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Government of Bombay
Legal Department

Index to the Acts of the Local
Legislature of the Bombay
Presidency in the Year 1929

[Price—Anna 1 or 1d.]

BOMBAY
PRINTED AT THE GOVERNMENT CENTRAL PRESS
1930

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**Titles of Acts of the Local Legislature of the Bombay Presidency
in the year 1929.**

- I—An Act further to amend the Indian Stamp (Bombay Amendment) Act, 1922.
- II.—An Act to amend the Court-fees (Bombay Amendment) Act, 1926
- III—An Act to restrict the increase of rent of certain premises in the Municipal District and Cantonment of Karachi.
- IV—An Act to provide for the establishment of a Court of Small Causes at Karachi
- V—An Act further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay.
- VI—An Act to amend the Bombay Pleaders' Act (No. XVII of 1920).
- ✓ VII.—An Act to regulate the employment of women in factories some time before and some time after confinement and to provide for the payment of maternity benefit to them
- VIII—An Act to make the offence of criminal intimidation cognisable in times of emergency.
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- ✗ XV—An Act further to amend the Bombay Land Revenue Code, 1879.
- XVI.—An Act further to amend the Bombay Port Trust Act No. VI of 1879.
- XVII.—An Act for safeguarding life and property in the Presidency Area in times of emergency.
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	Year	Act	Section	Sub-section
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	Year	Act	Section	Sub-section
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Short title	1929	XXI	1	
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BOMBAY ACT No. I OF 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 20th March 1929.)

An Act further to amend the Indian Stamp
(Bombay Amendment) Act, 1922.

Bom. II
of 1922.

5 & 6
Geo. V,
c. 61.

WHEREAS it is expedient further to amend the Indian Stamp (Bombay Amendment) Act, 1922, in manner hereinafter appearing; and whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act and the previous sanction of the Governor required by section 80C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Indian Stamp Short title.
(Bombay Amendment) Act, 1929.

2. This Act shall come into force on the Commence-
1st day of April 1929. ment.

Bom. II
of 1922.

3. In clause (iii) of section 1 of the Indian Amendment
Stamp (Bombay Amendment) Act, 1922, for the of section 1
word "seven" the word "eight" shall be of Bom. II
substituted. of 1922.

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BOMBAY ACT No. II OF 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 26th March 1929.)

An Act to amend the Court-fees (Bombay Amendment) Act, 1926.

WHEREAS it is expedient to amend the Court-fees (Bombay Amendment) Act, 1926, in manner hereinafter appearing; and whereas the previous sanction of the Governor required by section 80C of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows :—

Bom. III
of 1926.

5 & 6
Geo. V,
c. 61.

1. This Act may be called the Court-fees Short title.
(Bombay Amendment) Act, 1929.

2. This Act shall come into force on the 1st Commence-
day of April 1929. ment.

3. In sub-section (3) of section 1 of the Court- Amendment
fees (Bombay Amendment) Act, 1926, the word of section 1
"four" shall be substituted for the word "three." of Bom. III
of 1926.

Bom. III
of 1926.

[Price— Pies 6 or 1d.]

BOMBAY ACT No. III OF 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 13th May 1929.)

An Act to restrict the increase of rent of certain premises in the Municipal District and Cantonment of Karachi.

5 & 6
Geo. V,
c. 61.

WHEREAS it is expedient to provide special means for restricting the increase of rent of certain premises in the Municipal District and Cantonment of Karachi; and whereas the previous sanction of the Governor General required by subsection (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Karachi Rent Restriction Act, 1929. Short title.

2. This Act shall extend to the Municipal District and Cantonment of Karachi and shall be in force up to the 31st day of December 1931 in respect of any premises of which the standard rent does not exceed Rs. 35 per month: provided that the expiration of this Act shall not render recoverable any rent which during the continuance thereof was irrecoverable or affect the right of a tenant to recover any sum which during the continuance thereof was under this Act recoverable by him. Extent and operation.

3. In this Act, unless there is anything repugnant in the subject or context and subject to the provisions of this Act:—

(a) The expression "Controller" means a Controller of rents appointed under this Act and any person authorised by the Governor in Council or by the Controller with the sanction of the Governor in Council to perform any of the duties of the Controller under this Act;

(b) the expression "Committee" means a committee constituted under section 5;

[Price—Anna 1 or 1d.]

(c) the expression "Premises" shall mean any building or part of a building let separately, the principal purpose of which is dwelling and includes any land let therewith;

(d) the expression "Standard rent" in relation to any premises means—

(i) the rent at which the premises were let on the 31st day of December 1928, or where they were not let on that date, the rent at which they were last let before that date; or

(ii) in the case of any premises that were or shall be first let after the 31st day of December 1928 the rent at which they were or shall be first let; or

(iii) in any of the cases referred to in section 5, the rent fixed by the Controller;

(e) the expression "landlord" means any person for the time being entitled to receive rent in respect of any premises whether on his own account or on account or on behalf or for the benefit of any other person or as trustee, guardian or receiver for any other person; it includes a tenant who sub-lets any premises and every person from time to time deriving title under a landlord;

(f) the expression "tenant" means any person by whom or on whose account rent is payable for any premises, and includes every person from time to time deriving title under a tenant.

Appointment
of Controller.

4. The Governor in Council may, by notification, appoint a Controller for the area in which this Act is in operation.

Controller
may fix
Standard
Rent.

5. (1) In any area in which this Act is in operation the Controller may, after such inquiry as he may think fit, fix the standard rent of any premises.

(2) In any of the following cases the Controller may fix the standard rent at such amount as having regard to the provisions of this Act and the circumstances of the case, he deems just:—

(a) where, by reason of any premises having been let at one time as a whole and at another

time in parts, or where a tenant has sub-let or sub-lets a part of any premises let to him, or where for any reason any difficulty arises in giving effect to this Act ;

(b) where, in the case of any premises let furnished, it is necessary to distinguish, for the purpose of giving effect to this Act, the amount payable as rent from the amount payable as hire of furniture ; or

(c) where any premises have been or are let rent-free or at a nominal rent or for some consideration in addition to rent.

(3) In the case of any such sub-letting as is referred to in clause (a) of sub-section (2) the Controller shall have regard to the standard rent of the premises a part of which has been or is sub-let.

(4) The Controller may alter the standard rent fixed for any premises if there be a change of conditions affecting the standard rent thereof subsequent to the same having been so fixed.

(5) Before exercising any of the powers contained in the foregoing sub-sections the Controller shall give notice in the prescribed manner of his intention so to do and shall duly consider any application received by him from any person interested within such period as shall be specified in the notice.

(6) All orders of the Controller under the foregoing sub-section shall be in writing and a copy thereof shall be affixed to some conspicuous part of the premises to which they relate or to some conspicuous object near such premises.

(7) Subject as hereinafter provided and subject to the right of the Controller to re-fix the standard rent of any premises should there be a change of conditions affecting the standard rent thereof, any order under sub-section (1), (2) or (3) shall be final.

6. (1) If the landlord or the tenant object to any order made by the Controller under section 5, ^{Constitution of Committee.} he may by written application to the Controller

within fourteen days of the date of the order require that such objection shall be determined by a Committee consisting of the Controller and two persons selected by the Controller from a list of persons nominated in this behalf by the Governor in Council by notification.

(2) Notwithstanding any such objection being preferred the order of the Controller shall be effective in all respects unless and until set aside or varied in the manner hereinafter provided.

(3) The Committee, after giving notice in the prescribed manner of their intention so to do, and after duly considering any application from any person interested received by them within such period as shall be specified in the notice, and after such enquiry as they may think fit, shall proceed to determine such objection, and

(a) whatever be the objection, may affirm the order of the Controller, or

(b) if the objection be to the amount of the standard rent fixed, may fix the standard rent.

(4) In fixing the standard rent of any premises the Committee shall have powers of the Controller under section 5.

(5) The decision of the Committee shall be in accordance with the opinion of the majority. If they are all divided in opinion, such decision shall be in accordance with the opinion of the Controller.

(6) The provisions of sub-section (5) of section 5 shall apply to all decisions of the Committee.

(7) The decision of the Committee shall relate back to the date of the order objected to and shall, subject to the right of the Controller to re-fix the standard rent of any premises should there be a change of conditions affecting the standard rent thereof, be final.

Restriction of
raising rent.

7. (1) Subject to the provisions of this Act where the rent of any premises has been, or is hereafter during the continuance of this Act, increased above the standard rent, the amount by which the rent exceeds the standard rent shall,

notwithstanding any agreement to the contrary, be irrecoverable :

Provided that nothing in sub-section (1) shall apply to any rent which accrued due before the thirty-first day of December 1928.

(2) The rent shall be deemed to have accrued from day to day.

8. Where the landlord has since the thirty-first day of December 1928 incurred, or during the continuance of this Act incurs, expenditure on the improvement or structural alteration of any premises (not including expenditure on decoration or ordinary repairs), an increase of rent at a rate not exceeding ten per cent. per annum on the amount so expended shall not be deemed to be an increase for the purpose of this Act.

Increase of rent on account of improvement excepted.

9. (1) Where, as the result of any alteration of the terms of a tenancy, the terms on which any premises are held, are on the whole less favourable to the tenant than the previous terms the rent shall be deemed to be increased for the purposes of this Act, whether the sum payable as rent is increased or not.

Case where rent not to be deemed to be increased.

(2) Where, as the result of any alteration of the terms of the tenancy, the terms on which any premises are held are not on the whole less favourable to the tenant than the previous terms the rent shall not be deemed to be increased for the purposes of this Act, whether the sum payable as rent is increased or not.

10. Where the landlord pays any Municipal rates, cesses or taxes in respect of any premises, an increase of the rent thereof shall not be deemed to be an increase for the purposes of this Act, if the amount of the increase does not exceed any increase in the amount for the time being payable by the landlord in respect of such rates, cesses or taxes over the amount paid in the period of assessment which included the thirty-first day of December 1928.

Increase of rent on account of payment of rates excepted.

11. (1) Wherever an increase of the rent of any premises is allowable under the provisions of this Act, no such increase shall be recoverable until

Notice to be given before increase of rent.

the expiry of four clear weeks after the landlord has served on the tenant a notice in writing of his intention to increase the rent, accompanied—

(a) where the increase of rent is on account of such expenditure as is mentioned in section 8 by a statement of the improvements or alterations effected and of their cost, and

(b) where the increase of rent is on account of an increase in Municipal rates, cesses or taxes, by a statement showing particulars of the increased amount charged in respect of such rates, cesses or taxes.

(2) Where such a notice has been served on any tenant the increase may be continued without service of any fresh notice on any subsequent tenant.

Fine or premium not to be charged for grant, renewal or continuance of tenancy.

12. (1) It shall not be lawful for any person, in consideration of the grant, renewal or continuance of a tenancy of any premises, to require the payment of any fine, premium or any other like sum in addition to the rent.

(2) Where any such payment has been made after the 1st day of January 1929, the amount shall be recoverable by the tenant by whom it was made from the landlord, and may without prejudice to any other method of recovery be deducted from any rent payable by him to the landlord.

(3) Provided that nothing in this section shall apply to any payment under any agreement entered into before the 1st day of January 1926.

No order for ejectment ordinarily to be made if rent paid at allowable rate.

13. (1) No order for the recovery of possession of any premises shall be made so long as the tenant pays or is ready and willing to pay the standard rent and perform the conditions of the tenancy.

(2) Provided that nothing in this section shall apply where the tenant has committed any act contrary to the provisions of clause (o) or clause (p) of section 108 of the Transfer of Property Act, IV of 1882, or has been guilty of conduct which is a nuisance or an annoyance to adjoining or

neighbouring occupiers, or where the premises are reasonably and *bona fide* required by the landlord either for the erection of buildings or for his own occupation or for the occupation of any person for whose benefit the premises are held or where the landlord can show any cause which may be deemed satisfactory by the Court.

(3) The fact that a tenant the term of whose lease has expired has after the 31st day of December 1928 without the written permission of his landlord, sublet the premises or that a tenant has, after the said date and without the said permission, sublet the premises for a period extending beyond the term of his lease, shall in the former case at once and in the latter case after the expiry of the said lease, be deemed to be satisfactory cause within the meaning of sub-section (2), but otherwise the fact that the period of the lease has expired or that the interest of the landlord in the premises has terminated, shall not of itself be deemed to be a satisfactory cause within the meaning of the said sub-section.

14. When any order for the recovery of possession of any premises has been made under sub-section (2) of section 13 on the ground that the premises are reasonably and *bona fide* required by the landlord either for the erection of buildings or for his own occupation or for the occupation of any person for whose benefit the premises are held and the premises are not used for the erection of buildings or occupied by the aforesaid persons within six months of the date when possession has been obtained or are relet within the same period to any person other than the original tenant, the court by which the order was made may on an application of the original tenant made within nine months of such date place him in occupation of the premises on the original terms and conditions and if in the opinion of the court the premises were not reasonably and *bona fide* required by the landlord for the aforesaid purposes, direct payment to him by the landlord of such compensation as the court may think fit.

Consequences of non-user or non-occupation of premises of which possession has been restored to landlord.

Penalty for disturbance of easements and tampering with things provided for use with premises.

15. Whoever, without the previous written consent of the Controller or save for the purposes of effecting repairs or complying with any Municipal requisition, wilfully disturbs any easement annexed to any premises or removes, destroys or renders unserviceable anything provided for permanent use therewith or discontinues any supply or service comprised in the rent of such premises shall be punishable, in the case of a first offence with fine which may extend to one thousand rupees and in the case of a second or subsequent offence in regard to the same or any other premises with fine which may extend to two thousand rupees.

Rent paid in excess may be recovered.

16. Where any sum has, whether before or after the coming into operation of this Act in any area, been paid by a tenant to a landlord on account of the rent of any premises being a sum in excess of the standard rent, such sum shall at any time within a period of six months after the date of payment be recoverable (without prejudice to any other mode of recovery or the provisions of this Act) on application to a Magistrate, from the landlord or his legal representative under the provisions of the Code of Criminal Procedure V of 1898 in like manner as if it were a fine, and the balance of any rent so recovered shall, after deducting the costs of recovery, be paid to the tenant: provided that nothing in this section shall apply to any rent other than rent accruing due after the 1st day of July 1928.

Rent deemed to accrue from day to day.

17. For the purposes of section 16 rent shall be deemed to accrue from day to day.

Controller may require information to be furnished and may summon witnesses.

18. (1) For the purposes of any enquiry under section 5 or section 6 the Controller may by order require any person—

(a) to furnish particulars in such form, within such time and at such place as may be specified in the order as to the rent at which and the manner in which any premises were let in the year 1928 or subsequently, and as to any other matter specified in the order.

(b) to produce for inspection such accounts, rent receipts, books or other documents at such time and at such place as may be specified in the order.

(2) The Controller shall, subject to any rules made under this Act and in so far as such powers are necessary for carrying out the provisions of this Act, have power to summon and enforce the attendance of witnesses 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 court by the Code of Civil Procedure, V of 1908.

19. For the purpose of any enquiry under section 5 or section 6 the Controller or any person duly authorised by the Controller in writing either generally or specially in this behalf or any member of the Committee, may enter any building or land with or without any assistance: provided that no building used for human occupation shall be so entered except with the consent of the occupier thereof, without giving such occupier at least twenty-four hours' previous notice in writing.

20. (1) The Governor in Council may by notification make rules for the purpose of giving effect to the provisions of this Act.

(2) Without prejudice to the generality of the foregoing provisions such rules may prescribe—

(a) the manner in which notices under sections 5 and 6 shall be given;

(b) the manner in which the persons selected by the Controller to form a committee shall be selected; and

(c) the manner in which and the agency by which the Controller may enforce the attendance of witnesses and compel the production of documents for the purposes of this Act and may also provide for the charging or remission of fees.

21. Nothing in this Act shall be deemed to constitute the Controller or the Committee to be a court.

Legal proceedings barred.

22. No order under this Act shall be called in question in any court, and no suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Rent which should not have been paid may be recovered on account of rent.

23. (1) Where any sum has, whether before or after the commencement of this Act, been paid on account of rent, being a sum which is by reason of the provisions of this Act irrecoverable, such sum shall at any time within a period of six months after the date of payment, or in the case of a payment made before the commencement of this Act, within six months after the commencement thereof, be recoverable by the tenant by whom it was paid from the landlord who received the payment or his legal representative and may without prejudice to any other method of recovery be deducted by such tenant from any rent payable within such six months by him to such landlord.

(2) In this section the expression "legal representative" has the same meaning as in the Code of Civil Procedure, V of 1908, and includes also in the case of joint family property, the joint family of which the deceased person was a member.

Act does not permit increase of rent if not otherwise permissible.

24. Nothing in this Act shall be deemed to entitle a landlord to increase the rent of any premises in any case in which he would not be entitled to do so if this Act had not been passed.

Penalty for receiving rent in excess of standard rent.

25. (1) Whoever knowingly receives whether directly or indirectly on account of the rent of any premises any sum in excess of the standard rent shall on conviction by a magistrate be punishable in the case of a first offence with fine which may extend to one thousand rupees and in the case of a second or subsequent offence in regard to the same or any other premises with fine which may extend to two thousand rupees.

(2) A person shall be deemed to receive a sum in excess of the standard rent if he receives any consideration representing a money value in excess of such standard rent.

(3) Nothing in this section shall apply to any rent other than rent accruing due after the 31st day of December 1928.

26. (1) In every suit for rent, compensation for use and occupation, or ejection in respect of any premises, the plaintiff shall state in the plaint whether the standard rent has or has not been fixed under this Act, and if he states that it has been so fixed, he shall annex to the plaint a copy of the order in that behalf in force under this Act.

Statement
as to standard
rent to be
made in
certain suits.

(2) If the plaintiff fails to comply with the terms of the sub-section (1) the plaint shall be rejected.

(3) The rejection of the plaint on any of the grounds hereinbefore mentioned shall not of its own force preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.

BOMBAY ACT No. IV OF 1929.

(First published after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 22nd May 1929.)

An Act to provide for the Establishment of a Court of Small Causes at Karachi.

WHEREAS it is expedient to provide for the establishment of a Court of Small Causes at Karachi; and whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act and the previous sanction of the Governor required by section 80C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Karachi Small Causes Court Act, 1929. Short title.

2. It shall come into force on such date as the Governor in Council may, by notification in the *Bombay Government Gazette*, appoint. Commencement.

3. On and from the date on which this Act comes into operation the Provincial Small Causes Courts Act, 1887, so far as it applies to the taluka of Karachi, shall be repealed. Repeal.

Provided that—

(a) all notifications published, declarations and rules made, places appointed, securities given, agreements filed, scales prescribed, forms framed, appointments made and powers conferred under the said Act or any Act amending the same and still in force shall, so far as they are not inconsistent with this Act, be deemed to have been respectively published, made, appointed, given, filed, prescribed, framed and conferred under this Act;

(b) all proceedings instituted before, and pending at the date on which this Act comes into force in the Court of Small Causes at

[Price—Anna 1 or 1d.]

Karachi under the Provincial Small Causes Courts Act, 1887, shall be continued, tried, heard and determined as if they had been instituted under this Act ;

(c) all appeals and revision proceedings instituted under the Provincial Small Causes Courts Act, 1887, before, and pending at, the date on which this Act comes into force in the Chief Court, shall be continued, tried, heard and determined as if this Act had not been passed ;

(d) all decrees passed and orders made under the Provincial Small Causes Courts Act, 1887, shall be deemed, for the purposes of execution, to have been passed under this Act :

Provided further that nothing contained in this section shall be construed to affect the period of limitation to which any proceeding or appeal may be subject.

Definitions,

4. In this Act, unless there is anything repugnant in the subject or context :—

(a) “ Act ” includes rules ;

(b) the “ Chief Court ” means the Court of the Judicial Commissioner of Sind and, when the Sind Courts Act, 1926, comes into operation, shall mean the Chief Court of Sind established under that Act ;

(c) the “ Chief Judge ” includes the Judge, whether permanent or officiating, when not more than one Judge has been appointed ;

(d) “ the Court ” means the Karachi Small Causes Court established under the provisions of this Act ;

(e) “ Registrar ” includes a “ Deputy Registrar ” ;

(f) “ Rules ” means the rules and forms made or prescribed under section 37 ;

(g) “ Taluka of Karachi ” means the taluka of Karachi as constituted or defined for the time being under the Bombay Land Revenue Code, 1879.

CHAPTER II.

CONSTITUTION OF THE COURT.

5. (1) On and from the commencement of this Act there shall be established at Karachi a Court of Small Causes to be called the Karachi Small Causes Court. Establishment of the Court of Small Causes.

(2) It shall be deemed to be a Court subject to the superintendence of, and subordinate to, the Chief Court, within the meaning of the Code of Civil Procedure, 1908, Sind Courts Act, 1866, and the Sind Courts Act, 1926. of 1903. m. XII 1866. m. VII 1926.

6. The Governor in Council may, from time to time, appoint one or more persons to be Judges of the Court who shall hold office during his pleasure : Appointment of Judges.

Provided that no person shall be so appointed unless he has been—

(a) an Advocate, Vakil, Attorney or pleader of a court which is a High Court within the meaning of clause (22) of section 3 of the Bombay General Clauses Act, 1904, for an aggregate period of not less than seven years, or m. I of 11.

(b) a Judge of a civil court for an aggregate period of not less than five years.

When more than one Judge has been appointed, the Governor in Council may appoint one of them to be the Chief Judge of the Court.

7. (1) The Chief Judge, whether permanent or officiating, shall have rank and precedence before the other Judges of the Court. Rank and precedence of Judges.

(2) Save as aforesaid, and subject to any general or special direction by the Governor in Council, the judges shall have rank and precedence according to the seniority of their appointment as such judges : Provided that a permanent judge shall be deemed to be senior to, and shall have rank and precedence before, an officiating judge.

8. On the occurrence of a vacancy in the office of the Chief Judge and during any absence of the Chief Judge, the Governor in Council may appoint one of the other judges of the Court to perform the duties of the Chief Judge, until some person has Provision for vacancy in the office of Chief Judge.

been appointed by the Governor in Council to the office of the Chief Judge of the Court, and has entered on the discharge of the duties of that office, or until the absent Chief Judge has returned to his duties, as the case requires.

Provision for vacancy in the office of a judge other than the Chief Judge.

9. On the occurrence of a vacancy in the office of a judge other than the Chief Judge, and during any absence of any such judge, or on the appointment of any such judge to act as Chief Judge, the Governor in Council may appoint a person to officiate as a judge of the Court and the person so appointed may sit and perform the duties of a judge of the Court, until some person has been appointed by the Governor in Council to the office of judge of the Court and has entered on the discharge of the duties of the office, or until the absent judge has returned to his duties or until the Governor in Council cancels the appointment of the acting judge.

Seal to be used.

10. The Court shall use a seal of such form and dimensions as are for the time being prescribed by the Governor in Council.

CHAPTER III.

LAW ADMINISTERED BY THE COURT.

Questions arising in suits under the Act to be decided according to law administered by the Chief Court.

11. All questions, other than questions relating to procedure or practice, which arise in the Court in suits or other proceedings under this Act shall be dealt with and determined according to the law for the time being administered by the Chief Court in the exercise of its original civil jurisdiction.

CHAPTER IV.

JURISDICTION IN RESPECT OF SUITS.

Local limits of jurisdiction of the Court.

12. (1) The Court shall exercise jurisdiction within the taluka of Karachi.

(2) Save as expressly provided by this Act, or by any other enactment for the time being in force, a suit cognizable by the Court shall not be tried by any other Court having jurisdiction within the taluka of Karachi.

13. Subject to the provisions of sections 14, 15, ^{Jurisdiction.} 16 and 17 and of the Code of Civil Procedure, 1908, the Court shall have jurisdiction to try all suits of a civil nature when the amount or value of the subject matter does not exceed two thousand rupees.

Explanation.—When in any suit the sum claimed is, by a set-off admitted by both parties, reduced to a balance not exceeding two thousand rupees, the Court shall have jurisdiction to try such suit.

14. The Court shall have no jurisdiction in

(a) suits concerning the assessment or collection of land-revenue ;

Suits in which the Court has no jurisdiction.

(b) suits concerning any act ordered or done by the Governor General in Council or the Local Government or by any member of the Council of the Governor General or of the Governor of Bombay, or by any Minister in his official capacity, or by any person by order of the Governor General in Council or the Local Government ;

(c) suits concerning any act ordered or done by a Judge or judicial officer in the execution of his office, or by any person in pursuance of any judgment or order of any Court or of any Judge or judicial officer ;

(d) suits for the recovery of immovable property ;

(e) suits for the partition of immovable property ;

(f) suits by mortgagees of immovable property for the foreclosure of the mortgage or for the sale of the property, or by mortgagers of immovable property for the redemption of the mortgage ;

(g) suits for the determination of any other right to or interest in immovable property ;

(h) suits for the specific performance or rescission of contracts ;

(i) suits to obtain an injunction ;

(j) suits for the cancellation or rectification of instruments ;

- (k) suits to enforce a trust ;
- (l) suits for a general average loss and suits on policies of insurance on sea-going vessels ;
- (m) suits for compensation in respect of collisions on the high seas or in any inland waters ;
- (n) suits for compensation for the infringement of a patent, copyright or trade-mark ;
- (o) suits for a dissolution of partnership or for an account of partnership transactions ;
- (p) suits for an account of property and its due administration under a decree of a Court ;
- (q) suits for compensation for libel, slander, malicious prosecution, adultery, seduction or breach of promise of marriage ;
- (r) suits for the restitution of conjugal rights, or for a divorce ;
- (s) suits for declaratory decrees in respect of any immoveable property ;
- (t) suits for possession of a hereditary office ;
- (u) suits against Sovereign Princes, or Ruling Chiefs, or against Ambassadors or Envoys of Foreign States ;
- (v) suits on any judgment of a High Court or of the Chief Court ;
- (w) suits, the cognizance whereof by the Court is barred by any law for the time being in force ;
- (x) suits for compensation for obstruction of an easement or diversion of a water course.

Court may by consent try suits beyond pecuniary limits of jurisdiction.

15. (1) When the parties to a suit, which, if the amount or value of the subject-matter thereof did not exceed two thousand rupees, would be cognizable by the Court, have entered into an agreement in writing that the Court shall have jurisdiction to try such suit, the Court shall have jurisdiction to try the same, although the amount or value of the subject-matter thereof may exceed two thousand rupees.

(2) Every such agreement shall be filed in the Court, and when it is so filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by its decision in such suit.

16. Any suit cognizable by the Court except suits in respect of property taken in execution of its process or the proceeds or value thereof to which an officer of the Court is a party may, at the election of the plaintiff, be instituted in the Chief Court. If such suit is instituted in the Court, it shall, on application by any of the defendants, be submitted to the Chief Court, for trial and disposal, provided that such application is made within a week of the service of the summons on the applicant or before the first hearing whichever interval is shorter.

Suits by and against officers of the Court.

17. Nothing in this Chapter shall be deemed to preclude the Court from trying any suits or proceeding which it is specially authorised to try by any other enactment for the time being in force.

Saving.

CHAPTER V.

RECOVERY OF POSSESSION OF IMMOVEABLE PROPERTY.

18. When any person has had possession of any immoveable property situate within the local limits of the Court's jurisdiction and of which the annual rental value does not exceed two thousand rupees, as the tenant, or by permission, of another person, or of some person through whom such other person claims, and such tenancy or permission has determined or been withdrawn, and such tenant or occupier or any person holding under or by assignment from him (hereinafter called the occupant) refuses to deliver up such property in compliance with a request made to him in this behalf by such other person, such other person (hereinafter called the applicant) may apply to the Court for a summons against the occupant, calling upon him to show cause, on a day therein appointed, why he should not be compelled to deliver up the property.

Summons against person occupying property without leave.

19. The summons shall be served on the occupant in the manner provided by the Code of Civil Procedure, 1908, for the service of a summons on a defendant.

Service of summons.

Order for
possession.

20. If the occupant does not appear at the time appointed and show cause to the contrary, the applicant shall, if the Court is satisfied that he is entitled to apply under section 18, be entitled to an order addressed to a bailiff of the Court directing him to give possession of the property to the applicant on such day as the Court thinks fit to name in such order.

Explanation.—If the occupant proves that the tenancy was created or permission granted by virtue of a title which is determined previous to the date of the application, he shall be deemed to have shown cause within the meaning of this section.

Bar to
Proceedings
against judge
or officer for
issuing, etc.,
order or
summons.

21. No suit or prosecution shall be maintainable against any judge or officer of the Court by whom any such order as aforesaid was issued or against any bailiff or other person by whom the sale was executed, or by whom any such summons as aforesaid was served, for the issue, execution or service of any such order or summons, by reason only that the applicant was not entitled to the possession of the property.

Applicant, if
entitled to
possession,
not to be
deemed tres-
passer for
any error in
proceedings.
Occupant
may sue for
compensa-
tion.

22. When the applicant, at the time of applying for any such order as aforesaid, was entitled to the possession of such property, neither he nor any person acting in his behalf shall be deemed, on account of any error, defect or irregularity in the mode of proceeding to obtain possession thereunder, to be a trespasser; but any person aggrieved may bring a suit for a recovery of compensation for any damage which he has sustained by reason of such error, defect or irregularity; when no such damage is proved, the suit shall be dismissed; and when such damage is proved but the amount of compensation assessed by the Court does not exceed ten rupees, the Court shall award to the plaintiff no more costs than compensation, unless the Court certifies that in its opinion full costs should be awarded to the plaintiff.

Liability of
applicant
obtaining
order when
not entitled.

23. Nothing herein contained shall be deemed to protect any applicant obtaining possession of any property under this Chapter from a suit by any person deeming himself aggrieved thereby, when

such applicant was not at the time of applying for such order as aforesaid entitled to the possession of such property.

And when the applicant was not, at the time of applying for any such order as aforesaid, entitled to the possession of such property, the application for such order, though no possession is taken thereunder, shall be deemed to be an act of trespass committed by the applicant against the occupant.

24. Whenever on an application being made under section 18 the occupant binds himself, with two sureties, in a bond for such amount as the Court thinks reasonable, having regard to the value of the property and the probable costs of the suit next hereinafter mentioned, to institute without delay a suit in the Chief Court against the applicant, for compensation for trespass and to pay all the costs of such suit in case he does not prosecute the same or in case judgment therein is given for the applicant, the court shall stay the proceedings on such application until such suit is disposed of.

If the occupant obtains a decree in any such suit against the applicant, such decree shall supersede the order, if any, made under section 20.

25. In all proceedings under this chapter the Court shall, as far as may be, and except as herein otherwise provided, follow the procedure prescribed for a court of first instance by the Code of Civil Procedure, 1908.

26. Recovery of the possession of any immovable property under this chapter shall be no bar to the institution of a suit in the Chief Court for trying the title thereto.

27. (1) Any person claiming to be entitled to arrears of rent of any house or premises situate within the local limits of the Court's jurisdiction of which the annual rental does not exceed two thousand rupees may apply to the Court for a distress warrant in accordance with the provisions of this Act.

(2) The application shall be supported by an affidavit or affirmation to the effect of Form A in the Schedule hereto annexed.

(3) Nothing in this section shall apply to—

(a) any rent due to Government ;

(b) any rent which has been due for more than twelve months before the application mentioned in sub-section (1).

Application
to discharge
or suspend
warrant.

28. The debtor or any other person alleging himself to be the owner of any property seized under this chapter may, at any time within five days from such seizure, apply to the Court to discharge or suspend the warrant, or to release a distrained article, and the Court may discharge or suspend such warrant or release such article accordingly, upon such terms as it thinks just,

and the Court may, in its discretion, give reasonable time to the debtor to pay the rent due from him.

Upon any such application, the costs attending it and attending the issue and execution of the warrant shall be in the discretion of the Court and shall be paid as the Court directs.

CHAPTER VI.

PROCEDURE.

Procedure.

29. (1) The following provisions of the Code of Civil Procedure, 1908, shall not extend to the Court, that is to say :—

(a) So much of the body of the Code as relates to—

(i) suits excepted from the cognizance of the Court ;

(ii) the execution of decrees in such suits ;

(iii) the execution of decrees against immovable property, except so far as it may relate to proceedings under Chapter V of this Act.

(b) Section 7 ;

Section 9 ;

Sections 91 and 92 ;

Sections 94 and 95, so far as they relate to injunctions and interlocutory orders ;

Sections 96 to 112 and 115.

(2) An application for a review of judgment shall be presented within fifteen days of the date of the judgment.

(3) An applicant for an order to set aside a decree passed *ex parte* or for a review of judgment shall, at the time of presenting his application, either deposit in the Court the amount due from him under the decree or in pursuance of the judgment, or give security to the satisfaction of the Court for the performance of the decree or compliance with the judgment, as the Court may direct.

(4) Where a person has become liable as surety under sub-section (3), the security may be realised in manner provided by section 145 of the Code of of 1908. Civil Procedure, 1908.

CHAPTER VII.

REMOVAL OF CAUSES, REVISION AND REFERENCES.

30. (1) In any suit instituted in the Court in which the amount or value of the subject matter exceeds the sum of one thousand rupees, the defendant or any one of the defendants, may, before the day fixed by the summons for the appearance of the defendant or within eight days after the service of the summons on him, whichever period shall last expire, apply *ex parte* on an affidavit setting forth the facts on which he relies for his defence to the Chief Court for an order removing the cause into the said Court.

(2) Unless the Chief Court is of opinion that the application has been made solely for the purpose of delay, the applicant shall be entitled to such order as of right: Provided that the removal directed by such order shall, unless the Chief Court otherwise directs, be conditional upon the applicant giving security, to the approval of that Court within a reasonable time to be prescribed in the order for the payment of the amount claimed and of the costs which may become payable by him to the plaintiff in respect of the said suit.

(3) If the applicant fails or neglects to complete the required security (if any) within the prescribed time the said order shall be discharged and the suit shall proceed in the Court as if such order had never been made.

(4) If the plaintiff in any case which has been removed under this section into the Chief Court has abandoned a portion of his claim in order to be able to bring the suit within the jurisdiction of the Court, he shall be permitted to revive the portion of his claim so abandoned.

Rule with respect to suits removed under section 30.

31. (1) When a suit has been removed into the Chief Court under section 30 it shall be heard and disposed of by the Chief Court in the exercise of its original jurisdiction, and the Chief Court shall have all the powers and jurisdiction in respect thereof as if the suit had been originally instituted in the Chief Court.

(2) In every suit so removed the affidavit filed under sub-section (1) of section 30, shall be treated as a written statement of the defendant tendered under Order VIII, rule I of the First Schedule of the Code of Civil Procedure, 1908, *v. of C.* unless the Chief Court shall otherwise order.

Revision.

32. The Chief Court may for the purpose of satisfying itself that a decree or order made in any case by the Court was according to law, call for the case and pass such order with respect thereto as it thinks fit.

Reference when compulsory.

33. (1) If two or more Judges of the Court sit together in any suit, or in any proceeding under Chapter V, and differ in their opinion as to any question of law or usage having the force of law or the construction of a document, which construction may affect the merits, or

if in any suit or in any such proceeding, in which the amount or value of the subject matter exceeds five hundred rupees, any such question arises upon which the Court entertains reasonable doubt and either party so requires, the Court shall draw up a statement of the facts of the case and the point on which there is a difference

of opinion or on which doubt is entertained, and refer such statement with its own opinion on the point for the opinion of the Chief Court; and the provisions of rules 3 to 5 of Order XLVI of the First Schedule to the Code of Civil Procedure, 1908, shall, so far as they are applicable, be deemed to apply as if such reference had been made under rule 1 of the said Order of the said Code.

(2) When the Court refers any question for the opinion of the Chief Court as provided in sub-section (1), it shall either reserve judgment or give judgment contingent upon such opinion.

34. When judgment is given under section 33 contingent upon the opinion of the Chief Court, the party against whom such judgment is given shall at once furnish security, to be approved by the Court, for the costs of the reference to the Chief Court and for the amount of such judgment:

Security to be furnished on such reference by party against whom contingent judgment is given.

Provided that no security for the amount of such judgment shall be required in any case in which the Court has ordered such amount to be paid into Court, and the same has been paid accordingly.

Unless such security as aforesaid is at once furnished, the party against whom such contingent judgment has been given shall be deemed to have submitted to the same.

If no such Security given, party to be deemed to have submitted to judgment.

35. Save as otherwise provided by this Act or by any other enactment for the time being in force, every decree or order of the Court in a suit shall be final and conclusive.

General finality of decrees and orders of the Court.

CHAPTER VIII.

FEEs AND COSTS.

36. (1) In addition to the fee payable on a complaint under the Court Fees Act, 1870, a fee of ten rupees shall be paid on the filing of an agreement under section 15.

Institution fees.

(2) For the purposes of the Court Fees Act, 1870, an application under section 18 shall be deemed to be a suit of a value equal to the annual

rental value of the property in respect of which the application is made.

(3) A fee of annas eight shall be paid on every application made for which no fee is provided, under the Court Fees Act, 1870. VII
1870

CHAPTER IX.

RULES.

Procedure
and practice
of the Court.

37. The Chief Court may, from time to time, make rules not inconsistent with this Act,—

(1) providing for the exercise by one or more of the Judges of the Court of any powers conferred on the Court by this Act or any other enactment for the time being in force ;

(2) regulating the procedure of the Court in the exercise of its jurisdiction under Chapter V ;

(3) empowering the Registrar to hear and dispose of undefended suits and interlocutory applications or matters ;

(4) providing for the delegation to any ministerial officer of the Court of any non-judicial or quasi-judicial duties which this Act or the Code of Civil Procedure, 1908, requires to be performed by a Judge, and

(5) providing for pleaders' fees and other costs.

General
power
of transfer.

38. (1) On the application of any of the parties and after notice to the parties and after hearing such of them as desire to be heard, or of his own motion without such notice, the Chief Judge may, at any stage,—

(a) transfer any suit or other proceeding pending before him for trial or disposal to any other Judge of the Court ; or

(b) withdraw any suit or other proceeding pending before any Judge of the Court and

(i) try or dispose of the same, or

(ii) transfer the same for trial or disposal to any other judge of the Court, or

(iii) retransfer the same for trial or disposal to the Judge from whom it was withdrawn.

(2) Where any suit or other proceeding has been transferred or withdrawn under sub-section (1), the Judge who thereafter tries such suit or proceeding may, subject to any special directions in the case of an order of transfer, either retry it or proceed from the point at which it was transferred or withdrawn.

39. Subject to rules framed by the Chief Court ^{Distribution} the Chief Judge may, from time to time, make such ^{of business.} arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof.

CHAPTER X.

MINISTERIAL OFFICERS.

40. (1) Subject to the sanction of the ^{Appointment} Governor in Council the Judicial Commissioner or ^{of Registrar} the Chief Judge of the Chief Court, as the case ^{and Minis-} may be, may, from time to time, appoint an officer ^{terial Officers.} to be called the Registrar of the Court, and to be the Chief ministerial officer of the Court.

(2) Subject to the control of the Judicial Commissioner or the Chief Judge of the Chief Court, as the case may be, the Chief Judge may, from time to time, appoint a Deputy Registrar and as many clerks, bailiffs and other ministerial officers as may be sanctioned by the Governor in Council for the administration of justice by the Court and for the exercise and performance of the powers and duties conferred and imposed on it by this Act or any other law for the time being in force.

(3) The Registrar and other officers so appointed shall exercise such powers and discharge such duties of a ministerial nature as the Chief Judge may, from time to time, direct.

(4) The Chief Judge may suspend, remove or dismiss any Deputy Registrar or other officer so appointed: provided that no officer drawing a monthly salary of one hundred rupees or upwards shall be removed or dismissed without the orders of the Judicial Commissioner or the Chief Judge of the Chief Court, as the case may be,

Registrar
may be
invested with
powers of a
Judge in
suits not
exceeding
fifty rupees.

41. (1) The Governor in Council may invest the Registrar with the powers of a Judge under this Act for the trial of suits and applications except applications under Chapter V in which the amount or value of the subject-matter does not exceed fifty rupees.

(2) The provisions of section 38 shall, so far as may be, apply to the Registrar.

(3) Suits cognisable by the Registrar shall be tried by him and decrees passed therein shall be executed by him, in like manner in all respects as a Judge of the Court might try the suits and execute the decrees respectively.

Default of
bailiff or
other officer
in execution
of order or
warrant.

42. If any clerk, bailiff or other inferior ministerial officer of the Court who is employed as such in the execution of any order or warrant, loses, by neglect, connivance or omission, an opportunity of executing such order or warrant, he shall be liable, by order of the Chief Judge, to pay to the person injured by such neglect, connivance or omission, such sum not exceeding in any case the sum for which the said order or warrant was issued, as, in the opinion of the Chief Judge, appears reasonable.

Extortion or
default of
Officers.

43. If any clerk, bailiff or other inferior ministerial officer of the Court is charged with extortion or misconduct while acting under colour of its process, or with not duly paying or accounting for any money levied by him under its authority, the Court may inquire into such charge, and may make such order for the repayment or payment of any money so extorted or levied and of damages and costs by such officer as it thinks fit.

Court
empowered
to summon
witnesses,
etc.

44. For the purposes of any inquiry under this Chapter, the Court shall have all the powers of summoning and enforcing the attendance of witnesses and compelling the production of documents which it possesses in suits under this Act.

Enforcement
of order.

45. Any order under this Chapter for the payment or repayment of money may, in default of payment of the amount payable thereunder, be

enforced by the person to whom such amount is payable as if the same were a decree of the Court in his favour.

THE SCHEDULE.

(See section 27.)

Form A.

In the Karachi Small Causes Court.

A B. (Plaintiff);

versus

C. D. (Defendant).

A. B. of _____, in the town
of _____, maketh oath
(or affirms) and saith that C. D. _____, of
_____, is justly indebted to
_____ in the sum of Rs. _____,
for arrears of rent of the house and premises
No. _____, situate at
in the town of _____, due for
_____ months, to wit,
from _____ to _____, at
the rate of Rs. _____ per mensem.

Sworn or affirmed before me the _____ day
of _____ 19_____

Judge (or Registrar).

BOMBAY ACT No. V OF 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 22nd May 1929.)

An Act further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay.

WHEREAS it is expedient further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay in manner hereinafter appearing; and whereas the previous sanction of the Governor General required by section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows :—

1. This Act may be called the Indian Registration (Bombay Amendment) Act, 1929. Short title.

2. To sub-section (1) of section 8 of the Indian Registration Act, 1908, hereinafter called the said Act, the following shall be added, namely :— Amendment of section 8 of Act XVI of 1908.

“ Provided that the Local Government may delegate, subject to such restrictions and conditions as it thinks fit, to the Inspector-General of Registration the power of appointing inspectors of registration offices.”

3. In section 13 of the said Act, Amendment of section 13 of Act XVI of 1908.
(1) sub-sections (1) and (2) shall be repealed; and

(2) after the word “Sub-Registrars” the words “and Inspectors of Registration offices” shall be inserted.

4. To sub-section (2) of section 21 of the said Act the following shall be added, namely :— Amendment of section 21 of Act XVI of 1908.

“ In all city surveyed areas in the Bombay Presidency, houses and lands shall also be described by their cadastral survey numbers as in the city survey maps and records.”

[Price—Pies 6 or 1d.]

Amendment
of section 22
of Act XVI
of 1908.

5. In sub-section (2) of section 22 of the said Act for the word "Save" the words "Except in the case of city surveyed areas in the Bombay Presidency and except" shall be inserted.

Amendment
of section 36
of Act XVI
of 1908.

6. In section 36 of the said Act for the words "may in his discretion" the words "in his discretion, may, upon receipt of the prescribed fee, issue, or may" shall be substituted; and after the word "issue" a comma shall be inserted.

Amendment
of section 51
of Act XVI
of 1908

7. In sub-section (2) of section 51 of the said Act after the figures "89" the word and figures "sub-sections (2) and (4)" shall be inserted.

Amendment
of section 54
of Act XVI
of 1908.

8. In section 54 of the said Act after the word "books" where it occurs for the second time the words "and there shall also be prepared current indexes of the contents of the copies filed under sub-sections (1) and (3) of section 89" shall be inserted.

Amendment
of section 55
of Act XVI
of 1908.

9. In section 55 of the said Act,

(a) for sub-section (1) the following shall be substituted, namely:—

"(1) six such indexes shall be made in all registration offices and shall be named, respectively, Index No. I, Index No. I-A, Index No. II, Index No. II-A, Index No. III and Index No. IV;"

(b) after sub-section (2) the following sub-section shall be inserted, namely:—

"(2A) Index No. I-A shall contain the names including the father's name, or, in the case of persons usually described by their mother's name, the mother's name and the places of residence of all persons executing, and of all persons claiming under, the documents of which copies are filed under sub-section (1) or (3) of section 89;"

(c) after sub-section (3) the following sub-section shall be inserted, namely:—

"(3A) Index No. II-A shall contain such particulars mentioned in section 21 as the

Inspector-General may, from time to time, prescribe in this behalf in regard to every copy filed under sub-section (1) or (3) of section 89 ;”

(d) for the words “ and additions ” wherever they occur the words “ including the father’s name, or, in the case of persons usually described by their mother’s name, the mother’s name, and the places of residence ” shall be substituted.

10. In sub-section (1) of section 57 of the said Act after the words and figure “ Book No. I ” the following words and figures shall be inserted, namely :—

Amendment
of section 57
of Act XVI
of 1908.

“ and, so long as they are preserved, the copies filed under sub-sections (1) and (3) of section 89 and the indexes relating to such copies.”

11. In clause (h) of sub-section (1) of section 69 of the said Act, after the figures “ I ” and “ II ” the figures “ I-A ” and “ II-A ” respectively shall be inserted.

Amendment
of section 69
of Act XVI
of 1908.

12. In sub-sections (1) and (3) of section 89 of the said Act for the words and figure “ Book No. I ” the word “ office ” shall be substituted.

Amendment
of section 89
of Act XVI
of 1908.

BOMBAY ACT No. VI OF 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 22nd May 1929.)

An Act to amend the Bombay Pleaders' Act (No. XVII of 1920).

Bom.
XVII
of 1920.

WHEREAS it is expedient to amend the Bombay Pleaders' Act, 1920, in manner hereinafter appearing; It is enacted as follows:—

1. This Act may be called the Bombay Short Title. Pleaders' (Amendment) Act, 1929.

Bom.
XVII
of 1920.

2. In sub-section (2) of section 4 of the Bombay Amendment of section 4 of Bom. XVII of 1920 Pleaders' Act, 1920, hereinafter called the said Act, after the words "the district" the words "or districts" shall be inserted.

3. In section 5 of the said Act—

(1) To sub-section (1) the following proviso shall be added:— Amendment of section 5 of Bom. XVII of 1920.

"Provided that when a district for which a sanad is to be issued comprises any area which for the purpose of administration of revenue or criminal justice or both is also included in any other district the sanad may be held in respect of both such districts."

(2) In sub-section (2) the word "one" shall be deleted.

4. In section 8 of the said Act, after the words Amendment of section 8 of Bom. XVII of 1920. "within the district" the words "or districts" shall be inserted.

[Price—Pies 6 or 1d.]

BOMBAY ACT No. VII OF 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 23rd May 1929)

An Act to regulate the employment of women in factories some time before and some time after confinement and to provide for the payment of maternity benefit to them.

WHEREAS it is expedient to regulate the employment of women in factories some time before and some time after confinement and to provide for the payment of maternity benefit to them in the manner hereinafter provided; And Whereas the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act and the previous sanction of the Governor required by section 80-C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows :—

6 Geo.
c. 61.

1. This Act may be called the Bombay Maternity Benefit Act, 1929. Short title.

2. (1) This Act shall apply in the first instance to the Bombay Suburban District and the cities of Bombay, Ahmedabad, Viramgam, Surat, Broach, Jalgaon, Sholapur, Belgaum, Amalner and Karachi. The Government may, from time to time, by notification in the "Bombay Government Gazette" extend this Act to such other places as it thinks fit. Extent and operation.

(2) It shall come into operation on the first day of July 1929.

3. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

I of
11.

(a) "Employer" includes an occupier of a factory as defined in the Indian Factories Act, 1911, and the manager of a factory;

I of
11.

(b) the expressions "employ", "employed", "factory", and "inspector of factories" shall have the same meanings as are respectively assigned to them under the Indian Factories Act, 1911;

[Price—Pies 6 or 1d.]

(c) "maternity benefit" means the amount of money payable under the provisions of this Act to a woman employed in a factory.

4. After this Act comes into operation,—

Employment of or work by women in factories prohibited during certain period.

(1) no employer shall knowingly employ a woman in any factory during the four weeks immediately following the day of her delivery; and

(2) no woman shall work in any factory during the four weeks immediately following the day of her delivery.

Right to payment of maternity benefit.

5. (1) Subject to the provisions of this Act, every woman employed in a factory shall be entitled to the payment of maternity benefit at the rate of eight annas a day for the actual days of her absence for the period immediately preceding her confinement and for the four weeks immediately following her confinement as mentioned in sub-section (2):

Provided that a woman shall not be entitled to maternity benefit unless she has been employed in the factory of the employer from whom she claims maternity benefit for a period of not less than six months immediately preceding the date on which she notifies her intention under sub-section (1) of section 6.

(2) The maximum period for which any woman shall be entitled to the payment of maternity benefit shall be seven weeks, that is to say, three weeks up to and including the day of her delivery and four weeks immediately following that day. If a woman dies during this period the maternity benefit shall be payable only for the days up to and including the day of her death.

Procedure regarding payment of maternity benefit.

6. (1) Any woman employed in a factory and entitled to maternity benefit under the provisions of this Act, who is pregnant may, on any day, give notice in writing to her employer stating that she expects to be confined within one month next following, that her maternity benefit may be paid to her, and that she will not work in any employment during the period for which she receives maternity benefit.

(2) The employer shall thereupon permit such woman to absent herself from the factory from the following day until four weeks after the day of her delivery.

(3) The amount of maternity benefit for the period up to and including the day of delivery shall be paid by the employer to the woman within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child. The amount due for the subsequent period shall be paid punctually each fortnight in arrear.

7. If a woman entitled to maternity benefit under this Act dies during the period for which she is entitled to maternity benefit the employer shall pay the amount of maternity benefit due, if the newly born child survives her, to the person who undertakes the care of the child; and if the child does not survive her to her legal representative.

Payment of maternity benefit in case of a woman's death.

8. When a woman absents herself from work in accordance with the provisions of this Act it shall not be lawful for her employer to give her notice of dismissal during such absence or on such a day that the notice will expire during such absence.

No notice of dismissal to be given to a woman during period of maternity benefit.

9. If a woman works in any factory after she has been permitted by her employer to absent herself under the provisions of section 6 she shall forfeit her claim to the payment of the maternity benefit to which she is entitled.

Forfeiture of maternity benefit

10. If any employer contravenes the provisions of this Act he shall, on conviction, be liable to a fine which may extend to five hundred rupees.

Penalty for contravention of the Act by an employer.

11. If any woman works in any factory within four weeks of the date of her delivery she shall be liable, on conviction, to a fine not exceeding ten rupees.

Penalty for contravention of the Act by a woman.

12. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the inspector of factories.

Cognisance of offences.

(2) No Court inferior to that of a Presidency Magistrate or of a Magistrate of the First Class

shall try any offence against this Act or any rules thereunder.

Limitation of
prosecutions

13. No Court shall take cognisance of any offence against this Act or any rule thereunder unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

Rules.

14. (1) The Governor in Council may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

(a) the preparation and maintenance of a muster roll and the particulars to be entered in such roll ;

(b) the inspection of factories for the purposes of this Act by inspectors of factories ;

(c) the exercise of powers and the performance of duties by inspectors of factories for the purposes of this Act ;

(d) the method of payment of maternity benefit in so far as provision has not been made in this Act ; and

(e) any other matter for which no provision has been made in this Act and for which provision is, in the opinion of the Governor in Council, necessary.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(4) The making of rules under this section shall be subject to the condition of previous publication. Such rules shall be laid on the table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified. If any rule is modified the Governor in Council may accept the modification and reissue the rule accordingly or may rescind the rule.

Copies of this
Act and rules
thereunder to
be exhibited.

15. A copy of the provisions of this Act and the rules thereunder in the local vernacular shall be exhibited in a conspicuous place by the employer in every factory in which women are employed.

BOMBAY ACT No. VIII OF 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 3rd. September 1929.)

An Act to make the offence of criminal intimidation cognizable in times of emergency.

WHEREAS it is expedient to take power to enable the police to deal effectively with the offence of criminal intimidation in certain areas of the Bombay Presidency;

And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act;

It is hereby enacted as follows: -

1. (1) This Act may be called the Bombay Prevention of Intimidation Act, 1929.

Short title, extent, duration and commencement

(2) It extends to the Presidency Area and shall remain in force for a period of five years.

(3) This section and sections 2 and 3 shall come into operation forthwith; section 4 shall come into force in the whole of the Presidency Area or in any part or parts thereof on the date or dates on which a state of emergency is declared to exist in such area or part or parts thereof by notification under section 3, and shall continue to be in operation for such period, not exceeding one month at a time, as may be specified in such notification unless such notification is sooner cancelled by the Local Government.

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

Definitions.

(a) "Presidency Area" means the City of Bombay and the Bombay Suburban District;

(b) "Criminal Intimidation" has the meaning assigned to it by section 503 of the Indian Penal Code.

LV of 80.

[Price—Pies 6 or 1d.]

Declaration
of state of
emergency.

3. The Local Government, if satisfied that the public tranquillity in the Presidency Area or any part or parts thereof is endangered by the prevalence of criminal intimidation, may, at any time by notification in the *Bombay Government Gazette* declare that a state of emergency exists in the whole area or in any part or parts thereof and shall set forth the reasons for such declaration in the notification.

Offence of
criminal
intimidation
to be cogniz-
able.

4. Notwithstanding anything contained in the Second Schedule to the Code of Criminal Procedure,^v of 1898, the offence of criminal intimidation shall be a cognizable offence as defined in that Act and the rest of the provisions of that Act shall have effect accordingly.

BOMBAY ACT No. IX OF 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 24th September 1929.)

An Act further to amend the Bombay Abkari Act, 1878.

Bom. V
of 1878. WHEREAS it is expedient further to amend the Bombay Abkari Act, 1878, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay Abkari Short title.
(Amendment) Act, 1929.

Bom. V
of 1878. 2. For section 18-B of the Bombay Abkari Act, Amendment
of section
18-B of Bom.
V of 1878. 1878, the following shall be substituted:—

"18-B. (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. Special provi-
sions as to
mhowra
flowers.

(2) In this section "prescribed area" means such area, comprising either the whole or some portion of the Presidency of Bombay, excluding Sind, as the Government from time to time notifies in this behalf; and "prescribed limit" means five seers or such greater quantity as the Government from time to time notifies in this behalf.

The power to issue notifications under this sub-section shall be subject to the condition of previous publication.

(3) Provided that within such limits of the districts and areas mentioned in column 1 of the subjoined table as the Government may, by a

[Price—Pies 6 or 1d.]

notification in the *Bombay Government Gazette*, specify, and within the period specified against such districts and areas respectively in column 2 of the said table or such longer period embracing the said period as the Government may, from time to time, by a notification in the *Bombay Government Gazette*, direct (hereinafter called "the vacation period"), no license, permit or pass shall be necessary for the collection, transport, sale or possession anywhere of any quantity of mhowra flowers which are the produce of that year and, in the case of the districts and areas mentioned in entries (2) and (3) of column 1 of the said table, which are the produce of the said districts and areas or of any or either of them or other portion of a prescribed area so specified.

TABLE	
1	2
Districts and areas.	Period within which no license, etc., shall be necessary for the collection, etc., of mhowra flowers.
(1) Kaira and Panch Mahals districts: the North and South Daskroi, Frantij and Dholka talukas and the Modasa Mahal of the Ahmedabad District; and the Nawapur, Nandurbar, Sakri, Shirpur, Shahada and Taloda talukas and the Akrani Mahal of the West Khandesh District.	From the 16th February to the 31st July in each year.
(2) Thana, Nasik, Kolaba and the East Khandesh districts and such portion of the West Khandesh District as is not covered by entry (1) of this table.	From the 16th February to the 31st May in each year.
(3) Broach, Surat, Ahmednagar, Poona and Belgaum districts and such portion of the Ahmedabad District as is not covered by entry (1) of this table.	From the 16th February to the 15th May in each year.

(4) Provided further that unless Government by a notification in the *Bombay Government Gazette* otherwise directs, no license, permit or pass shall be necessary for the transport by rail of any quantity of mhowra flowers mentioned in sub-section (3) through an area which has no vacation period or the vacation period for which as prescribed in column 2 of the said table has

expired at the time when the transport takes place, provided that—

(i) the said flowers are not unloaded in transit and

(ii) there is a vacation period at the places from and to which the said flowers are transported at the time when the said flowers are despatched or arrive, as the case may be.

Incluse

BOMBAY ACT No. X OF 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 24th September 1929.)

An Act further to amend the Bombay Smoke-nuisances Act, 1912.

WHEREAS it is expedient further to amend the Bom. VII of 1912. Bombay Smoke-nuisances Act, 1912, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay Smoke-nuisances (Amendment) Act, 1929. Short title.

2. In section 3 of the Bombay Smoke-nuisances Act, 1912, hereinafter called the said Act, Amendment of section 3 of Bom. VII of 1912.

(1) After sub-section (1) the following shall be inserted :—

“(1A) ‘Flue’ or ‘chimney’ means any ‘flue’ or ‘chimney’ joined to, connected with or forming part of a furnace.”

(2) In clause (a) of sub-section (5) the words “flue or chimney” shall be inserted after the word “furnace” wherever it occurs.

3. After section 9 of the said Act, the following sections shall be inserted, namely :— Insertion of new sections 9A and 9B in Bom. VII of 1912.

“9A. (1) No furnace, flue or chimney shall be erected, altered, added to or re-erected except in accordance with plans approved by the Commission. No furnace, etc., to be erected unless plans are approved by Commission.

(2) If any furnace, flue or chimney is erected, altered, added to or re-erected in contravention of the provisions of sub-section (1), the owner of such furnace, flue or chimney shall be liable to fine which may extend to one hundred rupees;

[Price—Pies 6 or 17.]

and, if any such furnace, flue or chimney is used without the permission of the Commission, to a further fine not exceeding twenty rupees for every day during which such use continues.

Power to order demolition of furnace, flue or chimney unlawfully erected.

9B. (1) A Magistrate imposing a fine on any person under sub-section (2) of section 9A may, by order, direct such person to demolish the furnace, flue or chimney within a period to be specified in the order.

(2) Any such person failing to demolish any furnace, flue or chimney within the period specified in the order, or within such longer period as the Magistrate may, for reasons to be stated, allow, shall be liable to fine which may extend to twenty rupees for every day thereafter during which such failure continues."

Amendment of section 10 of Bom. VII of 1912.

4. In section 10 of the said Act,

(a) after the word "furnace," wherever it occurs, the words "flue or chimney" shall be inserted;

(b) the words "or stoked" occurring in clause (c) of sub-section (1) shall be omitted.

Amendment of section 11 of Bom. VII of 1912.

5. After clause (h) of sub-section (2) of section 11 of the said Act, the following shall be inserted :—

"(hh) prescribe the procedure regarding the submission and approval of plans under sub-section (1) of section 9A."

BOMBAY ACT No. XI OF 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 25th September 1929.)

An Act further to amend the Sindh Incumbered Estates Act, 1896

XX of
1896. WHEREAS it is expedient further to amend the Sindh Incumbered Estates Act, 1896, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Sindh Incumbered Estates (Amendment) Act, 1929. Short title.

XX of
1896. 2. To section 29 of the Sindh Incumbered Estates Act, 1896, the following shall be added, namely:— Amendment of section 29 of Act XX of 1896.

XIX of
1883.
XII of
1884. "or in the case of a loan granted under the Land Improvement Loans Act, 1883, or the Agriculturists' Loans Act, 1884, with the previous sanction of the officer granting such loan"

[Price—Pies 6 or 1d.]

H 302B

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

BOMBAY ACT No. XII OF 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 26th September 1929.)

An Act further to amend the Bombay Medical Act, 1912.

WHEREAS it is expedient further to amend the Bombay Medical Act, 1912, in manner hereinafter appearing; It is hereby enacted as follows :—

Bom.
VI of
1912.

Short title.

1. This Act may be called the Bombay Medical (Amendment) Act, 1929.

Amendment
of section 7
of Bom. VI
of 1912.

2. After sub-section (1) of section 7 of the Bombay Medical Act, 1912, the following sub-section shall be inserted, namely :—

Bom.
VI of
1912.

“(1 a) Every person for the time being registered under any Act for the registration of medical practitioners in force in any other province in India with the Medical Council of such province shall, if reciprocity of registration has been arranged with such Council, be entitled, on production of his registration certificate, to have registered under this Act, free of charge, such qualifications entered in the said certificate as are registrable under this Act.”

[Price—Pies 6 or 1d.]

H 303A

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

BOMBAY ACT No. XIII OF 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 27th September 1929.)

An Act further to amend the Bombay University Act, 1928.

WHEREAS it is expedient further to amend the Bombay University Act, 1928, in manner herein-
after appearing ; It is hereby enacted as follows :—

Bom.
IV of
1928.

1. This Act may be called the Bombay University (Amendment) Act, 1929. Short title.

Bom.
IV of
1928.

2. In Part (A) under the heading "II. Ordinary" in sub-section (1) of section 13 of the Bombay University Act, 1928— Amendment of section 13 of Bom. IV of 1928.

(a) in entries (iv) (f), (g), (h), (i) and (j) for the expression "city municipalities" the expression "municipal boroughs" shall be substituted ;

(b) in entry (iv) (j) after the word "Group" the words "and the Karachi municipality" shall be inserted ;

(c) in Explanation (1) the words "the schools and colleges in" shall be omitted ; and

(d) in Explanation (2) the word "city" shall be omitted.

[Price—Pies 6 or 1d.]

H 302C

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

BOMBAY ACT No. XIV OF 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 27th September 1929.)

An Act further to amend the Bombay Prevention of Gambling Act, 1887.

WHEREAS it is expedient further to amend the Bombay Prevention of Gambling Act, 1887, in Bom. IV of 1887. manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay Prevention of Gambling (Amendment) Act, 1929. Short title.

2. For clause (c) in section 3 of the Bombay Prevention of Gambling Act, 1887, the following shall be substituted, namely :— Amendment of section 3 of Bom. IV of 1887.

“Between any individual or individuals in person on the one hand and such licensee on the other hand, or between any number of individuals in person, in such manner and by such contrivance as may be permitted by such license.”

[Price—Pies 6 or 1d.]

H 909B

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

BOMBAY ACT No. XV OF 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 17th October 1929.)

An Act further to amend the Bombay Land Revenue Code, 1879.

Bom. V
of 1879.

WHEREAS it is expedient further to amend the Bombay Land Revenue Code, 1879; It is hereby enacted as follows:—

1. This Act may be called the Bombay Land Revenue Code (Amendment) Act, 1929. Short title.

Bom. V
of 1879

2. For section 216 of the Bombay Land Revenue Code, 1879, the following section shall be substituted:— Amendment of section 216 of Bom. V of 1879.

"216. (1) The provisions of Chapters VIII to X shall be applicable to Chapters VIII to X how far applicable to alienated villages.

- (a) all unalienated lands situated within the limits of an alienated village;
- (b) unalienated shares of villages of which a definite share defined by metes and bounds is alienated;
- (c) alienated villages the holders of which are entitled to a certain amount of the revenue, but of which the excess above such amount belongs to Government.

(2) Save as is otherwise provided in section 111 and in this section, no provision of the said Chapters shall be applied to any other alienated village except for the purposes of fixing its boundaries and of determining any disputes relating thereto, unless the extension of the provision is authorised by the Commissioner acting on the written application of the sole holder, or, if there be more than one holder, of the holder or holders representing in the aggregate not less than one-half of the total interests in the village in respect of its alienated

[Price—Pies 6 or 1d.]

2 *The Bombay Land Revenue Code
 (Amendment) Act, 1929.*

revenue. If any share of the unalienated the prescribed proportion shall be reckoned as if the village alienated, Government being considered holder in respect of the unalienated s.

(3) In any case in which action section (2) is taken lawfully by the Co on the application of some only of t of the village any covenant or relative to the extension of the said C incidental thereto, entered into by st. shall also be binding on the remaining the village in respect of their share revenue of the village as if such co agreement had been entered into by th

(4) All survey settlements heretofe duced in alienated villages shall be v they had been introduced in accorda the provisions of this section."

Bombay Act No.XVI of 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 17th October 1929).

An Act further to amend the Bombay Port Trust Act No.VI of 1879.

Whereas it is expedient further to amend the Bombay Port Trust Act, 1879, in manner hereinafter provided; it is hereby enacted as follows:-

1. This Act may be called the Bombay Port Trust (Amendment) Act, 1929.
2. In section 5 of the Bombay Port Trust Act, 1879 -

(a) in sub-section (1) for the word "twenty-one" the word "twenty-two" and for the word "seven" the word "eight" shall be substituted;

(b) in sub-section (2) for the word "seven" the word "eight" shall be substituted, and after the word "Brigade" the words "and one shall be representative of Labour" shall be added.

See Pt. A-G.G. of 17-10-1929. Part IV. h.108.

2 *The Bombay Land Revenue Code* [BOM XV
 (*Amendment*) *Act, 1929.* OF 1929]

revenue. If any share of the village is unalienated the prescribed proportion of one-half shall be reckoned as if the village were wholly alienated, Government being considered as the holder in respect of the unalienated share.

(3) In any case in which action under subsection (2) is taken lawfully by the Commissioner on the application of some only of the holders of the village any covenant or agreement relative to the extension of the said Chapters or incidental thereto, entered into by such holders shall also be binding on the remaining holders of the village in respect of their shares in the revenue of the village as if such covenant or agreement had been entered into by them.

(4) All survey settlements heretofore introduced in alienated villages shall be valid as if they had been introduced in accordance with the provisions of this section."

Bombay Act No. XVI of 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 17th October 1929).

An Act further to amend the Bombay Port Trust Act No. VI of 1879.

Whereas it is expedient further to amend the Bombay Port Trust Act, 1879, in manner hereinafter provided; it is hereby enacted as follows:-

1. This Act may be called the Bombay Port Trust (Amendment) Act, 1929.
2. In section 5 of the Bombay Port Trust Act, 1879 -

(a) in sub-section (1) for the word "twenty-one" the word "twenty-two" and for the word "seven" the word "eight" shall be substituted;

(b) in sub-section (2) for the word "seven" the word "eight" shall be substituted, and after the word "Brigade" the words "and one shall be representative of Labour" shall be added.

See pl. B-G-G. of 17-10-1929. Part IV. p. 108.

[~~Free Files of 1929~~]

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

BOMBAY ACT No. XVII OF 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 19th November 1929.)

An Act for safeguarding life and property in the Presidency Area in times of emergency.

WHEREAS it is expedient to make provision in manner hereinafter appearing for the safeguarding of life and property in the Presidency Area in times of emergency ;

And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act ;

It is hereby enacted as follows :—

1. This Act may be called the Presidency Area Short title. (Emergency) Security Act, 1929.

2. (1) This Act shall extend to the whole of Extent, commencement and duration. the Presidency of Bombay and shall remain in force for five years.

(2) Section 5 shall come into force on the date or dates on which a state of emergency is declared under section 4 and shall continue in force for three months from such date or dates. The rest of the Act shall come into force at once.

3. In this Act, unless there is anything repug- Definitions. nant in the subject or context,—

“ Presidency Area ” means the City of Bombay and the Bombay Suburban District.

4. The Local Government, if satisfied that the Power to declare state of emergency. public tranquillity and security of life and property in the Presidency Area or any part thereof are endangered, may at any time, by notification in the *Bombay Government Gazette*, declare that a state of emergency exists and shall set forth the reasons for such declaration in the notification.

[Price—Pies 6 or 12.]

Power to
order
removal of
turbulent
character

5. (1) Whenever the Commissioner of Police or District Magistrate exercising jurisdiction in the Presidency Area is satisfied that any person within his jurisdiction is committing or has committed or is about to commit or is assisting, abetting or inciting by words either spoken or written the commission of

- (a) a non-bailable offence against any person or property, or
- (b) the offence of criminal intimidation, or
- (c) any offence involving a breach of the peace,

so as to be a danger to or cause or be likely to cause alarm to the inhabitants of the Presidency Area or any section thereof, the Commissioner of Police or the District Magistrate, as the case may be, may, subject to the control of the Local Government, by written order briefly stating his reasons therein direct such person to remove himself from the Presidency Area within such time and by such route as may be specified in the order and not to return thereto for a period (not exceeding six months) to be specified in the order without the written permission of the Commissioner of Police or the District Magistrate, as the case may be.

(2) An order under sub-section (1) against any person may, unless the Commissioner of Police or the District Magistrate, as the case may be, is satisfied in respect of such person that both he and his father were born in the Presidency of Bombay or that he is a member of a family which has settled in the Presidency of Bombay and is himself so settled, direct that such person shall remove himself from the Presidency of Bombay within such time and by such route as may be specified in the order and shall not return thereto for a period (not exceeding six months) to be specified in the order save with the written permission of the Commissioner of Police or the District Magistrate, as the case may be.

(3) An order under sub-section (1) shall be served personally on the person against whom it is directed in such manner as the authority making the order thinks fit.

6. (1) Before making an order under section 5 the Commissioner of Police or the District Magistrate, as the case may be, shall give an opportunity to the person against whom the order is proposed to be made to show cause against the order, and shall consider such representation as he may make verbally or in writing.

Procedure to be adopted in making order under section 5.

(2) Within forty-eight hours from the making of an order under section 5 the Commissioner of Police or the District Magistrate, as the case may be, shall forward in writing to the Local Government his reasons for making the order.

7. When by an order under section 5 any person has been directed to remove himself from the Presidency of Bombay and has complied with the order, or when any person has been removed in police custody outside the Presidency of Bombay under section 10, the Commissioner of Police or the District Magistrate, as the case may be, may, of his own motion or upon application made to him in this behalf, if he is satisfied that both such person and the father of such person were born in the Presidency of Bombay or that such person is a member of a family which has definitely settled in the Presidency of Bombay and is himself so settled, modify the order in such manner as to permit such person to return to and remain in any part of the Presidency of Bombay outside the Presidency Area.

Power to modify order under section 5.

8. (1) As soon as possible after the issue of a notification under section 4 the Local Government shall appoint a committee consisting of such number of persons as it thinks fit for the purpose of reviewing, in manner hereinafter provided, the orders passed under section 5:

Review

Provided that at least one member of such committee shall be a person who for a period of not less than ten years

(i) has held any judicial office in the service of the Crown in India, or

(ii) has been a Barrister, Advocate, Pleader, Attorney, or Solicitor of any court in British India.

(2) Every order passed by the Commissioner of Police or the District Magistrate, as the case may be, under section 5 shall, as soon as possible, be forwarded by him together with the relevant papers of the case to the committee appointed under sub-section (1).

(3) When an order has been served on any person under section 5 and has been complied with by him, he or any agent authorized by him in writing may, within fifteen days of such service, file a representation before the committee appointed under sub-section (1) giving reasons why such order should be modified or revoked.

(4) The committee shall, within one month from the date of service of an order under sub-section (1) of section 5, examine the proceedings relating to such order and shall consider such representation as may be made to it under sub-section (3) and shall forward the same together with its recommendation thereon to the Local Government who may confirm, modify or revoke the order.

Right of
appeal.

9. When an order has been served on any person under section 5 and has been complied with by him, he or an agent authorised by him in writing may petition the Local Government to revoke or modify the order and thereupon the Local Government shall consider such facts and circumstances relating to the case as may be placed before it, and may confirm, modify or revoke the order.

Failure to
comply with
order.

10. Any person who, having been directed by an order made and served on him under section 5—

- (a) to remove himself from the Presidency Area or from the Presidency of Bombay, fails to remove himself therefrom within the time specified in the order,
- (b) not to return to the Presidency Area or the Presidency of Bombay within a specified period, returns thereto within such period without the written permission of the Commissioner of Police or the District Magistrate, as the case may be,

may be arrested without a warrant by any police officer, and—

- (i) may be removed in police custody outside the Presidency Area or the Presidency of Bombay, as the case may be, or
- (ii) on conviction before a Presidency Magistrate or a Magistrate of the first class, may be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees or with both:

Provided that notwithstanding such conviction and punishment if the period for which such person was directed to remove himself under sub-section (1) or sub-section (2) of section 5 has not expired on the date on which the fine, if any, is paid or the term of his imprisonment, if any, under this clause expires he may be removed in police custody outside the Presidency Area or the Presidency of Bombay, as the case may be, for the unexpired portion of such period. "

Explanation.—For the purposes of this proviso the period of imprisonment undergone by such person shall be treated as a part of the period for which such person was directed to remove himself under sub-section (1) or sub-section (2) of section 5.

11. No suit, prosecution or other legal proceeding whatever shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Act. Indemnity.

BOMBAY ACT No. XVIII OF 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 25th November 1929.)

An Act to provide for the establishment of Borstal Schools in the Presidency of Bombay.

WHEREAS it is expedient to provide for the establishment of Borstal schools in the Presidency of Bombay; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Bombay Borstal Schools Act, 1929. Short title.

2. (1) This Act shall apply to the whole of the Presidency of Bombay. Extent and commencement.

(2) It shall come into operation on such date as the Governor in Council may, by notification in the *Bombay Government Gazette*, appoint in this behalf.

3. In this Act, unless there is anything repugnant in the subject or context:— Definitions.

(a) "Borstal School" means a place in which young offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime;

(b) "Inspector-General" means the Inspector-General of Prisons and includes any officer appointed by the Governor in Council to perform all or any of the duties imposed by this Act on the Inspector-General;

(c) "prescribed" means prescribed by rules made under this Act.

4. (1) For the purposes of this Act the Governor in Council may establish one or more Borstal schools. Establishment of Borstal schools.

[Price—Anna 1 or 1 d.]

(2) For every Borstal school, a visiting committee shall be appointed in such manner as may be prescribed.

Application of the Prisons Act, 1894, and the Prisoners Act, 1900. 5. Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, the Prisons Act, 1894, and the Prisoners Act, 1900, and the rules framed thereunder shall apply in the case of every Borstal school established under this Act as if it were a prison and the inmates prisoners. IX o
1894
III o
1900

Court may pass order for detention in a Borstal school. 6. When an offender is found guilty of an offence for which he is liable to be sentenced to transportation or imprisonment, or is liable to imprisonment for failure to furnish security under Chapter VIII of the Code of Criminal Procedure, 1898, whether any previous conviction is proved against him or not, and it appears to the Court— V of
1893

(a) that the offender is not less than sixteen or, in any district or place in which the Bombay Children Act, 1924, is not in operation less than fifteen, nor more than twenty-one years of age; and Bom. A
of 1924

(b) that by reason of his criminal habits or tendencies, or association with persons of bad character it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation,

it shall be lawful for the Court, if empowered in this behalf, to pass, in lieu of a sentence of transportation or imprisonment, or of an order of imprisonment under section 123 of the Code of Criminal Procedure, 1898, an order for the detention of the offender in a Borstal school for such term, not being less than two years nor more than five years, as the Court, subject to rules made under this Act, thinks fit: V of
1898.

Provided that before passing such an order the Court shall give an opportunity to the parents or guardians of the said offender to be heard and shall consider any report or representation which may be made to it as to the suitability of the case

for treatment in a Borstal school, and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case, are such that the offender is likely to profit by such instruction and discipline as aforesaid.

7. The Governor in Council may, by rules made under this Act, direct that any class or classes of persons specified in such rules shall not be ordered to be detained in a Borstal school.

Power of Government to exempt.

8. The powers conferred on Courts by this Act shall be exercised only by the High Court, a Court of Session, a District Magistrate, a sub-divisional Magistrate, a salaried Presidency Magistrate, or a Magistrate of the first class and may be exercised by such Courts whether the case comes before them originally, or on appeal, or in revision.

Courts empowered to pass order for detention.

9. (1) When any Magistrate not empowered to pass an order for detention under this Act is of the opinion that an offender who has been found guilty by him or who has failed to furnish the security which the Magistrate has ordered him to furnish under Chapter VIII of the Code of Criminal Procedure, 1898, is a proper person to be detained in a Borstal school, he may, without passing any order, record such opinion and submit his proceedings and forward the offender to the District Magistrate or the Chief Presidency Magistrate, as the case may be, to whom he is subordinate.

Procedure when Magistrate is not empowered to pass an order under this Act.

(2) The District Magistrate or Chief Presidency Magistrate to whom the proceedings are so submitted may transfer the proceedings to any Magistrate subordinate to him competent to pass an order under this Act, or, as the case may be, to a salaried Presidency Magistrate.

(3) The District Magistrate or Chief Presidency Magistrate to whom the proceedings are so submitted or any Magistrate to whom the proceedings are so transferred may make such further enquiry

(if any) as he may think fit and may pass such order for the detention of the offender in a Borstal school, or such other sentence or order, as he might have passed if such offender had originally been brought before or tried by him.

Limitation
on powers
conferred by
section 6.

10. Any offender detained in a Borstal school for failure to furnish security when ordered to do so under section 106 or section 118 of the Code of Criminal Procedure, 1898, shall be released on v of furnishing such security or on the passing of an 1398. order under section 124 of the said Code.

Transfer
from prison
to Borstal
school.

11. The Inspector-General may, if satisfied that a person undergoing transportation or imprisonment in consequence of a sentence passed either before or after the commencement of this Act, being within the limits of age within which persons may be ordered to be detained in a Borstal school under this Act, might with advantage be detained in such school, direct him to be transferred from prison to a Borstal school, there to serve the whole or any part of the unexpired residue of his sentence, and whilst detained in such a school, the provisions of this Act shall apply to such person as if he had been originally ordered to be detained in a Borstal school.

Transfer of
incurrigibles
etc., to
prison.

12. (1) Where an offender detained in a Borstal school escapes, or is reported to the Governor in Council by the Inspector-General to be incorrigible or to exercise a bad influence on the other inmates of the school, the Governor in Council may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Governor in Council may determine, but in no case exceeding the shorter of the following two periods :—

(a) the unexpired residue of the term of detention, or

(b) the maximum period of imprisonment provided by law for the offence of which the offender was found guilty or the failure to give security, as the case may be, in

consequence of which the offender was ordered to be detained in a Borstal school.

(2) Such offender may be confined in any prison within the Bombay Presidency by warrant under the hand of a Secretary to Government and effect shall be given to such warrant and the sentence of imprisonment passed upon such offender shall be executed in the same manner as if such person had been sentenced by a competent court of criminal jurisdiction.

13. (1) Every offender ordered to be detained in a Borstal school shall be detained in such Borstal school as the Governor in Council may, by general or special order, or in the prescribed manner, appoint for the reception of persons so ordered to be detained :

Government to determine the Borstal school in which a person shall be detained and may order removal.

Provided that, if accommodation in a Borstal school is not immediately available for such offender, he may be detained in a special ward, or such other suitable part of a prison as the Governor in Council may direct until he can be sent to a Borstal school. The period of detention so undergone shall be treated as detention in a Borstal school.

(2) The Governor in Council may order the removal of any offender from any one Borstal school to any other Borstal school, provided that the whole period of his detention in a Borstal school shall not be increased by such removal.

14. (1) Subject to the prescribed conditions, the Inspector-General may, on the recommendation of the Visiting Committee, at any time after the expiration of six months from the commencement of the detention of an offender in a Borstal school, if he is satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life, discharge him from the Borstal school and grant him a written licence in the prescribed form and on the

Power to release on licence.

prescribed conditions permitting him to live under the supervision and authority of such—

- (a) officer of Government,
- (b) secular institution,
- (c) religious society, or
- (d) responsible person, as may be approved by the Inspector-General and willing to take charge of the offender.

(2) A licence under this section shall be in force until the expiry of the term for which the offender was ordered to be detained in a Borstal school, unless sooner revoked.

(3) The period during which an offender is absent from a Borstal school during the continuance of a licence granted to him under this section shall, for the purposes of computing his term of detention in such school, be deemed to be part of that detention.

Revocation
of licence.

15. (1) Subject to the prescribed conditions, the Inspector-General may at any time, and shall, at the request of the institution, society or person under whose supervision and authority the offender has by licence been permitted to live, revoke a licence granted under section 14, and upon such revocation the offender shall be detained in a Borstal school until the expiry of the term for which he was ordered to be detained in such school.

(2) If an offender removes himself from the supervision of the institution, society or person under which he was by licence permitted to live, his licence shall be deemed to have been revoked from the date on which he has so removed himself.

Subsequent
supervision.

16. (1) When the Inspector-General and the Visiting Committee report that the conduct of any offender detained in a Borstal school has been such that it is expedient that he shall remain under supervision for a further period after the end of the term of detention, the Governor in Council may direct that he shall, on the expiration of the term of his detention, remain for a further period not exceeding one year under the supervision of such

authority, society or person as the Inspector-General, subject to rules made under this Act, may direct.

(2) The Governor in Council may also direct that any offender who is under supervision in accordance with sub-section (1) shall again be detained in a Borstal school for such period as he may think fit, provided that the total period of detention under this section shall not exceed one year.

17. No person shall be detained in a Borstal school after he has, in the opinion of the Governor in Council, attained the age of twenty-three years, or, if in any particular case the Governor in Council so directs, after he has attained the age of twenty-five years. Period of detention.

18. Any offender who, in contravention of the provisions of this Act, has escaped from a Borstal school, or has escaped from the supervision of any authority, institution, society or person under whose supervision he has been directed to remain, or has been permitted to live by licence under section 14, may be arrested by any officer of Police without warrant and without the order of a Magistrate and sent back to the Borstal school or to such authority, institution, society or person, as the case may be. Arrest of offender escaping from Borstal school, or escaping from supervision.

19. (1) The Governor in Council may make rules for the regulation and management of any Borstal school and for the carrying into effect of the provisions of this Act. Rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or determine—

(a) the control and management of Borstal schools established under this Act;

(b) the appointment, powers and duties of officials in such schools;

(c) the constitution, powers and duties of visiting committees;

(d) the classification, control, discipline, training, instruction and treatment of offenders ordered to be detained in a Borstal school and for the temporary detention of such offenders until

arrangements can be made for sending them to such school ;

(e) the regulation of visits to, and communication with, offenders detained in such school ;

(f) the restriction or prohibition of the supply to, or possession by, offenders detained in such school of any specified articles or kinds of articles ;

(g) the period for which offenders or any class or classes of offenders may, within the limits fixed by this Act, be ordered to be detained in such school ;

(h) the class or classes (if any) of offenders who shall not be ordered to be detained in such school ;

(i) the form and conditions of licences granted under section 14 ;

(j) the supervision of offenders after the expiration of the term of their detention ;

(k) the transfer of incorrigible offenders from a Borstal school to prison.

(3) The making of rules under this section shall be subject to the condition of previous publication. Such rules shall be laid on the table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified. If any rule is modified the Governor in Council may accept the modification and reissue the rule accordingly or may rescind the rule.

Removal of
disqualifica-
tion.

20. The Governor in Council may, on the recommendation of the Inspector-General and the Visiting Committee, or otherwise remove any disqualification incurred by an offender ordered to be detained in a Borstal school on account of such detention.

Appeal or
revision.

21. For the purposes of appeal and revision under the Code of Criminal Procedure, 1898, an order of detention under section 6 of this Act shall be deemed to be a sentence of imprisonment for the same period: ^{v. of} ₁₈₉₈

Provided that nothing contained in the Code of
v of Criminal Procedure, 1898, shall be construed to
1898. authorise any Court or Magistrate to alter or
reverse in appeal or revision any order passed with
respect to the age of an offender or the substitution
of an order for detention in a Borstal school for
transportation or imprisonment.

BOMBAY ACT No. XIX OF 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 18th December 1929.)

An Act further to amend the Bombay Children Act, 1924.

WHEREAS it is expedient further to amend the Bombay Children Act, 1924, in manner hereinafter appearing: And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

Bom. XIII
of 1924.

5 & 6
Geo. V,
c 61.

1. This Act may be called the Bombay Children (Amendment) Act, 1929. Short title.

Bom. XIII
of 1924

2. For section 4 of the Bombay Children Act, 1924, the following shall be substituted, namely:— Amendment of section 4 of Bom. XIII of 1924

VIII of
1897.

"4. In the Reformatory Schools Act, 1897, in its application to the Presidency of Bombay,— Amendment of sections 4, 8 and 10 of Act VIII of 1897.

(a) for the word 'fifteen' occurring in section 4 (a) and in section 10 and the marginal note thereto, the word 'sixteen' shall be substituted; and

(b) in sub-section (1) of section 8 for the word 'three' the word 'two' shall be substituted."

[Price—Pies 6 or 1d.]

H 540

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

BOMBAY ACT No. XX OF 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 20th December 1929.)

An Act further to amend the Bombay District Municipal Act III of 1901.

Bom.
III of
1901 WHEREAS it is expedient further to amend the Bombay District Municipal Act III of 1901 in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay District Short title Municipal (Amendment) Act, 1929.

Bom.
III of
1901. 2. After section 46 of the Bombay District Insertion of
new section
46A in Bom.
III of 1901. Municipal Act, 1901, the following section shall be inserted, namely :—

“46-A. A Municipality may, at their discretion, make rules, not inconsistent with this Act, determining the conditions under which gratuities or compassionate allowances may be paid to the surviving relatives of their officers and servants or any of them who die during service and the amount of such gratuities or compassionate allowances : Discretionary
power to
make rules

Provided that no rule made, or alteration or rescission of a rule made under this section shall have effect unless and until it has been approved, in the case of City Municipalities, by the Local Government, or in other cases by the Commissioner.”

[Price—Pies 6 or 1d.]

BOMBAY ACT No. XXI OF 1929.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 27th December 1929.)

An Act further to amend the Bombay Revenue Jurisdiction Act, 1876.

X of
1876. WHEREAS it is expedient further to amend the Bombay Revenue Jurisdiction Act, 1876, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay Revenue Jurisdiction (Amendment) Act, 1929. Short title.

X of
1876. 2. For section 16 of the Bombay Revenue Jurisdiction Act, 1876, the following section shall be substituted, namely:— Amendment of section 16 of Act X of 1876.

"16. Whenever any suit is brought in any Court of a subordinate judge of the first class against Government, or against any Revenue Officer, and the Government undertakes the defence thereof, it shall be lawful for the Government, by certificate signed by a Secretary thereto, to require that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in the Court of the first class subordinate judge, or, if the suit is transferred, in the Court of the District Judge; and the Court shall give effect to every such requirement. Privileges of Government in suits defended by it.

The privilege conferred on Government by this section shall, *mutatis mutandis*, apply to any appeal or special appeal against any decree in any such suit as is described in this section."

[Price—Pies 6 or 1d.]

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BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

COLLECTION OF

3 0 APR 1930

BOMBAY



Table showing the effect of
Legislation by Bombay Acts
in the Year 1929

[Price—Anna 1 or 1d.]

BOMBAY

PRINTED AT THE GOVERNMENT CENTRAL PRESS

1930

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Bombay, or through the High Commissioner for India, 42 Grosvenor
Gardens, S.W.1, London, or through any recognized Bookseller

Table showing the effect of legislation by Bombay Acts in the year 1929.

Repeals and amendments effected by Bombay Acts, 1929.

1-561-94

Serial No.	Enactments affected	Repeals	Amendments	Repealing or Amending Act
1	2	3	4	5
(Acts of the Governor-General in Council)				
1	The Provincial Small Causes Courts Act, IX of 1887	..	<p>On and from the date on which the Karachi Small Causes Court Act, IV of 1929, came into operation the Provincial Small Causes Courts Act, 1887, so far as it applied to the taluka of Karachi, was repealed, subject to the following provisos — Provided that—</p> <p>(a) all notifications published, declarations and rules made, places appointed, securities given, agreements filed, scales prescribed, forms framed, appointments made and powers conferred under the said Act or any Act amending the same and still in force shall, so far as they are not inconsistent with this Act, be deemed to have been respectively published, made, appointed, given, filed, prescribed, framed and conferred under this Act,</p> <p>(b) all proceedings instituted before, and pending at the date on which this Act comes into force in the Court of Small Causes at Karachi under the Provincial Small Causes Courts Act, 1887, shall be continued, tried, heard and determined as if they had been instituted under this Act,</p> <p>(c) all appeals and revision proceedings instituted under the Provincial Small Causes Courts Act, 1887, before, and pending at, the date on which this Act comes into force in the Chief Court, shall be continued, tried heard and determined as if this Act had not been passed,</p> <p>(d) all decrees passed and orders made under the Provincial Small Causes Courts Act, 1887, shall be deemed, for the purposes of execution, to have been passed under this Act.</p> <p>Provided further that nothing contained in this section shall be construed to affect the period of limitation to which any proceeding or appeal may be subject.</p>	Bombay Act No IV of 1929, section 3
2	Indian Registration Act, No. XVI of 1908	....	<p>1 To sub-section (1) of section 8 of the Indian Registration Act, 1908, hereinafter called the said Act, the following was added, namely —</p> <p>“ Provided that the Local Government may delegate, subject to such restrictions and conditions as it thinks fit, to the Inspector-General of Registration the power of appointing inspectors of registration offices ”</p>	Bombay Act No. V of 1929, section 2.

Repeals and amendments effected by Bombay Acts, 1929—contd.

Serial No. 1	Enactments affected 2	Repeals 3	Amendments 4	Repealing or Amending Act 5
			<i>(Acts of the Governor-General in Council)—contd</i>	
	Indian Registration Act No. XVI of 1908— <i>contd.</i>		2. In section 13 of the said Act, (1) sub-sections (1) and (2) were repealed, and (2) after the word "Sub-Registrars" the words "and Inspectors of Registration offices" were inserted	<i>Ibid</i> , section 3
			3. To sub-section (2) of section 21 of the said Act the following was added, namely — "In all city surveyed areas in the Bombay Presidency, houses and lands shall also be described by their cadastral survey numbers as in the city survey maps and records"	<i>Ibid</i> , section 4
			4. In sub-section (2) of section 22 of the said Act for the word "Save" the words "Except in the case of city surveyed areas in the Bombay Presidency and except" were inserted.	<i>Ibid</i> , section 5.
			5. In section 30 of the said Act for the words "may in his discretion" the words "in his discretion, may, upon receipt of the prescribed fee, issue, or may" were substituted, and after the word "Issue" a comma was inserted.	<i>Ibid</i> , section 6.
			6. In sub-section (2) of section 51 of the said Act after the figures "80" the word and figures "sub-sections (2) and (4)" were inserted	<i>Ibid</i> , section 7.
			7. In section 54 of the said Act after the word "books" where it occurs for the second time the words "and there shall also be prepared current indexes of the contents of the copies filed under sub-sections (1) and (3) of section 89" were inserted	<i>Ibid</i> , section 8.
			8. In section 55 of the said Act, (a) for sub-section (1) the following was substituted, namely — "(1) six such indexes shall be made in all registration offices and shall be named, respectively, Index No I, Index No I-A, Index No. II, Index No II-A, Index No III and Index No. IV."	<i>Ibid</i> , section 9.

			(b) after sub-section (2) the following sub-section was inserted, namely:—		
			“(2A) Index No I-A shall contain the names including the father’s name, or, in the case of persons usually described by their mother’s name, the mother’s name and the places of residence of all persons executing, and of all persons claiming under, the documents of which copies are filed under sub-section (1) or (3) of section 89.”		
			(c) after sub-section (3) the following sub-section was inserted, namely:—		
			“(3A) Index No II-A shall contain such particulars mentioned in section 21 as the Inspector-General may, from time to time, prescribe in this behalf in regard to every copy filed under sub-section (1) or (3) of section 89.”		
			(d) for the words “and additions” wherever they occur the words “including the father’s name, or, in the case of persons usually described by their mother’s name, the mother’s name, and the places of residence” were substituted		
			9. In sub-section (1) of section 57 of the said Act after the words and figure “Book No I” the following words and figures were inserted, namely —	<i>Ibid</i> , section 10	
			“and, so long as they are preserved, the copies filed under sub-sections (1) and (3) of section 89 and the indexes relating to such copies”		
			10. In clause (h) of sub-section (1) of section 69 of the said Act, after the figures “I” and “II” the figures “I-A” and “II-A” respectively were inserted.	<i>Ibid</i> , section 10	
			11. In sub-sections (1) and (3) of section 89 of the said Act for the words and figure “Book No. I” the word “office” was substituted	<i>Ibid</i> , section 11	CS
3	Second Schedule to the Code of Criminal Procedure, 1898.	....	Notwithstanding anything contained in the Second Schedule to the Code of Criminal Procedure, 1898, the offence of criminal intimidation shall be a cognizable offence as defined in that Act and the rest of the provisions of that Act shall have effect accordingly.	Bombay Act No. VIII of 1929, section 4	
4	The Sindh Incumbered Estates Act No XX of 1896.	....	To section 29 of the Sindh Incumbered Estates Act, 1896, the following was added, namely — “or in the case of a loan granted under the Land Improvement Loans Act, 1883, or the Agriculturists’ Loans Act, 1884, with the previous sanction of the officer granting such loan.” (Acts of the Local Legislature of the Bombay Presidency)	Bombay Act No. XI of 1929, section 2.	
1	Indian Stamp (Bombay Amendment) Act, 1922.	....	In clause (xx) of section 1 of the Indian Stamp (Bombay Amendment) Act, 1922, for the word “seven” the word “eight” was substituted	Bombay Act No. I of 1929, section 3.	
2	Court-fees (Bombay Amendment) Act, 1926.	....	In sub-section (3) of section 1 of the Court-fees (Bombay Amendment) Act, 1926, the word “four” was substituted for the word “three”	Bombay Act No. II of 1929, section 3	

Repeals and amendments effected by Bombay Acts, 1929— contd.

Serial No 1	Enactments affected 2	Repeals 3	Amendments 4	Repealing or Amending Act 5
			<i>(Acts of the Local Legislature of the Bombay Presidency)—contd.</i>	
3	Bombay Pleaders' Act (No. XVII of 1920)	.	<p>1. In sub-section (2) of section 4, after the words " the district," the words " or districts " were inserted</p> <p>2. In section 5 of the said Act— (1) To sub-section (1) the following proviso was added — " Provided that when a district for which a sanad is to be issued comprises any area which for the purpose of administration of revenue or criminal justice or both is also included in any other district the sanad may be held in respect of both such districts "</p> <p>(2) In sub-section (2) the word " one " shall be deleted</p> <p>3. In section 8 of the said Act, after the words " within the district " the words " or districts " were inserted</p>	<p>Bombay Act No VI of 1929, section 2</p> <p><i>Ibid</i>, section 3</p> <p><i>Ibid</i>, section 4.</p>
4	The Bombay Abkari Act No. V of 1878.	.	<p>1. For section 18-B of the Bombay Abkari Act, 1878, the following was substituted —</p> <p>" 18-B. (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.</p> <p>(2) In this section ' prescribed area ' means such area, comprising either the whole or some portion of the Presidency of Bombay, excluding Sund, as the Government from time to time notifies in this behalf; and ' prescribed limit ' means five seers or such greater quantity as the Government from time to time notifies in this behalf</p> <p>The power to issue notifications under this sub-section shall be subject to the condition of previous publication</p>	<p>Bombay Act No. IX of 1929, section 2</p>

(3) Provided that within such limits of the districts and areas mentioned in column 1 of the subjoined table as the Government may, by a notification in the *Bombay Government Gazette*, specify, and within the period specified against such districts and areas respectively in column 2 of the said table or such longer period embracing the said period as the Government may, from time to time, by a notification in the *Bombay Government Gazette*, direct (hereinafter called "the vacation period"), no license, permit or pass shall be necessary for the collection, transport, sale or possession anywhere of any quantity of mhowra flowers which are the produce of that year and, in the case of the districts and areas mentioned in entries (2) and (3) of column 1 of the said table, which are the produce of the said districts and areas or of any or either of them or other portion of a prescribed area so specified

TABLE

1 Districts and areas	2 Period within which no license, etc, shall be necessary for the collection, etc, of mhowra flowers
(1) Kaira and Panch Mahals districts, the North and South Daskrol, Prantij and Dholka talukas and the Modasa Mahal of the Ahmedabad District; and the Nawapur, Nandurbar, Sakri, Shirpur, Shahada and Taloda talukas and the Akrani Mahal of the West Khandesh District.	From the 16th February to the 31st July in each year
(2) Thana, Nasik, Kolaba and the East Khandesh districts and such portion of the West Khandesh District as is not covered by entry (1) of this table	From the 16th February to the 31st May in each year
(3) Broach, Surat, Ahmednagar, Poona and Belgaum districts and such portion of the Ahmedabad District as is not covered by entry (1) of this table	From the 16th February to the 15th May in each year.

(4) Provided further that unless Government by a notification in the *Bombay Government Gazette* otherwise directs, no license, permit or pass shall be necessary for the transport by rail of any quantity of mhowra flowers mentioned in sub-section (3) through an area which has no vacation period or the vacation period for which as prescribed in column 2 of the said table has expired at the time when the transport takes place, provided that—

(i) the said flowers are not unloaded in transit and

(ii) there is a vacation period at the places from and to which the said flowers are transported at the time when the said flowers are despatched or arrive, as the case may be "

CT

Repeals and amendments effected by Bombay Acts, 1929—contd

Serial No. 1	Enactments affected 2	Repeals 3	Amendments 4	Repealing or Amending Act 5
5	Bombay Smoke-nuisances Act No. VII of 1912	....	<p align="center"><i>(Acts of the Local Legislatures of the Bombay Presidency)—contd.</i></p> <p>1. In section 3 of the Bombay Smoke-nuisances Act, 1912, hereinafter called the said Act, (1) After sub-section (1) the following was inserted — “ (1A) ‘Flue’ or ‘chimney’ means any ‘flue’ or ‘chimney’ joined to, connected with or forming part of a furnace.” (2) In clause (a) of sub-section (5) the words “flue or chimney” shall be inserted after the word “furnace” wherever it occurs</p> <p>2. After section 9 of the said Act, the following sections were inserted, namely — “ 9A. (1) No furnace, flue or chimney shall be erected, altered, added to or re-erected except in accordance with plans approved by the Commission. (2) If any furnace, flue or chimney is erected, altered, added to or re-erected in contravention of the provisions of sub-section (1), the owner of such furnace, flue or chimney shall be liable to fine which may extend to one hundred rupees; and, if any such furnace, flue or chimney is used without the permission of the Commission, to a further fine not exceeding twenty rupees for every day during which such use continues. 9B (1) A Magistrate imposing a fine on any person under sub-section (2) of section 9A may, by order, direct such person to demolish the furnace, flue or chimney within a period to be specified in the order. (2) Any such person failing to demolish any furnace, flue or chimney within the period specified in the order, or within such longer period as the Magistrate may, for reasons to be stated, allow, shall be liable to fine which may extend to twenty rupees for every day thereafter during which such failure continues.”</p> <p>3. In section 10 of the said Act, (a) after the word “furnace,” wherever it occurs, the words “flue or chimney” were inserted; (b) the words “or stoked” occurring in clause (c) of sub-section (1) were omitted.</p> <p>4. After clause (h) of sub-section (2) of section 11 of the said Act, the following was inserted.— “ (hh) prescribe the procedure regarding the submission and approval of plans under sub-section (1) of section 9A.”</p>	<p>Bombay Act, No. X of 1929, section 2.</p> <p><i>Ibid</i>, section 3.</p> <p><i>Ibid</i>, section 4.</p> <p><i>Ibid</i>, section 5.</p>

6	The Bombay Medical Act, No. VI of 1912	....	1. After sub-section (I) of section 7 of the Bombay Medical Act, 1912, the following sub-section was inserted, namely — “(1a) Every person for the time being registered under any Act for the registration of medical practitioners in force in any other province in India with the Medical Council of such province shall, if reciprocity of registration has been arranged with such Council, be entitled, on production of his registration certificate, to have registered under this Act, free of charge, such qualifications entered in the said certificate as are registrable under this Act”	Bombay Act, No. XII of 1929, section 2
7	The Bombay University Act, No IV of 1928	....	1. In Part (A) under the heading “II Ordinary” in sub-section (I) of section 13 of the Bombay University Act, 1928— (a) in entries (u) (f), (g), (h), (i) and (j) for the expression “city municipalities” the expression “municipal boroughs” was substituted; (b) in entry (v) (j) after the word “Group” the words “and the Karachi municipality” were inserted, (c) in Explanation (1) the words “the schools and colleges in” were omitted, and (d) in Explanation (2) the word “city” was omitted	Bombay Act, No. XIII of 1929, section 2.
8	The Bombay Prevention of Gambling Act, No IV of 1887.	....	1. For clause (c) in section 3 of the Bombay Prevention of Gambling Act, 1887, the following was substituted, namely — “Between any individual or individuals in person on the one hand and such licensee on the other hand, or between any number of individuals in person, in such manner and by such contrivance as may be permitted by such license”	Bombay Act, No. XIV of 1929, section 2.
9	The Bombay Land Revenue Code, No V of 1879	....	1. For section 216 of the Bombay Land Revenue Code, 1879, the following section was substituted:— “216 (1) The provisions of Chapters VIII to X shall be applicable to— (a) all unalienated lands situated within the limits of an alienated village; (b) unalienated shares of villages of which a definite share defined by metes and bounds is alienated, (c) alienated villages the holders of which are entitled to a certain amount of the revenue, but of which the excess above such amount belongs to Government. (2) Save as is otherwise provided in section 111 and in this section, no provision of the said Chapters shall be applied to any other alienated village except for the purposes of fixing its boundaries and of determining any disputes relating thereto, unless the extension of the provision is authorised by the Commissioner acting on the written application of the sole holder, or, if there be more than one holder, of the holder or holders representing in the aggregate not less than one-half of the total interests in the village in respect of its alienated revenue. If any share of the village is unalienated the prescribed proportion of one-half shall be reckoned as if the village were wholly alienated, Government being considered as the holder in respect of the unalienated share.	Bombay Act, No. XV of 1929, section 2.

Repeals and amendments effected by Bombay Acts, 1929—contd

Serial No.	Enactments affected	Repeals	Amendments	Repealing or Amending Act
1	2	3	4	5
			<i>(Acts of the Local Legislature of the Bombay Presidency)—concld</i>	
	The Bombay Land Revenue Code, No. V of 1879— <i>contd.</i>		<p>(3) In any case in which action under sub-section (2) is taken lawfully by the Commissioner on the application of some only of the holders of the village any covenant or agreement relative to the extension of the said Chapters or incidental thereto, entered into by such holders shall also be binding on the remaining holders of the village in respect of their shares in the revenue of the village as if such covenant or agreement had been entered into by them.</p> <p>(1) All survey settlements heretofore introduced in alienated villages shall be valid as if they had been introduced in accordance with the provisions of this section."</p>	
10	The Bombay Port Trust Act, No. VI of 1879.	.	<p>1. In section 5 of the Bombay Port Trust Act, 1879—</p> <p>(a) in sub-section (1) for the word "twenty-one" the word "twenty-two" and for the word "seven" the word "eight" were substituted;</p> <p>(b) in sub-section (2) for the word "seven" the word "eight" was substituted, and after the word "Brigade" the words "and one shall be representative of Labour" were added.</p>	Bombay Act, No. XVI of 1929, section 2.
11	The Bombay Children Act, No. XIII of 1924.	....	<p>1 For section 4 of the Bombay Children Act, 1924, the following was substituted, namely.—</p> <p>"4. In the Reformatory Schools Act, 1897, in its application to the Presidency of Bombay,—</p> <p>(a) for the word 'fifteen' occurring in section 4 (a) and in section 10 and the marginal note thereto, the word 'sixteen' shall be substituted, and</p> <p>(b) in sub-section (1) of section 8 for the word 'three' the word 'two' shall be substituted."</p>	Bombay Act, No. XIX of 1929, section 2.
12	Bombay District Municipal Act III of 1901.	....	<p>1 After section 46 of the Bombay District Municipal Act, 1901, the following section was inserted, namely—</p> <p>"46-A A Municipality may, at their discretion, make rules, not inconsistent with this Act, determining the conditions under which gratuities or compassionate allowances may be paid to the surviving relatives of their officers and servants or any of them who die during service and the amount of such gratuities or compassionate allowances :</p> <p>Provided that no rule made, or alteration or rescission of a rule made under this section shall have effect unless and until it has been approved, in the case of City Municipalities, by the Local Government, or in other cases by the Commissioner "</p>	Bombay Act, No. XX of 1929, section 2.

13

B o m b a y
Revenue Juris-
diction Act,
1878.

....

For section 16 of the Bombay Revenue Jurisdiction Act, 1878, the following section was substituted, namely.—

“16. Whenever any suit is brought in any Court of a subordinate judge of the first class against Government, or against any Revenue Officer, and the Government undertakes the defence thereof, it shall be lawful for the Government, by certificate signed by a Secretary thereto, to require that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in the Court of the first class subordinate judge, or, if the suit is transferred, in the Court of the District Judge ;

and the Court shall give effect to every such requirement.

The privilege conferred on Government by this section shall, *mutatis mutandis*, apply to any appeal or special appeal against any decree in any such suit as is described in this section.”

Bombay Act, No. XXI of
1929, section 2.

Letter.

No. J.B. 155.

Poona, 4/11/ ~~October~~ 1946.

To

The Superintendent,
Government printing & stationery,
B o m b a y.

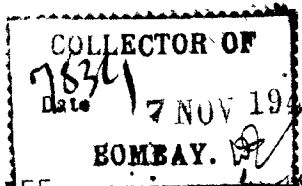
Subject:- Correction slips.

Printing of the --- to the rules
for the control & management of
the Yeravda Industrial School, Poona 6.

Reference Government Resolution, Home Department,
No. 8181/3(479) dated the 16th december 1941.

control & management of 2. Herewith are copies of two correction slips issued *to the unders for*
the Yeravda Industrial School, Poona. I have been -
directed by Government to get these correction slips printed
and to distribute them among the officers mentioned in the
endorsement of the said Government Resolution. I have, -
therefore, to request you kindly to print the said -
correction slips at an early date. The officers concerned
are being requested to intimate their requirements to you
direct. On knowing the requirements, the correction slips
may please be supplied to them direct. The Secretary to
Government, Home Department, Bombay may be supplied with 20
copies of each of the correction slips as required, and this
office, with 10 copies of each of the slips.

The favour of an early action in the matter is
requested.



Sd/- G. H. Astle.

Chief Inspector of Certified Schools,
Bombay Province, Poona.

No. J.B. 155.

Poona, 4/11/ ~~October~~ 1946.

Copy f.w.c. to:-

The Commissioner, Northern Division, Ahmedabad,
The Commissioner, Central Division, Poona,
The Commissioner, Southern Division, Belgaum,
The Inspector General of Prisons, Bombay Province,
Poona,
The Inspector General of Police, Bombay Province,
Poona,
The Director of Public & Instruction, Poona,
The Surgeon General with the Government of Bombay,
Bombay,
All Sessions Judges,
All District Magistrates,
The Chief Presidency Magistrate, Bombay,
The Commissioner of Police, Bombay,
The Remembrancer of Legal Affairs, Bombay,
The Accountant General, Bombay,
The Examiner, Outside Audit, Bombay,
The Solicitor to Government,
The Manager, Central Prison, Yeravda,
The Civil Surgeon, Poona,
The Principal, College of Agriculture, Poona,

✓ The Collector of Bombay, Bombay. (P.T.O.)

The Superintendent, Central Mental Hospital, Yeravda,
 Poona 6,
 The Superintendent, Yeravda Industrial School, Poona 6,
 The Secretary to Government, Finance Department, Bombay,
 The Secretary to Government, Political & Services
 Department, Bombay,
 The Secretary to Government, Educational Department,
 Bombay,
 The Secretary to Government, Revenue Department,
 Bombay,
 The Prothonotary & Senior Master, High Court, Bombay,
 The Registrar, High Court, Appellate Side, Bombay,

with a request to intimate direct to the Superintendent,
 Government, Printing & Stationery, Bombay by the 19th
 November 1946 the number of copies of the correction slips
 to the rules required by them.

D.K. Khan

Chief Inspector of Certified Schools,
 Bombay Province, Poona.

S17710.
 COLLECTOR OF
 Date 7 NOV 1946
 BOMBAY.

HOME DEPARTMENT.
 Bombay Castle, 24th May 1946.

Bombay Children Act, 1924.

No.8181/3-I. - In exercise of the powers conferred by
 sub-section (1) of section 35 and section 52 of the Bombay
 Children Act, 1924 (Bon. XIII of 1924), the Government of
 Bombay is pleased to direct that the rules made for the
 control and management of the Yeravda Industrial School and
 published in Government Notification, Home Department, -
 No.8181/3, dated the 16th December 1941, should be amended as
 follows, namely:-

In rule 42 of the said rules for the existing clause
 relating to the fixing of the number of inmates in the ~~monitor's~~
 monitor's grade the following shall be substituted, viz.:-

" Monitor's grade.- Not more than 10 per cent. of the
 total number of inmates of exceptionally good conduct selected
 from 'A' class shall be promoted as monitors and head
 monitors."

By order of the Governor of Bombay,

J. G. SIMMS, Secy.

.....

S17/10.

HOME DEPARTMENT.

Bombay Castle, 24th May 1946.

Bombay Children Act, 1924.

No.8181/3-I. - In exercise of the powers conferred by sub-section (1) of section 35(1) and section 52 of the Bombay Children Act, 1924 (Bom.XIII of 1924), the Government of Bombay is pleased to direct that the rules made for the control and management of the Yeravda Industrial School and published in Government Notification, Home Department, No.8181/3, dated the 16th December 1941, should be amended as follows, namely:-

In rule 36 of the said rules the words "The introduction of any of these articles by any of the School staff shall - render the offender liable to fine or dismissal" shall be deleted, and the following note shall be inserted below the said rule 36:-

" Note:- The introduction of any of these articles by any of the School Staff may render the offender liable to any of the punishments mentioned in rule 33 of the Bombay Civil Service Conduct, Discipline and Appeal Rules."

By order of the Governor of Bombay,

J. G. SIMMS, Secy.

S17/10.

....