of ten per cent. *ad valorem* shall be levied upon any of the articles mentioned in the foregoing list, when they are imported in reasonable quantity, for his own private use, by any person lawfully entitled to possess the same.

Proviso 2.—When any articles which have been otherwise imported, and upon which duty has been levied or is leviable under numbers 1 to 10 are purchased retail from the importer by a person lawfully entitled as aforesaid, in reasonable quantity for his own private use, the importer may apply to the Customs Collector for a refund or remission (as the case may be) of so much of the duty thereon as is in excess of ten per centum *ad valorem*; and if such Collector is satisfied as to the identity of the articles and that such importer is in other respects entitled to such refund or remission, he shall grant the same accordingly.

		Tariff valuation.	Rate of duty.
		R.	a.
11.	Gunpowder, common, per lb. ... ..	...	0 5
	" sporting, " ... ..	...	1 0
12.	All other sorts of arms, ammunition, and military stores ... ..	... <i>ad valorem</i>	} 10 per cent.

SCHEDULE III—(IMPORT TARIFF).

LIQUORS, OPIUM, SALT, AND SALTED FISH.

No.	Names of Articles.	Per.	Rate of duty.
<i>R. a.</i>			
1	LIQUORS—		
	Ale, beer, and porter	} Imperial gallon or six quart bottles.	} 0 1
	Cider and other fermented liquors		
	Liqueurs		
	Spirit intended to be used exclusively in arts or manufactures, or in chemistry, and which has been rendered effectually and permanently unfit for human consumption.	.....	Five per cent. <i>ad valorem</i> .
	Spirit when used in drugs, medicines, or chemicals in a proportion of less than twenty per cent. of spirit of the strength of London proof.		
	Spirit when so used in a proportion of twenty per cent. and upwards.	Imperial gallon or six quart bottles of the strength of London proof.	6 0 and the duty to be increased or reduced in proportion as the strength of the spirit exceeds or is less than London proof.
	Spirit, perfumed, in wood or in bottles	Imperial gallon or six quart bottles.	8 0
	Spirit, other sorts	Imperial gallon or six quart bottles of the strength of London proof.	6 0 and the duty to be increased or reduced in proportion as the strength of the spirit exceeds or is less than London proof.

SCHEDULE III—(IMPORT TARIFF)—*continued.*LIQUORS, OPIUM, SALT, AND SALTED FISH—*continued.*

No.	Names of Articles.	Per	Rate of duty.
	Wines—		Rs. a.
	Champagne and all other sparkling wines not containing more than 42 per cent. of proof spirit.	Imperial gallon or six quart bottles.	2 8
	Champagne and all other sparkling wines containing more than 42 per cent. of proof spirit.	"	6 0
	All other sorts of wines not containing more than 42 per cent. of proof spirit.	"	1 0
	All other sorts of wines containing more than 42 per cent. of proof spirit.	"	6 0
2	OPIUM, not covered by a Government pass	ser of 60 tolas	24 0
3	SALT	Indian maund of 82½ lb avoirdupois weight.	The rate at which excise duty is for the time being leviable on salt manufactured in the place where the import takes place.
4	SALTED FISH, wet or dry	"	Such rate or rates of duty not exceeding twelve annas, as the Governor General in Council may, by notification in the <i>Gazette of India</i> , from time to time prescribe.

SCHEDULE IV—(IMPORT TARIFF).

GENERAL DUTIES.

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	<i>Articles of Food and Drink.</i>		Rs. a.	
1	COFFEE	cwt.	65 0	Five per cent.
2	FRUITS AND VEGETABLES—			
	Almonds without shell	"	40 0	"
	" in the shell	"	13 0	"
	Cashew or cajoo kernels	"	12 0	"
	Cocanuts	thousand	40 0	"
	" kernel (khopra)	cwt.	9 0	"
	Currants, European	"	35 0	"
	" Persian	"	12 0	"
	Dates, dry, in bags	"	5 0	"
	" wet	"	4 0	"
	" in pots and boxes	"	8 11	"
	Figs, European	"	42 0	"
	" Persian, dried	"	6 8	"
	Garlic	"	5 0	"
	Pistachio nuts	"	25 11	"
	Prunes, Bussora (álu Bokhara)	"	10 0	"
	Raisins, black, Persian Gulf, Red Sea and Kish-mish	"	12 0	"
	" Munakka, Persian Gulf, and Red Sea	"	10 0	"
	" Malaga and bloom	lb.	0 10	"
	" Other sorts	"	<i>ad valorem</i>	"
	Walnuts	cwt.	6 0	"

SCHEDULE IV—(IMPORT TARIFF)—continued.

GENERAL DUTIES—continued.

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	<i>Articles of Food and Drink—concluded.</i>			
	All other sorts, except fresh fruits and vegetables not separately enumerated, which are free ...	.....	<i>ad valorem</i>	Five per cent.
3	PROVISIONS, OILMAN'S STORES, AND GROCERIES—			
	Bacon in cans, jowls and cheeks ...	lb.	0 12	"
	Beef and pork ...	(tierce of three cwt, barrel of two cwt.	75 0	"
	Biche de mer ...	cwt.	50 0	"
	Eutter ...	lb.	1 0	"
	Cheese ...	"	0 12	"
	China preserves ...	box of six jars	8 0	"
	Fish-maws ...	cwt.	100 0	"
	Flour ...	barrel or sack of 200 lb.	20 0	"
	Ghi ...	cwt.	40 0	"
	Groceries not otherwise described ...	.....	<i>ad valorem</i>	"
	Pork hams ...	lb. ...	0 12	"
	Sago ...	cwt.	10 0	"
	Shark-fins... ..	"	30 0	"
	Singally and Sozille ...	"	15 0	"
	Tapioca ...	"	12 0	"
	Vinegar, European, in wood ...	Imperial gallon	1 0	"
	" Persian ...	"	1 0	"
	" Country ...	"	0 6	"
	All other sorts of Provisions, Oilman's Stores, and Groceries ...	.....	<i>ad valorem</i>	"
4	SPICES—			
	Aniseed, star ...	cwt.	25 0	"
	Betelnuts—Goa ...	"	14 0	"
	" —in the husk ...	thousand	2 0	"
	" —white, Srivarddhan ...	cwt.	28 0	"
	" all other sorts ...	"	7 0	"
	Cardamoms, other than hastard ...	"	250 0	"
	Chillies, dry ...	"	9 0	"
	Cloves ...	"	20 0	"
	" stems and heads ...	"	5 0	"
	" in seeds, narlavang ...	"	8 0	"
	Ginger, dry ...	"	20 0	"
	Mace ...	lb.	1 8	"
	Nutmegs ...	"	1 0	"
	" in shell ...	"	0 10	"
	Pepper, black and long ...	cwt.	16 0	"
	" white ...	"	35 0	"
	All other sorts of spices ...	.....	<i>ad valorem</i>	"
5	SUGAR, China, candy ...	cwt.	20 0	"
	" loaf ...	"	23 0	"
	" crystallized beet... ..	"	14 0	"
	" all other sorts, including saccharine produce of all kinds and confectionery ...	.....	<i>ad valorem</i>	"
6	TEA, black ...	lb.	0 10	"
	" green ...	"	1 4	"
	<i>Chemicals, Drugs, Medicines and Narcotics, and Dyeing and Tanning materials.</i>			
7	CHEMICAL PRODUCTS AND PREPARATIONS—			
	Acid, sulphuric ...	lb.	0 2	"
	Alkali, country (sajji-khâr) ...	cwt.	2 0	"
	Alum ...	"	5 0	"
	Arsenic ...	"	25 0	"
	" China mansil ...	"	16 0	"
	Bicarbonate of soda ...	"	7 0	"
	Copperas, green ...	"	3 0	"
	Explosives, namely, blasting gelatine, dynamite, roburite, tonite, and all other descriptions ...	.....	<i>ad valorem</i>	"

SCHEDULE IV—(IMPORT TARIFF)—continued.

GENERAL DUTIES—continued.

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	<i>Chemicals, Drugs, Medicines and Narcotics and Dyeing and Tanning materials—continued.</i>		Rs. a.	
	CHEMICAL PRODUCTS AND PREPARATIONS—			Five per cent.
	Sal ammoniac	cwt.	30 0	"
	Sulphur (brimstone), flour	"	5 8	"
	" (") roll	"	5 0	"
	" (") rough	"	4 0	"
	All other sorts of chemical products and preparations ... ..	.....	<i>ad valorem</i>	"
8	DRUGS, MEDICINES, AND NARCOTICS—			
	Aloes, black	cwt.	14 0	"
	" Socotra	"	25 0	"
	Aloe-wood... ..	lb.	3 0	"
	Asafetida (hing)	cwt.	80 0	"
	" coarse (hingrá)	"	18 0	"
	Atáry, Persian	"	15 0	"
	Brimstone (amalsára)	"	45 0	"
	Camphor, Bheimsáini (haras)	lb.	100 0	"
	" refined, cake... ..	"	1 0	"
	" crude, in powder	"	0 12	"
	Cassia lignea	cwt.	20 0	"
	China root (chobchimi), rough	"	7 0	"
	" " scraped	"	16 0	"
	Galangal, China	"	8 0	"
	Pellitory (akalkára)	"	30 0	"
	Salep	"	100 0	"
	Senna leaves	"	4 8	"
	Storax, liquid (rose mellées)	"	46 0	"
	Tobacco, manufactured and unmanufactured ... ..	.....	<i>ad valorem</i>	"
	All other sorts of drugs, medicines, and narcotics, except Quinine, which is free, and Opium, (for which see Schedule III) ... ..	.....	"	"
9	DYING AND TANNING MATERIALS—			
	Alizarine dyes, all colours ... ..	.....	<i>ad valorem</i>	"
	Aniline: " "	lb.	1 8	"
	Cochineal	"	1 0	"
	Gallnuts, myrsinobolams... ..	cwt.	4 8	"
	" Persian	"	37 0	"
	Madder or manjit	"	12 0	"
	Orchilla weed	"	9 8	"
	Sappan wood and root	"	5 8	"
	All other sorts of dyeing and tanning materials ... ..	.....	<i>ad valorem</i>	"
	<i>Metals and Manufactures of Metals.</i>			
10	HARDWARE AND CUTLERY, including ironmongery and plated-ware, but excluding machinery and the component parts of machinery, which are free...	.....	<i>ad valorem</i>	"
11	METALS, unwrought and wrought, and articles made of metals—			
	Brass, beads, ghúngri, China	thousand	1 0	"
	" old	cwt.	27 0	"
	" sheets, rolls, very thin	"	75 0	"
	" wire	lb.	0 7	"
	" all other sorts ... ..	.....	<i>ad valorem</i>	"
	Copper, Australian	cwt.	40 0	"
	" bolt	"	43 0	"
	" brazier's and sheets	"	48 0	"
	" China cash... ..	"	32 0	"
	" Japan	"	38 0	"
	" nails and composition nails	"	43 0	"
	" old	"	38 0	"
	" pigs and slabs	"	38 0	"
	" sheathing, plate, and raised bottoms... ..	"	45 0	"
	" tiles, ingots, cakes, and bricks	"	39 0	"

SCHEDULE IV—(IMPORT TARIFF)—*continued.*GENERAL DUTIES—*continued.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	<i>Metals and Manufactures of Metals—continued.</i>			
			Rs. a.	
11	METALS, unwrought and wrought, and articles made of metals— <i>continued.</i>			
	Copper, china, white, copper-ware	lb.	1 2	Five per cent.
	" foil or dānkpana	hundred leaves	3 0	"
	" wire, including wire of phosphor-bronze.	lb.	0 9	"
	" all other sorts, unmanufactured and unmanufactured	.....	<i>ad valorem</i>	"
	Gold leaf, European	hundred leaves	3 0	"
	" China and mock	.....	<i>ad valorem</i>	"
	Iron, anchors and cables	.....	"	one per cent.
	" angle and T	ton	110 0	"
	" beams, pillars, girders, bridge-work, and other descriptions of iron imported exclusively for building purposes	.....	<i>ad valorem</i>	"
	" flat, square, and bolt, including Scotch, galvanised, other than nails	ton	90 0	"
	" sheets and ridging	cwt.	9 8	"
	" hoop, plate, and sheet, other than Swedish	"	9 8	"
	" nails, rose, clasp, and flat-headed, rivets and washers	ton	128 0	"
	" nails, other sorts, including galvanised.	cwt.	11 0	"
	" nail-rod	.....	<i>ad valorem</i>	"
	" old	ton	100 0	"
	" pig	cwt.	2 0	"
	" pipes and tubes	ton	50 0	"
	" rice bowls	.....	<i>ad valorem</i>	"
	" rod, round, other than Swedish, not exceeding half an inch in diameter...	set of ten.	4 9	"
	" rod, round, other than Swedish, exceeding half an inch in diameter	set of six.	3 9	"
	" Swedish, flat, square, and bolt	ton	100 0	"
	" nail rod	"	90 0	"
	" round rod, not exceeding half an inch in diameter	"	146 0	"
	" tinned plates	"	170 0	"
	" all other sorts, including wire, but excluding railway materials, which are free	"	180 0	"
	" tinncd plates	cwt.	10 0	"
	" all other sorts, including wire, but excluding railway materials, which are free	.....	<i>ad valorem</i>	"
	Lametta, double reels	score	4 8	Five per cent.
	" single	.....	<i>ad valorem</i>	"
	Lead, ore, galena	cwt.	12 0	"
	" pig	"	9 8	"
	" pipes	.....	<i>ad valorem</i>	"
	" sheets, other than sheets for tea chests, which are free	cwt.	10 0	"
	Orsidue and brass leaves, foreign, European...	lb.	1 2	"
	" China	"	1 0	"
	Patent or yellow metal, sheathing, sheets and bolts	cwt.	38 0	"
	Patent or yellow metal, sheathing, sheets, and bolts, old	"	30 0	"
	Quicksilver	lb.	1 6	"
	Shot, bird	cwt.	16 0	"
	Silver bullion or coin, except current coin of the Government of India, which is free	.....	<i>ad valorem</i>	"
	Steel, blistered	cwt.	7 0	One per cent.
	" British and foreign, other than Swedish.	.....	<i>ad valorem</i>	"
	" cast	.....	"	"
	" spring	cwt.	7 0	"
	" Swedish	"	13 0	"

SCHEDULE IV—(IMPORT TARIFF)—continued.
GENERAL DUTIES—continued.

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
<i>Metals and Manufactures of Metals—concluded.</i>		Rs. a.		
METALS, unwrought and wrought, and articles made of metals—concluded.				
	Steel, all other sorts, except railway materials, which are free		<i>ad valorem</i>	One per cent. Five per cent.
	Tin, block	cwt.	70 0	
	" foil, China	lb.	0 12	
	" other sorts		<i>ad valorem</i>	
	Zinc or spelter, nails	cwt.	21 0	
	" " plates and other shapes, soft.	"	16 6	
	" " " " " " hard.	"	13 0	
	" " sheet or sheathing	"	18 0	
	" " all other sorts		<i>ad valorem</i>	
	All other sorts of metals except gold bullion and coin, which are free			
<i>Oils.</i>				
12	Oils—			
	Cassia	lb.	3 0	
	Cocoanut	cwt.	13 0	
	Grass	lb.	1 12	
	Jinjili or til	cwt.	15 0	
	Linseed, European	Imperial gallon	1 12	
	Otto of sorts	ounce	10 0	
	Petroleum, including also naphtha and the liquids commonly known by the names of rock-oil, Rangoon oil, Burma oil, kerosine, paraffin oil, mineral oil, petrolina, gasoline, benzol, benzoline, benzene, and any inflammable liquid which is made from petroleum, coal, schist, shale, peat, or any other bituminous substance, or from any products of petroleum... ..	Imperial gallon	.....	one anna.
	" which has its flashing point at or above two hundred degrees of Fahrenheit's thermometer and is proved to the satisfaction of the Customs Collector to be intended for use exclusively for the batching of jute or other fibre or for lubricating purposes		<i>ad valorem</i>	Five per cent.
	Sandalwood	lb.	8 0	
	Tarpentine	Imperial gallon	1 14	
	Whale (except spermaceti) and fish	cwt.	15 0	
	Wood	"	25 0	
	All other sorts of oil		<i>ad valorem</i>	
<i>Other Articles, unmanufactured and manufactured.</i>				
13	APPAREL, including haberdashery and millinery and military and other uniforms and accoutrements, but excluding boots and shoes (for which see No. 39) and uniforms and accoutrements imported by a public servant for his personal use, which are free		<i>ad valorem</i>	
14	BUSHES, all sorts			
15	BUILDING AND ENGINEERING MATERIALS, namely, asphalt, cement of all kinds, earthenware piping and other kinds			

SCHEDULE IV—(IMPORT TARIFF)—continued.

GENERAL DUTIES—continued.

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	<i>Other Articles, unmanufactured and manufactured—continued.</i>			
			Rs. p.	
16	CABINET-WARE AND FURNITURE ...	.....	<i>ad valorem</i>	Five per cent.
17	CANDLES, paraffin	lb.	0 5	"
	" spermaceti	"	0 6	"
	" wax	"	1 0	"
	" all other sorts, including composition...	"	0 5	"
18	CANES, RATANS, ARTICLES MADE OF CANE OR RATAN, AND BASKET WORK— Canes, Malacca	dozen	1 0	"
	Ratans	cwt.	7 0	"
	All other sorts except common bamboos, which are free ... ..	.....	<i>ad valorem</i>	"
19	CARRIAGES and component parts thereof, except railway carriages and trucks, which are free ...	.....	"	"
20	CHINESE AND JAPANESE-WARE, including lacquered-ware, but excluding earthenware, China, and porcelain (for which see No. 26) ...	.....	"	"
21	CLOCKS, WATCHES, and other timekeepers ...	.....	"	"
22	COIR AND ARTICLES MADE OF COIR, EXCEPT CABLES AND ROPE (for which see No. 24)— Yarn of all kinds	cwt.	9 0	"
	All other sorts ... ..	.....	<i>ad valorem</i>	"
23	CORAL, real... ..	.....	"	"
24	CORDAGE AND ROPE made of any vegetable fibre— Coir, cables, tarred	cwt.	10 0	"
	" rope	"	10 0	"
	Cordage, hemp, European	"	25 0	"
	" " Manila	"	30 0	"
	Twine, sail, European... ..	lb.	0 8	"
	All other sorts of cordage and rope ... ..	.....	<i>ad valorem</i>	"
25	CORK and articles made of cork— Bottle corks	gross	1 0	"
	Vial corks	"	0 4	"
	All other sorts ... ..	.....	<i>ad valorem</i>	"
26	EARTHEN-WARE (except Earthen-ware piping, for which see No. 15), China, China clay, and porcelain ... ..	.....	<i>ad valorem</i>	"
27	FEATHERS ... ..	.....	"	"
28	FIREWORKS, China	box of 133½ lb.	35 0	"
	" all other sorts ... ..	.....	<i>ad valorem</i>	"
29	FLAX and articles made of flax, including linen thread—	.....	<i>ad valorem</i>	"
30	GLASS, glass-ware, beads, false pearls, and false corals— Bangles, glass, China, gilt	hundred pairs	15 0	"
	" " " not gilt	"	3 0	"
	Beads, China	cwt.	36 0	"
	Coral, false ... ..	.....	<i>ad valorem</i>	"
	Glass, China, all colours	133½ lb.	32 0	"
	" Crown, coloured	100 superficial feet	14 0	"
	" " of sizes	"	6 8	"

SCHEDULE IV—(IMPORT TARIFF)—continued.

GENERAL DUTIES—continued.

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	<i>Other Articles, unmanufactured and manufactured—continued.</i>		Rs. a.	
30	GLASS, glass-ware, beads, false pearls, and false corals—continued.			Five per cent.
	Pearls, false, Bajria... ..	lakh	3 0	
	" " Boria	thousand	1 0	
	" " Jauria	lakh	5 0	
	" " Lolakh... ..	thousand	6 12	
	" " Nathia... ..	"	0 3	
	" " Tachia... ..	"	1 0	
	" " Wattanah	lakh	10 0	
	All other sorts of beads, false pearls, glass and glass-ware ... ..	.....	<i>ad valorem</i>	
31	GUMS, GUM-RESINS, and articles made of gum or gum-resin—			
	Copal	cwt.	56 0	
	Cutch and gambier	"	17 0	
	Gum Ammoniac	"	14 0	
	" Arabic	"	18 0	
	" Bdellium (common gum)... ..	"	10 0	
	" Benjamin	"	40 0	
	" Bysabol (coarse Myrrh)	"	14 0	
	" Olibanum or frankincense	"	12 0	
	" Persian (false)	"	10 0	
	" Kino	"	10 0	
	Myrrh	"	40 0	
	Rosin	"	4 4	
	All other sorts of gums, gum-resins, and articles made of gum or gum-resin ... ..	.....	<i>ad valorem</i>	
32	HEMP and articles made of hemp—			
	Piece-goods and all other sorts (except rope, for which see No. 24) ... ..	.....	"
33	HIDES AND SKINS (except raw or salted hides and skins, which are free)—			
	Hides, border	each	32 0	
	" buffalo	score	80 0	
	" cow	"	60 0	
	Skins, all kinds	"	<i>ad valorem</i>	
34	INSTRUMENTS AND APPARATUS—			
	Musical, drawing, measuring, optical, photographic (including materials for photography), surveying, and surgical (including surgical appliances) ... ..	.....	"
35	IVORY AND IVORY-WARE—			
	Unmanufactured—			
	Elephants' grinders... ..	cwt.	125 0	
	Elephants' tusks (other than hollows, centres, and points) each exceeding 20 lb. in weight, and hollows, centres, and points each weighing 10 lb. and over	"	800 0	
	Elephants' tusks (other than hollows, centres and points) not less than 10 lbs. and not exceeding 20 lbs. each, and hollows, centres and points, each weighing less than 10 lbs.	"	680 0	
	Elephants' tusks each less than 10 lbs. (other than hollows, centres and points)	"	525 0	
	Sea-cow or moya teeth, each not less than 4 lbs.	"	175 0	
	Sea-cow or moya teeth, each not less than 3 lbs. and under 4 lbs.	"	170 0	

SCHEDULE IV—(IMPORT TARIFF)—continued.

GENERAL DUTIES—continued.

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	<i>Other Articles, unmanufactured and manufactured—continued.</i>		Rs. a.	
35	IVORY AND IVORY-WARE—continued. Unmanufactured—continued. Sea-cow or moye teeth, each less than 3 lbs.... Articles made of ivory	cwt.	130 0 <i>ad valorem</i>	Five per cent. ..
36	JEWELLERY, including plate— Silverware, plain " embossed or } other than European. " chased } All other sorts, except precious stones and pearls, unset, which are free	tola " "	1 0 1 4 <i>ad valorem</i>	" " " ..
37	JUTE, articles made of... ..	.....	"	"
38	LAC, all sorts ... ..	.....	"	"
39	LEATHER, and articles made of leather, including boots and shoes, harness and saddlery, but excluding belting for driving machinery, which is free ... ..	.....	"	"
40	MARINE AND NAVAL STORES, not otherwise de- scribed ... ..	.....	"	"
41	MATCHES, Lucifer, and all other sorts ... ..	.....	"	"
42	MATS— Floor-matting, China and Singapore, of all sorts All other sorts, except coir-matting (for which see No. 22)	hundred	75 0 <i>ad valorem</i>	" ..
43	OIL-CLOTH AND FLOOR-CLOTH ... ..	.....	"	"
44	PAINTS, COLOURS, PAINTERS' MATERIALS, and com- positions for application to leather and metals— Ochre, other than European, all colours Paints of sorts " composition " patent driers Prussian blue, China " " European Red lead Turpentine Verdigris Vermilion, Canton White lead All other sorts	cwt. " " " lb. " cwt. Imperial gallon cwt. box of 90 bundles cwt.	1 8 9 0 56 0 10 0 0 10 1 0 12 0 1 14 70 0 94 0 14 0 <i>ad valorem</i>	" " " " " " " " " " " " ..
45	PAPER of all kinds ... ..	.....	"	"
46	PERFUMERY— Rose-flowers, dried Rose-water All other sorts, except perfumed spirit (for which see schedule III)	cwt. Imperial gallon	12 0 1 14 <i>ad valorem</i>	" " ..
47	PIECE-GOODS not otherwise described, except cotton piece-goods, which are free ... ..	.....	"	"
48	PIPES and other implements used in the con- sumption of tobacco ... ..	.....	"	"
49	PITCH, TAR, AND DAMMER— Bitumen Dammer Pitch, American and European " coal ... ..	..... ..... cwt. "	" 6 0 6 0 2 8	" " " "

SCHEDULE IV—(IMPORT TARIFF)—*continued.*GENERAL DUTIES—*continued.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	<i>Other Articles, unmanufactured and manufactured—concluded.</i>		Rs. a.	
	PITCH, TAR, AND DAMMER—<i>continued.</i>			Five per cent.
	Tar, American and European	cwt.	6 0	
	" coal	"	2 8	
	" mineral ... ..	.....	<i>ad valorem</i>	
50	SEEDS—			
	Castor	cwt.	4 8	
	Cummin	"	17 0	
	" black	"	6 0	
	Linseed	"	5 8	
	Methi	"	4 0	
	Mustard, rape, or sarson	"	5 0	
	Poppy	"	6 0	
	Quince, bihidána	"	45 0	
	Sézirá	"	22 0	
	Til or jinjili	"	7 8	
	All other sorts ... ..	.....	<i>ad valorem</i>	
51	SHELLS AND COWRIES—			
	Chunks—large shells, for cameos	hundred	6 8	
	" white, live	"	7 0	
	" " dead	"	4 0	
	Cowras	"	0 8	
	Cowries, bazár, common	cwt.	3 0	
	" Maldivé	"	7 8	
	" Nakhla "	"	65 0	
	" Sankhla "	"	60 0	
	" yellow, superior quality	"	2 8	
	Mother-of-pearl, naacre	"	30 0	
	Tortoise-shell	"	7 0	
	" nakh	"	1 0	
	All other sorts	"	<i>ad valorem</i>	
52	SILK, AND ARTICLES MADE OF SILK—			
	Floss	lb.	9 0	
	Piece-goods ... ..	.....	<i>ad valorem</i>	
	Raw silk—			
	Chaháram, Cochiu-China, and yellow Shan-ghai	lb	5 4	
	Mathow	"	3 4	
	Other kinds of China	"	7 0	
	Waste and Kachra	"	1 2	
	Panjam	"	2 0	
	Persian	"	4 4	
	Siam	"	2 0	
	Produced from the tasar or other wild worm	"	2 8	
	Sewing thread, China	"	9 0	
	All other sorts ... ..	.....	<i>ad valorem</i>	
53	SOAP ... ..	.....	"
54	STATIONERY, excluding paper (for which see No. 45) ... ..	.....	"
55	STONE AND MARBLE ... ..	.....	"
56	TALLOW AND GREASE	Cwt.	25 0	
57	TOILET REQUISITES not otherwise described ... ..	.....	<i>ad valorem</i>	
58	TOYS and requisites for all games ... ..	.....	"

SCHEDULE IV—(IMPORT TARIFF)—concluded.

GENERAL DUTIES—concluded.

No.	Names of Articles.	Per	Tariff Valuation.		Duty.
			Rs.	a.	
	<i>Other Articles, unmanufactured and manufactured—concluded.</i>				Five
59	UMBRELLAS, COTTON, under 20 inches ...	Each	0	10	per cent.
	" " 20 inches and upwards ...	"	1	0	"
	" " oiled, other than European.	"	0	9	"
	" " all other sorts, including paper kettisals ...	.....	<i>ad valorem</i>		"
60	Wax	Cwt.	32	0	"
61	WOOD AND TIMBER, except railway sleepers and firewood, which are free ... ..	.....	<i>ad valorem</i>		"
62	WOOLLEN GOODS—				
	Braid	}	" "		" "
	Hosiery				
	Piece-goods				
	All other sorts				

SCHEDULE V—(EXPORT TARIFF).

Name of Article.	Rate of duty.
RICE, WHETHER HUSKED OR UNHUSKED, INCLUDING RICE-FLOUR.	Three annas per Indian maund of 82½ lb. avoirdupois weight.

S. HARVEY JAMES,
Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the law relating to Customs-duties, and for other purposes, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th March 1894:—

We, the undersigned, Members of the Select Committee to which the Bill to amend the law relating to Customs-duties, and for other purposes, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill, as amended by us, annexed thereto.

From Honorary Secretaries, Bombay Presidency Association, dated 3rd March 1894, and enclosure [Papers No. 1].
 From Messrs. Birkmyre Brothers, dated 6th March 1894 [Paper No. 2].
 Telegrams from Chamber of Commerce, Madras, dated 6th March 1894; from Bombay Trades Association, dated 6th March 1894; from Millowners' Association, Bombay, dated 6th March 1894; from Madras Trades Association, dated 6th March 1894; from Chamber of Commerce, Bombay, dated 6th March 1894; from Chamber of Commerce, Karachi, dated 6th March 1894; from Chamber of Commerce, Rangoon, dated 6th March 1894; from Poona Sarvajani Sabha, dated 7th March 1894 [Papers No. 3].
 From Messrs. W. H. Harton & Co., dated 7th March 1894 [Paper No. 4].
 From Secretary, Calcutta Trades Association, dated 7th March 1894, and enclosure [Papers No. 5].
 From the Manager, New Egerton Woollen Mills Company, Ltd., dated 6th March 1894 [Paper No. 6].
 Telegram from Messrs. Best & Co., Madras, dated 7th March 1894 [Paper No. 7].

2. In the eleven sections of the Bill we have proposed no substantive alteration except in section 5, sub-section (1), clause (a), which we have made applicable to Foreign European Settlements in India generally.

3. *Schedules.*—We have proposed several alterations in the schedules. Those in Schedule I call for no remark.

4. *Schedule II.—Arms, Ammunition and Military Stores.*—We have varied Exception II with reference to exemptions now in force in pursuance of remissive orders of the Governor General in Council.

5. *Schedule III, Article 1, Wine.*—Following English laws, we have reduced from forty-five to forty-two per cent. the percentage of proof spirit in wines which is to regulate the rate of duty to be levied on them.

6. *Schedule III, Article 4, Salted Fish.*—We have removed the word “ngapi” as superfluous.

7. *Schedule IV, Article 5, Sugar.*—We have re-classified “sugar,” leaving duty to be levied *ad valorem* on all kinds which are not China candy, loaf or crystallised beet. We have added crystallised beet with a tariff valuation of Rs. 14 per cwt.

8. *Schedule IV, Article 10, Agricultural Implements.*—We have removed this article from separate enumeration in the schedule.

9. *Schedule IV, Article 12 (now 11), Metals.*—We have proposed to reduce from five to one per cent. the duty on iron and steel of all kinds.

We have also proposed to make the duty on “lametta, single reels,” payable *ad valorem*: and have added words expressly excluding gold bullion and coin from the list of dutiable metals.

10. *Schedule IV, Article 13 (now 12), Oils.*—We have added benzoline to the articles enumerated in the definition of petroleum, and have proposed to make the duty on batching and lubricating petroleum five per cent. *ad valorem* instead of half an anna a gallon.

11. *Schedule IV, Articles 30 (now 29) and (now) 38, Flax and Lac.*—We have proposed that there shall be a uniform duty of five per cent. *ad valorem* on all flax and articles made of flax (including linen-thread). We have also separately enumerated lac of all sorts.

12. *Schedule IV, Article 38 (now 37), Jute.*—We have proposed to remove the exception in favour of gunny-bags.

13. *Schedule IV, Article 45, Paper.*—We propose that a duty of five per centum *ad valorem* be levied on paper of all kinds.

14. *Schedule IV, Article 61, Wood and Timber.*—We have proposed to except railway sleepers and firewood and leave them free.

15. The publication ordered by the Council has been made as follows:—

<i>Gazette.</i>	<i>In English.</i>	<i>Date.</i>
Gazette of India	...	3rd March 1894.
Fort Saint George Gazette...	...	6th March 1894.
Bombay Government Gazette	...	6th March 1894.
Calcutta Gazette	...	7th March 1894.
Burma Gazette	...	8th March 1894.

Publication in the remaining local Gazettes has been ordered, but dates of publication have not yet been reported, and they will be later than the date of this Report.

16. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

(Signed) J. WESTLAND.
 („) ALEX. EDW. MILLER.
 („) C. B. PRITCHARD.
 („) H. F. CLOGSTON.
 („) FAZULBHOY VISRAM.
 („) P. PLAYFAIR.

The 9th March 1894.

We accept this Report as far as it goes, but we desire to dissent in so far as it does not include our recommendation for the imposition of customs-duties on cotton fabrics, yarns and thread.

(Signed) FAZULBHOY VISRAM.
 („) P. PLAYFAIR.

S. HARVEY JAMES,
 Secretary to the Government of India.



Bombay Government Gazette.

Published by Authority.

THURSDAY, 29TH MARCH 1894.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 22nd March 1894, and is hereby promulgated for general information:—

Act No. IX of 1894.

THE PRISONS ACT, 1894.

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THE SCHEDULE.

ENACTMENTS REPEALED.

An Act to amend the law relating to Prisons.

WHEREAS it is expedient to amend the law relating to prisons in British India, and to provide rules for the regulation of such prisons; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Prisons Act, 1894.

(2) It extends to the whole of British India, inclusive of Upper Burma, British Baluchistan, the Santal Parganas, and the Pargana of Spiti; and

(3) It shall come into force on the first day of July 1894.

(4) Nothing in this Act shall apply to civil jails in the Presidency of Bombay outside the city of Bombay, and those jails shall continue to be administered under the provisions of sections 9 to 16 (both inclusive) of Bombay Act II of 1874, as amended by subsequent enactments.

2. (1) On and after the said first day of July 1894, the enactments mentioned in the schedule shall be repealed to the extent specified in the fourth column thereof.

(2) But all rules and appointments made, directions given and orders issued under any of those enactments shall, so far as they are consistent with this Act, be deemed to have been respectively made, given and issued under this Act.

(3) Any enactment or document referring to any of those enactments shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Definitions.

3. In this Act—

(1) "prison" means any jail or place used permanently or temporarily under the general or special orders of a Local Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include—

(a) any place for the confinement of prisoners who are exclusively in the custody of the police;

*The Prisons Act, 1894.**(Chapter II.—Maintenance and Officers of Prisons.—Sections 4-7.—(Chapter III.—Duties of Officers.—Sections 8-11).)*

(b) any place specially appointed by the Local Government under section 541 of the Code of Criminal Procedure, 1882; or

(c) any place which has been declared by the Local Government, by general or special order, to be a subsidiary jail;

(2) "criminal prisoner" means any prisoner duly committed to custody under the writ, warrant or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial:

(3) "convicted criminal prisoner" means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1882, or under the Prisons Act, 1871:

(4) "civil prisoner" means any prisoner who is not a criminal prisoner:

(5) "remission system" means the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jails:

(6) "history-ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder:

(7) "Inspector General" means the Inspector General of Prisons:

(8) "Medical Subordinate" means an Assistant Surgeon, Apothecary or qualified Hospital Assistant: and

(9) "prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act.

CHAPTER II.

MAINTENANCE AND OFFICERS OF PRISONS.

4. The Local Government shall provide, for the prisoners in the territories under such Government, accommodation for prisoners. accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

5. An Inspector General shall be appointed for the territories subject to each Local Government, and shall exercise, subject to the orders of the Local Government, the general control and superintendence of all prisons situated in the territories under such Government.

6. For every prison there shall be a Superintendent, a Medical Officer (who may also be a Jailer and such other officers as the Local Government thinks necessary:

Provided that the Governor of Bombay in Council may, with the previous sanction of the Governor General in Council, declare by order in writing that in any prison specified in the order the office of Jailer shall be held by the person appointed to be Superintendent.

7. Whenever it appears to the Inspector General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made, by such officer and in such manner as the Local Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER III.

DUTIES OF OFFICERS.

Generally.

8. All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by rules under section 60.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings directly or indirectly with any prisoner.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

11. (1) Subject to the orders of the Inspector General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.

(2) Subject to such general or special directions as may be given by the Local Government, the Superintendent of a prison other than a central prison or a prison situated in a Presidency-town shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the District Magistrate, and shall

*The Prisons Act, 1894.**(Chapter III.—Duties of Officers.—Sections 12-23.)*

report to the Inspector General all such orders and the action taken thereon.

12. The Superintendent shall keep, or cause to be kept by him, the following records:—

- (1) a register of prisoners admitted;
 - (2) a book showing when each prisoner is to be released;
 - (3) a punishment-book for the entry of the punishments inflicted on prisoners for prison-offences;
 - (4) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison;
 - (5) a record of the money and other articles taken from prisoners;
- and all such other records as may be prescribed by rules under section 59 or section 60.

Medical Officer.

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the Local Government under section 60.

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper.

This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector General for information.

15. On the death of any prisoner, the Medical Officer shall forthwith record in a register the following particulars, so far as they can be ascertained, namely:—

- (1) the day on which the deceased first complained of illness or was observed to be ill,
- (2) the labour, if any, on which he was engaged on that day,
- (3) the scale of his diet on that day,
- (4) the day on which he was admitted to hospital,
- (5) the day on which the Medical Officer was first informed of the illness,
- (6) the nature of the disease,
- (7) when the deceased was last seen before his death by the Medical Officer or Medical Subordinate,
- (8) when the prisoner died, and

(9) (in cases where a post-mortem examination is made) an account of the appearances after death, together with any special remarks that appear to the Medical Officer to be required.

Jailer.

16. (1) The Jailer shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.
- (2) The Jailer shall not, without the Inspector General's sanction in writing, be concerned in any other employment.

17. Upon the death of a prisoner, the Jailer shall give immediate notice thereof to the Superintendent and the Medical Subordinate.

18. The Jailer shall be responsible for the safe custody of the records to be kept under section 12, for the commitment warrants and all other documents confided to his care, and for the money and other articles taken from prisoners.

19. The Jailer shall not be absent from the prison for a night without permission in writing from the Superintendent; but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

20. Where a Deputy Jailer or Assistant Jailer is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities, of a Jailer under this Act or any rule thereunder.

Subordinate Officers.

21. The officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search or caused to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Jailer.

22. Officers subordinate to the Jailer shall not be absent from the prison without leave from the Superintendent or from the Jailer.

23. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code.

The Prisons Act, 1894.

(Chapter IV.—Admission, Removal and Discharge of Prisoners.—Sections 24-26.
Chapter V.—Discipline of Prisoners.—Sections 27-30. Chapter VI.—Food, Clothing and Bedding of Civil and Unconvicted Criminal Prisoners.—Sections 31-32.)

CHAPTER IV.

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.

24. (1) Whenever a prisoner is admitted into prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Jailer, a record of the state of the prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer.

25. All money or other articles in respect of prisoners, whereof no order of a competent Court has been made, and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Jailer.

26. (1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V.

DISCIPLINE OF PRISONERS.

27. The requisitions of this Act with respect to the separation of prisoners are as follows:—

- (1) in a prison containing female as well as male prisoners the females shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners;
- (2) in a prison where male prisoners under the age of eighteen are confined, means shall be provided for separating them altogether from the other prisoners and

for separating those of them who have arrived at the age of puberty from those who have not;

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners; and

(4) civil prisoners shall be kept apart from criminal prisoners.

28. Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

29. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or Medical Subordinate.

30. (1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailer, and all articles shall be taken from him which the Jailer deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI.

FOOD, CLOTHING AND BEDDING OF CIVIL AND UNCONVICED CRIMINAL PRISONERS.

31. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector General.

32. No part of any food, clothing, bedding or other necessaries belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

The Prisons Act, 1894.

(Chapter VI.—Food, Clothing and Bedding of Civil and Unconvicted Criminal Prisoners.—
Section 33. Chapter VII.—Employment of Prisoners.—Sections 34-36. Chapter VIII.—
Health of Prisoners.—Sections 37-39. Chapter IX.—Visits to Prisoners.—Sections 40-41.)

33. (1) Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

Supply of clothing and bedding to civil and unconvicted criminal prisoners.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall, within forty-eight hours after the receipt by him of a demand in writing pay to the Superintendent the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner may be released.

CHAPTER VII.

EMPLOYMENT OF PRISONERS.

34. (1) Civil prisoners may, with the Superintendent's permission, work and follow any trade or profession.

Employments of civil prisoners.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

35. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than nine hours in any one day.

Employment of criminal prisoners.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

36. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

CHAPTER VIII.

HEALTH OF PRISONERS.

37. (1) The names of prisoners desiring to see the Medical Subordinate or appearing out of health in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoners to the Jailer.

(2) The Jailer shall, without delay, call the attention of the Medical Subordinate to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer or Medical Subordinate respecting alterations of the discipline or treatment of any such prisoner.

38. All directions given by the Medical Officer or Medical Subordinate in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history-ticket or in such other record as the Local Government may by rule direct, and the Jailer shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Jailer thinks fit to make, and the date of the entry.

Record of directions of Medical Officers.

39. In every prison a hospital or proper place for the reception of sick prisoners shall be provided.

Hospital.

CHAPTER IX.

VISITS TO PRISONERS.

40. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interests of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person.

41. (1) The Jailer may demand the name and address of any visitor to a prisoner; and when the Jailer has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

(2) In case of any such visitor refusing to permit himself to be searched, the Jailer may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the Local Government may direct.

Search of visitors.

Search of visitors.

The Prisons Act, 1894.

(Chapter X.—Offences in relation to Prisons.—Sections 42-44. Chapter XI.—
Prison-offences.—Sections 45-46.)

CHAPTER X.

OFFENCES IN RELATION TO PRISONS.

42. Whoever, contrary to any rule under section 60, introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article,

and every officer of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison,

and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

43. When any person, in the presence of any

officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a Police-officer, and thereupon such Police-officer shall proceed as if the offence had been committed in his presence.

44. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 42 and the penalties incurred by their commission.

CHAPTER XI.

PRISON-OFFENCES.

45. The following acts are declared to be prison-offences when committed by a prisoner:—

- (1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 to be a prison-offence;
- (2) any assault or use of criminal force;
- (3) the use of insulting or threatening language;
- (4) immoral or indecent or disorderly behaviour;
- (5) wilfully disabling himself from labour;
- (6) contumaciously refusing to work;

(7) filing, cutting, altering or removing handcuffs, fetters or bars without due authority;

(8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;

(9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;

(10) wilful damage to prison-property;

(11) tampering with or defacing history-tickets, records or documents;

(12) receiving, possessing or transferring any prohibited article;

(13) feigning illness;

(14) wilfully bringing a false accusation against any officer or prisoner;

(15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison-official; and

(16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

46. The Superintendent may examine any person touching any such offence, and determine thereupon, and punish such offence by—

(1) a formal warning;

EXPLANATION.—A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment-book and on the prisoner's history-ticket;

(2) change of labour to some more irksome or severe form;

(3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment;

(4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the Governor General in Council;

(5) the substitution of gunny or other coarse fabric for clothing of other material not being woollen, for a period which shall not exceed three months;

(6) imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Governor General in Council;

(7) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Governor General in Council;

*The Prisons Act, 1894.**(Chapter XI.—Prison-offences.—Sections 47-51.)*

- (8) separate confinement for any period not exceeding six months :

EXPLANATION.—Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners ;

- (9) penal diet, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the Local Government :

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week ;

- (10) cellular confinement for any period not exceeding fourteen days :—

Provided that after each period of cellular confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to cellular or solitary confinement :

EXPLANATION.—Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners ;

- (11) solitary confinement for any period not exceeding seven days :

Provided that after each period of solitary confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to solitary or cellular confinement :

EXPLANATION.—Solitary confinement means such confinement with or without labour as entirely secludes the prisoner both from sight of, and communication with, other prisoners ;

- (12) penal diet as defined in clause (9) combined with solitary confinement as defined in clause (11) ;

- (13) whipping, provided that the number of stripes shall not exceed thirty :

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters, or to whipping.

47. Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions, namely :—

- (1) formal warning shall not be combined with any other punishment except loss of privileges under clause (4) of that section ;

- (2) penal diet shall not be combined with change of labour, under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with solitary confinement ;

- (3) solitary confinement shall not be combined with cellular confinement or with separate confinement, nor cellular confinement with separate confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable ;

- (4) whipping shall not be combined with any other form of punishment except cellular or separate confinement and loss of privileges admissible under the remission system.

48. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections, subject, in the case of separate confinement for a period exceeding one month, to the previous confirmation of the Inspector General.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

49. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing sections shall be inflicted on any prisoner, and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

50. (1) No punishment of penal diet, either singly or in combination, to fitness of prisoner for or of whipping, or of punishment, change of labour under section 46, clause (2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment-book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

51. (1) In the punishment-book prescribed in section 12 there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison-offence of which he was guilty, the date on which such prison-offence was committed, the number of previous prison-offences recorded against the prisoner, and the date of his last prison-offence, the punishment awarded, and the date of infliction.

*The Prisons Act, 1894.**(Chapter XI.—Prison-offences.—Sections 52-54.)**(Chapter XII.—Miscellaneous.—Sections 55-59.)*

(2) In the case of every serious prison-offence, the names of the witnesses proving the offence shall be recorded, and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment the Jailer and Superintendent shall affix their initials as evidence of the correctness of the entries.

52. If any prisoner is guilty of any offence against prison-discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the first class having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 46.

Provided that the District Magistrate may transfer the case for inquiry and trial to any Magistrate of the first class: and

Provided also that no person shall be punished twice for the same offence.

53. (1) No punishment of whipping shall be inflicted in instalments, or except in the presence of the Superintendent and Medical Officer or Medical Subordinate.

(2) Whipping shall be inflicted with a light ratan not less than half an inch in diameter on the buttocks, and in case of prisoners under the age of sixteen it shall be inflicted, in the way of school discipline, with a lighter ratan.

54. (1) Every Jailer or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to a fine not exceeding two hundred rupees, or to imprisonment, for a period not exceeding three months, or to both.

(2) No person shall, under this section, be punished twice for the same offence.

CHAPTER XII.

MISCELLANEOUS.

55. A prisoner, when being taken to or from Extramural custody, any prison in which he control and employment may be lawfully confined, of prisoners, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison-officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison.

56. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector-General with the sanction of the Local Government, so confine them.

57. (1) Prisoners under sentence of transportation may, subject to any rules made under section 60, be confined in fetters for the first three months after admission to prison.

(2) Should the Superintendent consider it necessary, either for the safe custody of the prisoner himself or for any other reason, that fetters should be retained on any such prisoner for more than three months, he shall apply to the Inspector-General for sanction to their retention for the period for which he considers their retention necessary, and the Inspector-General may sanction such retention accordingly.

58. No prisoner shall be put in irons or under mechanical restraint by the Jailer of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

59. The Governor General in Council may for any part of British India, and each Local Government with the previous sanction of the Governor General in Council may, for the territories under its administration, make rules consistent with this Act—

- (1) defining the acts which shall constitute prison-offences;
- (2) determining the classification of prison-offences into serious and minor offences;
- (3) fixing the punishments admissible under this Act which shall be awardable for commission of prison-offences or classes thereof.

The Prisons Act, 1894.

(Chapter XII.—Miscellaneous.—Sections 60-62.)

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- (4) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code may or may not be dealt with as a prison-offence;
- (5) for the award of marks and the shortening of sentences;
- (6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;
- (7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released;
- (8) regulating the transfer from one part of British India to another of prisoners whose term of transportation or imprisonment is about to expire; and,
- (9) generally, for carrying into effect the purposes of this Act.
60. The Local Government may, subject to the control of the Governor General in Council, make rules consistent with this Act—
- Power of Local Government to make rules.
- (a) for the classification of prisons, and description and construction of wards, cells and other places of detention;
- (b) for the regulation by numbers, length or character of sentences, or otherwise of the prisoners to be confined in each class of prisons;
- (c) for the government of prisons and for the appointment, guidance, control, punishment and dismissal of all officers appointed under this Act;
- (d) as to the food, bedding and clothing of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;
- (e) for the employment, instruction and control of convicts within or without prisons;
- (f) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited;
- (g) for classifying and prescribing the forms of labour and regulating the periods of rest from labour;
- (h) for regulating the disposal of the proceeds of the employment of prisoners;
- (i) for regulating the confinement in fetters of prisoners sentenced to transportation;
- (j) for the classification and the separation of prisoners;
- (k) for regulating the confinement of convicted criminal prisoners under section 28;
- (l) for the preparation and maintenance of history-tickets;
- (m) for the selection and appointment of prisoners as officers of prisons;
- (n) for rewards for good conduct;
- (o) for regulating the transfer of prisoners whose term of transportation or imprisonment is about to expire;
- (p) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons;
- (q) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends;
- (r) for the appointment and guidance of visitors of prisons;
- (s) for extending any or all of the provisions of this Act and of the rules thereunder to subsidiary jails or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1882, and to the officers employed, and the prisoners confined, therein; and,
- (t) generally in regard to the admission, custody, employment, dieting, treatment and release of prisoners, and for other purposes consistent with this Act.
61. Copies of rules, under sections 59 and 60 so far as they affect the Exhibition of copies of government of prisons, shall be exhibited, both in English and in the Vernacular, in some place to which all persons employed within a prison have access.
62. All or any of the powers and duties conferred and imposed by this Act on a Superintendent or Medical Officer may in his absence be exercised and performed by such other officer as the Local Government may appoint in this behalf either by name or by his official designation.

The Prisons Act, 1894.
(*The Schedule—Enactments repealed.*)
THE SCHEDULE.
ENACTMENTS REPEALED.
(*See section 2.*)

Year.	No.	Title or short title.	Extent of repeal.
1	2	3	4
<i>Acts of the Governor General in Council.</i>			
1856	VIII	An Act for the better control of the jails within the Presidency of Bombay.	So much as has not been repealed.
1870	XXVI	Prisons Act, 1870	So much as has not been repealed.
1874	XV	Laws Local Extent Act, 1874	So much of Part (b) of the third schedule as relates to Act VIII of 1856.
1878	XIV	An Act to assimilate certain powers of the Local Governments of the North-Western Provinces and Oudh.	Section 2.
1886	XX	Upper Burma Laws Act, 1886	So much as relates to Act XXVI of 1870.
1891	XII	Repealing and Amending Act, 1891	So much of the second schedule as relates to Acts VIII of 1856 and XXVI of 1870.
<i>Acts of the Governor of Fort St. George in Council.</i>			
1869	V	Madras Jails Act, 1869	So much as has not been repealed.
1882	VII	Madras Jails Act Amendment Act, 1882	The whole.
1889	II	An Act to amend the Madras Jails Act, 1869.	The whole.
<i>Acts of the Governor of Bombay in Council.</i>			
1874	II	An Act for the regulation of Jails in the City and Presidency of Bombay, and the enforcement of discipline therein.	So much as has not been repealed, except sections 9 to 16 (both inclusive) as amended by Bombay Act II of 1882.
1882	II	An Act to amend Bombay Act II of 1874	Section 3.
1883	IV	An Act to amend the Law concerning the confinement of civil prisoners liable to imprisonment under the Criminal Procedure Code.	The whole.
1867	I	An Act to further amend Bombay Act II of 1874.	The whole.
<i>Acts of the Lieutenant-Governor of Bengal in Council.</i>			
1864	II	An Act for the regulation of Jails and the enforcement of discipline therein.	So much as has not been repealed.
1865	V	An Act to amend Act II of 1864, passed by the Lieutenant-Governor of Bengal in Council, and to extend the provisions thereof to the Presidency Jail.	So much as has not been repealed.
<i>Regulations made under the Statute 33 Victoria, Chapter 3.</i>			
1872	III	Santhal Parganas Settlement Regulation	So much of the schedule (as amended by Regulation III of 1886), as relates to Bengal Acts II of 1864 and V of 1865.
1874	IX	Arakan Hill District Laws Regulation, 1874.	So much as relates to Act XXVI of 1870.
1875	II	Assam Prisons Regulation, 1875	The whole.
1890	I	British Baluchistan Laws Regulation, 1890.	So much as relates to Act XXVI of 1870.

S. HARVEY JAMES,
Secretary to the Government of India.

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 5TH APRIL 1894.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 29th March 1894, and is hereby promulgated for general information :—

Act No. X of 1894.

An Act to amend the Code of Criminal Procedure, 1882.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882; It is hereby enacted as follows :—

1. In section 44 of the said Code the figures "143, 144, 145, 147, 148," shall be inserted between the figures "130" and the figures "302".

2. (1) For the part of section 45 of the said Code beginning with the words "Every village-headman" and ending with the words "under suspicious circumstances" the following shall be substituted, namely :—

"45. Every village-headman, village-accountant, village-watchman, village-police-officer, owner or occupier of land, and the agent of any such owner or occupier, and every officer employed in the collection of revenue or rent of land on the part of Government or the Court of Wards, shall forthwith communicate to the nearest Magistrate or to the officer in charge of the nearest police-station, whichever is the nearer, any information which he may obtain respecting—

(a) the permanent or temporary residence of any notorious receiver or vendor of stolen property in any village of which he is

headman, accountant, watchman or police-officer, or in which he owns or occupies land, or is agent, or collects revenue or rent;

(b) the resort to any place within, or the passage through, such village, of any person whom he knows, or reasonably suspects, to be a thug, robber, escaped convict or proclaimed offender;

(c) the commission of, or intention to commit, in or near such village, any non-bailable offence or any offence punishable under section 143, 144, 145, 147 or 148 of the Indian Penal Code;

(d) the occurrence in or near such village of any sudden or unnatural death or of any death under suspicious circumstances;".

(2) In the same section, after clause (c), added by section 2 of Act III of 1894, the following shall be inserted, namely :—

"(f) any matter likely to affect the maintenance of order or the prevention of crime or the safety of person or property respecting which the District Magistrate, by general or special order made with the previous sanction of the Local Government, has directed him to communicate information."

(3) After the same section the following section shall be added, namely :—

"45A. Subject to rules in this behalf to be made by the Local Government, the District Magistrate may from time to time appoint one or more persons to be village-headmen for the purposes of the last foregoing section in any village for which there is no such headman appointed under any other law."

S. HARVEY JAMES,
Secretary to the Government of India,

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 18TH OCTOBER 1894.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th October 1894, and is hereby promulgated for general information:—

Act No. XII of 1894.

THE INDIAN ARTICLES OF WAR AMENDMENT ACT, 1894.

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2. Repeal of clause (e) of Part I of Indian Articles of War.
3. Substitution of new clause for clause (d) of Part I.
4. Substitution of new clause for clause (e) of Part I.
5. Substitution of new clause for clause (f) of Part I.
6. Substitution of new title for Title I of Part II.
7. Repeal of portion of article 7.
8. Substitution of new sentence for third sentence of same article.
9. Amendment of article 8.
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42. Substitution of new article for article 117.
43. Substitution of new articles for articles 119 and 120.
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The Indian Articles of War Amendment Act, 1894.

(Sections 1-4.)

SECTION.

50. Amendment of article 138.
51. Amendment of article 139.
52. Repeal of articles 142 to 149.
53. Amendment of articles 150 and 151.
54. Addition to article 151.
55. Amendment of article 152.
56. Further amendment of same article.
57. Insertion of new words in article 155.
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60. Substitution of new article for article 160.
61. Amendment of article 161.
62. Addition of new article after article 161.
63. Substitution of new article for article 162.
64. Amendment of article 163.
65. Substitution of new article for article 164.
66. Amendment of article 165.
67. Amendment of article 166.
68. Amendment of article 168.
69. Amendment of article 169.
70. Repeal of part of article 170.
71. Substitution of new articles for articles 171 to 175.
72. Substitution of new articles for articles 176 to 179.
73. Substitution of new Part for Part III.
74. Addition of Second Appendix to Articles.

An Act to amend the Articles of War for the government of Her Majesty's Indian Forces.

WHEREAS it is expedient to amend the Articles of War for the government of Her Majesty's Indian Forces; It is hereby enacted as follows:

Title and commencement. I. (1) This Act may be called the Indian Articles of War Amendment Act, 1894; and

(2) It shall come into force on such date as the Governor General in Council may by notification in the *Gazette of India* fix in that behalf.

V of 1869. 2. Part I, clause (c), of the Indian Articles of War (hereinafter called Part I of Indian Articles "the said Articles"), is hereby repealed.

3. For Part I, clause (d), of the said Articles Substitution of new clause the following shall be for clause (d) of Part I. substituted, namely:

“(d).—*Application of Articles.*

“These Articles shall apply to all—

- (a) persons to whom they actually apply at present;
- (b) persons commissioned or gazetted as Native officers, or gazetted as warrant officers, of Her Majesty's Indian Forces;
- (c) medical subordinates;
- (d) persons attested under these Articles;
- (e) unattested recruits;
- (f) persons enrolled under these Articles;

(g) persons, not otherwise subject to military law, who, on active service, in camp, on the march, or at any frontier post specified by the Governor General in Council by notification in this behalf, are employed by, or are in the service of, or are followers of, or accompany any portion of, Her Majesty's Indian Forces:

Provided as follows:

if any person claims to belong to a class to which the Army Act is, and these Articles are not, applicable, the burden of proving that he belongs to that class shall be upon him. ^{44 & 45} a. 58.

4. For Part I, clause (e), of the said Articles Substitution of new clause for clause (e) of substituted, namely: Part I.

“(e).—*Definitions.*

“In these Articles, unless there is something repugnant in the subject or context,—

(1) ‘notification’ means a notification published in the official *Gazette*;

(2) ‘prescribed’ means prescribed by rules made by the Governor General in Council or by any authority empowered by him in this behalf;

(3) ‘British officer’ means an officer holding a commission in Her Majesty's land forces, but does not include an honorary commissioned officer;

(4) ‘Native officer’ means an officer commissioned or gazetted as an officer holding a Native rank in Her Majesty's Indian Forces;

(5) ‘officer’ means a British officer or Native officer, but does not include a warrant officer or non-commissioned officer;

(6) ‘medical subordinate’ means a senior hospital assistant, a hospital assistant of the first, second or third class, and a sub-hospital assistant, but does not include an officer;

(7) ‘superior officer,’ when used in relation to a person subject to these Articles, includes a warrant officer, a non-commissioned officer and an acting non-commissioned officer;

(8) ‘soldier’ includes a non-commissioned officer and any armed person doing duty in the ranks of Her Majesty's Indian Forces;

(9) ‘recruit’ means a person enlisted for enrolment in any corps or department as a soldier;

(10) ‘corps’ means a unit of command, such as a regiment of cavalry, a regiment or battalion of infantry, a battery of artillery, and any other separate body of troops which is declared by the Governor General in Council by general or special order to be a corps for the purposes of these Articles; it also includes an army hospital corps and a transport corps;

(11) ‘department’ includes any division or branch of a department;

(12) ‘military reward’ means any gratuity or annuity for long service or good conduct; it also includes any good-conduct pay or pension and any other pecuniary reward;

The Indian Articles of War Amendment Act, 1894.

(Sections 5-6.)

(13) 'enemy' includes all armed mutineers, armed rebels, armed rioters and pirates :

(14) 'active service,' as applied to a person subject to these Articles, means the time during which such person is attached to or forms part of a force which is engaged in operations against an enemy, or is engaged in military operations in, or is on the line of march to, a country or place wholly or partly occupied by an enemy, or is in military occupation of any foreign country :

(15) the expression 'India' means British India, together with any territories of any Prince or Chief under the suzerainty of Her Majesty exercised through the Governor General in Council or through any Governor in Council or other officer subordinate to the Governor General in Council : and the expression 'British India' means all territories and places within Her Majesty's dominions which are for the time being governed by Her Majesty through the Governor General in Council or through any Governor in Council or other officer subordinate to the Governor General in Council :

(16) the expression 'general officer of the Command' means the general officer commanding the forces in a Command : and the expression 'Command' means one of the principal portions into which the army of India is, for the time being, divided :

(17) 'commanding officer,' when used in any provision of these Articles with reference to any separate portion of Her Majesty's forces or to any department, means the British officer whose duty it is under the Army Regulations, India, or, in the absence of any such Regulation, by the custom of the service, to discharge with respect to that portion of the forces or that department the functions of commanding officer in regard to matters of the description referred to in that provision :

(18) 'military custody' means the arrest or confinement of a person according to the usages of the service :

(19) 'court-martial' means a court-martial held under these Articles :

(20) 'criminal court' means a court of ordinary criminal justice in British India, or established or continued elsewhere by the authority of the Governor General in Council :

(21) 'civil offence' means an offence which if committed in British India would be triable by a criminal court :

(22) 'offence' means any act or omission punishable under these Articles and includes a civil offence as hereinbefore defined : and

(23) expressions occurring in the Indian Penal Code and used in these Articles and not herein otherwise defined shall have the meanings respectively assigned to them by that Code."

Substitution of new clause for clause (f) of Part I.

5. For Part I, clause (f), of the said Articles the following shall be substituted, namely :

"(f).—Saving of certain Regulations.

"Nothing in these Articles shall affect any regulations by which the respective offices and powers of cantonment magistrates and officers in charge of the police in cantonments are defined and controlled."

6. For Part II, Title I, of the said Articles Substitution of new the following shall be substituted, namely :

II.
"TITLE I.—ENROLMENT, ATTESTATION, DISMISSAL AND DISCHARGE.

"Article 1.—(1) The Governor General in Enrolment and attestation, Council may, by notification, declare what persons or classes of persons shall be enrolled only, or be both enrolled and attested, respectively.

(2) A person shall be deemed to be enrolled under these Articles when his name has, with his consent, been entered in the prescribed manner on the list of a corps or department of Her Majesty's Indian Forces.

(3) Subject to the provisions of this article with respect to recruits, every person to be attested under these Articles shall be taken before the prescribed civil or military officer, and that officer shall read and explain to him, or cause to be read and explained to him in his presence, the questions set forth in the prescribed form of attestation, and such other matters (if any) as may be prescribed ; and, after having cautioned him that if he makes a false answer to any question set forth in the attestation form he will be liable to be punished as provided by these Articles, shall record the answer to each question, and shall, if he is satisfied that the person fully understands the questions, and that the answer has been correctly recorded opposite each question, and if he perceives no impediment, administer to the person an affirmation or oath in the prescribed form.

(4) The form of affirmation or oath prescribed under this article shall contain a promise that the person to be attested will be faithful to Her Majesty, Her heirs and successors, and that he will serve in Her Majesty's Indian Forces and go wherever he is ordered by land or sea, and that he will obey all commands of any officer set over him, even to the peril of his life.

(5) When a recruit is reported fit for duty, an affirmation or oath in the same form shall be administered to him in the prescribed manner by the commanding officer in front of the corps or such portion thereof or such members of the department as shall be present.

(6) After administering the affirmation or oath, the officer shall authenticate the attestation paper by his signature, and the person shall then be deemed to have been attested.

The Indian Articles of War Amendment Act, 1894.

(Sections 7-8.)

(7) Subject to any rules which may be prescribed, the Commander-in-Chief in India, or the general officer of the Command, may direct that any persons to whom these Articles apply as attested persons shall, for the purposes of these Articles, be deemed to be enrolled, and that any persons to whom these Articles apply as enrolled persons shall, for the purposes of these Articles, be deemed to be attested.

Article 2.—(1) Subject to the provisions of the Army Act, the Governor General in Council may, by notification, direct that persons of any class subject to these Articles shall, for any of the purposes of these Articles, be deemed to be Native officers, warrant officers or non-commissioned officers; and,

44 & 45 Vict.,
c. 58.

(2) Subject as aforesaid, any prescribed authority may issue an order giving a like direction with respect to any such person.

(3) Any notification or order issued under this article may be cancelled by the authority issuing the same; and,

(4) Subject as aforesaid, any person of the said classes with respect to whom no such notification or order is in force shall, so far as may be, be deemed for all the purposes of these Articles to be of a rank inferior to that of a non-commissioned officer.

(5) Should any question arise as to the rank of any other person subject to these Articles, or as to whether any such person is above or below a specified rank, the decision of the Governor General in Council thereon shall be conclusive.

(6) Every person subject to these Articles shall, for the purposes thereof, be deemed to be under the commanding officer of the corps or department (if any) to which he is attached, and, if not attached to any corps or department, under any officer who may for the time being be named as his commanding officer by the general or other officer commanding the force with which such person may for the time being be serving, or of any other prescribed officer, or, if no such officer is named or prescribed, under the said general or other officer commanding;

Provided that a general or other officer commanding shall not place any person under an officer of official rank inferior to that of such person if there is present at the place where such person is any officer of higher rank under whom he can be placed.

Article 3.—(1) Every Native officer shall be liable to dismissal from the service by the sentence of a general court-martial, and to dismissal or discharge by order of the Governor General in Council, or of the Commander-in-Chief in India, or of the general officer of the Command to which he belongs.

(2) A Native officer dismissed under these Articles shall forfeit all claim to pension.

Article 4.—(1) Every person subject to these Articles, other than a Native officer, shall be liable to—

(a) dismissal from the service by the sentence of any court-martial empowered to try him, and

(b) dismissal or discharge from the service, by order of the Governor General in Council, or of the Commander-in-Chief in India, or of the general officer of the Command to which he belongs, or of the officer commanding the division or district in which he is serving, or, if he belongs to a force not attached to a command, by order of the officer commanding such force.

(2) Every person so dismissed shall forfeit all claim to pension.

Article 5.—(1) Every attested person of or below the rank of non-commissioned officer who has been dismissed or discharged from the service, and who subsequently re-enters the service without at the time stating the fact of his dismissal or discharge, or showing his certificate of dismissal or discharge, may be dismissed the service by the officer commanding the corps or department with which he is serving; and

(2) Every attested person of or below the rank of non-commissioned officer who is discovered to have made a wilfully false answer to any question set forth in the attestation paper which has been put to him by, or by direction of, the officer before whom he appears for the purpose of being attested, shall, on conviction by court-martial, be liable to suffer imprisonment (with hard labour and with or without solitary confinement) or such less punishment as is in these Articles mentioned.

*Article 6.—*Every attested person who is dismissed or discharged from the service shall be furnished by his commanding officer with a certificate, in the English language and in the mother-tongue of such person (when his mother-tongue is not English), setting forth—

- (a) the authority dismissing or discharging him;
- (b) the cause of his dismissal or discharge; and
- (c) the full period of his service in the army."

7. In article 7, sentences 1, of the said Articles, the words "in any regiment, corps, detachment or guard" are hereby repealed.

8. For the third sentence of the last-mentioned article the following shall be substituted, namely:

Substitution of new sentence for third sentence of same article.

*The Indian Articles of War Amendment Act, 1894.**(Sections 9-19.)*

"or who knowing or having reason to believe in the existence of any mutiny or sedition, or of any intention to mutiny or create sedition, or of any conspiracy against the State".

9. In article 8 of the said Articles, for the Amendment of article 8. words "under any circumstances in which the superior officer is distinguishable as such in any manner" the words "knowing or having reason to believe him to be such" shall be substituted.

Substitution of new articles for articles 10 and 11.

10. For articles 10 and 11 of the said Articles the following shall be substituted, namely:

"Desertion.

"Article 10.—Who deserts or attempts to desert the service;—or

"Re-enlistment without having been discharged.

"Article 11.—Who, without having first obtained a regular discharge from the corps or department to which he belongs, enlists or enrolls himself in any other corps or department;—or"

11. For the last paragraph of article 24 of the said Articles the following shall be substituted, namely:

"Whenever any person is convicted of an offence specified in article 7 and punishable with death under this article, all his property, moveable and immovable, shall be forfeited to the Government."

Substitution of new articles for articles 25 and 26.

12. For articles 25 and 26 of the said Articles the following shall be substituted, namely:

"Unbecoming behaviour.

"Article 25.—Any officer, medical subordinate or warrant officer who behaves in a manner unbecoming his position and character;—and, any person subject to these Articles—

"Intoxication on duty.

"Article 26.—Who is in a state of intoxication when on or after having been warned for any duty, or on parade, or on the line of march;—or"

13. For article 31 of the said Articles the following shall be substituted, namely:

"Failure to rejoin.

"Article 31.—Who, being on leave of absence and having received information from proper authority that his corps or department has been ordered on service, fails, without sufficient cause, to rejoin without delay;—or"

14. For article 39 of the said Articles the following shall be substituted, namely:

"Impeding Provost-marshal.

"Article 39.—Who impedes a provost-marshal or an assistant provost-marshal, or any officer or non-commissioned officer or other person legally exercising authority under or on behalf of a provost-marshal, or, when called on, refuses to assist, in the execution of his duty, the provost-marshal, assistant provost-marshal, or any such officer, non-commissioned officer or other person;—or"

15. In article 40 of the said Articles the words Amendment of article 40. "enrolled or" shall be inserted between the words "person" and the word "attested".

Substitution of new article for article 47.

16. For article 47 of the said Articles the following shall be substituted, namely:

"Making away with regimental necessaries.

"Article 47.—Who—

(a) designedly or through neglect kills, injures, makes away with or loses his horse or ill-treats any animal used in the public service;—or

(b) dishonestly or fraudulently removes, conceals or delivers to any person, or designedly or through neglect injures or loses his arms, clothes, tools, musical or surgical instruments, equipments, ammunition, accoutrements or regimental necessaries, or any such articles entrusted to him or belonging to any other person;—or

(c) sells, pawns, destroys or defaces any medal or decoration granted to him by order of Her Majesty or of the Governor General in Council for service in the field or for general good conduct;—or"

17. For article 57 of the said Articles the following shall be substituted, namely:

"Punishment for offences mentioned in articles 54, 55 and 56.

"Article 57.—Shall, if convicted by a general court-martial, be sentenced to be dismissed the service and to forfeit any arrears of pay and allowances due to him at the time of dismissal, and shall be punishable also with imprisonment (with or without hard labour, and with or without solitary confinement) for a term which may extend to two years: and shall, if convicted by a district court-martial, be liable to any or all of the penalties which such court is competent to inflict."

18. In article 65 of the said Articles the word "other" shall be omitted.

19. For article 66 of the said Articles the following shall be substituted, namely:

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(Sections 20-29.)

“Penalties for offences specified in articles 58 to 66.

*“Article 66.—*Shall, on conviction by a general or district court-martial, be liable to any or all of the punishments, other than death or transportation, which the court-martial is competent to award.”

20. In article 69 of the said Articles, for the words “such punishments as” to the end, the words “any or all of the punishments, other than death or transportation, which the court-martial is competent to award” shall be substituted.

21. For article 71 of the said Articles the following shall be substituted, namely:

“Abetment.

*“Article 71.—*Every person who abets, within the meaning of the Indian Penal Code, any offence punishable under these Articles may be punished with the punishment hereinbefore provided in these Articles for such offence.”

22. For article 72 of the said Articles the following shall be substituted, namely:

*“Article 72.—*For the purposes of these Articles, there shall be five kinds of courts-martial, that is to say—

- | | |
|-------------------------------------|---|
| (1) General courts-martial. | } Hereinafter called ordinary courts-martial. |
| (2) District courts-martial. | |
| (3) Regimental courts-martial. | } Hereinafter called extra ordinary courts-martial. |
| (4) Summary general courts-martial. | |
| (5) Summary courts-martial. | |

23. For articles 73 and 74 of the said articles the following shall be substituted, namely:

“Ordinary Courts-martial.

“Article 73.—(1) The following authorities shall have power to convene general or district courts-martial, namely:

- (a) the Commander-in-Chief in India,
- (b) the general officer of the Command,
- (c) any officer empowered in that behalf by warrant of the Commander-in-Chief in India or the general officer of the Command.

(2) The power of convening general or district courts-martial may be granted under clause (1), sub-clause (c), subject to such restrictions, reservations, exceptions and conditions as the Commander-in-Chief in India or the general officer of the Command granting the power may think fit.

(3) Any warrant under this article for convening general or district courts-martial, or either of them, may be addressed to an officer by name

or by designation of his office, or partly in one way and partly in the other, and may or may not, according to the terms thereof and the mode in which it is addressed, be limited to an officer named or be extended to any person for the time being performing the duties of such officer, or to the successors in command of such officer.

*“Article 74.—*A general court-martial shall, if held in British India, consist of not less than seven officers, unless that number, due regard being had to the public service, is not available, in which case the court may consist of not less than five officers.”

24. Articles 75, 77, 78 and 79 of the said Articles are hereby repealed.

25. In article 76 of the said Articles, for the words “reduction to the ranks” shall be substituted, the words “reduction to a lower grade or to the ranks” shall be substituted.

26. For articles 80 and 81 of the said Articles the following shall be substituted, namely:

*“Article 80.—*A district court-martial shall consist of not less than five officers, unless that number, due regard being had to the public service, is not available, in which case the court may consist of not less than three officers.

*“Article 81.—*A district court-martial may, when necessary, be composed wholly of officers of the corps or department to which the accused belongs.”

27. In article 82 of the said Articles the words “or garrison” and the words “other than mutiny” shall be omitted.

28. In the last-mentioned article, for the words “one year” the words “two years” and for the words “reduction to the ranks” the words “reduction to a lower grade or to the ranks” shall be respectively substituted.

29. After article 82 of the said Articles the following article shall be inserted, namely:

*“Article 82A.—*Whenever a general or district court-martial is ordered to be composed of the smaller number of officers specified in article 74 or 80, the Court shall expressly state that the larger number of officers is not, due regard being had to the public service, available; and that statement shall be conclusive evidence of the fact so stated.”

The Indian Articles of War Amendment Act, 1894.

(Sections 30-31.)

Substitution of new articles for articles 83, 84 and 85.

substituted, namely :

“ Article 83.—A regimental court-martial.

Appointment of regimental court-martial. detachment thereof or by any officer when in command of two or more corps or detachments thereof.

Composition of regimental court-martial. than three officers.

“ Article 85.—A regimental court-martial.

Powers of such court. Articles and not above the rank of non-commissioned officer -

- (a) for any offence triable by a court-martial under these Articles, except an offence punishable under articles 7 to 28 (both inclusive), articles 54 to 65 (both inclusive), or articles 171 to 173 (both inclusive), and
- (b) with the previous sanction of the prescribed authority, for any of the offences so excepted.

“ Article 85A.—A regimental court-martial. Powers as to sentences of such courts. any sentence which might have been passed by a district court-martial for the like offence other than suspension from rank, pay and allowances:

Provided that no sentence of imprisonment for a term exceeding six months, nor any of the additional punishments specified in article 135, shall be passed by a regimental court-martial.”

31. For articles 86 to 89 (both inclusive) of the Substitution of new articles for articles 86 to 89. ing shall be substituted, namely :

“ Article 86.—(1) The officers composing a Native and British court-martial convened officers when to be under the foregoing provisions shall, except as hereinafter provided, be Native officers.

(2) The Governor General in Council, or the Commander-in-Chief in India, or the general officer of the Command, or any officer empowered in that behalf by warrant of the Commander-in-Chief in India or the general officer of the Command, may direct that any court-martial convened under these Articles shall be composed of British instead of Native officers.

(3) Any person subject to these Articles, who is under orders for trial by any court-martial, may claim to be tried by British officers.

(4) In all cases the right of making such a claim shall, before the court is convened, be explained to the person under orders for trial by the commanding officer, or some officer deputed by him in this behalf, and, when such a claim is made, the court shall be constituted accordingly.

30. For articles 83, 84 and 85 of the said Articles the following shall be

regimental court-martial may be appointed by the officer commanding any corps or department or

“ Article 84.—A regimental court-martial shall consist of not less

regimental court-martial shall have power to try all persons subject to these

(5) A court-martial convened for the trial of any person subject to these Articles, and serving with any British corps or detachment, may be composed of British officers if, in the opinion of the officer convening the court (such opinion to be expressed in the order convening the court and to be conclusive), Native officers are not available with due regard to the public service for service on the court.

“ Article 87.—(1) Every general court-martial shall be attended by a judge advocate.

(2) If no officer of the judge advocate general's department is available, the officer convening the court shall appoint a fit person to act as judge advocate at the trial.

(3) No person under orders for trial or under trial by any court-martial may, without the leave of the court, object to any person acting or professing to act as judge advocate.

(4) A British officer of not less than four years' service, hereinafter called the superintending officer, shall be appointed to superintend the proceedings of every court-martial composed of Native officers which is not attended by a judge advocate.

“ Article 88.—(1) At every court-martial the senior officer shall sit as president without special appointment as such.

(2) In case of the death or unavoidable absence of the president, the next senior officer shall take the place of the president, without special appointment as such, and the trial shall proceed if the court is still composed of not less than the smallest number of officers of which it is required by these Articles to consist.

“ Article 89.—No finding or sentence of a general, district or regimental court-martial shall be valid, except so far as it may be confirmed as provided by these Articles.

“ Article 89A.—(1) The following authorities shall have power to confirm the findings and sentences of general and district courts-martial :

- (a) the Commander-in-Chief in India ;
- (b) the general officer of the Command, as regards troops under his command wherever stationed ;
- (c) the officer commanding a force not attached to a Command ;
- (d) any officer empowered in that behalf by warrant of the Commander-in-Chief in India or the general officer of the Command :

Provided that, except on active service or beyond the limits of India, no warrant issued under this article shall be deemed to empower an officer to confirm any finding or sentence in the case of an officer, medical subordinate or warrant officer, or a sentence of death, transport-

Judge advocate and appointment of superintending officer for Native court-martial.

general court-martial shall be attended by a judge advocate.

If no officer of the judge advocate general's department is available, the officer convening the court shall appoint a fit person to act as judge advocate at the trial.

No person under orders for trial or under trial by any court-martial may, without the leave of the court, object to any person acting or professing to act as judge advocate.

A British officer of not less than four years' service, hereinafter called the superintending officer, shall be appointed to superintend the proceedings of every court-martial composed of Native officers which is not attended by a judge advocate.

At every court-martial the senior officer shall sit as president without special appointment as such.

In case of the death or unavoidable absence of the president, the next senior officer shall take the place of the president, without special appointment as such, and the trial shall proceed if the court is still composed of not less than the smallest number of officers of which it is required by these Articles to consist.

No finding or sentence of a general, district or regimental court-martial shall be valid, except so far as it may be confirmed as provided by these Articles.

The following authorities shall have power to confirm the findings and sentences of general and district courts-martial :

- (a) the Commander-in-Chief in India ;
- (b) the general officer of the Command, as regards troops under his command wherever stationed ;
- (c) the officer commanding a force not attached to a Command ;
- (d) any officer empowered in that behalf by warrant of the Commander-in-Chief in India or the general officer of the Command :

Provided that, except on active service or beyond the limits of India, no warrant issued under this article shall be deemed to empower an officer to confirm any finding or sentence in the case of an officer, medical subordinate or warrant officer, or a sentence of death, transport-

*The Indian Articles of War Amendment Act, 1894.**(Section 32.)*

ation or imprisonment for a term exceeding seven years, in any case whatever.

(2) The provisions of article 73, clauses (2) and (3), shall, with the necessary modifications, apply to warrants issued under this article.

(3) The officer who convenes a regimental court-martial or the officer having authority to convene such court-martial, at the date of the submission of the finding and sentence thereof, shall have power to confirm the same.

"Article 29 B.—Subject to such restrictions as may be contained in any warrant issued under the last preceding article, the confirming officer may, when confirming the sentence of a court-martial, mitigate or remit the punishment thereby awarded, or commute that punishment for any less punishment or punishments to which the offender might have been sentenced by the court-martial:

Provided that a sentence of transportation shall not be commuted to a sentence of imprisonment for a term exceeding the term of transportation awarded by the court."

32. For articles 90 to 97 (both inclusive) of the said Articles the following shall be substituted, namely:

"Extraordinary Courts-Martial.

"Article 90.—The following authorities shall have power to convene a summary general court-martial, and such a court-martial may be convened—

(a) in any place, whether within or beyond British India, by an officer empowered in this behalf by an order of the Governor General in Council or of the Commander-in-Chief in India or of the general officer of the Command;

(b) by an officer commanding any detached portion of Her Majesty's troops upon active service when, in his opinion, it is not practicable, with due regard to discipline and the exigencies of the service, that an offence should be tried by an ordinary general court-martial.

"Article 91.—(1) A summary general court-martial shall consist of not less than three officers, who may be either British or Native, or both British and Native officers, as the officer convening the court thinks fit.

(2) Such court may be convened and the proceedings thereof be recorded in accordance with the form in the Second Appendix to these Articles with such variations as the circumstances of each case may require:

Provided that the convening officer may, in respect of any such trial by such court, specially order the evidence, together with the prisoner's statement in defence, to be fully recorded in writing.

"Article 92.—A summary general court-martial shall have all the powers of a general court-martial, and, subject to any instructions contained in the order convening the court, its sentence shall be valid, and may be carried out forthwith in case it does not exceed that which a district court-martial is empowered to pass, and in any other case when confirmed by the authority convening the court.

Convening and constitution of, and persons triable by, a summary court-martial.

"Article 93.—(1) A summary court-martial may be held—

(a) by the commanding officer, being a combatant officer, of any corps or department of Her Majesty's Indian forces, or of any detachment of those forces;

(b) by the commanding officer of any British corps or detachment to which Native combatant details subject to these Articles are attached.

(2) At every summary court-martial the officer holding the trial shall alone constitute the court, but the proceedings shall be attended throughout by two other officers, British or Native, who shall not, as such, be affirmed or sworn.

(3) The proceedings shall be recorded in the English language, and, when closed, shall be signed by the officer holding the trial, and by the officers attending thereat.

(4) A summary court-martial may try any person subject to these Articles and under the command of the officer holding the court, except an officer, medical subordinate or warrant officer.

(5) Any member of an army hospital corps may be tried by summary court-martial by any officer authorised in this behalf, by the officer commanding the division, district, brigade or station to which the alleged offender belongs.

"Article 94.—A summary court-martial may try any offence punishable under any of these Articles;

Provided that when there is no grave reason for immediate action, and reference can, without detriment to discipline, be made to superior authority, a summary court-martial shall not try without such reference any of the following offences, namely:

(a) any offence punishable under any of the articles 7 to 23 (both inclusive), or articles 54 to 65 (both inclusive), or article 171;

(b) any offence against the officer holding the court.

"Article 95.—(1) A summary court-martial held by the commanding officer of a corps or department may pass any sentence which can be passed under these Articles, except a sentence of death or transportation, or of imprisonment for a term exceeding one year.

Powers of a summary court-martial.

The Indian Articles of War Amendment Act, 1894.

(Sections 33-41.)

(2) A summary court-martial held by any other officer may pass any sentence which can be passed under these Articles, except a sentence of death or transportation, or of imprisonment for a term exceeding six months.

Article 96.—The finding and sentence of a summary court-martial shall not require to be confirmed, but may be carried out at once:

Provided that, if the officer holding the trial is of less than five years' service, he shall not, except on active service, carry into effect any sentence until it has received the approval of a superior military officer commanding not less than a corps.

Article 97.—The proceedings of every summary court-martial shall, without delay, be forwarded to the officer commanding the district, or the division or brigade, within which the trial was held, or to the prescribed officer: and such officer or the Commander-in-Chief in India or the general officer of the Command, or, when the court is held in a force not attached to a Command, the officer commanding the force, may, for reasons based on the merits of the case, but not on any merely technical grounds, set aside the proceedings.

33. For article 100 of the said Articles the following shall be substituted, namely:

Article 100.—(1) Whenever any person subject to these Articles is accused of any offence which his commanding or other superior officer considers should be tried by court-martial, such officer shall order the accused to be placed in military custody until he can be tried by a court-martial or is discharged by proper authority.

(2) No such person shall be detained in military custody longer than is necessary for the purposes of justice.

34. Article 101 of the said Articles is hereby repealed.

35. For article 102 of the said Articles the following shall be substituted, namely:

Article 102.—(1) An interpreter shall be appointed to every court-martial.

(2) If no duly qualified interpreter is available at the station or place where the court-martial sits, the officer appointing the court, or the officer commanding in the district or place within or at which the trial is to be held, shall appoint any competent person to perform the duty of interpreter.

(3) When no other qualified or competent person is available, the superintending officer, or, in the case of an European court, the president, shall perform the duty of interpreter.

(4) In the case of a trial by a summary court-martial, the officer holding the trial, or one of the officers in attendance thereat, may perform the duty of interpreter if no other competent interpreter is available.

(5) No interpreter shall, as such, have a vote upon any matter."

36. For article 103 of the said Articles the following shall be substituted, namely:

Article 103.—(1) When a court-martial after the commencement of the trial is reduced below the smallest number of officers of which it is by these Articles required to consist, it shall be deemed to be dissolved.

(2) If, on account of the illness of the prisoner before the finding, it is impossible to continue the trial, a court-martial shall be dissolved.

(3) Where a court-martial is dissolved under this article, the prisoner may be tried again.

Article 103A.—The president of a court-martial may, on any deliberation among the members, cause the court to be cleared of all other persons.

Article 103B.—The court may, when it thinks fit, view any place.

37. In article 104 of the said Articles the words "general court-martial appointed under an Order in Council, or of any other" and the words and figures "under article 96 or 97." shall be omitted.

38. In article 107 of the said Articles, for the words "courts-martial, other than courts-martial appointed under an Order in Council, or summary" the word "ordinary" shall be substituted.

39. After article 108 of the said Articles the following article shall be inserted, namely:

Article 108A.—At a summary court-martial the interpreter shall make affirmation or oath down to the words 'published by authority' only."

40. Article 114 of the said Articles is hereby repealed.

41. For article 116 of the said Articles the following shall be substituted, namely:

Article 116.—(1) A prisoner charged before a court-martial with desertion may be found guilty of attempting to desert or of being absent without leave.

(2) A prisoner charged before a court-martial with attempting to desert may be found guilty of desertion or of being absent without leave.

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(3) A prisoner charged before a court-martial with any one of the following offences, that is to say, theft, dishonest misappropriation or conversion, criminal breach of trust, or dishonestly receiving or retaining stolen property, may be found guilty of any other of those offences.

(4) A prisoner charged before a court-martial with any other offence under these Articles may, on failure of proof of an offence having been committed under circumstances involving a more severe punishment, be found guilty of the same offence as having been committed under circumstances involving a less severe punishment."

42. For article 117 of the said Articles the Substitution of new following shall be substituted, namely:

"Article 117.—(1) When any person subject Evidence of previous to these Articles has been convictions, and general convicted by a court-martial of any offence, such court-martial shall enquire into, and receive and record evidence of, any previous convictions of such person, either by a court-martial or by a criminal court, and shall further enquire into and record the general character of such person.

(2) Evidence received under this article may be either oral, or in the shape of entries in, or certified extracts from, court-martial books or other official records; and it shall not be necessary to prove the signature to such certified extracts, nor shall it be necessary to give notice before trial to the person tried that evidence as to his previous convictions or character will be received.

(3) At a summary court-martial the commanding officer holding the trial may, if he thinks fit, record any previous convictions against the offender and his general character, as of his own knowledge, instead of requiring them to be proved under the foregoing provisions of this article.

"Article 117A.—Subject to the provisions of the last foregoing article, the General rule as to Indian Evidence Act, 1872, subject to such modifications thereof and to such additional rules of evidence as the Governor General in Council may, by notification, direct, shall apply to all proceedings before a court-martial."

43. For articles 119 and 120 of the said Substitution of new Articles the following shall be substituted, namely:

"Article 119.—No sentence of death shall be Majority requisite to passed by any court-martial without the concurrence of two-thirds at the least of the members of the court.

"Article 120.—(1) The finding or sentence of any court-martial may be Revision of finding or sentence. once revised by order of the officer authorized to dispose of the proceedings, and, on such revision, the court, if so directed by him, may take additional evidence.

(2) The court, on revision, shall consist of the same officers as were present when the original decision was passed, unless any of those officers shall be unavoidably absent.

(3) In case of such unavoidable absence the cause thereof shall be duly certified in the proceedings, and the court shall proceed with the revision, provided it still consists of the smallest number of officers of which such court is by these Articles required to consist."

44.—For articles 122 to 124 (both inclusive) of the said Articles the following shall be substituted, namely:

"Article 122.—(1) The judge advocate in the Summons witnesses case of a general court-martial, and the officer commanding the trial in the case of any other court-martial, may, by summons under his hand, require the attendance before the court, at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or other thing.

(2) In the case of a witness amenable to military authority, the summons shall be sent to the officer actually commanding the corps, department or detachment to which he belongs, and such officer shall serve it upon him accordingly.

(3) In the case of any other witness, the summons shall be sent to the magistrate within whose jurisdiction he may be or reside, and such magistrate shall give effect to the summons as if the witness were required in the court of such magistrate.

(4) When a witness is required to produce any particular document or other thing in his possession or power, the summons shall describe it with convenient certainty.

(5) Nothing in this section shall be deemed to affect the Indian Evidence Act, 1872, sections 123 and 124, or to apply to any letter, post-card, telegram or other document in the custody of the postal or telegraph authorities.

(6) If any document in such custody is, in the opinion of any district magistrate, chief presidency magistrate, high court or court of session, wanted for the purposes of any court-martial, such magistrate or court may require the postal or telegraph authorities, as the case may be, to deliver such document to such person as such magistrate or court may direct.

(7) If any such document is, in the opinion of any other magistrate or of any commissioner of police or district superintendent of police, wanted for any such purpose, he may require the postal or telegraph department, as the case may be, to cause search to be made for and to detain such document pending the orders of any such district magistrate, chief presidency magistrate or court.

"Article 123.—(1) Any witness duly summoned, and any person who commits any contempt of court in the presence of a court-martial, or any

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offence described in article 56, 67, or 68, shall, if subject to these Articles, be proceeded against as the court may direct.

(2) If any such witness or person is not so subject, the president of the court-martial may certify the offence under his hand to the court of any magistrate within the local limits of whose jurisdiction it was committed, and the magistrate may thereupon take cognizance of the case, and, after hearing anything which the accused may desire to say, dispose of it as if the offence had been committed in a proceeding in the court of such magistrate.

Article 124.—(1) No president or member of a court-martial, no judge advocate or superintending officer, no party to any proceeding before a court-martial or his legal practitioner or agent, and no witness acting in obedience to a summons to attend a court-martial, shall, while proceeding to, attending on or returning from, a court-martial, be liable to arrest under civil or revenue process.

(2) If any such person is arrested under any such process, he may be discharged by order of the court-martial.

Repeal of articles 125 to 129. 45. Articles 125 to 129 (both inclusive) of the said Articles are hereby repealed.

46. In article 130, clause (d), sentence 1, of the said Articles, for the words "one year" the words "two years" shall be substituted.

47. For article 131 of the said Articles the following shall be substituted, namely:

Article 131.—Dismissal from the service may accompany any other sentence passed by a court-martial.

48. In article 132 of the said Articles, after the word "reduced" the words "to a lower grade or" shall be inserted.

49. For Articles 133 to 137 (both inclusive) of the said articles the following shall be substituted, namely:

Article 133.—In executing a sentence of solitary confinement, such confinement shall in no case exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than such periods; and, when the imprisonment awarded shall exceed three months, the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods.

Article 134.—A non-commissioned officer sentenced by court-martial to any of the punishments specified in the second paragraph of article 132 shall be deemed to be reduced to the ranks.

Article 135.—On a conviction of any offence, a general, summary general or district court-martial may, in addition to any other punishment which it is empowered to award, sentence the offender to forfeit all advantage as to additional pay and claim to pension on discharge which might otherwise have accrued from the length or nature of his former service, or to forfeit all such advantage absolutely, whether it has accrued from former service or may accrue from future service, or to forfeit service for the purpose of promotion, increased pay or pension or any other prescribed purpose, or to forfeit any military decoration or reward.

Article 136.—Whenever a person subject to these Articles is convicted by a court-martial, his good-conduct pay shall, subject to any rules or orders which may from time to time be made with the previous sanction of the Governor General in Council, cease.

Article 137.—On a conviction for any offence, if the offender is sentenced to dismissal from the service, or if his sentence involves such dismissal, he may further be sentenced to forfeit, if the court shall so direct,—

- (a) all or any arrears of pay and allowances or other public money due to him at the time of his dismissal, or
- (b) such portion thereof as may be required to make good any proved loss or damage arising out of his offence."

50. The first paragraph of article 138 of the said Articles, and the word "and" at the beginning of the second paragraph of the same article, are hereby repealed.

51. In article 139 of the said Articles, for the words "in the case of an officer, two-thirds, or, in the case of any other person, one-half of his" the words "one-half of the offender's" shall be substituted.

52. Articles 142 to 149 (both inclusive) of the said Articles are hereby repealed.

53. In articles 150 and 151 of the said Articles, after the words "the offender shall" the words "as soon as may be convenient" shall be inserted, and for the words "the nearest jail" the words "a jail" shall be substituted.

54. To the last-mentioned article the following proviso shall be added, namely:

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Provided that, in the case of a sentence of such imprisonment for a period not exceeding three months, the confirming or superior authority, in the case of a summary court-martial, the commanding officer holding the trial may direct that the sentence shall be undergone in military custody."

55. To article 152 of the said Articles the words "Subject to the control of the Commander-in-Chief in India" shall be prefixed, and for the words "the Commander-in-Chief of a Presidency" the following words shall be substituted, namely: "the general officer of the Command."

56. To the second paragraph of the last-mentioned article the words "Subject as aforesaid," shall be prefixed, and in the same paragraph for the words "any Presidency" the words "a Command" shall be substituted.

57. In article 155 of the said Articles, after the words "from the date of such sentence" the words "or, if an appeal be preferred against such sentence and fail, from the date of the disposal of such appeal," shall be inserted.

58. To the last-mentioned article the following shall be added, namely:

"Provided that on active service any such person may, by order of the officer empowered, under these Articles to confirm or otherwise dispose of the proceedings of the trial, be retained to serve in the ranks, and his service therein shall be reckoned as part of his term of transportation or imprisonment."

59. Articles 156 to 159 (both inclusive) of the said Articles are hereby repealed.

60. For article 160 of the said Articles the following shall be substituted, namely:

"Article 160.—When any person subject to these Articles has been convicted by a court-martial of any offence,—

- (a) the Governor General in Council, or,
(b) when the person has been convicted of any offence other than a civil offence, the Commander-in-Chief in India or the general officer of the Command,

may—

- (1) pardon the person;
(2) remit wholly or in part any punishment awarded to him;
(3) order the restoration to him of any service or other advantage forfeited under his sentence, or

- (4) re-admit him to the service when he has been dismissed therefrom:

Provided that the general officer of the Command shall not exercise the powers conferred by this section in respect of any person, unless—

(1) the person was under his authority when sentenced; and

- (2) the person is still in the service, or, if the person has been dismissed from the service, the corps or department from which he was dismissed has since continued under the authority of that officer."

61. In article 161 of the said Articles the words "or to the Government of Fort St. George, or to the Government of Bombay," shall be repealed; and for the words "Commander-in-Chief of any Presidency or of the officer commanding any force not attached to a Presidency" the following words shall be substituted, namely: "Commander-in-Chief in India or the general officer of the Command, or of the officer commanding any force not attached to a Command."

62. After article 161 of the said Articles the following shall be inserted, namely:

"Preservation of Proceedings.—

"Article 161 A.—(1) The proceedings of all general courts-martial shall be preserved by the judge advocate general for not less than seven years, and the proceedings of summary general courts-martial and district courts-martial for not less than three years, from the date of the confirmation of the finding and sentence.

(2) The proceedings of regimental and summary courts-martial shall be preserved for three years with the records of the corps or department to which the prisoner belonged.

(3) Every person tried by a court-martial shall be entitled, on demand at any time after the confirmation of the finding and sentence where such confirmation is required, and before the proceedings are destroyed, to obtain from the officer or person having the custody of the proceedings a copy thereof, including the proceedings upon revision, if any, upon payment for the same at the prescribed rate."

63. For article 162 of the said Articles the following shall be substituted, namely:

"Article 162.—(1) When any person subject to these Articles has been absent without due authority from his duty for a period of sixty days, a court of enquiry shall, as soon as practicable, be assembled, and, upon affirmation or oath administered in the prescribed manner, shall enquire respecting the absence of the person, and the deficiency, if any, of property of

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the Government entrusted to his care, or of his arms, ammunition, equipments, instruments, clothing or necessaries; and, if satisfied of the fact of such absence without due authority or other sufficient cause, the Court shall declare such absence and the period thereof, and the said deficiency if any; and the commanding officer of the corps or department to which the person belongs shall enter in the court-martial book of the corps or department a record of the declaration.

(2) If the person declared absent does not afterwards surrender, or is not apprehended, the record shall have the legal effect of a conviction of desertion.

(3) If the person declared absent surrenders or is apprehended, the record or a copy thereof, purporting to bear the signature of the officer having the custody of the court-martial book, shall, on the trial of the person for desertion, be presumptive evidence of the facts therein recorded; and, on proof of the identity of the prisoner with the person therein mentioned, he may be found guilty of desertion and of the deficiency, if any, therein recorded."

64. For the last paragraph of article 163 of the said Articles the following shall be substituted, namely:

"Such recommendation, duly confirmed by the Commander-in-Chief in India, or by the general officer of the Command, or the officer commanding any force not attached to a Command to which he belongs, or by any general officer under whose command the person is serving, shall entitle him to receive such arrears and reckon service accordingly."

65. For article 164 of the said Articles the following shall be substituted, namely:

"Article 164.—The Commander-in-Chief in India, the general officer of the Command, the officer commanding any force not attached to a Command, and the officer commanding any district or division or brigade, shall respectively have power to reduce to a lower grade or to the ranks any non-commissioned officer under his command."

66. In article 165 of the said Articles, for the words "No such minor punishment shall be awarded by a court-martial" to the end of the article, the following shall be substituted, namely:—

"Unless otherwise specially provided by the said Commander-in-Chief, no Native officer, medical subordinate, or warrant officer shall be liable to any such minor punishment.

"Good-conduct pay shall not necessarily be forfeited on the infliction of a minor punishment, but forfeiture thereof may be awarded as a substantive punishment, by order of the commanding officer, as may from time to time be prescribed in the General Orders of the Commander-in-Chief in India.

"Forfeiture of good-conduct pay may be awarded in addition to any other minor punishment."

67. In article 166 of the said Articles, the words "the Governor of Fort St. George in Council, the Governor of Bombay in Council, or any other Local Government" shall be omitted.

68. In article 168 of the said Articles for the words "the Commander-in-Chief of the Presidency" the words "the Commander-in-Chief in India or the general officer of the Command" shall be substituted.

69. In the second paragraph of article 169 of the said Articles, for the words "warrant officer" the words "non-commissioned officer" shall be substituted.

70. The second and third paragraphs of article 170 of the said Articles are hereby repealed.

71. For articles 171 to 175 (both inclusive) of the said Articles the following shall be substituted, namely:

"Civil Offences.

"Article 171.—Every person subject to these Articles who at any place beyond British India commits any civil offence shall be deemed to be guilty of an offence against military law, and if charged therewith under this article shall, subject to the provisions of these Articles, be liable to be tried for the same by court-martial at any place, whether within or beyond British India, and on conviction to be punished as follows, that is to say:

(a) if the offence is one which would be punishable under the law of British India with death or with transportation, or with imprisonment for a term exceeding three years, he shall be liable to suffer any punishment assigned for the offence by the law of British India; and

(b) in other cases, he shall be liable to suffer any punishment assigned for the offence by the law of British India or such punishment as might be awarded to him in pursuance of these Articles in respect of an act to the prejudice of good order and military discipline.

"Article 172.—The Governor General in Council may, by notification, extend the last foregoing article to civil offences or any class of those offences committed by a person subject to these Articles when on active service in British India, and may cancel any such notification.

"Article 173.—Every person subject to these Articles who, whether within or beyond British India, commits or attempts

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to commit or abet the commission of any of the following offences against any person subject to military law, that is to say, murder, culpable homicide, or any offence punishable under any of the sections 323 to 335 (both inclusive) or section 506 of the Indian Penal Code, shall be deemed to be guilty of an offence against military law, and if charged under this article with any such offence shall, subject to the provisions of these Articles, be liable to be tried by court-martial at any place whithersoever within or without British India, and on conviction shall be liable to suffer any punishment assigned for the offence by the said Code.

Article 174.—When under any of the foregoing Articles a criminal court and a court-martial have each jurisdiction in respect of an offence, it shall be in the discretion of the prescribed military authority to decide before which court the proceedings shall be instituted, and if that authority decides that they shall be instituted before a court-martial, to direct that the accused person shall be detained in military custody.

Article 175.—(1) When a criminal court having jurisdiction is of opinion that proceedings ought to be instituted before itself in respect of any alleged offence, it may, by written notice, require the convening authority or the prescribed military authority, at his option either to deliver over the offender to the nearest magistrate to be proceeded against according to law or to postpone proceedings pending a reference to the Governor General in Council.

(2) In every such case the said authority shall either deliver over the offender in compliance with the requisition or shall forthwith refer the question as to the court before which the proceedings are to be instituted for the determination of the Governor General in Council, whose order upon such reference shall be final.

72. For articles 176 to 179 (both inclusive) of the said Articles the following shall be substituted, namely:

TITLE V.—PROPERTY OF DECEASED PERSONS AND DESERTERS.

Article 176.—The following rules are enacted respecting the disposal of the property of every person who belongs to a class subject to these Articles who dies, is killed in the field or deserts:—

(1) The commanding officer shall secure all the movable property that is on the spot, and cause an inventory thereof to be made, and draw any pay and allowances due to the deceased or deserter.

(2) In the case of a deceased person who has left in a Government Savings Bank (including any Post Office Savings Bank, however named,) a deposit not exceeding one thousand rupees,

the commanding officer may, if he thinks fit, require the secretary or other proper officer of the bank to pay the deposit to him forthwith notwithstanding anything in any departmental rules; and, after the payment thereof in accordance with such requisition, no person shall have any right in respect of the deposit except as hereinafter provided.

(3) In the case of a deceased person whose representative is on the spot and has given security for the payment of the regimental debts (if any) of the deceased, the commanding officer shall deliver over the property and the amount of the deposit (if any) received under clause (2) of this article to that representative.

(4) In the case of a deceased person whose estate is not dealt with under clause (3) of this article, and in the case of any deserter, the commanding officer shall cause the property to be sold by public auction, and shall pay the regimental debts, and other debts in camp or quarters (if any), and in the case of a deceased person the expenses of his funeral ceremonies, from the proceeds of the sale and the amount of the deposit (if any) received under clause (2) of this article.

(5) The surplus, if any, shall in the case of a deceased person be paid to his representative, if any, or in the event of no claim to such surplus being established within twelve months after the death, then the same shall be remitted to the prescribed officer.

(6) In the case of the sale of the effects of a deserter, the amount remaining in the hands of the commanding officer shall be forthwith remitted to the prescribed officer.

Article 177.—Property deliverable and Disposal of certain property without production of probate, &c. money payable to the representative of a deceased person under the last foregoing article may, if the total value or amount thereof does not exceed one thousand rupees, and if the prescribed officer thinks fit, be delivered or paid to any person appearing to him to be entitled to receive it or to administer the estate of the deceased, without requiring the production of any probate, letters of administration, certificate or other such conclusive evidence of title; and such delivery or payment shall be a full discharge to those ordering or making the same and to the Secretary of State for India in Council from all further liability in respect of the property or money; but nothing in this article shall affect the rights of any executor or administrator or other representative, or of any creditor, of a deceased person against any person to whom such delivery or payment has been made.

Article 178.—A person shall be deemed to have deserted within the meaning of article 176 who has been convicted of desertion, or who has been illegally absent

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from duty for a period of sixty days and has not subsequently surrendered or been apprehended,

Article 179.—The provisions of the last mentioned article shall, so far as they can be made applicable, apply in the case of a person subject to these Articles becoming insane, such allowance being made for his support as is authorised by the Military Lunatics Act, 1877.

73. For Part III of the said Articles the following shall be substituted, namely:

PART III.—MISCELLANEOUS.

Article 180.—When any person subject to these Articles has been acquitted or convicted of an offence by a court-martial or by a criminal court, or has been summarily dealt with for an offence under article 165 or 166, he shall not be liable to be again tried for the same offence by a court-martial or dealt with summarily in respect of it under either of the said Articles.

Article 181.—(1) No person subject to these Articles shall, so long as he belongs to Her Majesty's Indian Forces, be liable to be arrested for debt under any process issued by, or by the authority of, any civil or revenue court or revenue officer.

(2) The judge of any such court may examine into any complaint made by such person or his superior officer of the arrest of such person contrary to the provisions of this article, and may by warrant under his hand discharge the person, and award reasonable costs to the complainant, who may recover those costs in like manner as he might have recovered costs awarded to him by a decree against the person obtaining the process.

(3) For the recovery of such costs no fee whatever shall be payable to the court by the complainant.

Article 182.—Neither the arms, clothes, equipment, accoutrements or necessaries of any person subject to these Articles, nor any animal used by him for the discharge of his duty, shall be seized; nor shall the pay and allowances of any such person or any part thereof be attached, by direction of any civil or revenue court or any revenue-officer, in satisfaction of any decree or order enforceable against him.

Article 183.—Every person belonging to the Indian Reserve Forces shall, when called out for, or engaged upon or returning from training or service as an officer or soldier, be entitled to all the privileges accorded by the two last foregoing articles to a person subject to these Articles.

Article 184.—(1) On the presentation to any court by or on behalf of any officer or soldier subject to these Articles of a certificate from the proper military authority of leave or absence having been granted or applied for by him for the purpose of prosecuting or defending any suit or other proceeding in such court, the court shall, on the application of such officer or soldier, arrange, so far as may be possible, for the hearing and final disposal of such suit or other proceeding within the period of the leave so granted or applied for.

(2) The certificate from the proper military authority must state the first and last day of the leave or intended leave, and set forth a description of the case with respect to which the leave was granted or applied for.

(3) No fee whatever shall be payable to the court in respect of the presentation of any such certificate, or in respect of any application by or on behalf of any such officer or soldier for priority for the hearing of his case.

(4) Where the court is unable to arrange for the hearing and final disposal of the suit or other proceeding within the period of such leave or intended leave as aforesaid, it shall record its reasons for having been unable to do so, and shall cause a copy thereof to be furnished to such officer or soldier on his application, without any payment whatever by him in respect either of the application for such copy or of the copy itself.

(5) If in any case a question arises as to the proper military authority qualified to grant such certificate as aforesaid, such question shall be at once referred by the court to the nearest officer commanding a corps, whose decision shall be final.

Article 185.—(1) Whenever any person subject to these Articles deserts, the commanding officer of the corps, department or detachment to which he belongs shall give written information of the desertion to such civil, political or police authorities as, in his opinion, may be able to afford assistance towards the capture of the deserter; and such authorities shall thereupon take steps for the apprehension of the said deserter in like manner as if he were a person for whose capture a warrant had been issued by a magistrate, and shall deliver the deserter, when apprehended, to military custody.

(2) Such authorities shall also, by such means as appear to them best adapted for the purpose, prevent persons reasonably believed to be subject to these Articles from travelling through the areas subject to their jurisdiction, unless on duty, or furnished with a certificate of leave or discharge.

(3) Any police officer may arrest, without warrant, any person reasonably believed to be subject to these Articles and to be travelling without delay before the nearest magistrate, or the nearest military commanding officer when no magistrate is readily accessible, to be dealt with according to law.

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" Article 186.—Whenever any person subject to these Articles, who is accused of any military offence, is within the jurisdiction of any civil, political or police officer, such officer shall aid in the apprehension and delivery to military custody of such person upon receipt of a written application to that effect signed by his commanding officer.

" Article 187.—In any proceeding under these Articles, any application, certificate, warrant, reply or other document purporting to be signed by an officer in the civil or military service of the Government shall, on production, be presumed to have been duly signed by the person and in the character by whom and in which it purports to have been signed, until the contrary is shown.

" Article 188.—(1) The Governor General in Council may direct that Portions of the forces under an Army Command. Articles—

(a) any portion of Her Majesty's Indian Forces belonging to a Command shall, when serving beyond the ordinary limits of the Command, continue subject to the authority of the general officer of the Command; or

(b) any portion of those forces not belonging to a Command shall be attached to a Command, and shall be subject to the authority of the general officer of the Command.

(2) Except as may be directed under clause (1) of this article, any portion of the said forces shall, when serving in a Command, be for the purposes of these Articles subject to the authority of the general officer of that Command.

" Article 189.—Nothing in these Articles shall be deemed to affect the authority conferred on the Commander-in-Chief in India by any Act of Parliament or by Royal Warrant or Commission.

" Article 190.—(1) The Governor General in Council may, by notification, make rules consistent with these Articles to regulate the procedure of courts-martial and officers, military, civil or political, having any jurisdiction or authority under these

Articles, and for the purpose of carrying these Articles into execution, so far as relates to the investigation, trial and punishment of offences triable under them.

(2) Rules under this article may provide among other matters for the following:

(a) the assembly and procedure of courts of enquiry;

(b) the convening and constituting of courts-martial;

(c) the adjournment, dissolution and sittings of courts-martial;

(d) the procedure to be observed in trials by courts-martial;

(e) the confirmation and revision of the findings and sentences of courts-martial;

(f) the carrying into effect sentences of courts-martial;

(g) the forms of orders to be made under the provisions of these Articles relating to courts-martial, transportation or imprisonment.

(3) The Governor General in Council may by any such rule confer on any court-martial or officer any power (other than a power to try an accused person or pass a sentence) conferred on a court of original jurisdiction by the Code of Criminal Procedure, 1882.

" Article 191.—(1) The Governor General in Council may, by notification, apply all or any of the provisions of these Articles to any force raised and maintained in India under the authority of the Governor General in Council and may cancel or modify any such notification.

(2) While any of the provisions of these Articles apply to any such force, the Governor General in Council may, by notification, direct by what authority any jurisdiction, powers or duties incident to the operation of those provisions shall be exercised or performed in respect to that force."

74. After the Appendix to the said Articles the Second Appendix set out in the Schedule to this Act shall be added.

THE SCHEDULE.

(See section 74.)

THE SECOND APPENDIX.

(See article 91.)

FORM FOR ASSEMBLY AND PROCEEDINGS OF SUMMARY GENERAL COURT-MARTIAL.

Proceedings.

* State the place.

* At

, this

day of

18

A.—Order convening the Court.

WHEREAS it appears to me that the persons named in the annexed schedule, and being subject to military law, have committed the offences in the said schedule mentioned, and I, the undersigned, an officer now in command of

on active service, am of opinion that it is not

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(The Schedule.)

* Omit, except where convening officer is not a Commanding Officer and is below rank of Field Officer.

practicable, having due regard to the public service, to convene an ordinary Court-Martial to try such offences (* or to delay the trial for reference to a superior qualified officer), I hereby convene a Summary General Court-Martial to try the said persons, and to consist of—

PRESIDENT.		
Rank.	Name.	Regiment.
MEMBERS.		
Rank.	Name.	Regiment.

I certify that the above Court assembled on the _____ day of _____ and duly tried the persons named in the said schedule, and that the plea, finding, and sentence in the case of each such person were as stated in the third and fourth columns of that schedule.

B.—Certificate of President as to proceedings.

Signed this _____ day of _____ 18 _____

C _____ D _____

President of the Court-Martial

I have dealt with the findings and sentences in the manner stated in the last column of the above schedule, and, subject to what I have there stated, I hereby confirm the above findings and sentences; and I am opinion, with reference to the sentences of summary punishment mentioned in the schedule, that imprisonment cannot, with due regard to the public service, be carried into execution († and I am of opinion that it is not practicable, having due regard to the public service, to delay the cases for confirmation by any superior qualified authority).

C.—Confirmation.

† Omit, except where under rules it is ordinarily the duty of the confirming officer to reserve the case.

Signed this _____ day of _____ 18 _____

E _____ F _____

Field (or General) Officer in the Force (or Commanding).

I have dealt with the reserved findings and sentences in the manner stated in the last column of the schedule, and, subject to what I have there stated, I hereby confirm the said reserved findings and sentences.

D.—Confirmation of reserved sentences.

Signed this _____ day of _____ 18 _____

G _____ H _____

General (Field) Officer in the Force.

Subject to what I have stated in the last column of the schedule, I hereby confirm the (finding and) sentence of death in the case of _____ and of transportation in the case of _____ († and in the case of the above sentences of death I am of opinion that by reason of § it is not practicable, having due regard to the public service, to delay the case for confirmation by any qualified officer superior to myself).

E.—Confirmation of sentence of death or of penal servitude.

† Omit, where confirmed by officer in chief command.

§ State, according to the circumstances, the nature of the country, or the great distance, or the operations of the enemy.

Signed this _____ day of _____ 18 _____

J _____ K _____

General (Field) Officer in Chief Command of the Forces.

*The Indian Articles of War Amendment Act, 1894.**(The Schedule.)***Schedule.**Date 18 No.

Name of alleged offender,*	Offence charged.	Plea.	Finding and, if convicted, sentence.†	How dealt with by confirming officer.
1	2	3	4	5
Ram Bux (Bunniah)	Offence against person of inhabitant of country.	Guilty	Guilty. H. L. imprisonment for—	Confirmed. I remit— E _____ F _____
262, Sepoy Jhunda Singh, 167th Regiment.	Breaking into house in search of plunder.	Not guilty...	Guilty. Two months' H. L. imprisonment.	Not confirmed. E _____ F _____
564, Sowar Hossein Khan, 16th Regiment.	Drunk on post	Not guilty...	Guilty. Death. Recommended to mercy.	Reserved, or confirmed, but commuted to H. L. imprisonment for _____ E _____ F _____ Confirmed, but commuted to _____ years' transportation. J _____ K _____
Person accompanying force (name unknown), white jacket and trousers, scar on right cheek.	Impeding provost-marshal.	Not guilty...	Not guilty.	
Sepoy in uniform of 67th Regiment (name unknown).	Offence against property of inhabitant of country.	Not guilty...	Guilty. H. L. imprisonment for—	Reserved. E _____ F _____ Confirmed. G _____ H _____
P. Q. Convening Officer.			C. D. President.	

* If the name of the person charged is unknown, he may be described as unknown, with such addition as will identify him.

† Recommendation to mercy to be inserted in this column.

J. M. MACPHERSON,
Deputy Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th October 1894, and is hereby promulgated for general information :—

Act No. XIII of 1894.

An Act to amend certain enactments relating to the Army.

WHEREAS it is expedient to amend certain enactments relating to the Army in manner hereinafter appearing; It is hereby enacted as follows:

1. (1) This Act may be called the Repealing and Amending (Army) Act, 1894; and

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, fix in that behalf.

2. (1) The enactment specified in the first schedule is hereby repealed to the extent mentioned in the third column thereof.

(2) The enactments specified in the second schedule are hereby modified to the extent and in the manner mentioned in the third column thereof.

THE FIRST SCHEDULE.

Enactment repealed.

Number and year.	Title.	Extent of repeal.
1	2	3

Act of the Governor General in Council.

XI of 1877 ...	Military Lunatics Act, 1877.	In sections 4 and 6 the words divisions or. In section 7 the word division.
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THE SECOND SCHEDULE.

Enactments amended.

Number and year.	Title or subject.	Amendments.
1	2	3

Act of the Governor General in Council.

XI of 1877 ...	Military Lunatics Act, 1877.	In section 3, for Act for punishing Mutiny and Desertion and for the better payment of the Army and their quarters for the time being in force read
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Number and year.	Title or subject.	Amendments.
1	2	3
XI of 1877— <i>continued.</i>	Military Lunatics Act 1877 — <i>continued.</i>	Army Act; for military regulations of the Presidency to which he belongs read military regulations in force for the time being; for one of the Surgeons-General, either of the British Forces or of the Indian Medical Service, according to the Presidency and the service to which the said lunatic belongs read the Principal Medical Officer of Her Majesty's Forces in India, the Surgeon-General with the Government of India, the Surgeon-General with the Government of Madras, the Surgeon-General with the Government of Bombay, or the Principal Medical Officer of the "Command" to which the said lunatic belongs; and for such Surgeon-General and the Surgeon-General read such Principal Medical Officer or Surgeon-General. In sections 3, 6 and 7, for the words local military regulations, wherever they occur, read military regulations.
VII of 1808 ...	Power to establish martial law.	In the title, in the first place in which the words occur in the preamble, in section 2 and in section 4, for Governor in Council read Governor General in Council.
VIII of 1817 ...	Sepoy Malguzars.	In the title, for on the military establishment of Fort St. George read in the Madras Command. In section 9, clause first, for on the military establishment under the Presidency of Fort St. George read in the Madras Command.

Regulations of the Madras Code.

J. M. MACPHERSON,
Deputy Secretary to the Government of India.

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 25TH OCTOBER 1894.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 18th October 1894, and is hereby promulgated for general information:—

Act No. XV of 1894.

An Act to validate certain certificates granted to Engineers of steam-ships.

Bomb. IV of 1873. WHEREAS the Steam-vessel Survey Amendment Act of 1873 was repealed by the Inland Steam-vessels Act, 1884, which came into force in the territories administered by the Governor of Bombay in Council on the first day of December 1885;

And whereas between the said day and the seventh day of February 1893, certain certificates styled "Indian Foreign Trade Certificates of Competency," were inadvertently granted in Bombay in pursuance of rules made under the said Steam-vessel Survey Amendment Act of 1873, and without regard to the provisions of the Indian Steam-ships Act, 1884;

VII of 1884. And whereas it is expedient to validate the said certificates;

It is hereby enacted as follows:

1. (1) This Act may be called the **Engineers' Certificates Validation Act, 1894**; and

(2) It shall come into force at once.

2. The certificates described as "Indian Foreign Trade Certificates of Competency," which were granted under the authority of the Governor of Bombay in Council between the first day of December 1885, and the seventh day of February 1893 (both inclusive), to certify to the competency of the grantees thereof to act as engineers of steam-ships, shall be deemed to have been granted under the Indian Steam-ships Act, 1884, and shall be recognized as valid for voyages of those classes with reference whereto they were granted: Provided that nothing herein contained shall be deemed to affect such certificates in any other respect.

Validation of "Indian Foreign Trade Certificates of Competency" granted in Bombay to engineers of steam-ships.

J. M. MACPHERSON,

Deputy Secretary to the Government of India.

THE



Bombay Government Gazette

EXTRAORDINARY.

Published by Authority.

MONDAY, 31ST DECEMBER 1894.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India, in Council received the assent of His Excellency the Governor General on the 27th December 1894, and is hereby promulgated for general information :—

Act No. XVI of 1894.

An Act to amend the Indian Tariff Act, 1894.

WHEREAS it is expedient to amend the Indian Tariff Act, 1894; It is hereby enacted as follows :—

VIII of 1894.

Substitution of new Schedules for Schedules II to V of Act VIII of 1894. For Schedules II to V, both inclusive, appended to the said Act, the Schedules appended to this Act shall be substituted.

SCHEDULE II.—(IMPORT TARIFF.)

Arms, Ammunition and Military Stores,

including also any articles, other than those included in Nos. 1 to 12 of this Schedule, which are "arms" within the meaning of the Indian Arms Act, and any articles which the Governor General in Council may, by Notification in the *Gazette of India*, declare to be "ammunition" or "military stores" for the purposes of this Act.

XI of 1878.

Names of Articles.	Duty.	
	Rs.	a.
1. Firearms other than pistols, including gas and air guns and rifles, for each.	50	0
2. Barrels for the same, whether single or double, for each	30	0
3. Pistols, for each	15	0
4. Barrels for the same, whether single or double, for each	10	0
5. Springs used for firearms, including gas and air guns and rifles, for each.	8	0
6. Gunstocks, sights, blocks and rollers, for each	5	0
7. Revolver-breeches, for each cartridge they will carry	2	8

	Duty. Rs. a.
8. Extractors, nippers, heel-plates, pins, screws, tangs, bolts, thumb-pieces, triggers, trigger-guards, hammers, pistons, plates and all other parts of a firearm (including a gas and air gun or rifle) not herein otherwise provided for, and all tools used for cleaning or putting together or loading the same, for each	1 8
9. Machines for making, loading, or closing cartridges, for each ...	10 0
10. Machines for capping cartridges, for each	2 8

Exception I.—Articles falling under the 5th, 6th, 8th, 9th or 10th head of the foregoing list, when they appertain to a firearm falling under the 1st or 3rd head, and are fitted into the same case with such firearm, are free.

Exception II.—The following are also free, namely:—

- (a) Arms forming part of the regular equipment of an officer entitled to wear diplomatic, military, naval, or police uniform;
- (b) a sword, a revolver, or a pair of pistols, when, accompanying an officer of Her Majesty's Regular Forces, or a commissioned officer of a volunteer corps, or certified by the commandant of the corps to which such officer belongs, or, in the case of an officer not attached to any corps, by the officer commanding the station or district in which such officer is serving, to be imported by the officer for the purposes of his equipment;
- (c) swords and revolvers which are certified by an Inspector-General of Police to be part of the ordinary equipment of members of the Police force under his charge;
- (d) swords forming part of the equipment of native commissioned officers of Her Majesty's Army;
- (e) swords for presentation as army or volunteer prizes;
- (f) arms, ammunition and military stores imported with the sanction of the Government of India for the use of any portion of the military forces of a Native State in India which may be maintained and organised for Imperial Service.
- (g) Morris tubes and patent ammunition when imported by officers commanding British and Native regiments or volunteer corps, for the instruction of their men.

Proviso 1.—No duty in excess of ten per cent. *ad valorem* shall be levied upon any of the articles numbered 1 to 10 in the foregoing list when they are imported in reasonable quantity, for his own private use, by any person lawfully entitled to possess the same.

Proviso 2.—When any articles which have been otherwise imported, and upon which duty has been levied or is leviable under numbers 1 to 10 are purchased retail from the importer by a person lawfully entitled as aforesaid, in reasonable quantity for his own private use, the importer may apply to the Customs-Collector for a refund or remission (as the case may be) of so much of the duty thereon as is in excess of ten per cent. *ad valorem*; and if such Collector is satisfied as to the identity of the articles, and that such importer is in other respects entitled to such refund or remission, he shall grant the same accordingly.

	Tariff valuation.	Rate of Duty.
	Rs. a.	
11. Gunpowder, common, per lb.	0 5	} 10 per cent.
11. " " sporting, " " " " " " " "	1 0	
12. All other sorts of arms, ammunition, and military stores	... <i>ad valorem</i> . }	

SCHEDULE III—(IMPORT TARIFF).

LIQUORS, OPIUM, SALT, AND SALTED FISH.

No.	Names of Articles.	Per	Rate of Duty.
			Rs. a.
1	LIQUORS—		
	Ale, beer, and porter ...	Imperial gallon or six quart bottles.	0 1
	Cider and other fermented liquors ...		6 0
	Liqueurs ...	"	
	Spirit intended to be used exclusively in arts or manufactures, or in chemistry, and which has been rendered effectually and permanently unfit for human consumption.	ad valorem.	Five per cent.
	Spirit when used in drugs, medicines, or chemicals in a proportion of less than twenty per cent. of spirit of the strength of London proof.		
	Spirit when so used in a proportion of twenty per cent., and upwards.	Imperial gallon or six quart bottles of the strength of London proof.	6 0 and the duty to be increased or reduced in proportion as the strength of the spirit exceeds or is less than London proof.
	Spirit, perfumed, in wood or in bottles	Imperial gallon or six quart bottles.	8 0
	Spirit, other sorts	Imperial gallon or six quart bottles of the strength of London proof.	6 0 and the duty to be increased or reduced in proportion as the strength of the spirit exceeds or is less than London proof.
	Wines—		
	Champagne and all other sparkling wines not containing more than 42 per cent. of proof spirit.	Imperial gallon or six quart bottles.	2 8
	All other sorts of wines not containing more than 42 per cent. of proof spirit.	"	1 0
	Provided that all sparkling and still wines containing more than 42 per cent. of proof spirit shall be liable to duty at the rate applicable to spirit, other sorts.		
2	OPIUM, not covered by a Government pass	ser of 80 tolas.	24 0
3	SALT	Indian maund of 82½ lb. avoirdupois weight.	The rate at which excise-duty is for the time being leviable on salt manufactured in the place where the import takes place.
4	SALTED FISH, wet or dry	"	Such rate or rates of duty not exceeding twelve annas, as the Governor General in Council may, by notification in the <i>Gazette of India</i> , from time to time prescribe.

SCHEDULE IV—(IMPORT TARIFF).

GENERAL DUTIES.

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
			Rs. a.	
	Animals, living.			
1	HORSES, CATTLE, SHEEP, and all other living animals of all kinds ... ..	.....	.....	Free.
	Articles of Food and Drink.			
2	COFFEE	cwt.	70 0	Five per cent.
3	FRUITS AND VEGETABLES, except fresh fruits and vegetables not separately enumerated, which are free—			
	Almonds without shell	"	48 0	"
	" in the shell	"	15 8	"
	Cashew or cajoo kernels	"	12 0	"
	Cocoanuts	thousand	35 0	"
	" kernel (khopra)	cwt.	11 0	"
	Currants, European, in cases	"	10 0	"
	" " in cans	"	22 0	"
	" Persian	"	14 0	"
	Dates, dry, in bags	"	5 8	"
	" wet " "	"	4 0	"
	" " in pots and boxes.	"	8 8	"
	Figs, Persian, dried	"	8 0	"
	Garlic	"	5 0	"
	Hops ... ..	.....	.....	Free.
	Pistachio nuts:	cwt.	32 0	Five per cent.
	Prunes, Bussora (álu-Bokhára)	"	20 0	"
	Raisins, black	"	10 0	"
	" Kishmish, Persian Gulf and Red Sea	"	15 0	"
	" Munakka, Persian Gulf and Red Sea	"	9 0	"
	" Other sorts ... ..	.....	<i>ad valorem.</i>	"
	Walnuts	cwt.	10 0	"
	All other sorts of fruits and vegetables ... ..	.....	<i>ad valorem.</i>	"
4	GRAIN AND PULSE, including broken grain and pulse, but not including flour ... ..	.....	.....	Free.
5	MINERAL AND AERATED WATERS, and all unfermented and non-alcoholic beverages ... ..	.....	<i>ad valorem.</i>	Five per cent.
6	PROVISIONS, OILMAN'S STORES, AND GROCERIES—			
	Bacon in canvas and cans, jowls and cheeks	lb.	0 14	"
	Beef and Pork	{ tierce of 3 cwt. barrel of 2 cwt.	100 0 75 0	"
	Biche de mer	cwt.	50 0	"
	Butter	lb.	1 0	"
	Cheese	"	0 14	"
	China preserves	box of six jars.	5 8	"
	" fruit preserves, dry candied	lb.	0 5	"
	Cocum	cwt.	5 0	"
	Fish-maws	"	100 0	"
	Flour	barrel or sack of 200 lb.	20 0	"
	Ghi	cwt.	40 0	"
	Groceries not otherwise described ... ..	.....	<i>ad valorem.</i>	"
	Pork hams	lb.	0 14	"
	Sago	cwt.	8 8	"
	Shark-fins	"	40 0	"
	Singally and sozille	"	25 0	"

SCHEDULE IV—(IMPORT TARIFF)—continued.
GENERAL DUTIES—continued.

No.	Names of Articles.	Fee	Tariff Valuation.	Duty.
	Articles of Food and Drink—continued.			
			Rs. a.	
6	PROVISIONS, OILMAN'S STORES AND GROCERIES—continued.			11
	Tapioca	cwt.	9 8	Five per cent.
	Vinegar, European, in wood	Imperial gallon.	1 0	"
	" Persian	"	1 8	"
	" country	"	0 8	"
	All other sorts of provisions, oilman's stores, and groceries		<i>ad valorem.</i>	"
7	SPICES—			
	Betelnuts—Goa	cwt.	17 0	"
	" —in the husk	thousand.	2 0	"
	" —all other sorts		<i>ad valorem.</i>	"
	Cardamoms, Ceylon	cwt.	150 0	"
	Chillies, dry	"	11 0	"
	Cloves	"	20 0	"
	" stems and heads	"	4 0	"
	" in seeds, narlavang	"	8 8	"
	Ginger, dry	"	16 0	"
	Mace	lb.	1 8	"
	Nutmegs	"	1 0	"
	" in shell	"	0 8	"
	Pepper, black	cwt.	16 0	"
	" long	"	7 0	"
	" white	"	30 0	"
	All other sorts of spices		<i>ad valorem.</i>	"
8	SUGAR, China, candy	cwt.	20 0	"
	" loaf	"	21 0	"
	" crystallized, best	"	13 0	"
	" " and soft, from China	"	13 0	"
	" " " " from Mauritius	"	11 0	"
	" soft or raw other than from Mauritius or China	"	10 0	"
	All other sorts, including saccharine produce of all kinds and confectionery		<i>ad valorem.</i>	"
9	TEA, black	lb.	0 8	"
	" green	"	0 12	"
	Chemicals, Drugs, Medicines and Narcotics, and Dyeing and Tanning Materials.			
10	CHEMICAL PRODUCTS AND PREPARATIONS—			
	Acid, sulphuric	"	0 2	"
	Alkali, country (sajji-khar)	cwt.	1 8	"
	Alum	"	5 0	"
	Arsenic	"	21 8	"
	" China mansil	"	17 0	"
	Bicarbonate of soda	"	7 0	"
	Copperas, green	"	3 0	"
	Explosives, namely, blasting gelatine, dynamite, roborite, tonite, and all other descriptions		<i>ad valorem.</i>	"
	Sal ammoniac	cwt.	37 0	"
	Sulphate of copper	"	15 8	"
	Sulphur (brimstone), flour	"	6 0	"
	" (") roll	"	5 12	"
	" (") rough	"	4 8	"
	All other sorts of chemical products and preparations, including saltpetre and borax		<i>ad valorem.</i>	"

SCHEDULE IV—(IMPORT TAXES)—continued.
GENERAL DUTIES—continued.

No.	Names of Articles.	Ex.	Tariff Valuation.	Duty.
	Chemicals, Drugs, Medicines and Narcotics, and Dyeing and Tanning Materials—continued.		Rs. a.	
11	DRUGS, MEDICINES, AND NARCOTICS—			
	Aloes, black ^a	cwt.	14 0	Five per cent.
	" Socotra	"	30 0	"
	Aloe-wood	lb.	6 0	"
	Asafetida (hing)	cwt.	65 0	"
	coarse (hingra)	"	21 0	"
	Atary, Persian	"	15 0	"
	Bánslochan (bamboo camphor)	lb.	0 4	"
	Brimstone (amsalsára)	cwt.	50 0	"
	Calumba or Colombo root	"	7 0	"
	Camphor, Bhimsaini (barás)	lb.	70 0	"
	" refined, cake	"	1 4	"
	" coarse in powder	"	0 12	"
	Cassia nigra	cwt.	22 0	"
	China root (chobchini), rough	"	8 0	"
	" " scraped	"	17 8	"
	Cubebs	"	25 8	"
	Galangal, China	"	7 0	"
	Pellitory (akalkára)	"	40 0	"
	Peppermint crystals, from China and Japan	lb.	11 8	"
	Quinine and other alkaloids of cinchona	"	Free.	"
	Salap	cwt.	80 0	Five per cent.
	Serina leaves	"	4 0	"
	Storax, liquid (rose melloes)	"	54 0	"
	Tobacco, unmanufactured	"	Free.	"
	" manufactured	"	ad valorem	Five per cent.
	All other sorts of drugs, medicines, and narcotics, except opium (for which see Schedule III)	"	"	"
12	DRUGS AND TANNING MATERIALS—			
	Alizarine dye, dry, 40 per cent.	lb.	1 7	"
	" " 50 " " " " " " " " " " " "	"	1 10	"
	" " 60 " " " " " " " " " " " "	"	1 15	"
	" " 70 " " " " " " " " " " " "	"	2 2	"
	" " 80 " " " " " " " " " " " "	"	2 8	"
	" " 100 " " " " " " " " " " " "	"	2 12	"
	" liquid, 10 per cent.	"	0 5	"
	" " 16 " " " " " " " " " " " "	"	0 8	"
	" " 20 " " " " " " " " " " " "	"	0 10	"
	Aniline dye " indigo blue	"	0 9	"
	dry	"	ad valorem	"
	Avar bark	cwt.	4 8	"
	Buggand (gulgista)	"	27 0	"
	Cochineal	lb.	1 2	"
	Gallnuts (myrabolams)	cwt.	4 9	"
	" Persian	"	35 0	"
	Madder or manjit	"	7 0	"
	Orchilla weed	"	5 0	"
	Sappan wood and root	"	5 8	"
	All other sorts of dyeing and tanning materials.	"	ad valorem	"
	Metals and Manufactures of Metals.			
13	HARDWARE AND CUTLERY, including ironmongery and plated-ware, and also including machines, tools, and implements to be worked by manual or animal labour, except water-lifts, sugar-mills, oil-presses, and parts thereof, and any other machines and parts of machines ordinarily used in processes of husbandry, or for the preparation			

SCHEDULE IV.—(IMPORT TAXES)—continued,
GENERAL DUTIES—continued.

No.	Names of Articles,	Per	Tariff Valuation.	Duty.
	Metals and Manufactures of Metals—continued.		Rs. a.	
	for use or for sale of the products of husbandry which the Governor General in Council may, by notification in the <i>Gazette of India</i> , exempt, all of which are free			
14	<p>MACHINERY, namely, prime-movers, and component parts thereof, including boilers and component parts thereof; also including locomotive and portable engines, steam-rollers, fire-engines and other machines in which the prime-mover is not separable from the operative parts</p> <p>.. (and component parts thereof), meaning machines or sets of machines to be worked by electric, steam, water, fire, or other power not being manual or animal labour, or which before being brought into use require to be fixed with reference to other moving parts; and which are intended for—</p> <p>(a) the preparing, ginning, pressing, spinning, weaving, sewing, knitting, bleaching and dyeing of cotton, jute, hemp, silk, wool, or other fibres and any other process intervening between the raw material and the finished product as packed ready for the market;</p> <p>(b) the smelting and milling of iron and other metallic ores and the manufacture of iron, steel, and other metals;</p> <p>(c) the manufacture of leather, sugar, indigo, silk, paper, soap, gas, oil, flour, cordage, rope, and twine;</p> <p>(d) the milling of rice;</p> <p>(e) the drying and rolling of tea;</p> <p>(f) the pulping of coffee;</p> <p>(g) printing presses;</p> <p>(h) foundries and workshops of iron and other metals;</p> <p>(i) railway workshops;</p> <p>(j) the refining of petroleum, and the manufacture of vegetable oils;</p> <p>(k) the crushing of bones and bricks;</p> <p>(l) the manufacture of lac;</p> <p>(m) potteries;</p> <p>(n) sawmills;</p> <p>(o) mining, navigation, agriculture and pumping;</p> <p>(p) such other manufactures and industries as the Governor General in Council may from time to time specify:</p>		<i>ad valorem</i>	Five per cent.
	<p>Provided that the term does not include tools and implements to be worked by manual or animal labour, and provided also that only such articles shall be admitted as component parts of machinery as are indispensable for the working of the machinery (and are, owing to their shape or to other special quality, not adapted for any other purpose.)</p>			
	<p><i>Note.</i>—Machinery and component parts thereof made of substances other than metal are included in this entry.</p>			Free.

SCHEDULE IV—(IMPORT TARIFF)—*continued.*GENERAL DUTIES—*continued.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Metals and Manufactures of Metals—<i>continued.</i>		Rs. a.	
	Machinery and component parts thereof not included in the foregoing exemptions.	.....	<i>ad valorem.</i>	Five per cent.
15	METALS, unwrought and wrought, and articles made of metals—			
	Brass, beads, ghungri, China	thousand.	0 12	"
	" foil or dānkpana, white, 10½ in. × 4½ in.	hundred leaves.	1 4	"
	" " " coloured, 10½ in. × 4½ in.	"	1 12	"
	" old	cwt.	26 0	"
	" sheets, flat or in rolls, very thin	"	100 0	"
	" wire	lb.	0 7	"
	" all other sorts ... ..	.....	<i>ad valorem</i>	"
	Copper, Australian	cwt.	40 0	"
	" bolt	"	50 0	"
	" brazier's and sheets	"	45 0	"
	" China cash	"	30 0	"
	" Japan	"	39 0	"
	" nails and composition nails	"	50 0	"
	" old	"	33 0	"
	" pigs and slabs... ..	"	38 0	"
	" sheathing, plate, and raised bottoms... ..	"	48 0	"
	" tiles, ingots, cakes, and bricks	"	40 0	"
	" China, white copper-ware	lb.	1 2	"
	" foil or dānkpana, white, 10½ in. × 4½ in.	hundred leaves	2 6	"
	" " " coloured, 10½ in. × 4½ in.	"	3 3	"
	" wire, including wire of phosphor-bronze	lb.	0 9	"
	" all other sorts, unmanufactured and manufactured ... ..	.....	<i>ad valorem</i>	"
	Gold bullion and coin ... ..	.....	.....	<i>Free.</i>
	Gold leaf, European	hundred leaves	3 4	Five per cent.
	Iron, anchors and cables ... ..	.....	<i>ad valorem</i>	One per cent.
	" angle, T, and channel	ton	110 0	"
	" bar, plate, and sheet, Lowmoor	"	310 0	"
	" beams, joists, pillars, girders, bridge-work, and other descriptions of iron imported exclusively for building purposes ... ..	.....	<i>ad valorem</i>	"
	" flat, square, and bolt, including Scotch... ..	ton	94 0	"
	" galvanised, sheets and ridging	cwt.	10 0	"
	" hoop, plate, and sheet, other than Swedish	ton	122 0	"
	" nails, rose, wire, and flat-headed, rivets and washers	cwt.	10 0	"
	" nails, clasp	"	17 0	"
	" nails, other sorts, including galvanised... ..	.....	<i>ad valorem</i>	"
	" nail-rod	ton	104 0	"
	" nuts and bolts ... ..	.....	<i>ad valorem</i>	"
	" old	cwt.	2 8	"
	" pig	ton	60 0	"
	" pipes and tubes, including fittings therefor, such as bends, boots, elbows, tees, sockets, flanges, and the like ... ..	.....	<i>ad valorem</i>	"

SCHEDULE IV—(IMPORT TARIFF)—*continued.*
 GENERAL DUTIES—*continued.*

No.	Names of Articles,	Per	Tariff Valuation.	Duty.
	<i>Metals and Manufactures of Metals—continued.</i>		Rs. a.	
15	Metals, unwrought and wrought, and articles made of Metals— <i>continued.</i>			
	Iron, rails, chairs, and fish-plates other than those described in No. 93 ...		<i>ad valorem</i>	One per cent.
	" rice bowls ...	set of ten	6 0	
	" " " not in sets ...	set of six	3 0	
	" rod, round, other than Swedish, under half an inch in diameter ...	ton	105 0	
	" Swedish, flat, square, and bolt nail-rod ...		142 0	
	" " round rod, under half an inch in diameter ...		160 0	
	" tinned plates ...		<i>ad valorem</i>	
	" wire, including fencing-wire and wire-rope, but excluding wire-netting ...		"	
	" all other sorts, including wire-netting ...		"	Five per cent.
	Lametta ...		"	
	Lead, ore, galena ...	cwt.	12 0	
	" pig ...		10 0	
	" pipes ...		<i>ad valorem</i>	
	" sheets ...	cwt.	12 0	
	" " for tea-chests ...		"	Free.
	Orsidue and brass leaves, European ...	lb.	1 0	Five per cent.
	" " " China ...		0 12	"
	Patent or yellow metal, sheathing, sheets and bolts ...	cwt.	40 0	
	Patent or yellow metal, sheathing, sheets and bolts, old ...		27 0	
	Quicksilver ...	lb.	1 8	
	Shot, bird ...	cwt.	16 0	
	Silver bullion or coin, except current coin of the Government of India, which is free ...		<i>ad valorem</i>	
	Steel, Basic, all sorts ...	ton	100 0	One per cent.
	" beams, joists, pillars, girders, bridgework and other descriptions of steel imported exclusively for building purposes ...		<i>ad valorem</i>	
	" hoops ...	ton	145 0	
	" nuts and bolts and nail-rods ...		<i>ad valorem</i>	
	" old ...		60 0	
	" pipes and tubes ...		<i>ad valorem</i>	
	" plates and sheets ...	ton	130 0	
	" rails, chairs, and fish-plates other than those described in No. 93 ...		<i>ad valorem</i>	
	" rivets ...	ton	220 0	
	" T-bars ...	"	105 0	
	" wire, excluding wire-netting ...	"	140 0	
	" wire-rope ...		<i>ad valorem</i>	
	" all other sorts, including wire-netting ...		"	Five per cent.
	Tin, block ...	cwt.	72 0	
	" foil, China ...	lb.	0 12	
	" other sorts ...		<i>ad valorem</i>	
	Zinc or spelter, nails ...	cwt.	20 0	
	" " plates and other shapes, soft ...	"	18 0	
	" " " hard ...	"	13 0	
	" " sheet or sheathing ...	"	19 0	
	" " all other sorts ...		<i>ad valorem</i>	
	All other sorts of metals ...		"	

SCHEDULE IV.—(IMPORT TARIFF)—continued.

GENERAL DUTIES—continued.

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Oils.		Rs. p.	
16	Oils—			
	Cajeputi	quart	1 4	Five per cent.
	Cassia	lb.	2 8	"
	Coconut	cwt.	16 0	"
	Earthnut	"	16 0	"
	Grass	lb.	1 12	"
	Jinjili or til	cwt.	16 0	"
	Linseed, European	Imperial gallon	2 0	"
	Osso of sorts	ounce	15 0	"
	Petroleum, including also naphtha and the liquids commonly known by the names of rock-oil, Bangoon oil, Burma oil, kerosine, paraffin oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine, and any inflammable liquid which is made from petroleum, coal, schist, shale, peat, or any other bituminous substance, or from any products of petroleum	Imperial gallon	.....	One anna.
	" which has its flashing point at or above two hundred degrees of Fahrenheit's thermometer and is proved to the satisfaction of the Customs-Collector to be intended for use exclusively for the batching of jute or other fibre or for lubricating purposes ... ..	.....	ad valorem	Five per cent.
	Sandalwood	lb.	7 0	"
	Whale (except spermaceti) and fish	cwt.	15 0	"
	Wood	"	25 0	"
	All other sorts of oil including paraffin wax ... ..	.....	ad valorem	"
	Other Articles, unmanufactured and manufactured.			
17	AMBER, AND ARTICLES MADE OF AMBER, including imitation amber ... ..	.....	"	"
18	APPAREL, including drapery, haberdashery, and millinery, and military and other uniforms and accoutrements; but excluding cotton-hosiery (for which see No. 44) and boots and shoes (for which see No. 70), and excluding also uniforms, and accoutrements appertaining thereto, imported by a public servant for his personal use, which are free ... ..	.....	"	"
19	ART, WORKS OF, except statuary and pictures intended to be put up in a public place, which are free ... ..	.....	ad valorem.	"
20	ASBESTOS, AND ARTICLES MADE OF ASBESTOS not otherwise described ... ..	.....	"	"
21	BAGS, CASKS, BOXES, and other packages, empty, of all kinds ... ..	.....	"	"
22	BAMBOOS, common, grass, hay, rushes, straw, and leaves ... ..	.....	.....	Free.

SCHEDULE IV—(IMPORT, TARIFF)—*continued.*GENERAL DUTIES—*continued.*

No.	Names of Articles.	Per—	Tariff Valuation.	Duty.
	Other Articles, unmanufactured and manufactured—<i>continued.</i>		Rs. a.	
23	BRASS, of all materials except glass, for which see No. 58, and brass, for which see No. 15— Beads, China, Ankdnána	133½ lbs.	35 0	Five per cent.
	" " Dagri	"	30 0	"
	" " Gadgadía	"	24 0	"
	" " Kamrakhi	"	32 0	"
	" " Lálri	"	44 0	"
	" " Naksi	"	38 0	"
	" " Pakharáji	"	30 0	"
	" " Sulemáni	"	34 0	"
	All other sorts	"	<i>ad valorem</i>	"
24	BELTING of cotton, leather, or other material, for driving machinery	"	"	Free.
25	BONE, INCLUDING WHALEBONE, articles made of	"	<i>ad valorem</i>	Five per cent.
26	BOOKS, printed, including covers for printed books, maps, charts, and plans, proofs, music, and manuscripts	"	"	Free.
27	BRISTLES AND FIBRE for brushes and brooms	"	"	Free.
28	BRUSHES AND BROOMS, all sorts	"	<i>ad valorem</i>	Five per cent.
29	BUILDING AND ENGINEERING MATERIALS, namely, asphalt, bricks and tiles, cement of all kinds, fireclay, earthenware piping, lime, and other kinds not otherwise described	"	"	"
30	CABINET-WARE AND FURNITURE	"	"	"
31	CANDLES, paraffin	lb.	0 6	"
	" spermaceti	"	0 7	"
	" wax	"	1 0	"
	" all other sorts	"	<i>ad valorem</i>	"
32	CANES AND RATTANS, ARTICLES MADE OF CANE OR RATTAN, AND BASKET WORK— Canes, Malacca	dozen	5 0	"
	Rattans	cwt.	10 0	"
	All other sorts	"	<i>ad valorem</i>	"
33	CARRIAGES AND CARTS, including bicycles, tricycles, jinrikshas, Bath chairs, perambulators, trucks, wheelbarrows, and all other sorts of conveyances, and component parts thereof	"	"	"
34	CASES (EMPTY) for spectacles, opera-glasses, jewellery, and other articles	"	"	"
35	CELLULOID, ARTICLES MADE OF, not otherwise described	"	"	"
36	CHALK, common	"	"	"
	" French, knife and plate powder, Bath bricks, emery powder, and whiting	"	"	"
37	CHINESE AND JAPANESE-WARE, including lacquered-ware, but excluding earthen-ware, china and porcelain (for which see No. 47)	"	"	"
38	CLOCKS, WATCHES, and other timekeepers, and parts thereof	"	"	"
39	COAL, COKE, AND PATENT FUEL	"	"	Free.
40	COIR, AND ARTICLES MADE OF COIR, EXCEPT CABLES AND ROPE (for which see No. 42)— Yarn of all kinds	cwt.	9 0	Five per cent.
	All other sorts	"	<i>ad valorem</i>	"

SCHEDULE IV—(IMPORT TAXES)—continued.

GENERAL DUTIES—continued.

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other Articles, unmanufactured and manufactured—continued.		Rs. a.	
41	CORAL, real...		<i>ad valorem</i>	Five per cent.
42	CORDAGE, ROPE, and Twine made of any vegetable fibre—			
	Coir, cables, tarred ...	cwt.	17 0'	"
	" rope ...	"	10 0'	"
	Cordage, hemp, European ...	"	25 0'	"
	" Manila ...	"	28 0'	"
	Twine, sail, European ...	lb.	0 9'	"
	All other sorts of cordage, rope, and twine ...		<i>ad valorem</i>	"
43	CORK, AND ARTICLES MADE OF CORK—			
	Bottle-corks ...	gross	1 8	"
	Vial corks... ..	"	0 8	"
	All other sorts ...	"	<i>ad valorem</i>	"
44	COTTON, AND ARTICLES MADE OF COTTON—			
	raw ...			Free.
	twist and yarn—		Rs. a. p.	
	Medio, No. 40 ...	lb.	0 9 6	Five per cent.
	" " 50 ...	"	0 11 0	"
	" " 60 ...	"	0 12 6	"
	and so on, one anna and a half being added to the valuation for every count of ten or part of a count of ten above No. 60.			
	Mule, and water No. 15 and lower numbers ...	"	0 4 6	"
	above No. 15 to No. 24 ...	"	0 5 6	"
	" " 24 to " 32 ...	"	0 7 0	"
	" " 32 to " 42 ...	"	0 8 0	"
	" " 42 to " 52 ...	"	0 9 6	"
	" " 52 to " 60 ...	"	0 11 6	"
	" " 60 to " 70 ...	"	0 13 6	"
	" " 70 to " 80 ...	"	0 15 0	"
	and so on, one anna being added to the valuation for every count of ten or part of a count of ten above No. 80.			
	Mule, doubled, No. 15 and lower numbers ...	"	0 5 6	"
	above No. 15 to No. 24... ..	"	0 6 6	"
	" " 24 to " 32... ..	"	0 8 0	"
	" " 32 to " 42... ..	"	0 9 0	"
	" " 42 to " 52... ..	"	0 10 6	"
	" " 52 to " 60... ..	"	0 12 6	"
	" " 60 to " 70... ..	"	0 14 6	"
	" " 70 to " 80... ..	"	1 0 0	"
	and so on, one anna being added to the valuation for every count of ten or part of a count of ten above No. 80.			
	Orange, red, Turkey red and other colours, all sorts ...		<i>ad valorem</i>	"
	White or bleached, doubled, all numbers ...	"	0 12 0	"

SCHEDULE IV—(IMPORT TARIFF)—*continued.*GENERAL DUTIES—*continued.*

No.	Names of Articles,	Per	Tariff Valuation.		Duty.
			Rs.	s. p.	
	Other Articles, unmanufactured and manufactured—<i>continued.</i>				
44	COTTON, AND ARTICLES MADE OF COTTON— <i>contd.</i> Cotton twist and yarn— <i>contd.</i> Sewing thread—				
	White and coloured, on cards containing 100 yards each, and <i>pro rata</i> above and below ...	gross	3	0 0	Five per cent.
	White and coloured, on reels containing 100 yards each, and <i>pro rata</i> above and below ...		5	0 0	"
	White and coloured, in balls and skeins	lb.	1	12 0	"
	<i>Note.</i> —Duty on sewing thread to be charged either on the mark or on the actual length at the option of the Collector.				
	Piece-goods—				
	Grey white and coloured				
	Hosiery and all other manufactured cotton goods not otherwise described .	.....		<i>ad valorem.</i>	"
45	DISINFECTING AND DEODORISING FLUID AND POWDER ...	.....		"	"
46	EARTH, common clay and sand ...	.....		.....	<i>Free.</i>
47	EARTHENWARE (except earthenware piping, for which see No. 29), china, china clay, porcelain, and imitation or false coral ...	.....		<i>ad valorem.</i>	Five per cent.
48	EGGS, ostrich and other, not mounted ...	.....		"	"
49	EMERY PAPER AND CLOTH, AND SANDPAPER ...	.....		"	"
50	FANS OF ALL KINDS, except common palm-leaf fans, which are free ...	.....		"	"
51	FEATHERS, including bird-skins ...	.....		"	"
52	FIREWORKS, all sorts, including fulminating-powder ...	.....		"	"
53	FLAX, AND ARTICLES MADE OF FLAX, including linen-thread ...	.....		"	"
54	FLOWERS, ARTIFICIAL, not otherwise described ...	.....		"	"
55	FURNITURE, TACKLE, AND APPAREL, not otherwise described, for steam, sailing, rowing and other vessels ...	.....		"	"
56	FUR, AND ARTICLES MADE OF FUR, not otherwise described ...	.....		"	"
57	GELATINE ...	.....		"	"
58	GLASS, GLASS-WARE, AND FALSE PEARLS—		Rs. a.		
	Glass, China, all colours ...	133½ lbs.	32	0	"
	" crown, coloured... ..	100 superficial feet	15	0	"
	" " of sizes	"	6	0	"
	Pearls, false, bājra	lakh	3	0	"
	Pearls, false, boris	thousand	0	10	"
	" " jauris	lakh	6	0	"
	" " lolakh	thousand	0	8	"
	" " nathia	"	0	3	"
	" " tuchia	"	0	8	"
	" " wattanah	lakh	10	0	"
	All other sorts of glass and manufactures of glass, including false pearls and glass beads... ..	.....		<i>ad valorem.</i>	"

SCHEDULE IV—(IMPORT TARIFF)—continued.

GENERAL DUTIES—continued.

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other Articles, unmanufactured and manufactured—contd.		Rs. a.	
59	Gums, Gum-resins and articles made of gum or gum-resin—			Five per cent.
	Copal	cwt.	70 0	"
	Cutch and gambier	"	20 0	"
	Gamboge	lb.	1 4	"
	Gum Ammoniac	cwt.	15 0	"
	" Arabic	"	18 0	"
	" Bdellium (common gum)	"	8 0	"
	" Benjamin	"	40 0	"
	" Bysabol (coarse myrrh)	"	18 0	"
	" Olibanum or frankincense	"	11 0	"
	" Persian (false)	"	11 0	"
	" Kino	"	10 0	"
	Myrrh	"	33 0	"
	Rosin	"	6 0	"
	All other sorts of gums, gum-resins, and articles made of gum or gum-resin, including caoutchouc and gutta-percha	"	<i>ad valorem</i>	"
60	HAIR of all kinds, and articles made of hair	"	"	"
61	HEMP, including Manilla hemp, and articles made therefrom (except cordage, rope, and twine, for which see No. 42)	"	"	"
62	HIDES AND SKINS (except raw or salted hides and skins, which are free)—			
	Hides, border	each	38 0	"
	" buffalo	score	70 0	"
	" cow	"	60 0	"
	Skins, including parchment and vellum, gold-beaters' skins, and all other descriptions	"	<i>ad valorem</i>	"
63	HORN	"	"	Free.
	articles made of, not otherwise described	"	<i>ad valorem</i>	Five per cent.
64	INSTRUMENTS, APPARATUS, AND APPLIANCES, and parts thereof—			
	Computing, Dental, Distilling, Diving, Drawing, Educational, Electric, Electric Lighting, Galvanic, Measuring, Musical, Optical, Philosophical, Phonographic, Photographic (including materials for Photography), Scientific, Surgical, Surveying, Telegraphic, Telephonic, Typewriters, and all other sorts, except Telegraphic instruments and apparatus when imported by or under the orders of a railway company, which are free	"	"	"
65	IVORY AND IVORY-WARE—			
	Unmanufactured—			
	Elephants' grinders	cwt.	350 0	"
	Elephants' tusks (other than hollows, centres and points) each exceeding 20 lbs. in weight, and hollows, centres and points each weighing 10 lbs. and over	"	800 0	"
	Elephants' tusks (other than hollows, centres and points) not less than 10 lbs. and not exceeding 20 lbs. each, and hollows, centres and points each weighing less than 10 lbs.	"	680 0	"
	Elephants' tusks, each less than 10 lbs. (other than hollows, centres and points)	"	525 0	"

SCHEDULE IV—(IMPORT TARIFF)—*continued.*
GENERAL DUTIES—*continued.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other Articles, unmanufactured and manufactured—<i>continued.</i>			
65	IVORY AND IVORY-WARE—<i>continued.</i> <i>Unmanufactured—<i>continued.</i></i>			
	Sea-cow or moye teeth, each not less than 4 lbs. ...	cwt.	200 0	Five per cent.
	Sea-cow or moye teeth, each not less than 3 lbs. and under 4 lbs. ...	"	185 0	"
	Sea-cow or moye teeth, each less than 3 lbs. ...	"	135 0	"
	All other sorts, manufactured and unmanufactured ...		<i>ad valorem</i>	"
66	JET, ARTICLES MADE OF ...		"	"
67	JEWELLERY AND JEWELS, including plate and other manufactures of gold and silver—			
	Silverware, plain ...	tola	1 0	"
	" embossed or chased } other than European ...	"	1 4	"
	All other sorts, except precious stones and pearls, unset, which are free ...		<i>ad valorem</i>	"
68	JUTE, raw ...			Free.
	" articles made of ...		<i>ad valorem</i>	Five per cent.
69	LAC, all sorts, and articles made of lac ...		"	"
70	LEATHER, and articles made of leather, including boots and shoes, harness and saddlery ...		"	"
71	MANURES of all kinds, including animal bones ...		"	Free.
72	MARINE AND NAVAL STORES, not otherwise described ...		<i>ad valorem</i>	Five per cent.
73	MATCHES, all sorts ...		"	"
74	MATS AND MATTING— Floor-matting, China and Singapore, of all sorts. All other sorts, except coir-matting (for which see No. 40) ...	hundred	60 0	"
75	MICA AND TALC, and articles made therefrom ...		<i>ad valorem</i>	"
76	MINERALS NOT OTHERWISE DESCRIBED... ..		"	"
77	MODELS OF ALL DESCRIPTIONS ...		"	"
78	MOULDERS' BLACKING AND SAND ...		"	"
79	OILCAKE, also bran, fodder, and cattle-food of all kinds ...			Free.
80	OIL-CLOTH AND FLOOR-CLOTH, including linoleum, linoleum, and tarpaulins ...		<i>ad valorem</i>	Five per cent.
81	PAINTS, COLOURS, PAINTERS' MATERIALS, and compositions for application to leather, wood, and metals—			
	Ochre, other than European, all colours ...	cwt.	1 8	"
	Paints, composition ...	"	65 0	"
	" patent driers ...	"	10 0	"
	Prussian blue, China ...	lb.	0 8	"
	" European ...	"	1 0	"
	Red lead ...	cwt.	14 0	"
	Turpentine ...	Imperial gallon	2 0	"
	Verdigris ...	cwt.	70 0	"
	Vermilion, Canton ...	box of 90 bundles	95 0	"
	White lead ...	cwt.	16 0	"
	White zinc ...	"	25 0	"
	All other sorts, including glue and putty ...		<i>ad valorem</i>	"

SCHEDULE IV—(IMPORT TARIFF)—continued.

GENERAL DUTIES—continued.

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other Articles. unmanufactured and manufactured—contd.		Rs. a.	
82	PAPER, PASTEBOARD, MILLBOARD, AND CARDBOARD of all kinds, including ruled or printed forms and account and manuscript books, labels, advertising circulars, sheet or card almanacs and calendars, Christmas, Easter, and other cards, including cards in booklet form, including also waste paper and old newspapers for packing ... ..	.....	<i>ad valorem</i>	Five per cent.
	„ articles made of paper and papier-mâché ... ..	.....	„	„
83	PERFUMERY— Gowla, husked and unhusked Kapurkachri (zedoary, China) Patch-leaves (patchouli) Rose-flowers, dried Rose-water	cwt. „ „ „ { Per carboy { Per 100 flasks	35 0 9 8 9 8 16 0 5 0 32 0	„ „ „ „ „ „
	All other sorts, except perfumed spirit (for which see Schedule III) ... ..	.....	<i>ad valorem</i>	„
84	PIPS and other implements used in the consumption of tobacco and other narcotics ... ..	.....	„	„
85	PITCH, TAR AND DAMMER— Bitumen Dammer Pitch, American and European „ coal Tar, American and European „ coal „ mineral ... ..	..... cwt. „ „ „ „ „ „	5 8 7 0 2 8 6 0 3 0	„ „ „ „ „ „ „ <i>ad valorem</i>
86	PLANTS AND BULBS, living, and dried for herbaria. ....	.....	.....	Free.
87	PLASTER OF PARIS, and articles made of plaster of Paris, not otherwise described ... ..	.....	<i>ad valorem</i>	Five per cent.
88	PLUMBAGO, and articles made of plumbago ... ..	.....	„	„
89	PRECIOUS STONES AND PEARLS, unset... ..	.....	.....	Free.
90	PULP of wood, straw, rags, paper, and other materials ... ..	.....	.....	„
91	PRINTING AND LITHOGRAPHING MATERIAL, namely, presses, type, ink, brass rules, composing sticks, chases, imposing tables, and lithographic stones, but not including paper ... ..	.....	.....	„
92	RAGS ... ..	.....	.....	„
93	RAILWAY MATERIAL for permanent-way and rolling-stock, namely, cylinders, girders, and other material for bridges, rails, sleepers, bearing and fish-plates, fish-bolts, chairs, spikes, crossings, sleeper-fastenings, switches, interlocking apparatus, brake gear, couplings and springs, signals, turntables, weighbridges, engines, tenders, carriages, waggons, trolleys, trucks, and component parts thereof; also cranes and water cranes and standards, wire, and other material for fencing, when imported by or under the orders of a railway company: Provided that for the purpose of this exemption "railway" means a line of railway subject to the provisions of the Indian Railways Act, 1890, and includes such tramways as the Governor General in Council may, by notification in the <i>Gazette of India</i> , specifically include therein ... ..	.....	.....	„

SCHEDULE IV—(IMPORT TARIFF)—continued.

GENERAL DUTIES—continued.

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other Articles, unmanufactured and manufactured—contd.		Rs. a.	
94	SEEDS—			
	Castor	cwt.	5 0	Five per cent.
	Cummin	"	24 0	"
	" black	"	24 0	"
	Linseed	"	7 8	"
	Methi	"	4 8	"
	Mustard, rape or sarson	"	6 0	"
	Poppy	"	8 8	"
	Quince, bibidána	"	60 0	"
	Sozira	"	24 0	"
	Til or jinjili	"	7 0	"
	All other sorts	"	<i>ad valorem</i>	"
95	SHELLS AND COWRIES—			
	Chanks—large shells, for cameos	hundred	7 0	"
	" white, live	"	8 0	"
	" " dead	"	4 0	"
	Cowras	"	0 10	"
	Cowries, bazar, common	cwt.	3 8	"
	" Maldive	"	8 0	"
	" sankhla	"	70 0	"
	" yellow, superior quality	"	4 0	"
	Mother-of-pearl, nacre... ..	"	45 0	"
	Nakhla	"	80 0	"
	Tortoise-shell	lb.	10 0	"
	" nakh	"	4 0	"
	All other sorts, including articles made of shell, not otherwise described	"	<i>ad valorem</i>	"
96	SHIPS AND OTHER VESSELS for inland and harbour navigation, including steamers, steam-launches, boats, and barges, imported entire or in sections...		.....	<i>Free.</i>
97	SILK AND ARTICLES MADE OF SILK—			
	Floss	lb.	7 8	Five per cent.
	Piece-goods	"	<i>ad valorem</i>	"
	Raw silk—			
	Cháharam Cochin-China, and yellow Shan-ghai	lb.	4 8	"
	Mathow... ..	"	3 4	"
	Other kinds of China	"	6 8	"
	Waste and Kachra	"	1 4	"
	Panjam	"	2 0	"
	Persian	"	5 0	"
	Siam	"	3 0	"
	Produced from the tasar or other wild worm	"	4 0	"
	Sewing thread, China	"	9 0	"
	All other sorts, including cocoons	"	<i>ad valorem</i>	"
98	SIZING for cotton, paper, or any other material		"	"
99	SOAP		"	"
100	SPECIMENS ILLUSTRATIVE OF NATURAL SCIENCE, including also antique coins and medals ... ..		.....	<i>Free.</i>
101	SPONGE AND SPONGES		<i>ad valorem</i>	Five per cent.
102	STARCH		"	"
103	STATIONERY, excluding paper (for which see No. 82)		"	"

SCHEDULE IV—(IMPORT TARIFF)—concluded.

GENERAL DUTIES—concluded.

No.	Names of Articles,	Per	Tariff Valuation,	Duty.
	Other Articles unmanufactured and manufactured—concluded.		Rs. a.	
104	STONE AND MARBLE, and articles made of stone and marble	.....	<i>ad valorem</i>	Five per cent.
105	STRAW PLATTING, and articles made of straw, not otherwise described	.....	"	"
106	TALLOW AND GREASE, including stearine	cwt.	20 0	"
107	TEA-CHESTS of metal or wood, whether imported entire or in sections, provided that the Customs-Collector is satisfied that they are imported for the purpose of the packing of tea for transport in bulk	.....	.....	<i>Free.</i>
108	TEXTILE FABRICS not otherwise described	.....	<i>ad valorem</i>	Five per cent.
109	TOILET REQUISITES not otherwise described	.....	"	"
110	TOYS, including toy-books, and requisites for all games	.....	"	"
111	UMBRELLAS, COTTON, under 20 inches	each.	0 12	"
	" " 20 inches and upwards	"	1 0	"
	" " oiled, other than European...	"	0 12	"
	" " parasols, and sunshades, all other sorts, including paper kettisals	.....	<i>ad valorem</i>	"
112	VULCANITE AND EBONITE, articles made of, not otherwise described	.....	"	"
113	WALKING STICKS and sticks for umbrellas, parasols, and sunshades, of all kinds, mounted and unmounted, driving, riding, and other whips, fishing rods and lines	.....	"	"
114	WAX, and articles made of wax excluding candles (for which see No. 31)...	.....	"	"
115	WOOD AND TIMBER (except firewood, which is free), and articles made of wood not otherwise described	.....	"	"
116	WOOL, RAW...	.....	"	<i>Free.</i>
	" articles made of, including felt	.....	<i>ad valorem</i>	Five per cent.
117	ALL OTHER ARTICLES, manufactured or unmanufactured, not described in this Schedule	.....	"	"

SCHEDULE V—(EXPORT TARIFF).

Name of Article.	Rate of Duty.
RICE, husked or unhusked, including RICE-FLOUR, but not including RICE-BRAN and RICE-DUST, which are free.	Three annas per Indian maund of 82½ lbs. avoirdupois weight.

J. M. MACPHERSON,

Officiating Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Indian Tariff Act, 1894, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 27th December, 1894 :—

We, the undersigned Members of the Select Committee to which the Bill to amend the Indian Tariff Act, 1894, was referred, have considered the Bill and the papers noted in the list appended, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

Schedule IV, No. 3.—In consequence of representations received by us, we have simplified the classification of sugar contained in this number.

No. 11.—In accordance with a suggestion from Madras, we have exempted unmanufactured tobacco from duty.

No. 13.—We have exempted from duty water-lifts, sugar-mills and oil-presses as well as all machines ordinarily used in processes of husbandry or for the preparation for use or for sale of the products of husbandry which the Governor General in Council may by notification exempt.

No. 14.—We have carefully examined the definition of machinery and made certain additions with the view of rendering it more complete and comprehensive as well as more readily intelligible.

No. 15.—We have made one or two additions to the articles chargeable with one per cent. duty under the heads of iron and steel.

No. 44.—We have made the duty in the case of coloured twists and yarns and of piece-goods payable *ad valorem* instead of on a tariff valuation as in the Bill as introduced, and we have combined mule and water twists under the same head.

No. 46.—Owing to our having inserted this new number, which relates to earth, common clay and sand (declared to be free), we have had to alter the subsequent numbering to the end of the Schedule.

No. 93.—We have amended the proviso to this number so as to provide for the exemption from duty of the materials of such tramways as the Governor General in Council may think fit, by notification, specifically to exempt.

No. 96.—A representation has been received by us from certain of the Inland Steam Navigation Companies concerning the duty which it was originally proposed to impose on inland ships and vessels under this number. We have now made such ships and vessels free from duty.

2. We have also received and considered a number of suggestions as to the classification of articles and the tariff valuations, to some of which we have given effect.

3. The publication ordered by the Council has been made as follows :—

<i>Gazette.</i>	<i>In English.</i>	<i>Date.</i>
Gazette of India		17th December 1894.

4. We do not think that the measure has been so altered as to require republication, and we recommend that it be passed as now amended.

(Signed)	J. WESTLAND.
(")	ALEX. EDW. MILLER.
(")	C. B. PRITCHARD.
(")	FAZULBHOY VISRAM.
(")	G. M. CHITNAVIS.
(")	H. F. CLOGSTOUN.
(")	P. PLATFAIR.

The 26th December, 1894.

LIST OF PAPERS.

From Messrs. Kilburn & Co., Managing Agents, India General Steam Navigation Company, Limited, Messrs. Macneill & Co., Agents, Rivers Steam Navigation Company, Limited, and Messrs. Hoare, Miller & Co., Managing Agents, Calcutta Steam Navigation Company, Limited, dated 18th December, 1894 [Paper No. 1].

Telegram from Visram Ebrahim & Co., Bombay, to Government of India, Finance Department, dated 19th December, 1894 [Paper No. 2].

Resolution by Government of India, Finance and Commerce Department, No. 6260 S. R., dated 22nd December, 1894; telegram from Damodher Gokuldass, Chairman, Bombay Native Piecegoods Merchants Association, to Government of India, Finance and Commerce Department, dated 21st December, 1894; telegram from Collector, Bombay, to ditto, dated 21st December 1894; telegram from Government, Madras, Revenue Department, to ditto, dated 21st December, 1894; from Secretary to Government, Madras, Revenue Department, to ditto, No. 908, dated 2nd March, 1894; from J. E. O'Connor, Esq., Assistant Secretary to Government of India, Finance and Commerce Department, to Government, Madras, Revenue Department, No. 1492—A., dated 26th March, 1894; from E. Gibson, Esq., Secretary to Government, Madras, Revenue Department, to Government of India, Finance and Commerce Department, No. 4928, dated 14th December, 1894; Proceedings of Board of Revenue, Madras, No. 5218, dated 3rd December, 1894; from J. A. Boyson, Esq., Chairman, Chamber of Commerce, Madras, to Secretary, Board of Revenue, Madras, dated 26th November, 1894 [Papers No. 3].

From S. E. J. Clarke, Esq., Secretary, Bengal Chamber of Commerce, No. 1276—94, dated 22nd December, 1894; from ditto, to Government of India, Finance and Commerce Department, No. 1272—94, dated 22nd December, 1894; telegram from Upper India Chamber of Commerce, Cawnpore, to Bengal Chamber of Commerce, dated 20th December, 1894; telegram from ditto to ditto, dated 21st December, 1894; telegram from Secretary, Chamber of Commerce, Bombay, to ditto, dated 19th December, 1894; telegram from Secretary, Rangoon Chamber of Commerce, to ditto, dated 19th December, 1894; telegram from Chairman, Madras Chamber of Commerce, to ditto, dated 18th December, 1894; from W. Parsons, Esq., Assistant Secretary, Import Trade Association, Calcutta, to ditto, No. 152—M., dated 19th December, 1894; from Messrs. Robinson, Morrison & Co., Calcutta, to ditto, dated 18th December, 1894 [Papers No. 4].

Telegram from Secretary, Chamber of Commerce, Karachi, dated 22nd December, 1894 [Paper No. 5].

Telegram from Chamber of Commerce, Madras, dated 22nd December, 1894 [Paper No. 6].

Telegram from Chairman, Madras Trades Association, dated 22nd December, 1894 [Paper No. 7].

Telegram from Secretary to Government, North-Western Provinces and Oudh, to Government of India, Finance and Commerce Department, dated 22nd December, 1894; endorsement by Stephen Jacob, Esq., Officiating Secretary to Government of India, Finance and Commerce Department, No. 6275, dated 24th December, 1894 [Paper No. 8].

Telegram from David Sassoon & Co., Bombay, to Government of India, Finance and Commerce Department, dated 23rd December, 1894; endorsement by Stephen Jacob, Esq., Officiating Secretary to Government of India, Finance and Commerce Department, No. 6276, dated 24th December, 1894 [Paper No. 9].

Telegram from Secretary, Chamber of Commerce, Bombay, dated 24th December, 1894 [Paper No. 10].

Memorial of certain Inhabitants of Calcutta, dated No. 1, Armenian Street, 23rd December, 1894 [Paper No. 11].

From E. Hickie, Esq., Secretary, Calcutta Trades Association, dated 24th December, 1894 [Paper No. 12].

Telegram from Secretary, Rangoon Chamber of Commerce, dated 24th December, 1894 [Paper No. 13].

From W. H. L. Impey, Esq., Secretary to Government, North-Western Provinces and Oudh, to Government of India, Finance and Commerce Department, No. 317—XIII—370—A., dated 22nd December, 1894; endorsement by Officiating Secretary to Government of India, Finance and Commerce Department, No. 6313 S. R., dated 24th December, 1894; from W. B. Wishart, Esq., Secretary, Upper India Chamber of Commerce, Cawnpore, to Government, North-Western Provinces and Oudh, dated 20th December, 1894; from the Cawnpore Woollen Mills Company, Limited, to Upper India Chamber of Commerce, Cawnpore, dated 3rd August, 1894; from ditto, to ditto, dated 23rd August, 1894; from Messrs. Allen, Brothers & Co., Calcutta, to Manager, Cawnpore Woollen Mills Company, Limited, dated 21st August, 1894; from Cawnpore Woollen Mills Company, Limited, to Messrs. Allen, Brothers & Co., Calcutta, dated 23rd August, 1894; from the Cawnpore Cotton Mills Company, Limited, to Upper India Chamber of Commerce, dated 25th September, 1894; from Upper India Couper Mill Company, Limited, Lucknow, to ditto, dated 27th September, 1894; from Messrs. Mackinnon & Co., Mussoorie, to ditto, dated 2nd October, 1894; from North-West Soap Company, Limited, Meerut, to ditto, dated 3rd October, 1894; from Messrs. Cooper, Allen & Co., Government Boot and Army Equipment Factory, Cawnpore, to ditto, dated 4th October, 1894; from the Elgin Mills Company, Cawnpore, to ditto, dated 12th December, 1894; from the Muir Mills Company, Limited, to ditto, dated 12th December, 1894; from the Cawnpore Cotton Mills Company, Limited, to ditto, dated 14th December, 1894; from Messrs. Mackinnon & Co., Mussoorie, to ditto, dated 17th December, 1894 [Papers No. 14].

J. M. MACPHERSON,

Offg. Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 27th December 1894, and is hereby promulgated for general information:—

Act No. XVII of 1894.

THE COTTON DUTIES ACT, 1894.

CONTENTS.

PRELIMINARY.

SECTIONS.

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5. Imposition of duties on cotton yarns produced in British Indian mills.
6. Power to Governor General in Council to fix tariff values of such yarns.
7. Delivery of monthly returns of yarn produced by millowners.
8. Assessment of duty and notice requiring payment.
9. Application of certain sections of Sea Customs Act to assessment and recovery of duties under this Act.
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Warehousing.

11. Licensing of warehouses for storage of yarn and fees for same.
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13. Application to yarn so deposited of provisions of Chapter XI of Sea Customs Act.
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15. Power to Collector to inspect mills, and take copies of records and accounts.
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17. Grant of certificate when dutiable yarn is to be exported to foreign port.
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SECTIONS.

19. Repayment of duties paid in case of yarns exported to foreign ports.
20. Repayment of duties in case of certain cotton fabrics exported to foreign ports.
21. When such refunds may be granted.
22. Power to prohibit repayment of duty in case of exportation to certain ports.
23. No repayment of duty to be granted in certain cases.
24. Application of sections 51 and 52 of Sea Customs Act to claims under this Act.

Offences and Penalties.

25. Punishments for offences.
26. Magistrates having jurisdiction.
27. Application of section 168 of Sea Customs Act to cases of confiscation under this Act.
28. Application of certain provisions of same Act to proceedings under this Act.
29. Power to Local Government to reverse or modify orders under this Act.

Miscellaneous.

30. Power to take samples.
31. Records and accounts to be kept by millowners.
32. Provisions of section 198 of Sea Customs Act to apply to proceedings under this Act.
33. Power to make rules.
34. Certain provisions of Sea Customs Act to be incorporated in this Part.
35. Application of section 10 of Tariff Act to duties under this Act.

PART II.

INLAND CUSTOMS DUTIES.

36. Levy of duties on cotton yarns and manufactures passing into British India from foreign territory.
37. Application of provisions of Sea Customs Act as to drawback to goods taxed under this Part.

THE SCHEDULE.—TARIFF VALUES OF YARNS.

An Act to provide for the Imposition and Levy of certain Duties on Cotton Goods.

WHEREAS it is expedient to impose certain duties on cotton goods; It is hereby enacted as follows:—

PRELIMINARY.

1. (1) This Act may be called the Cotton Duties Act, 1894.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

2. In this Act, unless there be something repugnant in the subject or context,—

Definitions.

VIII of 1878. (1) "the Principal Act" means the Sea Customs Act, 1878:

(2) "Chief Customs Authority" means, in the Presidency of Fort St. George, and the territories respectively under the administration of the Lieutenant-Governors of Bengal and the North-Western Provinces and the Chief Commissioner of Oudh, the Board of Revenue; in the Presidency of Bombay outside Sind, the Commissioner of Customs; in Sind, the Commissioner; in the Punjab and Burma, the Financial Commissioner; and elsewhere, the Local Government or such officer as the Local Government may, by notification in the official Gazette, appoint in this behalf by name or in virtue of his office:

(3) "Collector" means—

(a) at Calcutta, Bombay, Madras, Rangoon and Karachi, the Collector of Customs, and

(b) in any other place, the Collector or Deputy Commissioner of the district or such other officer as the Local Government may appoint in this behalf, and includes—

(c) every officer for the time being duly authorised by the Local Government to perform all or any of the duties of a Collector under this Act:

(4) "mill" means any building or place where cotton fibre is spun, or otherwise converted into yarn, or where yarn is woven, or otherwise manufactured by machinery moved otherwise than by manual labour:

(5) "warehouse" means a place licensed for the storage of goods under this Act, and includes every public or private warehouse duly appointed or licensed under section 15 or 16 of the Principal Act, or under section 2 of the Inland Bonded Warehouses Act, 1887;

XXI of 1887.

(6) "yarn" means yarn wholly or partly composed of cotton fibres; and

(7) "customs port," "foreign port," "vessel" and "Master" have respectively the meanings defined for them in the Principal Act.

3. The officers subordinate to a Collector shall, unless the Local Government shall otherwise so direct, for the purposes of this Act perform the duties imposed and exercise the powers conferred upon officers of Customs under the Principal Act.

Performance of duties of Customs Officers by subordinate officers.

PART I.

Excise.

Application of Sea Customs Act.

4. In the application of the Principal Act or any particular section or sections thereof to this Part the following modifications shall be made therein, namely:—

Modifications to be made in Sea Customs Act as applied to this Part.

(a) "the owner of the goods" shall include the managing agent or other principal officer of a mill;

(b) for "the bill-of-entry" or "shipping-bill" shall be substituted "the return required by this Act";

(c) every reference to a warehouse, or warehousing, shall be construed as referring to a "warehouse" as hereinbefore defined.

Duties.

5. There shall be levied and collected at every mill in British India upon all cotton yarns produced in such mill, a duty at the rate for the time being prescribed in the Indian Tariff Act, 1894, for the levy of duty in respect of cotton yarns imported by sea: VIII of 18

Provided that no duty shall be levied upon yarns of any count commercially known as number 20 or less:

Provided also that the Governor General in Council may, by notification in the Gazette of India, exempt from duty any yarns of any count or number not exceeding 24.

Explanation.—Yarn is said to be "produced" within the meaning of this Act—

(a) in the case of yarn which is reeled and bundled in the mill in which it is spun—when it is so bundled;

(b) in the case of yarn which is woven or otherwise manufactured in the mill in which it is spun—when it is passed out of the spinning section of the mill;

(c) in any other case—when it is issued out of the premises of the mill.

6. (1) The Governor General in Council may from time to time, by notification in the Gazette of India, fix, for the purpose of levying the said duties, tariff values of all such yarns as aforesaid or of any particular count or counts thereof, and alter any tariff values for the time being in force.

Power to Governor General in Council to fix tariff values of such yarns.

(2) In the absence of any notification under sub-section (1), the tariff values shall be those specified in the schedule to this Act.

(3) Such tariff value shall, for the purposes of this Act, be deemed to be the "real value" of the yarns to which it applies, but save as aforesaid all yarns shall be assessed under this Act at their real value as defined in section 30 of the Principal Act.

7. (1) The owner of every mill shall prepare and deliver, or cause to be prepared and delivered, to the Collector, on or before the fifteenth day of each month, a return of all cotton yarn produced at his mill during the preceding month, whether liable to duty or not; and shall subscribe a declaration of the truth of such statement at the foot of such return.

Delivery of monthly returns of yarn produced by mill-owners.

(2) Unless otherwise prescribed by any rules under this Act, every such return shall state for each count or number of yarn the quantity produced during the preceding month under each of the three heads mentioned in the explanation to section 5, and in the case of dutiable yarn the real value of such yarn.

(3) Every such return shall also contain such further information and be in such form and be subject to such conditions as to verification and otherwise as may be prescribed by any rules under this Act.

(4) The first of such returns shall be made on or before the fifteenth day of February, 1895, and shall include all yarn produced since the commencement of this Act.

8. (1) The Collector shall thereupon assess the duties, if any, payable and notice requiring in respect of the month to payment, which the return relates, and unless the amount thereof is immediately tendered shall cause a notice, in such form as may be prescribed by any rules under this Act, to be served on the owner requiring him to make payment of the amount assessed within ten days of the date of service of the said notice.

(2) A notice under sub-section (1) may be served on the owner of a mill by delivering or tendering to him or his agent at his ordinary place of business a copy of the notice, or, if this cannot be conveniently done, by fixing a copy of the notice on one of the outer doors of the mill.

9. Sections 30 to 34, 37, and 39 to 41, all inclusive, of the Principal Act, shall apply to the assessment and recovery of the duties imposed by this Act:

Application of certain sections of Sea Customs Act to assessment and recovery of duties under this Act.

Provided that the rate of duty and the tariff valuation applicable to any yarn which has not been warehoused as hereinafter provided shall be those in force at the time when the yarn was produced, and not when the return was delivered as provided by the said section 37.

10. (1) If any duty payable under this Act is not paid within the time fixed by any such notice as aforesaid for the payment thereof, the Collector may, in lieu thereof, recover any sum not exceeding double the amount of duty so unpaid, which he shall, in his discretion, think it reasonable to require.

(2) All sums recoverable under sub-section (1) shall be recovered in the manner provided in Act II of 1886, section 30, sub-sections (1), (2) and (3), with respect to the sums therein referred to.

Warehousing.

11. (1) The Chief Customs Authority may from time to time license any room or place as a warehouse for the storage of cotton goods, and for the purposes of this Act every such place shall be deemed to be a warehouse and to have been duly licensed under the Principal Act.

Licensing of warehouses for storage of yarn, and fees for same.

(2) There shall be payable in respect of every such warehouse such and the like licensing fees and other payments as may for the time being be payable in respect of a private warehouse licensed under the Principal Act:

Provided that the Chief Customs Authority may remit the whole or any part of such fees or other payments in respect of any particular warehouse.

12. (1) The owner of any mill may apply for leave to deposit in a warehouse any yarn in respect of which duty has become leviable under section 5 and which has not been issued out of the mill.

(2) Such application shall be in writing signed by the applicant, and shall be in such form as may be prescribed by the Chief Customs Authority.

13. All the provisions of Chapter XI of the Principal Act, so far as the same are applicable to imported goods of a similar description, shall apply to all yarn in respect of which an application has been made under section 12.

Application to yarn so deposited of provisions of Chapter XI of Sea Customs Act.

14. When any yarn has been deposited in a warehouse, the quantity and particulars thereof shall be specified as so deposited in the return made under section 7 for the month in which the yarn was produced, and the said yarn shall be omitted in the assessment and collection of duty.

Inspection.

15. (1) The Collector, or any officer duly appointed by the Local Government in that behalf, shall have free access at all reasonable times during working hours to any mill.

Power to Collector to inspect mills, and take copies of records and accounts.

(2) Any such officer may at any time, with or without notice to the owner, examine the working records, sale records, and accounts of any mill, and take copies of, or extracts from, all or any of the said records or accounts, for the purpose of testing the accuracy of any return, or of informing himself as to any particulars regarding which information is required for the purposes of this Act or any rules thereunder.

16. (1) All such copies and extracts, and all other information acquired by any such officer on the inspection of any mill or warehouse, shall be regarded as strictly confidential, and shall be deemed to be official secrets.

Information acquired to be deemed official secrets within meaning of Act XV of 1889.

(2) If any such officer shall disclose to any person other than a superior officer any such official secret as aforesaid without the previous consent in writing of the Chief Customs Authority, he shall be guilty of a breach of official trust, and shall, upon conviction thereof, be punishable in the manner provided by section 4 of the Indian Official Secrets Act, 1889.

(3) The restriction imposed by section 5 of the last-mentioned Act shall not apply to a prosecution for a breach of an official trust under this Act.

Export and Drawback.

17. If any dutiable yarn is exported by sea to any foreign port before the return in respect of it has been delivered to the Collector under section 7, the owner of the mill in which it was produced may apply to the Collector at the port of shipment, who, on being satisfied that such yarn has actually been shipped for export, shall grant him a certificate stating the quantity and particulars of such yarn, and that it has actually been so shipped.

18. When any certificate has been granted under section 17, the quantity and particulars of the yarn stated therein shall be specified as so shipped in the return made under section 7 for any month not later than that in which the yarn was shipped, and the said goods shall be deducted in the assessment and collection of duty.

19. When any yarn upon which duty has been paid under this Act is exported by sea from any customs port to any foreign port, such duty shall, except as otherwise herein provided, be repaid as drawback:

Provided that in every such case the yarn has not been woven into cloth or otherwise altered in character since the payment of duty, and that it is shown to the satisfaction of the Collector at the port of shipment, that the duty on the said yarn has been duly paid, and that the export is made within two years from the date of payment of the duty, or within such further time as the Chief Customs Authority on sufficient cause shown may in any case determine.

Explanation.—Yarn bleached or dyed or converted into sewing thread is not to be deemed to have been altered in character for the purposes of this provision.

20. (1) When any cotton fabrics manufactured in a mill in British India and composed whole or in part of dutiable counts of yarn are exported by sea from any customs port to any foreign port, the exporter may apply to the Customs Collector at the port of shipment for the repayment as drawback of any duty which may have been paid under this Act in respect of such yarn.

(2) In every application made under subsection (1) the applicant must state—

- (a) the quantities and counts of yarns in respect of which drawback is claimed, the mill at which they were produced, and, as nearly as possible, the dates on which they were produced;

(b) the mill at which, and, as nearly as possible, the dates on which the fabric was manufactured.

21. The drawback shall be allowed by the Collector if it is shown to his satisfaction—

- (1) that the said fabric has been manufactured within twelve months of the date on which it is shipped for export;
- (2) that the yarns in respect of which drawback is applied for have paid duty within the said twelve months.

22. The Governor-General in Council may, from time to time, by notification in the *Gazette of India*, prohibit the payment of drawback on the exportation of yarn or cotton fabrics to any specified foreign port.

23. Notwithstanding anything herein contained, no drawback shall be allowed in respect of any yarn or cotton fabrics on which duty has been paid—

- (a) when the goods are of less value than the amount of drawback claimed, or
- (b) when the claim is for drawback amounting to less than 5 rupees in respect of any single shipment.

Application of sections 51 and 52 of Sea Customs Act to claims under this Act.

24. Sections 51 and 52 of the Principal Act shall apply to every claim for drawback under this Act.

Offences and Penalties.

25. The offences mentioned in the first column of the following schedule shall be punishable to the extent mentioned in the second column thereof with reference to such offences respectively—

- | | |
|--|--|
| 1. Contravening any rule made under this Act. | Penalty not exceeding five hundred rupees. |
| 2. Concealing or attempting to conceal, or knowingly permitting or procuring to be concealed, any yarn liable to duty under this Act with intent to evade payment of the duty or any part thereof. | Such yarn shall be liable to confiscation, and every person convicted of the offence shall be liable to a penalty not exceeding three times the value of the yarn. |
| 3. Omitting to make any return required by section 7 or refusing to sign or complete the same. | Penalty not exceeding one thousand rupees. |
| 4. Making and delivering any such return containing any statement not true to the best of the information and belief of the person making the same. | The penalty provided in XLV of 1 the Indian Penal Code, section 199, for making a false statement in a declaration. |
| 5. Altering or falsifying any record or book of account kept in the mill with the intention of defrauding the revenue. | The penalty provided in the Indian Penal Code, section 465, for the commission of forgery. |

6. Omitting to keep such proper records and books of account as may be prescribed by any rule under this Act. Penalty not exceeding five hundred rupees and a further penalty of twenty rupees for every day after the date of the conviction during which the offence is continued.
7. Omitting to make and deliver any return which by any rule under this Act ought to have been made and delivered. Penalty not exceeding one thousand rupees.
8. Intentionally obstructing any Collector or other Officer in the exercise of any powers given under this Act. Imprisonment for a term not exceeding six months, or fine not exceeding one thousand rupees, or both.
9. If any yarn in respect of which a certificate has been obtained under section 17, or any goods on the entry of which for export drawback has been paid, are not duly exported or are unshipped or re-landed at any customs port, not having been duly re-landed or discharged under the provisions of the Principal Act. Such goods, together with any vessel used in the unshipping or re-landing them, shall be liable to confiscation, and the master of the vessel from which such goods are so unshipped or re-landed, and any person by whom or by whose orders or means such goods are so unshipped or re-landed, or who aids or is concerned in such unshipping or re-landing, shall be liable to a penalty not exceeding three times the value of such goods, or not exceeding one thousand rupees. Such goods shall be liable to confiscation.
10. If any goods are entered for drawback which are of less value than the drawback claimed.
11. If any yarn is found concealed in any place, box or closed receptacle in any mill and is not duly accounted for to the satisfaction of the Collector. Such yarn shall be liable to confiscation.
12. If any yarn is found in any mill in excess of the quantity entered in the return or not corresponding with the statement therein contained. Such yarn shall be liable to confiscation or to be charged with such increased duty as the Chief Customs Authority may direct.
13. If when any cotton goods are passed by tale or by package any omission or misdescription thereof sending to injure the revenue be discovered. The person guilty of such omission or misdescription shall be liable to a penalty not exceeding ten times the amount of duty which might have been lost to Government by such omission or misdescription, unless it be proved to the satisfaction of the Collector or other officer that the variance was accidental.
14. If any Collector or other officer subordinate to a Collector does any Act or is guilty of any omission in contravention of this Act or of any rule or order made thereunder; or, with intent to cause injury or annoyance to any person, vexatiously and unnecessarily makes use of any power conferred upon him under this Act. The penalties prescribed in the same Schedule in respect of such offences respectively.
15. The offences described in the Principal Act, section 167, Schedule Nos. 41—53, both inclusive, in reference to warehousing of dutiable goods. Magistrates having jurisdiction. First Class. Application of section 168 of Sea Customs Act to cases of confiscation under this Act. Section 168 of the Principal Act shall apply to all cases of confiscation of goods under this Act.
26. All offences against this Act may be tried summarily by a District or Presidency Magistrate or a Magistrate of the First Class. Application of certain provisions of same Act to proceedings under this Act. Section 168 of the Principal Act except sections 169, 170, 177, 182, 184, 185, 187, 190, 191, and 193, shall apply to all proceedings under this Act.
27. Section 168 of the Principal Act shall apply to all cases of confiscation of goods under this Act.
28. All the provisions of Chapter XVII of the Principal Act except sections 169, 170, 177, 182, 184, 185, 187, 190, 191, and 193, shall apply to all proceedings under this Act.
29. The Local Government may, on the application of any person aggrieved by any decision or order passed under this Act, reverse or modify such decision or order. Power to Local Government to reverse or modify order passed under this Act. Act, reverse or modify such decision or order.
- Miscellaneous.*
30. (1) The Collector or any officer appointed under section 15 may at any time take samples of any yarn or fabric for examination or for ascertaining the count or value thereof, or for any other necessary purpose. (2) Every such sample shall, if practicable, be restored to the owner, or, at his option, sold by the Collector, and the proceeds accounted for to the owner.
31. The owner of every mill shall keep such records and books of account as may be prescribed by any rules under this Act. Records and accounts to be kept by millowners.
32. The provisions of section 198 of the Principal Act shall apply to all proceedings for anything purporting to have been done in pursuance of this Act. Provisions of section 198 of Sea Customs Act to apply to proceedings under this Act.
33. (1) The Governor General in Council may from time to time make rules under this Act— (a) prescribing the form of any return required by or under this Act and the particulars to be contained therein respectively, and the manner in which the same is to be verified, and all such other conditions in respect thereof as may be necessary; (b) prescribing the form of the notice to be issued by the Collector under section 8;

- (e) regulating the inspection of mills, and the powers and duties of Collectors and other officers in respect thereof;
- (d) regulating the provision of warehouses under this Act, and the deposit and discharge of yarn therein and therefrom, and the powers and duties of the Collector in respect thereof;
- (e) prescribing the records and books of accounts to be kept by owners of mills under this Act;
- (f) prescribing arrangements under which the requirements of section 21 shall be deemed to have been sufficiently complied with; and
- (g) generally for carrying into effect the provisions of this Act.

(2) The application of any such rule may be confined to any place or places specified therein.

34. The provisions of sections 201, 204, 205 and 206 of the Principal Act shall be deemed to be incorporated in this Part.

35. The provisions of section 10 of the Indian Tariff Act, 1894, shall apply to duties on cotton goods imposed under this Act.

VIII of 1894.

Certain provisions of Sea Customs Act to be incorporated in this Part.

Application of section 10 of Tariff Act to duties under this Act.

Levy of duties on cotton yarns and manufactures passing into British India from foreign territory.

PART II.

INLAND CUSTOMS DUTIES.

36. (1) Duties of customs shall be levied at the rates for the time being prescribed in the Indian Tariff Act, 1894, upon cotton yarn, and upon cotton manufactures of all kinds, passing into British India out of any territory declared, under the power hereinafter in this section conferred, to be foreign territory.

(2) The Governor General in Council may, by notification in the *Gazette of India*, declare that any territory situated within or bordering on, but not forming part of, British India shall be deemed, for the purposes of this section to be foreign territory.

(3) The Governor-General in Council may from time to time, by notification in the *Gazette of India*, prohibit or restrict the bringing of cotton yarns or cotton manufactures into British India, from any such foreign territory, or may prescribe the routes by which alone they may be brought.

(4) The provisions of section 19A of the Principal Act shall apply to all goods brought or attempted to be brought into British India in contravention of any such notification.

37. The provisions of the Principal Act as to Application of provisions of Sea Customs Act as to drawback to goods taxed under this Part.

drawback on export shall apply to all goods upon which duty has been paid under this Part.

THE SCHEDULE.

(See section 6.)

TARIFF VALUES OF YARNS (PER POUND).

Description of Yarns.		Tariff Values.
		Rs. s. p.
Medic,	No. 40	0 9 6
"	50	0 11 0
"	60	0 12 6
and so on, one anna and a half being added to the valuation for every count of ten or part of a count of ten above No. 60.		
Mule and water—		
"	above No. 20 to No. 24	0 5 6
"	" 24 to " 32	0 7 0
"	" 32 to " 42	0 8 0
"	" 42 to " 52	0 9 6
"	" 52 to " 60	0 11 6
"	" 60 to " 70	0 13 6
"	" 70 to " 80	0 15 0
and so on, one anna being added to the valuation for every count of ten or part of a count of ten above No. 80.		
Mule, doubled—		
"	above No. 20 to No. 24	0 6 6
"	" 24 to " 32	0 8 0
"	" 32 to " 42	0 9 0
"	" 42 to " 52	0 10 6
"	" 52 to " 60	0 12 6
"	" 60 to " 70	0 14 6
"	" 70 to " 80	1 0 0
and so on, one anna being added to the valuation for every count of ten or part of a count of ten above No. 80.		
White or bleached, doubled, all numbers		0 12 0

J. M. MACPHERSON,
 Officiating Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to provide for the Imposition and Levy of certain Duties on Cotton Goods was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 27th December, 1894 :—

We, the undersigned, Members of the Select Committee to which the Bill to provide for the Imposition and Levy of certain Duties on Cotton Goods was referred, have considered the Bill and the papers noted in the list appended, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. We have revised the definition of Collector in section 2, with the object of showing on the face of the Bill that the Customs Collectors at the larger ports only are to perform the functions of the Collector under the Bill and that elsewhere they may be discharged by the Collector of the district or by such officer as the Local Government may appoint.

3. We have so altered the first proviso to section 5 as to make it clear that it is the intention to exempt from duty all yarns which would, by mercantile usage, be reckoned as of the number of 20 or less, even though they may slightly exceed that number, that is, may weigh slightly less than the weight theoretically attributable to that number.

4. We have appended to sub-section (2) of section 6 a Schedule specifying the same tariff values for yarns dutiable under this Bill as those which are proposed for like yarns when imported by sea by the Bill to amend the Indian Tariff Act, 1894, which is now before the Legislative Council.

5. We have added a sub-section to section 7 under which the first returns of yarns produced will not be required of millowners until the 15th February.

6. With the view of meeting, as far as possible, an objection taken to section 18 by the Bombay Millowners Association, we have altered the section so as to permit of yarns shipped for export being shown in the return for any month not later than that in which the yarn is shipped.

7. We have added an explanation to section 19 the effect of which will be to enable the drawback on yarn which has only been bleached or dyed or converted into sewing thread being recovered under this section.

8. In deference to representations made to us we have extended the periods within which, under section 21, drawback on export of cotton fabrics may be claimed to twelve months from the date of the manufacture of such fabrics, and to twelve months from the date on which the yarns in respect of which drawback is applied for have paid duty.

9. We have inserted an additional number in Section 25 taken from the Bombay Salt Act, 1890, imposing a penalty on officers guilty of abusing their powers under the Bill.

10. We have inserted two new sections (section 31), imposing on millowners the duty of keeping such records and accounts as they may be required to do by rule, and (section 35), applying the provisions of section 10 of the Tariff Act, which prescribe rules as to payment of duty in the case of contracts for sale made before duty has been imposed, to duties imposed under this Bill.

11. We have added a sub-section to section 36 with the object of subjecting goods which may be imported in contravention of a notification issued under the section to the penalties imposed by section 19 A of the Sea Customs Act in the case of goods whose importation is prohibited under that Act.

12. The other alterations we have made in the Bill as introduced do not appear to us to be of sufficient importance to call for notice.

13. The publication ordered by the Council has been made as follows :—

<i>Gazette.</i>	<i>In English.</i>	<i>Date.</i>
Gazette of India	...	17th December 1894.

14. We do not think that the measure has been so altered as to require republication, and we recommend that it be passed as now amended.

(Signed)	J. WESTLAND.
(")	ALEX. EDW. MILLER.
(")	C. B. PRITCHARD.
(")	FAZULBHOY VISRAM.
(")	G. M. CHITNAVIS.
(")	H. F. CLOGSTOUN.
(")	P. PLAYFAIR.

The 26th December 1894.

We regret we must dissent from the Report in so far as it relates to section 5, which fixes the limit of exemption from Excise Duty upon yarns at the count of 20 instead of 2½, as proposed by us in the Select Committee.

(Signed)	FAZULBHOY VISRAM.
(")	G. M. CHITNAVIS.
(")	P. PLAYFAIR.

The 26th December 1894.

LIST OF PAPERS.

Office Memorandum from Government of India, Finance and Commerce Department, No. 6196, dated 18th December, 1894; telegram from the Honourable J. Westland, to Chairman, Millowners Association, Bombay, dated 17th December, 1894; telegram from Secretary, Millowners Association, Bombay, to Honourable J. Westland, dated 17th December, 1894; from John Marshall, Esq., Secretary, Millowners Association, Bombay, to Government of India, Finance and Commerce Department, dated 10th September, 1894, and appendices [Papers No. 1].

Telegram from Chairman, Chamber of Commerce, Madras, dated 18th December, 1894 [Paper No. 2].

Telegram from Honorary Secretaries, Bombay Presidency Association, dated 19th December, 1894 [Paper No. 3].

Telegram from E. D. Sassoon & Co., Bombay, dated 20th December, 1894 [Paper No. 4].

Telegram from Secretary, Bombay Chamber of Commerce, to Government of India, Finance Department, dated 19th December, 1894 [Paper No. 5].

Telegram from Revenue Secretary to Chief Commissioner, Burma, to Government of India, Finance and Commerce Department, No. 267, dated 19th December, 1894 [Paper No. 6].

Resolution by Government of India, Finance and Commerce Department, No. 6248—S. R., dated 21st December, 1894; from S. E. J. Clarke, Esq., Secretary, Bengal Chamber of Commerce, to Government of India, Finance and Commerce Department, No. 1256—94, dated 19th December, 1894 [Papers No. 7].

Resolution by Government of India, Finance and Commerce Department, No. 6253—S. R., dated 21st December, 1894; telegram from Mr. Forest, Merchant, Bombay, to the Hon'ble J. Westland, dated 20th December, 1894 [Papers No. 8].

Resolution by Government of India, Finance and Commerce Department, No. 6260 S. R., dated 22nd December, 1894; telegram from Government, Madras, Revenue Department, to Government of India, Finance and Commerce Department, dated 21st December, 1894 (papers No. 9).

Telegram from Ahmedabad Millowners Association, Ahmedabad, dated 22nd December, 1894 (Paper No. 10).

From S. E. J. Clarke, Esq., Secretary, Bengal Chamber of Commerce, No. 1276—94, dated 22nd December, 1894; from ditto, to Government of India, Finance and Commerce Department, No. 1272—94, dated 22nd December, 1894; telegram from Upper India Chamber of Commerce, Cawnpore, to Bengal Chamber of Commerce, dated 20th December, 1894; telegram from ditto, to ditto, dated 21st December, 1894; telegram from Secretary, Chamber of Commerce, Bombay, to ditto, dated 19th December, 1894; telegram from Secretary, Rangoon Chamber of Commerce, to ditto, dated 19th December, 1894; telegram from Chairman, Madras Chamber of Commerce, to ditto, dated 18th December, 1894; from W. Parsons, Esq., Assistant Secretary, Import Trade Association, Calcutta, to ditto, dated 19th December, 1894; from Messrs. Robinson, Morrison & Co., Calcutta, to ditto, dated 18th December, 1894 (Papers No. 11).

From Secretary, British Indian Association, dated 23rd December, 1894 [Paper No. 12].

From Finance and Commerce Department, No. 6301—S. R., dated 24th December, 1894; from Government of Bombay, to Government of India, Finance and Commerce Department, No. 10525, dated 20th December, 1894; from Collector of Land Revenue, Customs and Opium, Bombay, to Government, Bombay, dated 19th December, 1894; from Government, North-Western Provinces and Oudh, to Government of India, Finance and Commerce Department, No. 318—XIII—374-A., dated 22nd December, 1894 [Papers No. 13].

Telegram from Secretary to Government, North-Western Provinces and Oudh, Finance Department, to Government of India, Finance and Commerce Department, dated 22nd December, 1894; endorsement by Stephen Jacob, Esq., Officiating Secretary to Government of India, Finance and Commerce Department, No. 6274, dated 24th December, 1894 (Papers No. 14).

J. M. MACPHERSON,
Offg. Secretary to the Government of India.

THE



Bombay Government Gazette.

Published by Authority.

TUESDAY, 30TH JANUARY 1894.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 13th September 1893, and the assent of His Excellency the Viceroy and Governor General on the 8th January 1894, and is published for general information:—

Bombay Act No. I of 1894.

An Act to further amend the law relating to the municipal government of the City of Bombay.

(The assent of the Governor General of India to this Act was published by the Governor of Bombay on the 30th January 1894.)

WHEREAS it is expedient to further amend the City of Bombay Municipal Act, 1888, in manner hereinafter appearing;

It is enacted as follows:—

1. This Act may be cited as "The City of Bombay Municipal Act Amendment Act, 1893."

2. In sub-clause (i) of clause (a) of section 93 of the City of Bombay Municipal Act, 1888, for the words "in accordance with the terms heretofore prescribed" the following words shall be, and shall be deemed to have been, from the 31st December, 1892, substituted, viz.:—"referred to."

3. In section 94 of the said Act, for the last five words therein the following shall be, and shall be deemed to have been, from the 31st December, 1892, substituted, viz.:—"nine thousand four hundred and ninety-eight."

4. (1) In sub-section (1) of section 96 and in sub-section (2) of section 98 of the said Act, for the words "to the officer or into the bank for the time being appointed to receive Government dues at Bombay" wherever they occur in the said sub-sections, there shall be substituted the following, viz.:—

"to the officer for the time being appointed to receive Government dues, or into the Bank of Bombay."

(2) In section 112, for the words "into the bank for the time being appointed to receive Government dues at Bombay," there shall be substituted the following, *viz.* :—

"into the Bank of Bombay."

Substitution of new section for section 122.

5. For section 122 of the said Act there shall be substituted the following :

(1) Surplus moneys at the credit of the Municipal Fund which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised thereunder may be, from time to time, deposited at interest in the Bank of Bombay or be invested in public securities.

(2) All such surplus moneys which it is necessary to keep readily available for application to such purposes, and all such surplus moneys which cannot, in the opinion of the Municipal Commissioner, concurred in by the Standing Committee, be favourably deposited or invested as aforesaid, may be depo-

sited at interest at any Bank or Banks in the City of Bombay which the Standing Committee may, subject to the control of the Corporation, from time to time, select for the purpose.

(3) All such deposits and investments shall be made by the Commissioner on behalf of the Corporation, with the sanction of the Standing Committee, and with the like sanction the Commissioner may, at any time, withdraw any deposit so made or dispose of any securities and re-deposit or re-invest the money so withdrawn or the proceeds of the disposal of such securities; but no order for making any deposit or investment, withdrawal or disposal under this section shall have any validity unless the same be in writing, signed by the Commissioner and one Member of the Standing Committee and the Municipal Secretary.

(4) The loss, if any, arising from any such deposit or investment shall be debited to the Municipal Fund."

(By order of His Excellency the Right Honourable the Governor-in-Council, &c.)

101 B. A. 1111/18 JAN 31 1894
Secretary to the Council of the Governor of Bombay
Office for making Laws and Regulations.

Bombay Castle, 29th January 1894.

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 20TH DECEMBER 1894.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 31st August 1894, and the assent of His Excellency the Viceroy and Governor General on the 7th December 1894, and is published for general information :—

Bombay Act No. II of 1894.

An Act to amend the law in force in the Peint Territory in the Bombay Presidency.

The assent of the Governor General of India to this Act was published by the Governor of Bombay on the 20th December 1894.

WHEREAS it is expedient that the law in force in the territory of Peint, to which the Secretary of State for India, by a Resolution in Council bearing date the 14th day of July 1885, declared the provisions of the Statute 33 Victoria, chapter 3, section 1, to be applicable, should be the same as the law in force in the district of Násik, and that the said territory should cease to be a Scheduled District under the Scheduled Districts Act, 1874: And whereas the previous sanction of His Excellency the Governor General required by section 5 of the Indian Councils Act, 1892, has been

obtained for the passing of this Act; It is hereby enacted as follows :—

1. This Act may be called the Peint Laws Act, 1894, and it shall come into force on the first day of January 1895.

2. Notwithstanding anything in the definition of "Scheduled Districts" in section 1 of the Scheduled Districts Act, 1874, the territory of Peint shall not be deemed to be a Scheduled District within the meaning of that Act.

Amendment of Act XIV, 1874, as to territory of Peint.

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|--|---|
| <p>3. All enactments which are in force in the district of Násik and not in the territory of Peint shall come into force in the said territory.</p> <p>Application of laws of Násik to territory of Peint.</p> | <p>5. All proceedings commenced before any authority in the said territory before the day on which this Act comes into force and still pending on that day shall, be disposed of by such authority as the Governor in Council may direct, and save as aforesaid shall be carried on as if this Act had not been passed.</p> <p>Pending proceedings.</p> |
| <p>4. All enactments which are in force in the said territory of Peint and not in the district of Násik shall be repealed in the said territory.</p> <p>Repeal of other laws.</p> | |

By order of His Excellency the Right Honourable the Governor in Council,

C. H. A. HILL,

Secretary to the Council of the Governor of Bombay
for making Laws and Regulations.

Bombay Castle, 19th December 1894.