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BOMBAY



Index to the Acts passed by the  
Local Legislature of the Bombay  
Presidency in the Year 1926

[Price—Annas 2, or, 3d.]

BOMBAY

PRINTED AT THE GOVERNMENT CENTRAL PRESS  
1927

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**Titles of Acts passed by the local Legislature of the  
Bombay Presidency in the year 1926.**

- I—An Act to amend the Indian Stamp (Bombay Amendment) Act, 1922.
- II—An Act further to amend the Indian Stamp Act, 1899, in its application to the Presidency of Bombay.
- III—An Act further to amend the Court-fees Act, 1870.
- IV—An Act further to amend the Cattle-trespass Act, 1871, in its application to the Presidency of Bombay.
- V—An Act further to amend the Bombay Prevention of Gambling Act, 1887.
- VI—An Act further to amend the Bombay Civil Courts Act, 1869.
- VII—An Act to consolidate and amend the law relating to the Courts in Sind.
- VIII—An Act further to amend the Bombay Port Trust Act, 1879.
- IX—An act to amend the Bombay Prevention of Prostitution Act, 1923.
- X—An Act to amend the Bombay City Municipalities Act, 1925.
- XI—An Act to amend the law relating to the emoluments claimable by hereditary Hindu priests.
- XII—An Act to amend the City of Bombay Police Act, 1902.

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**Index to the Acts passed by the Local Legislature of the  
Bombay Presidency in the Year 1926**

| —   | Year | Act | Section | Sub-section                       |
|---|------|-----|---------|-----------------------------------|
| <b>AN ACT TO AMEND THE INDIAN STAMP (BOMBAY AMENDMENT) ACT, 1922.</b>   |      |     |         |                                   |
| Short title .. .. .   | 1926 | I   | 1       |                                   |
| Amendment of section 1 ( <i>vis</i> ) of Bom. II of 1922 .  | "    | "   | 2       |                                   |
| <b>AN ACT FURTHER TO AMEND THE INDIAN STAMP ACT, 1899, IN ITS APPLICATION TO THE PRESIDENCY OF BOMBAY.</b>    |      |     |         |                                   |
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| Levy of increased duty on instruments relating to immovable property.   | "    | "   | 3       |                                   |
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| Amendment of Schedule I to VII of 1870 ..   | "    | "   | 3       |                                   |
| Amendment of Schedule II to VII of 1870 .   | "    | "   | 4       |                                   |
| <b>AN ACT FURTHER TO AMEND THE CATTLE-TRESPASS ACT, 1871, IN ITS APPLICATION TO THE PRESIDENCY OF BOMBAY.</b> |      |     |         |                                   |
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| Amendment of section 6 of Act I of 1871 ..  | "    | "   | 2       | (1) (a), (b), (2).                |
| <b>AN ACT FURTHER TO AMEND THE BOMBAY PREVENTION OF GAMBLING ACT, 1887.</b>                                   |      |     |         |                                   |
| Short title .. .. .   | "    | V   | 1       |                                   |
| Amendment of section 6 of Bom. IV of 1887' ..   | "    | "   | 2       |                                   |
| <b>AN ACT FURTHER TO AMEND THE BOMBAY CIVIL COURTS ACT, 1869.</b>   |      |     |         |                                   |
| Short title .. .. .   | "    | VI  | 1       |                                   |
| Amendment of section 32 of Act XIV of 1869 ..   | "    | "   | 2       |                                   |
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| Short title .. .. .   | "    | VII | 1       |                                   |
| Extent and commencement .. .. .   | "    | "   | 2       | (1), (2)                          |
| Establishment of Chief Court .. .. .  | "    | "   | 3       |                                   |
| Constitution of Chief Court and appointment and tenure of Judges.   | "    | "   | 4       | (1), (2) (a), (b), (c), (d), (3). |

|  | Year | Act | Section | Sub-section  |
|--|------|-----|---------|--|
| <b>AN ACT TO CONSOLIDATE AND AMEND THE<br/>LAW RELATING TO THE COURTS IN SIND</b>      |      |     |         |  |
| <i>—contd.</i>   |      |     |         |  |
| Provision for vacancy in the office of Chief Judge                                     | 1926 | VII | 5       |  |
| Provision for vacancy in the office of a Judge<br>other than the Chief Judge           | "    | "   | 6       |  |
| Rank and precedence of Chief Judge and Judges<br>of Chief Court.                       | "    | "   | 7       | (1), (2).  |
| Civil and Criminal Jurisdiction of Chief Court ..                                      | "    | "   | 8       |  |
| Civil Jurisdiction in Karachi district ..  | "    | "   | 9       |  |
| Criminal Jurisdiction in Karachi sessions division                                     | "    | "   | 10      | (1) (a)<br>(b), (2).                                     |
| Delegation of powers to members of Court: Full<br>Bench.                               | "    | "   | 11      | (1), (2),<br>(3).  |
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| Review in certain criminal cases ..  | "    | "   | 13      |  |
| Appeal from Original Civil Jurisdiction of Chief<br>Court.                             | "    | "   | 14      | (1)  |
| Appeal from Appellate Civil Jurisdiction of a<br>single Judge.                         | "    | "   | "       | (2)  |
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| Power to make rules .. .. .  | "    | "   | 19      | (a), (b),<br>(c), (d),<br>(e), (f),<br>(g), (h),<br>(i). |
| Registers, books, accounts, statements and reports                                     | "    | "   | 20      |  |
| Civil districts .. .. .  | "    | "   | 21      | (1), (2).  |
| District Courts .. .. .  | "    | "   | 22      | (1).   |
| Original jurisdiction of district court .. ..  | "    | "   | "       | (2) .  |
| Joint Judges .. .. .   | "    | "   | 23      | (1), (2)<br>(3).   |
| Assistant Judges .. .. .   | "    | "   | 24      | (1), (2).  |
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| Power to invest joint or assistant judge with<br>powers of district court.             | "    | "   | 26      |  |
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| Appellate jurisdiction of district court ..  | "    | "   | 28      | (1), (2).  |
| Subordinate courts .. .. .   | "    | "   | 29      | (1), (2).<br>(3), (4),<br>(5).                           |
| Joint subordinate judges and deputation ..   | "    | "   | 30      | (1), (2),<br>(3).  |
| Jurisdiction of subordinate courts .. ..   | "    | "   | 31      | (1), (2).  |
| Special jurisdiction of first class subordinate judge                                  | "    | "   | 32      | (1), (2).  |
| Appeal from decision of first class subordinate<br>judge.                              | "    | "   | 33      |  |
| Appellate jurisdiction of first class subordinate<br>judge or small cause court judge. | "    | "   | 34      | (1), (2),<br>(3).  |
| Power to invest subordinate judges with small<br>cause powers .. .. .                  | "    | "   | 35      |  |
| Power to invest subordinate judges with juris-<br>diction under certain Acts.          | "    | "   | 36      | (1), (2),<br>(3).  |

|  | Year | Act  | Section | Sub-section  |
|--|------|------|---------|--|
| <b>AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE COURTS IN SIND</b><br>— <i>contd.</i> |      |      |         |  |
| Government suits .. .. .   | 1926 | VII  | 37      | (1), (2),<br>(3), (a),<br>(b), (v),<br>(vi), (vii),<br>(viii), (v),<br>(vi). |
| Temporary vacancy of office of district judge ..   | "    | "    | 38      |  |
| Delegation of powers of district judge ..  | "    | "    | 39      |  |
| Temporary vacancy of office of subordinate judge ..  | "    | "    | 40      |  |
| Suspension and removal .. .. .   | "    | "    | 41      | (1), (2),<br>(3).  |
| Appointment and removal of court officials ..  | "    | "    | 42      | (1), (2),<br>(3).  |
| Seal .. .. .   | "    | "    | 43      |  |
| Execution of decree for debt against certain privileged persons.                                 | "    | "    | 44      | (1), (2).  |
| Pending proceedings .. .. .  | "    | "    | 45      | (1), (2),<br>(3).  |
| Enactments amended and repealed Schedules ..   | "    | "    | 46      | (1), (2).  |
| <b>AN ACT FURTHER TO AMEND THE BOMBAY PORT TRUST ACT, 1879.</b>                                  |      |      |         |  |
| Short title .. .. .  | "    | VIII | 1       |  |
| Amendment of section 22 of Bom. VI of 1879 ..  | "    | "    | 2       | (a), (b).  |
| Amendment of section 49 of Bom. VI of 1879 ..  | "    | "    | 3       |  |
| Amendments made by sections 2 and 3 to have retrospective effect.                                | "    | "    | 4       |  |
| Amendment of section 61A of Bom. VI of 1879 ..   | "    | "    | 5       |  |
| <b>AN ACT TO AMEND THE BOMBAY PREVENTION OF PROSTITUTION ACT, 1923.</b>                          |      |      |         |  |
| Short title .. .. .  | "    | IX   | 1       |  |
| Amendment of section 1 of Bom. XI of 1923 ..   | "    | "    | 2       |  |
| Amendment of section 3 of Bom. XI of 1923 ..   | "    | "    | 3       |  |
| Amendment of section 9 of Bom. XI of 1923 ..   | "    | "    | 4       |  |
| Amendment of section 10 of Bom. XI of 1923 ..  | "    | "    | 5       |  |
| Amendment of section 13 of Bom. XI of 1923 ..  | "    | "    | 6       | (a), (b).  |
| <b>AN ACT TO AMEND THE BOMBAY CITY MUNICIPALITIES ACT, 1925.</b>                                 |      |      |         |  |
| Short title .. .. .  | "    | X    | 1       |  |
| Amendment of section 13 of Bom. XVIII of 1925.   | "    | "    | 2       |  |
| Substitution of a new section for section 33 of Bom. XVIII of 1925.                              | "    | "    | 3       |  |
| Sections 2 and 3 to have retrospective effect ..   | "    | "    | 4       |  |
| <b>AN ACT TO AMEND THE LAW RELATING TO THE EMOLUMENTS CLAIMABLE BY HEREDITARY HINDU PRIESTS.</b> |      |      |         |  |
| Short title .. .. .  | "    | XI   | 1       |  |
| Extent and commencement .. .. .  | "    | "    | 2       | (1), (2).  |
| Definitions .. .. .  | "    | "    | 3       |  |
| Right to claim ceremonial emoluments .. .. .   | "    | "    | 4       |  |

|   | Year | Act | section | Sub-section |
|---|------|-----|---------|-------------|
| <b>AN ACT TO AMEND THE LAW RELATING TO THE EMOLUMENTS CLAIMABLE BY HEREDITARY HINDU PRIESTS—<i>contd.</i></b> |      |     |         |             |
| Hereditary priest may be relieved of his obligation to perform services.                                      | 1926 | XI  | - 5     | (i), (ii).  |
| Extent to which rights of hereditary Hindu priest or his alienee affected under the Act.                      | "    | "   | 6       |             |
| <b>AN ACT FURTHER TO AMEND THE CITY OF BOMBAY POLICE ACT, 1902.</b>   |      |     |         |             |
| Short title .. .. .   | "    | XII | 1       |             |
| New section 29-A of Bom. IV of 1902 ..  | "    | "   | 2       |             |



# ACT No. I OF 1926.

*(First published after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 29th March 1926.)*

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

WHEREAS it is expedient to amend the Indian Stamp (Bombay Amendment) Act, 1922, in manner hereinafter appearing; 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:—

Bom. II of 1922.

5 & 6 Geo. 5, c. 61.

1. This Act may be called the Indian Stamp S h o r t  
(Bombay Amendment) Act, 1926. t i t l e.

2. In clause (iii) of section 1 of the Indian Stamp (Bombay Amendment) Act, 1922, for the word "four" the word "five" shall be substituted.

Bom. II of 1922.

A m e n d -  
m e n t  
o f  
s 1 (iii)  
o f B o m .  
I I  
o f  
1922.

[ Price—Pies 6 or 1d. ]

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BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

# BOMBAY ACT No. II OF 1926.

*(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 1st April 1926.)*

An Act further to amend the Indian Stamp Act, 1899, in its application to the Presidency of Bombay.

WHEREAS it is expedient further to amend the  
II of 1899. Indian Stamp Act, 1899, in its application to the  
Presidency of Bombay, to provide for the levy of a  
duty on the transfer of land in the City of Bombay;  
And Whereas the previous sanction of the Governor  
General required by section 80A (3) of the Govern-  
ment of India Act has been obtained for the  
5 and 6, passing of this Act; It is hereby enacted as  
Geo. V, c. 61. follows :—

1. (1) This Act may be called the Indian Stamp Short  
(Bombay Amendment) Act, 1926. title.

2. This Act shall extend to the City of Bombay Extent.  
only.

3. Notwithstanding anything contained in the Levy of  
Indian Stamp (Bombay Amendment) Act, 1922, in increased  
respect of any instrument (not being a lease or duty on  
transfer of a lease as defined in the Indian Stamp instru-  
Act, 1899, hereinafter referred to as the said Act, ments  
or an under-lease or sub-lease or an agreement to relating to  
let or sublet or a power of attorney) relating to immov-  
immovable property situate within the City of able  
Bombay for the entries in columns 1 and 2 against property.

Bom. II of 1922.

II of 1899.

[Price—Pies 6 or 1d.]

2 *Indian Stamp (Bombay Amendment) Act, 1926.* [BOM. II OF 1926.]

item 23 of Schedule I to the said Act the following entries shall be substituted, namely :—

| <i>In column 1.</i>   | <i>In column 2.</i> |
|---|---------------------|
|   | Rs. a. p.           |
| 23. Conveyance [as defined by section 2 (10)] not being a Transfer charged or exempted under No. 62—where the amount or value of the consideration for such conveyance as set forth therein |                     |
| does not exceed Rs. 50  | 0 8 0               |
| where it exceeds Rs. 50 but does not exceed Rs. 100   | 1 0 0               |
| where it exceeds Rs. 100 but does not exceed Rs. 200  | 2 0 0               |
| where it exceeds Rs. 200 but does not exceed Rs. 300  | 8 8 0               |
| where it exceeds Rs. 300 but does not exceed Rs. 400  | 12 0 0              |
| where it exceeds Rs. 400 but does not exceed Rs. 500  | 15 8 0              |
| where it exceeds Rs. 500 but does not exceed Rs. 600  | 19 0 0              |
| where it exceeds Rs. 600 but does not exceed Rs. 700  | 22 8 0              |
| where it exceeds Rs. 700 but does not exceed Rs. 800  | 26 0 0              |
| where it exceeds Rs. 800 but does not exceed Rs. 900  | 29 8 0              |
| where it exceeds Rs. 900 but does not exceed Rs. 1,000  | 33 0 0              |
| and for every Rs. 500 or part thereof in excess of Rs. 1,000  | 17 8 0              |

1. This Act may be called the Court-fees Short title.  
(Bombay Amendment) Act, 1930. (*Act II of 1930*)

2. This Act shall come into force on the 1st day of April 1930. Commence-  
ment.

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

VII of 1870. 3. The amendments made in the Court-fees Amendment  
of VII of  
1870 as  
amended by  
Bom. III of  
1926.  
Act, 1870, by the Court-fees (Bombay Amendment)  
Bom. III of 1926. Act, 1926, as subsequently amended, are hereby  
continued in operation for a further period of one  
year by the substitution in sub-section (3) of  
section 1 of the Court-fees (Bombay Amendment)  
Bom. III of 1926. Act, 1926, of the word 'six' for the word 'five'.

# BOMBAY ACT No. III OF 1926.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 31st March 1926.)

An Act further to amend the Court-fees Act, 1870.

VII of 1870.

WHEREAS it is expedient to provide for increased revenues for Government by further amending the Court-fees Act, 1870, in its application to the Presidency of Bombay in manner hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Court-fees (Bombay Amendment) Act, 1926.

Short title, extent, commencement and duration.

(2) It extends to the whole of the presidency of Bombay.

(3) It shall come into force on the 1st day of April 1926 and shall remain in operation for two years.

*Three*  
*By Bom. Act II of 1929*  
*Bom. Act II of 1928*

VII of 1870.

2. In section 7 of the Court-fees Act, 1870, hereinafter called "the said Act",

Amendment of section 7 of VII of 1870.

(a) to clause (d) of paragraph iv the words "or other consequential relief" shall be added;

*1. By Provis. Act II of 1930*

(b) in clauses (1), (2) and (3) of the proviso to paragraph v for the words "five", "ten" and "ten" the words "seven and a half", "fifteen" and "fifteen" shall, respectively, be substituted.

*"six" by Bom. Act I of 1931.*

3. For articles 1, 8, 11, 12 and 12-A of, and the Table of rates of *ad valorem* fees in Schedule I to the said Act the following shall be substituted, namely:—

Amendment of Schedule I to VII of 1870.

[Price—Anna 1 or 1d.]

## SCHEDULE I.

*Ad Valorem Fees.*

| Number.  | —  | Proper fee.   |
|--|--|---|
| 1. Plaint, written statement pleading a set off or counter-claim or memorandum of appeal (not otherwise provided for in this Act) or of cross-objection presented to any Civil or Revenue Court except those mentioned in section 3. | When the amount or value of the subject matter in dispute does not exceed five rupees.   | Six annas.  |
|  | When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees.   | Six annas.  |
|  | When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to one thousand rupees.   | Twelve annas.   |
|  | When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees.  | Five rupees.  |
|  | When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof in excess of five thousand rupees, up to ten thousand rupees.  | Twelve rupees and eight annas.                                      |
|  | When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees.   | Twenty-two rupees and eight annas.                                  |
|  | When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees.   | Thirty rupees.  |
|  | When such amount or value exceeds thirty thousand rupees, for every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees.  | Thirty rupees.  |
| 8. Copy of any document liable to stamp-duty under the Indian Stamp Act, 1899, when left by any party to a suit or proceeding in place of the original withdrawn.  | When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees :<br>Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be ten thousand rupees. | Thirty rupees.  |
|  | (a) When the stamp-duty chargeable on the original does not exceed one rupee.<br>(b) In any other case ...   | The amount of the duty chargeable on the original<br><br>One rupee. |

| Number.  | —  | Proper fee.   |
|--|--|---|
| <p>11. Probate of a will or letters of administration with or without will, annexed.</p> | <p>When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, on the part of the amount or value in excess of one thousand rupees, up to ten thousand rupees.</p> <p>When the amount or value of the property in respect of which the grant of probate or letters is made exceeds ten thousand rupees, on the part of the amount or value in excess of ten thousand rupees, up to fifty thousand rupees.</p> <p>When the amount or value of the property in respect of which the grant of probate or letters is made exceeds fifty thousand rupees, on the part of the amount or value in excess of fifty thousand rupees, up to one lakh of rupees.</p> <p>When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one lakh of rupees, on the part of the amount or value in excess of one lakh of rupees.</p> <p>Provided that when, after the grant of a certificate under the Indian Succession Act, 1925, or under Bombay Regulation VIII of 1927, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.</p> | <p>Two per centum.</p> <p>Three per centum.</p> <p>Four per centum.</p> <p>Five per centum.</p>   |
| <p>12 Certificate XXIX of under the Indian Succession Act, 1925.</p>                     | <p>.....</p>   | <p>The fee leviable in the case of a probate (article 11) on the amount or value of any debt or security specified in the certificate under section 374 of the Act, and one and a half times this fee on the amount or value of any debt or security to which the certificate is extended under section 376 of the Act.</p> |

| Number.   | — | Proper fee.   |
|---|---|---|
| 12-A. Certificate under Bombay Regulation VIII of 1827. |   | <p><i>Note.—(1)</i> The amount of a debt is its amount, including interest on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.</p> <p><i>(2)</i> Whether or not any power with respect to a security specified in a certificate has been conferred under the Act; and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both purposes, the value of the security is its market value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.</p> <p>The fee leviable in the case of a probate (article 11) on the amount or value of the property in respect of which the certificate is granted.</p> |

*Table of rates of ad valorem fees leviable on the institution of suits.*

| When the amount or value of the subject matter exceeds— |                             |                       | When the amount or value of the subject matter exceeds— |                             |                       |
|---|-----------------------------|-----------------------|---|-----------------------------|-----------------------|
| Rs.   | But does not exceed—<br>Rs. | Proper fee.<br>Rs. a. | Rs.   | But does not exceed—<br>Rs. | Proper fee.<br>Rs. a. |
| ...   | 5                           | 0 6                   | 50  | 55                          | 4 2                   |
| 5   | 10                          | 0 12                  | 55  | 60                          | 4 8                   |
| 10  | 15                          | 1 2                   | 60  | 65                          | 4 14                  |
| 15  | 20                          | 1 8                   | 65  | 70                          | 5 4                   |
| 20  | 25                          | 1 14                  | 70  | 75                          | 5 10                  |
| 25  | 30                          | 2 4                   | 75  | 80                          | 6 0                   |
| 30  | 35                          | 2 10                  | 80  | 85                          | 6 6                   |
| 35  | 40                          | 3 0                   | 85  | 90                          | 6 12                  |
| 40  | 45                          | 3 6                   | 90  | 95                          | 7 2                   |
| 45  | 50                          | 3 12                  | 95  | 100                         | 7 8                   |



| When the amount<br>or value of the<br>subject matter<br>exceeds -- | But does<br>not<br>exceed— | Proper fee. |
|--|----------------------------|-------------|
| Rs.  | Rs.                        | Rs. a.      |
| 100  | 110                        | 8 4         |
| 110  | 120                        | 9 0         |
| 120  | 130                        | 9 12        |
| 130  | 140                        | 10 8        |
| 140  | 150                        | 11 4        |
| 150  | 160                        | 12 0        |
| 160  | 170                        | 12 12       |
| 170  | 180                        | 13 8        |
| 180  | 190                        | 14 4        |
| 190  | 200                        | 15 0        |
| 200  | 210                        | 15 12       |
| 210  | 220                        | 16 8        |
| 220  | 230                        | 17 4        |
| 230  | 240                        | 18 0        |
| 240  | 250                        | 18 12       |
| 250  | 260                        | 19 8        |
| 260  | 270                        | 20 4        |
| 270  | 280                        | 21 0        |
| 280  | 290                        | 21 12       |
| 290  | 300                        | 22 8        |
| 300  | 310                        | 23 4        |
| 310  | 320                        | 24 0        |
| 320  | 330                        | 24 12       |
| 330  | 340                        | 25 8        |
| 340  | 350                        | 26 4        |
| 350  | 360                        | 27 0        |
| 360  | 370                        | 27 12       |
| 370  | 380                        | 28 8        |
| 380  | 390                        | 29 4        |
| 390  | 400                        | 30 0        |
| 400  | 410                        | 30 12       |
| 410  | 420                        | 31 8        |
| 420  | 430                        | 32 4        |
| 430  | 440                        | 33 0        |
| 440  | 450                        | 33 12       |
| 450  | 460                        | 34 8        |
| 460  | 470                        | 35 4        |
| 470  | 480                        | 36 0        |
| 480  | 490                        | 36 12       |
| 490  | 500                        | 37 8        |
| 500  | 510                        | 38 4        |
| 510  | 520                        | 39 0        |
| 520  | 530                        | 39 12       |
| 530  | 540                        | 40 8        |
| 540  | 550                        | 41 4        |
| 550  | 560                        | 42 0        |
| 560  | 570                        | 42 12       |
| 570  | 580                        | 43 8        |
| 580  | 590                        | 44 4        |
| 590  | 600                        | 45 0        |
| 600  | 610                        | 45 12       |
| 610  | 620                        | 46 8        |
| 620  | 630                        | 47 4        |
| 630  | 640                        | 48 0        |
| 640  | 650                        | 48 12       |
| 650  | 660                        | 49 8        |
| 660  | 670                        | 50 4        |
| 670  | 680                        | 51 0        |

| When the amount<br>or value of the<br>subject matter<br>exceeds— | But does<br>not<br>exceed— | Proper fee. |
|--|----------------------------|-------------|
| Rs.  | Rs.                        | Rs. a.      |
| 680  | 690                        | 51 12       |
| 690  | 700                        | 52 8        |
| 700  | 710                        | 53 4        |
| 710  | 720                        | 54 0        |
| 720  | 730                        | 54 12       |
| 730  | 740                        | 55 8        |
| 740  | 750                        | 56 4        |
| 750  | 760                        | 57 0        |
| 760  | 770                        | 57 12       |
| 770  | 780                        | 58 8        |
| 780  | 790                        | 59 4        |
| 790  | 800                        | 60 0        |
| 800  | 810                        | 60 12       |
| 810  | 820                        | 61 8        |
| 820  | 830                        | 62 4        |
| 830  | 840                        | 63 0        |
| 840  | 850                        | 63 12       |
| 850  | 860                        | 64 8        |
| 860  | 870                        | 65 4        |
| 870  | 880                        | 66 0        |
| 880  | 890                        | 66 12       |
| 890  | 900                        | 67 8        |
| 900  | 910                        | 68 4        |
| 910  | 920                        | 69 0        |
| 920  | 930                        | 69 12       |
| 930  | 940                        | 70 8        |
| 940  | 950                        | 71 4        |
| 950  | 960                        | 72 0        |
| 960  | 970                        | 72 12       |
| 970  | 980                        | 73 8        |
| 980  | 990                        | 74 4        |
| 990  | 1,000                      | 75 0        |
| 1,000  | 1,100                      | 80 0        |
| 1,100  | 1,200                      | 85 0        |
| 1,200  | 1,300                      | 90 0        |
| 1,300  | 1,400                      | 95 0        |
| 1,400  | 1,500                      | 100 0       |
| 1,500  | 1,600                      | 105 0       |
| 1,600  | 1,700                      | 110 0       |
| 1,700  | 1,800                      | 115 0       |
| 1,800  | 1,900                      | 120 0       |
| 1,900  | 2,000                      | 125 0       |
| 2,000  | 2,100                      | 130 0       |
| 2,100  | 2,200                      | 135 0       |
| 2,200  | 2,300                      | 140 0       |
| 2,300  | 2,400                      | 145 0       |
| 2,400  | 2,500                      | 150 0       |
| 2,500  | 2,600                      | 155 0       |
| 2,600  | 2,700                      | 160 0       |
| 2,700  | 2,800                      | 165 0       |
| 2,800  | 2,900                      | 170 0       |
| 2,900  | 3,000                      | 175 0       |
| 3,000  | 3,100                      | 180 0       |
| 3,100  | 3,200                      | 185 0       |
| 3,200  | 3,300                      | 190 0       |
| 3,300  | 3,400                      | 195 0       |
| 3,400  | 3,500                      | 200 0       |
| 3,500  | 3,600                      | 205 0       |

| When the amount<br>or value of the<br>subject matter<br>exceeds— |        | But does<br>not<br>exceed— | Proper<br>fee. | When the amount<br>or value of the<br>subject matter<br>exceeds— |        | But does<br>not<br>exceed— | Prope<br>fee. |
|--|--------|----------------------------|----------------|--|--------|----------------------------|---------------|
| Rs.  | Rs.    | Rs                         | a.             | Rs.  | Rs.    | Rs.                        | a.            |
| 3,600  | 3,700  | 210                        | 0              | 11,500   | 12,000 | ₹15                        | 0             |
| 3,700  | 3,800  | 215                        | 0              | 12,000   | 12,500 | 637                        | 8             |
| 3,800  | 3,900  | 220                        | 0              | 12,500   | 13,000 | 660                        | 0             |
| 3,900  | 4,000  | 225                        | 0              | 13,000   | 13,500 | 682                        | 8             |
| 4,000  | 4,100  | 230                        | 0              | 13,500   | 14,000 | 705                        | 0             |
| 4,100  | 4,200  | 235                        | 0              | 14,000   | 14,500 | 727                        | 8             |
| 4,200  | 4,300  | 240                        | 0              | 14,500   | 15,000 | 750                        | 0             |
| 4,300  | 4,400  | 245                        | 0              | 15,000   | 15,500 | 772                        | 8             |
| 4,400  | 4,500  | 250                        | 0              | 15,500   | 16,000 | 795                        | 0             |
| 4,500  | 4,600  | 255                        | 0              | 16,000   | 16,500 | 817                        | 8             |
| 4,600  | 4,700  | 260                        | 0              | 16,500   | 17,000 | 840                        | 0             |
| 4,700  | 4,800  | 265                        | 0              | 17,000   | 17,500 | 862                        | 8             |
| 4,800  | 4,900  | 270                        | 0              | 17,500   | 18,000 | 885                        | 0             |
| 4,900  | 5,000  | 275                        | 0              | 18,000   | 18,500 | 907                        | 8             |
| 5,000  | 5,250  | 287                        | 8              | 18,500   | 19,000 | 930                        | 0             |
| 5,250  | 5,500  | 300                        | 0              | 19,000   | 19,500 | 952                        | 8             |
| 5,500  | 5,750  | 312                        | 8              | 19,500   | 20,000 | 975                        | 0             |
| 5,750  | 6,000  | 325                        | 0              | 20,000   | 21,000 | 1,005                      | 0             |
| 6,000  | 6,250  | 337                        | 8              | 21,000   | 22,000 | 1,035                      | 0             |
| 6,250  | 6,500  | 350                        | 0              | 22,000   | 23,000 | 1,065                      | 0             |
| 6,500  | 6,750  | 362                        | 8              | 23,000   | 24,000 | 1,095                      | 0             |
| 6,750  | 7,000  | 375                        | 0              | 24,000   | 25,000 | 1,125                      | 0             |
| 7,000  | 7,250  | 387                        | 8              | 25,000   | 26,000 | 1,155                      | 0             |
| 7,250  | 7,500  | 400                        | 0              | 26,000   | 27,000 | 1,185                      | 0             |
| 7,500  | 7,750  | 412                        | 8              | 27,000   | 28,000 | 1,215                      | 0             |
| 7,750  | 8,000  | 425                        | 0              | 28,000   | 29,000 | 1,245                      | 0             |
| 8,000  | 8,250  | 437                        | 8              | 29,000   | 30,000 | 1,275                      | 0             |
| 8,250  | 8,500  | 450                        | 0              | 30,000   | 32,000 | 1,305                      | 0             |
| 8,500  | 8,750  | 462                        | 8              | 32,000   | 34,000 | 1,335                      | 0             |
| 8,750  | 9,000  | 475                        | 0              | 34,000   | 36,000 | 1,365                      | 0             |
| 9,000  | 9,250  | 487                        | 8              | 36,000   | 38,000 | 1,395                      | 0             |
| 9,250  | 9,500  | 500                        | 0              | 38,000   | 40,000 | 1,425                      | 0             |
| 9,500  | 9,750  | 512                        | 8              | 40,000   | 42,000 | 1,455                      | 0             |
| 9,750  | 10,000 | 525                        | 0              | 42,000   | 44,000 | 1,485                      | 0             |
| 10,000   | 10,500 | 547                        | 8              | 44,000   | 46,000 | 1,515                      | 0             |
| 10,500   | 11,000 | 570                        | 0              | 46,000   | 48,000 | 1,545                      | 0             |
| 11,000   | 11,500 | 592                        | 8              | 48,000   | 50,000 | 1,575                      | 0             |

and the fee increases at the rate of thirty rupees for every five thousand rupees, or part thereof, up to a maximum of ten thousand rupees, for example—

| Rs.      | Rs.   | a. | Rs.       | Rs.    | a. |
|----------|-------|----|-----------|--------|----|
| 1,00,000 | 1,875 | 0  | 9,00,000  | 6,675  | 0  |
| 2,00,000 | 2,475 | 0  | 10,00,000 | 7,275  | 0  |
| 3,00,000 | 3,075 | 0  | 11,00,000 | 7,875  | 0  |
| 4,00,000 | 3,675 | 0  | 12,00,000 | 8,475  | 0  |
| 5,00,000 | 4,275 | 0  | 13,00,000 | 9,075  | 0  |
| 6,00,000 | 4,875 | 0  | 14,00,000 | 9,675  | 0  |
| 7,00,000 | 5,475 | 0  | 15,00,000 | 10,000 | 0  |
| 8,00,000 | 6,075 | 0  |           |        |    |



| Number.  | —   | Proper fee.     |
|--|---|-----------------|
|  | or to deposit in Court revenue or rent :  |                 |
|  | or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant.   |                 |
|  | (c) When presented to a Chief Commissioner or other Chief Controlling Revenue or Executive Authority, or to a Commissioner of Revenue or Circuit, or to any chief officer charged with the executive administration of a division and not otherwise provided for by this Act. | Two rupees.     |
|  | (d) When presented to a High Court ...  | Three rupees.   |
| 6. Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908, and not otherwise provided for by this Act. | ..  | One rupee.      |
| 7. Undertaking under section 49 of the Indian Divorce Act, 1869.   | .. .  | One rupee.      |
| 12. Caveat ...   | { When the amount or value of the property involved does not exceed two thousand rupees.  | Five rupees.    |
|  | { When the amount or value of the property involved exceeds two thousand rupees.  | Ten rupees.     |
| 14. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866.  | .....   | Ten rupees.     |
| 17. Plaint or memorandum of appeal in each of the following suits :—   | ... .   | Fifteen rupees. |
| (i) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court ;   | { When the amount or value of the property does not exceed five hundred rupees.   | Ten rupees.     |
| (ii) to alter or cancel any entry in a register of the names of proprietors of revenue paying estates, and   | { When the amount or value of the property exceeds five hundred rupees.   | Fifteen rupees. |
| (iii) to obtain a declaratory decree or order, where no consequential relief is prayed ;   | .....   | Fifteen rupees. |

| Number.  | —  | Proper fee.     |
|--|--|-----------------|
| (iv) to set aside alienation,  | .....  | Fifteen rupees. |
| (v) to set aside a decree or award;  | { When the amount or value of the property does not exceed five hundred rupees<br>When the amount or value of the property exceeds five hundred rupees.        | Ten rupees.     |
| (vi) to set aside an adoption; and   |  | Fifteen rupees. |
| (vii) any other suit where it is not possible to estimate at a money value the subject matter in dispute, and which is not otherwise provided for by this Act.         | .....  | Fifteen rupees. |
| 18. Application—   |  |                 |
| (a) under paragraph 17 of the Second Schedule to of 1908, the Code of Civil Procedure, 1908 ;  | .....  | Ten rupees.     |
| XXXIX of (b) for probate or letters of administration or for revocation thereof under the Indian Succession Act, 1925.   | { When the amount or value of the Estate does not exceed two thousand rupees<br>When it exceeds two thousand rupees, but does not exceed five thousand rupees. | Two rupees.     |
| XXIX of (c) for a certificate under the Indian Succession Act, 1925, or Bombay Regulation VIII of 1827.  |  | Ten rupees.     |
| (d) for opinion or advice or for discharge from a Trust, or for appointment of new Trustees, under sections 34, 72, 73 or 74 of of 1882. the Indian Trusts Act, 1882 , | .....  | Ten rupees.     |
| I of (e) for the winding up of a Company, under section 166 of the Indian Companies Act, 1913 ;  |  | Ten rupees.     |
| of 1908. (f) under rule 58 of Order XXI of the Code of Civil Procedure, 1908, regarding a claim to attached property   | When the amount or value of the property exceeds five hundred rupees.  | Ten rupees.     |
| of 1908. 19 Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.  |  | Twenty rupees.  |

| Number.   |  | Proper fee.                |
|---|--|----------------------------|
| 20. Every petition under the Indian Divorce Act, 1869, except petitions under section 44 of that Act and every memorandum of appeal under section 55 of that Act. |  | Thirty rupees. IV of 1869. |
| 21. Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1865.  |  | Thirty rupees. XV of 1865. |

## BOMBAY ACT No. IV OF 1926.

*(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 11th May 1926.)*

An Act further to amend the Cattle-trespass Act, 1871, in its application to the Presidency of Bombay.

I of 1871. WHEREAS it is expedient further to amend the Cattle-trespass Act, 1871, as amended by Bombay Act IX of 1924, in its application to the Presidency of Bombay in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Cattle-trespass (Bombay Amendment) Act, 1926. Short title.

I of 1871 2. In section 6 of the Cattle-trespass Act, 1871, Amendment of section 6 of Act 1 of 1871.  
(1) for the second proviso, the following proviso shall be substituted, namely :—

“ Provided further that in the Presidency of Bombay

Bom. IX  
of 1920.

(a) in any local area which has been declared to be a village under clause (a) of section 3 of the Bombay Village Panchayats Act, 1920, when the police patel, or the head of the village, is the sarpanch or a member of the Panchayat, the Panchayat may appoint another person to be pound-keeper ;

(b) in any local area in which the functions of the Magistrate of the District under this section are transferred to the local authority, the local authority may appoint another person to be pound-keeper ; ”

(2) after the words “ such Magistrate ” the words “ or in the Presidency of Bombay, in any local area in which the functions of the Magistrate of the District under this section are transferred to the local authority, by such local authority ; and in the said Presidency every pound-keeper appointed by a Panchayat may be suspended or removed by such Panchayat ” shall be inserted.

[Price—Pies 6 or 1d.]

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## BOMBAY ACT No. V OF 1926.

*(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 13th May 1926.)*

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

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

1. This Act may be called the Bombay Preven- Short  
tion of Gambling (Amendment) Act, 1926. title.

Bom IV  
of 1887. 2. In section 6 of the Bombay Prevention of Amendment  
Gambling Act, 1887, for the words "Assistant of section 6  
Superintendent" the words "Assistant or Deputy of Bom. IV  
Superintendent" shall be substituted, and for of 1887.  
the words "Chief Constable" the word "Sub-  
Inspector" shall be substituted.

[Price—Pies 6 or 1d.]



# BOMBAY ACT No. VI OF 1926.

*(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 19th May 1926.)*

An Act further to amend the Bombay Civil Courts Act, 1869 .

WHEREAS it is expedient further to amend the  
XIV of 1869. Bombay Civil Courts Act, 1869, in manner herein-  
after appearing ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Civil Short title.  
Courts (Amendment) Act, 1926. .

2. For section 32 of the Bombay Civil Courts Amendment  
XIV of 1869 Act, 1869, the following section shall be substituted, of section 32  
namely :— of Act XIV  
of 1869.

" 32. (1) No subordinate court other than the Government  
court of a subordinate judge of the first class and suits.  
no court of small causes shall receive or register  
any suit in which the Secretary of State for India  
in Council or any officer of Government in his  
official capacity is a party.

(2) In every such case the plaintiff shall be  
referred to the court of the Subordinate Judge  
of the first class and such suit shall be instituted  
only in the court of the subordinate judge of the  
first class and shall be heard by such subordinate  
judge, subject to the provisions of section 24 of  
the Code of Civil Procedure, 1908.  
V of 1908.

(3) Nothing in this section shall be deemed to  
apply to a suit against the administration of a  
Government railway: or to apply to any suit  
merely because an officer of Government is a  
party thereto, in his capacity of—

(a) member of a local authority,

(b) curator, guardian, manager or repre-  
sentative of a private person or estate in virtue

[Price—Pies 6 or 1d.]

of an appointment, delegation, declaration or exercise of powers under:—

- (i) Order 32, rule 4 (4), of the Code of Civil Procedure, 1908; V of 1908.
- (ii) section 69 or 71, of the Indian Lunacy Act, 1912; IV of 1912.
- (iii) section 7, 18 or 42 of the Guardians and Wards Act, 1890; VIII of 1890.
- (iv) section 1 or 17 of the Ahmedabad Talukdars' Act, 1862; Bom. VI of 1862.
- (v) section 3, 19 (1), 19 (2), 20, 22 (1) or 41 (1) of the Bombay Court of Wards Act, 1905." Bom. I of 1905.

# BOMBAY ACT No. VII OF 1926

*(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 21st August 1926)*

An Act to consolidate and amend the law relating to the Courts in Sind

WHEREAS it is expedient to consolidate and amend the law relating to the Courts in Sind; 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:—

## *Preliminary*

1. This Act may be called the Sind Courts Act, Short title. 1926.

2. (1) It extends to the Presidency of Bombay. Extent and commencement.  
(2) It shall come into force on such date as the Governor in Council may, by notification in the *Bombay Government Gazette*, appoint.

## *The Chief Court*

3. On and from the commencement of this Act Establishment of Chief Court. there shall be established for Sind a Chief Court hereinafter referred to as "the Chief Court".

4. (1) The Chief Court shall consist of a Chief Judge and three or more Judges who shall be appointed by the Governor General in Council and shall hold office during his pleasure. Constitution of Chief Court and appointment and tenure of Judges.

(2) The Chief Judge and Judges must each be either :

(a) a Barrister of not less than five years' standing ; or

(b) a Member of the Indian Civil Service of not less than ten years' standing and having for at least three years served as or exercised the powers of a District Judge ; or

[Price—As. 2 or 3d.]

(c) a person having held judicial office not inferior to that of a Subordinate Judge or a Judge of the Small Cause Court for a period of not less than five years; or

(d) a person who has been an Advocate or a Pleader of any 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 ten years: Bom  
I  
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Provided that the Chief Judge and Judges counted together must include not less than two such Barristers, Advocates or Pleaders and not less than two Members of the Indian Civil Service.

(3) Additional Judges duly qualified as aforesaid may be appointed for such period not exceeding two years as may be required by the Governor General in Council and shall each of them during such period have all the powers of a Judge of the Chief Court.

Provision for  
vacancy in  
the office of  
Chief Judge.

5. 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 Chief Court to perform the duties of the Chief Judge, until some person has been appointed by the Governor General in Council to the office of Chief Judge of the Chief 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.

6. 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 Chief 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 General in Council to the office of judge of the Chief 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 sees cause to cancel the appointment of the acting judge.

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

Rank and precedence of Chief Judge and Judges of Chief Court.

(2) Save as aforesaid and subject to any general or special direction by the Governor General 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. The Chief Court shall be the highest civil court of appeal and revision and the highest court of criminal appeal and revision for Sind and the principal civil court of original jurisdiction for the civil district of Karachi and shall be the Court of Session and shall exercise the powers and perform the duties of a Sessions Judge in the Sessions Division of Karachi.

Civil and criminal jurisdiction of Chief Court.

9. The Chief Court shall be the court of appeal from all decrees and orders passed by subordinate courts in the civil district of Karachi from which an appeal lies under any law for the time being in force.

Civil jurisdiction in Karachi district.

10. (1) Notwithstanding anything in the Code of Criminal Procedure, 1898:—

Criminal jurisdiction in Karachi sessions division.

(a) a magistrate exercising jurisdiction in the sessions division of Karachi, when committing accused persons for trial, shall commit them to the Chief Court; and

(b) all appeals which lie under any law for the time being in force to the Court of Session from the sentences or orders of Courts or Magistrates exercising jurisdiction in the sessions division of Karachi shall lie to the Chief Court.

(2) Section 9 of the Code of Criminal Procedure, 1898, shall not apply to the sessions division of Karachi.

11. (1) Except as by this Act or by any other enactment for the time being in force otherwise provided, the Chief Court may make rules to provide in such manner as it thinks fit for the

Delegation of powers to members of Court; Full Bench.

exercise by one or more of its judges of any of its powers.

(2) The Chief Court may make rules, declaring what number of judges, not being less than three, shall constitute a full bench of the Chief Court, and may by these rules prescribe the mode of determining which judges shall sit as a full bench, when a full bench sitting becomes necessary.

(3) Subject to the provisions of sub-section (2), the Chief Judge may determine which judge in each case shall sit alone and which judges of the Chief Court shall constitute any bench.

Power to refer question to full bench.

12. Any single judge of the Chief Court and any bench of judges thereof, not being a full bench, may in any case refer for the decision of a bench of two judges or of a full bench, respectively, any question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence arising before the judge or bench and shall dispose of the case in accordance with the decision of the bench to which the question has been referred.

Review in certain criminal cases.

13. Where in any case any such question as is referred to in section 12 has been decided by a judge of the Chief Court exercising the jurisdiction of the Chief Court as the principal criminal court of original jurisdiction for the sessions division of Karachi, and no reference has been made under the provisions of that section or of section 434 of the Code of Criminal Procedure, 1898, the Chief Court<sup>v</sup> may on its being certified by the Government Advocate for Sind that in his opinion the decision should be further considered, review the case or such part of it as may be necessary, and finally determine the question, and may thereupon alter the judgment, order or sentence passed by the judge and pass such judgment, order or sentence as it thinks right.

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The Government Advocate for Sind shall be appointed by the Governor in Council.

Appeal from original civil jurisdiction of Chief Court.

14. (1) Except as otherwise provided by any enactment for the time being in force, an appeal from any original decree or from any order against which an appeal is permitted by any law for the

time being in force made by a single judge of the Chief Court, shall lie to a Bench consisting of two other judges of the Chief Court.

(2) Except as otherwise provided by any enactment for the time being in force, an appeal from any appellate decree made by a single judge of the Chief Court shall lie to a Bench consisting of two other judges of the Chief Court, if the judge who made the decree declares that the case is a fit one for appeal.

Appeals from appellate civil jurisdiction of a single judge.

15. (1) Notwithstanding anything contained in <sup>of the Code of Civil Procedure, 1908, or the Code of Criminal Procedure, 1898,</sup> the Chief Court shall <sup>Procedure of Chief Court in exercise of civil and criminal jurisdiction.</sup> of record evidence including examinations of accused persons and judgments in such manner as it may direct by rule made with the sanction of the Governor in Council.

(2) So much of rule 35 of Order XLI of the <sup>of First Schedule to the Code of Civil Procedure, 1908,</sup> as requires the decree to be signed and dated by the judge or judges who passed it, shall not apply to the Chief Court in the exercise of its appellate jurisdiction.

16. (1) Subject to any rules and restrictions which may be prescribed by the Governor in Council the Chief Judge may appoint Registrars, Deputy Registrars, Assistant Registrars, an Official Receiver, Official Commissioners, a Clerk of the Crown and such other ministerial officers as may be necessary for the administration of justice by the Chief Court and for the exercise and performance of the powers and duties conferred and imposed on it by this Act.

Ministerial officers of Chief Court.

(2) The appointments of the Registrars, Deputy Registrars, Assistant Registrars, the Official Receiver, the Official Commissioners and the Clerk of the Crown shall be subject to the sanction of the Governor in Council.

(3) The officers appointed under sub-section (1) shall exercise such powers and discharge such duties of a non-judicial or quasi-judicial nature as the Chief Court may direct.

(4) Every officer appointed under the provisions of this section shall receive such salary as the Chief Judge may fix, subject to the sanction of the Governor in Council.

(5) Any officer appointed under sub-section (1) may be suspended or dismissed from his office by order of the Chief Judge :

Provided that none of the officers mentioned in sub-section (2) shall be dismissed without the previous sanction of the Governor in Council.

Superintendence and control of other courts.

17. The general superintendence, direction and control over all courts subject to its appellate jurisdiction shall be vested in the Chief Court.

Admission and removal of Advocates, Pleaders and Attorneys.

18. The Chief Court may, subject to such rules as it may with the sanction of the Governor in Council determine, admit proper persons to be Advocates, Pleaders and Attorneys in any court in Sind, and may remove or suspend from practice for misbehaviour any person so admitted; and may authorise such Advocates, Pleaders and Attorneys to plead or to act or to plead and act for suitors and accused persons.

Power to make rules.

19. In addition to any other power to make rules expressly or by implication conferred by this Act the Chief Court may with the sanction of the Governor in Council, make rules consistent with this Act and any other enactment for the time being in force to regulate any of the following matters, namely :—

(a) the supervision of all Courts subject to the control of the Chief Court and their visitation and inspection ;

(b) the exercise by the district judges of the general control vested in them over the civil courts in their respective civil districts ;

(c) all matters relating to the officers of courts ;

(d) the translation of any papers filed in the Chief Court and the preparation of paper books for the hearing of appeals and the copying, typing or printing of any such papers or translations and the recovery from the persons at whose instance



or on whose behalf papers are filed, of the expenses thereby incurred ;

(e) the holidays and vacations of the Chief Court and the courts subordinate to it ;

(f) the places and times for the holding of courts ;

(g) the qualifications and admission of proper persons to be petition-writers in courts, the issue of licenses to such persons, the fees to be charged by such persons and the conduct of business by such persons, the punishment by a fine not exceeding fifty rupees of the breach of any such rules, and the authority by which such breaches shall be investigated and fines imposed ; and the recovery of any such fine as though it were a fine imposed by a magistrate in the exercise of his ordinary jurisdiction ;

(h) the fees to be charged for processes issued by the civil courts, or by any officer of any such court and the fees payable in any suit or proceeding in any such court by any party to such suit or proceeding in respect of the fees of the pleader of any other party to such suit or proceeding ;

(i) the manner in which the proceedings of civil courts shall be kept and recorded, the manner in which paper books for the hearing of appeals shall be prepared and the granting of copies.

20. The Chief Court shall keep such registers, books and accounts as may be necessary for the transaction of its business, or required by the Governor in Council, and shall comply, in such form and manner as the Governor in Council may deem proper, with any requisition which the Governor in Council may make for records of, or papers belonging to the Chief Court, or any court subordinate to it, or for certified copies of or extracts from, such records or papers, or for returns, statements or reports.

Registers,  
books,  
accounts,  
returns,  
statements  
and reports.

#### *District Courts*

21. (1) For the purposes of this Act the Governor in Council may by notification divide Sind into civil districts and fix the limits of such

Civil districts.

civil districts and determine the headquarters of each such district.

(2) The districts existing for the purposes of civil justice when this Act comes into force shall be deemed to have been made under this Act.

District courts.

**22.** (1) There shall be in each civil district other than that of Karachi a district court and the Governor in Council shall appoint a district judge to each such court.

Original jurisdiction of district court.

(2) The district court shall be the principal court of original civil jurisdiction in the civil district.

Joint judges.

**23.** (1) The Governor in Council may appoint joint judges to any district court.

(2) Every such joint judge shall exercise the powers and jurisdiction of the district court concurrently with the district judge in such matters as may be referred to him by the district judge.

(3) All Regulations and Acts now or hereafter in force and applying to a district judge shall be deemed to apply also to the joint judge and the seal of the joint judge shall be the same as is used by the district judge.

Assistant judges.

**24.** (1) The Governor in Council may appoint assistant judges to any district court.

(2) An assistant judge shall have jurisdiction to hear such original suits, such applications or references under special Acts, and such miscellaneous applications not being of the nature of appeals, as the district judge may refer to him.

Appellate jurisdiction of assistant judge.

**25.** (1) The Governor in Council may confer upon any assistant judge the power to hear such appeals from the decrees and orders of the subordinate courts as lie to the district court and as may be referred to him by the district judge.

(2) An assistant judge on whom the power to hear appeals has been conferred under this or any other Act, shall continue to have such power so long and so often as he may hold the office of assistant judge, without reference to the civil district in which he may be employed: Provided that the Governor in Council may at any time withdraw such power.

26. The Governor in Council may confer upon any joint or assistant judge any of the powers and jurisdiction of the district court within any specified part of a civil district and such powers and jurisdiction shall not, while so conferred upon the joint or assistant judge, be exercised in such part by the district judge.

Power to invest joint or assistant judge with powers of district court.

27. The district judge shall have general control over all the civil courts within the district.

Control of courts

28. (1) Save as provided in sections 8, 9, 26, 33, 34 and 36 in any case where a decree or order of a subordinate court is appealable, the appeal shall lie to the district court.

Appellate jurisdiction of district court.

(2) Where a decree or order passed by an assistant judge in his original jurisdiction is appealable, the appeal shall lie to the Chief Court or to the district court, according as the amount or value of the subject-matter exceeds, or does not exceed, five thousand rupees.

#### *Subordinate Courts*

29. (1) There shall be in each civil district so many civil courts subordinate to the District Court in this Act called "subordinate courts") as the Governor in Council may by notification direct.

Subordinate courts.

(2) The Governor in Council may determine the local limits of the jurisdiction of subordinate courts and the places where such courts shall be held.

(3) The place or places so fixed may be beyond the local limits of the jurisdiction of the court.

(4) The Governor in Council shall appoint a subordinate judge to each such court.

(5) The Governor in Council may at any time for special reasons close temporarily any such court.

30. (1) The Governor in Council may appoint joint subordinate judges to a subordinate court.

Joint subordinate judges and deputation.

(2) The district judge, with the previous sanction of the Chief Court, may depute to a subordinate court the judge of any other subordinate court in the civil district.

*\* See addition by Bom. Act VII of 1930*  
 (3) A subordinate judge so appointed or deputed to a subordinate court shall dispose of such business within the pecuniary limits of his jurisdiction as the judge of such court, subject to control of the district judge, may refer to him.

Jurisdiction of subordinate courts.

31. (1) The ordinary jurisdiction of subordinate judges of the first class shall extend to original suits and proceedings of a civil nature.

(2) The ordinary jurisdiction of subordinate judges of the second class shall extend to all suits and proceedings wherein the subject-matter does not exceed five thousand rupees in amount. *See addition by Bom. Act VII of 1927*

Special jurisdiction of first class subordinate judge.

32. (1) A subordinate judge of the first class in addition to his ordinary jurisdiction, shall exercise in the civil district to which his court belongs a special jurisdiction in respect of such suits and proceedings of a civil nature, wherein the subject-matter exceeds five thousand rupees in amount or value, as may arise within the local limits of the jurisdiction of all subordinate courts in the civil district of which the judges are of the second class. *See addition #*

(2) In any civil district in which there are two or more subordinate judges of the first class, the district judge, subject to the orders of the Chief Court, shall determine the local limits within which each such judge shall exercise his special jurisdiction.

*\* By Bom. Act VII of 1930.*  
 Appeal from decision of first class subordinate judge.

33. Where a decree or order passed by a subordinate judge ~~of the first class in his ordinary or special jurisdiction~~ in any suit or proceeding of which the amount or value of the subject-matter exceeds five thousand rupees is appealable, the appeal shall lie to the Chief Court.

Appellate jurisdiction of first class subordinate judge or small cause court judge.

34. (1) The Governor in Council may invest any subordinate judge of the first class, or any judge of a court of small causes established under the Provincial Small Cause Courts Act, 1887, with power to hear appeals from such decrees and orders of subordinate courts as may be referred to him by the district judge.

Amendment  
of Bom VII  
of 1926.

*Bom. Act  
VII of 1930*

6. The following amendments shall be made in the Sind Courts Act, 1926, and they shall come into operation from the date on which that Act shall come into operation under sub-section (2) of section 2 thereof, namely:—

Bom. VII  
of 1926.

(1) To sub-section (3) of section 30 the following shall be added, namely:—

“ A subordinate judge so deputed may also dispose of the civil business of his Court at the place of his deputation subject to the general or special orders of the Chief Court in this behalf.”

*value 1 See addition by Bom. Act VII*

*Bom Act  
VII of 1930*

(2) To sub-section (2) of section 31 the following proviso shall be added, namely:—

“ Provided that the Governor in Council may invest any subordinate judge of the second class of not less than ten years' standing and specially recommended in this behalf by the Chief Court with power to exercise jurisdiction over all such suits and proceedings wherein the subject-matter does not exceed seven thousand and five hundred rupees in amount or value. A subordinate judge so empowered shall continue to exercise this power so long and as often as he may fill the office of a

subordinate judge of the second class without reference to the district in which he may be employed, unless the powers are withdrawn

*Bom. Act  
VII of 1930*

(3) In sub-section (1) of section 32—

(i) the words “ wherein the subject-matter exceeds five thousand rupees in amount or value ” shall be omitted, and

(ii) at the end of the said sub-section the following words shall be added, namely:—

“ And wherein the subject-matter exceeds the pecuniary jurisdiction of the subordinate judge of the second class as defined by section 31.”

(4) In section 33, the words “ of the first class in his ordinary or special jurisdiction ” shall be repealed

(5) In section 35, for the words “two hundred” the words “ three hundred ” shall be substituted.

(2) The appellate decision in any such case shall have the same force as if passed by the district judge.

(3) A subordinate judge of the first class or a judge of a court of small causes, on whom the power of hearing appeals has been conferred under his or any other Act, shall continue to have such power so long and so often as he may hold the office of subordinate judge of the first class or judge of a court of small causes, respectively, without reference to the civil district in which he may be employed.

35. The Governor in Council may confer upon any subordinate judge within any specified local limits the jurisdiction of a court of small causes for the trial of suits cognizable by such courts up to any specified amount not exceeding, in the case of a subordinate judge of the first class, one thousand rupees, and in the case of a subordinate judge of the second class, two hundred rupees. *L. M. S. By Rom. Act VII of 1930*

36. (1) The Chief Court may by general or special order invest any subordinate judge, within such local limits and subject to such pecuniary limitation may be prescribed in such order, with all or any the powers of a district judge or a district court, as the case may be, under the Indian Succession Act, 1925, or paragraph 5 of Schedule III to the Code of Civil Procedure, 1908.

(2) Every order made by a subordinate judge by virtue of the powers conferred upon him under sub-section (1) shall be subject to appeal to the Chief Court or the district court according as the amount or value of the subject-matter exceeds or does not exceed five thousand rupees.

(3) Every order of the district court passed on appeal under sub-section (2) from the order of the subordinate judge shall be subject to an appeal to the Chief Court under the rules contained in the Code of Civil Procedure, 1908, applicable to appeals from appellate decrees.

37. (1) No subordinate court other than the court of a subordinate judge of the first class and no court of the small causes shall receive or register

Power to invest subordinate judges with small cause powers.

Power to invest subordinate judges with jurisdiction under certain Acts.

Government suits.

any suit in which the Secretary of State for India in Council or any officer of Government in his official capacity is a party.

(2) In every such case, the plaintiff shall be referred to the court of the subordinate judge of the first class and such suit shall be instituted only in the court of the subordinate judge of the first class and shall be heard by such subordinate judge, subject to the provisions of section 24 of the Code of Civil Procedure, 1908.

V of  
1908

(3) Nothing in this section shall be deemed to apply to a suit against the administration of a Government railway; or to apply to any suit merely because an officer of Government is a party thereto, in his capacity of—

(a) member of a local authority,

(b) curator, guardian, manager or representative of a private person or estate in virtue of an appointment, delegation, declaration or exercise of powers under :—

(i) Order 32, rule 4 (4), of the Code of Civil Procedure, 1908 ;

V of  
1908.

(ii) section 195 of the Indian Succession Act, 1925.

XXX  
IX of  
1925.

(iii) section 69 or 71 of the Indian Lunacy Act, 1912 ;

IV of  
1912.

(iv) section 7, 18 or 42 of the Guardians and Wards Act, 1890 ;

VIII of  
1890.

(v) section 7 (2) (c) or 34 of the Sindh Incumbered Estates Act, 1896 ; or

Bom.  
XX of  
1896.

(vi) section 3, 19 (1), 19 (2), 20, 22 (1) or 41 (1) of the Bombay Court of Wards Act, 1905.

Bom.  
I of  
1905.

### *Temporary Vacancies*

Temporary  
vacancy of  
office of  
district judge.

38. In the event of the death of a district judge or of his being prevented from performing his duties by illness or other cause or of his absence from the civil district on leave the joint judge, if any, or the first in rank of the assistant judges in the district, or in the absence from the district of



the joint or assistant judge, the first in rank of the subordinate judges, shall assume charge of the district court without interruption to his ordinary jurisdiction, and while so in charge shall perform the duties of a district judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like and shall be designated joint judge, assistant judge or subordinate judge, as the case may be, in charge of the district and shall continue in such charge until the office of the district judge has been resumed, or assumed by an officer duly appointed thereto.

39. Any district judge leaving the headquarters and proceeding on duty to any place within his district may delegate to a joint judge or an assistant judge, or in the absence of a joint judge or an assistant judge, to a subordinate judge at the headquarters, the power of performing such duties, enumerated in section 38 as may be emergent; and such officer shall be designated joint, assistant or subordinate judge, as the case may be, in charge of the headquarters. Delegation of powers of district judge

40. In the event of the death, suspension or temporary absence of any subordinate judge, the district judge may empower the judge of any subordinate court of the same civil district to perform the duties of the judge of the vacated subordinate court, either at the place of such court or of his own court; but in every such case the registers and records of the two courts shall be kept distinct. Temporary vacancy of office of subordinate judge.

#### *Suspension and removal of Subordinate Judges*

41. (1) The Governor in Council may suspend or remove from office any subordinate judge for misbehaviour or neglect of duty. Suspension and removal.

(2) The Chief Court may suspend from office any subordinate judge pending inquiry into his conduct.

(3) The district judge may, in cases of urgent necessity, suspend from office any subordinate judge in the civil district, but shall forthwith report the case to the Chief Court.

*Officials of Courts other than the Chief Court*

Appointment  
and removal  
of court  
officials

42. (1) The Chief Judge may appoint for the subordinate courts of the civil district of Karachi such ministerial officers as the Governor in Council may direct; and the district judge of any other civil district may make the like appointments for the district court and the subordinate courts of such district; and the Chief Judge and district judge respectively may promote, suspend or dismiss any such officer:

Provided that no officer who is in receipt of a monthly salary amounting to not less than thirty rupees shall be dismissed without the sanction of the Chief Judge.

(2) The Chief Judge may transfer any ministerial officer of any civil court to any other such court and the district judge may make any such transfer in the courts within the local limits of his jurisdiction.

(3) The judge of a subordinate court may appoint peons and menial servants of such court and may suspend or remove any bailiff or peon or menial servant, subject to an appeal to the Chief Judge in the case of the civil district of Karachi and to the district judge in the case of any other civil district.

*Supplemental*

Seal.

43. Every court shall use a seal on which shall be engraved the royal arms and the title of such court.

Execution of  
decree for  
debt against  
certain  
privileged  
persons.

44. (1) No decree for payment of debt passed by any court shall, save as provided by sub-section (2), be executed against a defendant who is a member of any of the late reigning families of Sind and whose name is entered in a list published in this behalf by the Governor in Council in the *Bombay Government Gazette*.

(2) Where application is made for the execution of such decree against such person, the court shall forward a copy of the decree and of the application to the Commissioner in Sind, who may by special

order direct that the decree shall be executed against such person and may specify the manner in which it may be executed.

45. (1) Every proceeding pending at the commencement of this Act in the Court of the Judicial Commissioner of Sind or in the District Court of Karachi or in the court of Session of Karachi shall be deemed to be transferred to the Chief Court and the Chief Court shall proceed to try, hear and determine the matter as if it had been instituted in such court. Pending Proceedings.

(2) Appeals from decrees, sentences and orders passed and not appealed against before the commencement of this Act, which would before that date have lain to the said Court of the Judicial Commissioner or the said district or sessions court, shall lie to the Chief Court.

(3) All decrees, sentences and orders passed before the commencement of this Act by the said Court of the Judicial Commissioner or the said district or sessions court shall be deemed for the purposes of execution to have been passed by the Chief Court :

Provided that nothing contained in sub-section (1) or sub-section (2) shall be construed to extend the period of limitation to which any suit or appeal may be subject.

46. (1) The enactments mentioned in the First Schedule are hereby amended, or, as the case may be, shall be deemed to be amended, to the extent and in the manner specified in the fourth column thereof. Enactments amended and repealed.

(2) The enactments mentioned in the Second Schedule are hereby repealed, or, as the case may be, shall be deemed to be repealed, to the extent specified in the fourth column thereof.

## THE FIRST SCHEDULE

## ENACTMENTS AMENDED OR DEEMED TO BE AMENDED

[See section 46 (1)]

| Year | No.    | Short title   | Amendments  |
|------|--------|---|---|
|      |        | <i>Part I—Acts of the</i>                           | <i>Governor-General in Council</i>  |
| 1866 | XXVII  | The Indian Trustees' Act, 1866.                     | In the definition of High Court in section 2, for the words " Court of Oudh " the words " Courts of Oudh and Sind " shall be deemed to have been substituted.   |
| 1866 | XXVIII | The Trustees' and Mortgagees' Powers Act, 1866      | In the definition of High Court in section 1, for the words " Court of Oudh " the words " Courts of Oudh and Sind " shall be deemed to have been substituted.   |
| 1869 | IV     | The Indian Divorce Act, 1869.                       | In clause (1) of section 3, after the words " of Oudh. " the words " in Sind—the Chief Court of Sind " shall be deemed to have been inserted.<br><br>In clause (2) of section 3, for the words " in Burma " the words " in Burma and Sind " shall be deemed to have been substituted.   |
| 1875 | XVIII  | The Indian Law-Reports Act, 1875                    | (1) In the preamble for the words " Court of Oudh " the words " Courts of Oudh and Sind " shall be deemed to have been substituted.<br><br>(2) In section 3 for the words " Court of Oudh " the words " Courts of Oudh and Sind " shall be deemed to have been substituted.   |
| 1879 | XVIII  | The Legal Practitioners' Act, 1879.                 | In sub-section (4) of section 41 for the words " Court of Oudh " the words " Courts of Oudh and Sind " shall be deemed to have been substituted.  |
| 1891 | XVI    | The Colonial Courts of Admiralty (India) Act, 1891. | In section 2,<br>(1) after clause (4) the following clause shall be deemed to have been inserted, namely :—<br>" (5) The Chief Court of Sind, and " ,<br>(2) Clause " (5) " shall be deemed to have been re-numbered " (6) " .  |
| 1898 | V      | The Code of Criminal Procedure, 1898.               | (1) In clause (j) of sub-section (1) of section 4,<br>(2) for the words " Court of Oudh " the words " Courts of Oudh and Sind " shall be deemed to have been substituted, and<br><br>(3) for the words " Courts of the Judicial Commissioners of the Central Provinces and Sind " the words " Court of the Judicial Commissioner of the Central Provinces " shall be deemed to have been substituted. |

| Year | No. | Short title                        | Amendments   |
|------|-----|------------------------------------|--|
|      |     | <i>Part I—Acts of the</i>          | <i>Governor-General in Council—contd.</i>  |
|      |     |                                    | (2) In section 266,<br>(i) for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted, and<br>(ii) for the words "Courts of the Judicial Commissioners of the Central Provinces and Sind" the words "Court of the Judicial Commissioner of the Central Provinces" shall be deemed to have been substituted.<br>(3) In sub-section (1) of section 364, for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted.<br>(4) In section 365, for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted. |
| 1908 | V   | The Code of Civil Procedure, 1908. | In section 122, for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted.<br>In sub-section (1) of section 123, for the words "Chief Court" the words "Chief Courts" shall be deemed to have been substituted.   |
| 1908 | IX  | The Indian Limitation Act, 1908.   | In the First Schedule, Third Division, in Article 162 after the word "Bombay" the words "or the Chief Court of Sind" shall be deemed to have been inserted.  |
|      |     | <i>Part II—Acts of the</i>         | <i>Governor of Bombay in Council</i>   |
| 1879 | V   | The Bombay Land Revenue Code, 1879 | In sub-section (3) of section 135H, for the words "Court of the Judicial Commissioner" the words "Chief Court" shall be substituted.   |
| 1906 | II  | The Mamlatdars Courts Act, 1906.   | In section 24 for the words "Court of the Judicial Commissioner" the words "Chief Court" shall be substituted.   |
| 1915 | I   | The Bombay Town Planning Act, 1915 | In section 33,<br>(1) in sub-section (2) for the words "Judicial Commissioner" where they occur for the second time the words "Chief Judge of the Chief Court of Sind" shall be substituted; and<br>(2) for the words "Additional Judicial Commissioner" in sub-sections (2) and (3) the words "Judge of the Chief Court of Sind" shall be substituted.  |
| 1923 | VI  | The Bombay Local Boards Act, 1923. | In the <i>explanation</i> to clause (d) of sub-section (1) of section 9 for the words "Court of the Judicial Commissioner in Sind" the words "Chief Court of Sind" shall be substituted.   |

## THE SECOND SCHEDULE

## REPEALS

[See section 46 (2)]

| Year | No. | Short title   | Extent of repeal  |
|------|-----|---|---|
|      |     | <i>Part I—Acts of the</i>                           | <i>Governor-General in Council</i>  |
| 1869 | IV  | The Indian Divorce Act, 1869.                       | In section 3, clause (2), the words "in Sind the Judicial Commissioner of that Province" shall be deemed to have been repealed. |
| 1869 | XIV | The Bombay Civil Courts Act, 1869.                  | So far as extended by notification to Sind  |
| 1891 | XVI | The Colonial Courts of Admiralty (India) Act, 1891. | In section 2,<br>(1) the word "and" in clause (5) and<br>(2) clause (6),<br>shall be deemed to have been repealed.              |
|      |     | <i>Part II—Acts of the</i>                          | <i>Governor of Bombay in Council</i>  |
| 1866 | XII | The Sindh Courts Act, 1866.                         | So much as has not been repealed.   |
| 1868 | III | The Bombay Act V of 1867 (Amendment) Act, 1868.     | So much as has not been repealed.   |
| 1906 | I   | The Sind Courts (Amendment) Act, 1906.              | The whole.  |
| 1910 | I   | The Bombay Repealing and Amending Act, 1910.        | So much of it as relates to the Sind Courts (Amendment) Act 1906.   |
| 1916 | II  | The Sind Courts (Amendment) Act, 1916.              | The whole.  |

# BOMBAY ACT No. VIII OF 1926

*(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 25th September 1926)*

An Act further to amend the Bombay Port Trust Act, 1879

Bom. VI of 1879  
5 & 6 Geo V, c. 61

WHEREAS it is expedient further to amend the Bombay Port Trust Act, 1879, 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 Bombay Port Trust (Amendment) Act, 1926. Short title.

Bom VI of 1879

2. In section 22 of the Bombay Port Trust Act, 1879, hereinafter called the said Act— Amendment of section 22 of Bom. VI of 1879.

(a) in sub-section (5) after the word 'them' where it occurs for the first time the words "and the Chairman" shall be inserted; and

(b) in sub-section (6) after the word 'servants' where it occurs for the second time the words "and the Chairman" shall be inserted.

3. In sub-section (1) of section 49 of the said Act after the word "servants" where it occurs for the third time the words "and the Chairman" shall be inserted. Amendment of section 49 of Bom. VI of 1879.

4. The amendments made by sections 2 and 3 shall be deemed to have been made and to have had effect from the 21st day of May 1923. Amendments made by sections 2 and 3 to have retrospective effect

5. For sub-section (2) of section 61A of the said Act the following sub-section shall be inserted, namely:— Amendment of section 61A of Bom. VI of 1879.

"(2) If any owner, without any default on the part of the Board, fails to remove any goods other than those stored in the warehouses Goods not stored in licensed warehouses to remain at

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[Price—Pies 6 or 1 d.]

risk and  
expense of  
owner if not  
removed  
within seven  
days.

appointed by the Board for the storage of duty paid goods or in warehouses appointed under section 15, or licensed under section 16 of the Sea Customs Act, 1878, from the premises of the Board within seven clear days from the date on which such goods shall have been landed, such goods shall remain on the premises of the Board at the sole risk and expense of the owner and the Board shall thereupon be discharged from all liability theretofore incurred by them in respect of such goods.”



# BOMBAY ACT No. IX OF 1926

*(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 28th September 1926)*

An Act to amend the Bombay Prevention of Prostitution Act, 1923

Bom. XI of 1923. 5 & 6 Geo. 5, c 61. WHEREAS it is expedient to amend the Bombay Prevention of Prostitution Act, 1923, 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 Bombay Prevention of Prostitution (Amendment) Act, 1926. Short title.

Bom. XI of 1923. Amendment of s. 1 of Bom. XI of 1923. 2. In sub-section (2) of section 1 of the Bombay Prevention of Prostitution Act, 1923, hereinafter called the said Act, for the words and figures "and section 12" the words and figures "section 12 and section 13, sub-section (1)" and for the word and figures "sub-section 8 (3)" the word and figures "section 8 (3)" shall be substituted.

3. In section 3 of the said Act, Amendment of s. 3 of Bom. XI of 1923. (a) for the words "eight days" the words "three months" and

(b) for the word "fifty" the words "one hundred" shall be substituted.

4. After sub-section (5) of section 9 of the said Act the following sub-section shall be added, Amendment of s. 9 of Bom. XI of 1923. namely:—

"(6) (a) Elsewhere than in the City of Bombay all or any of the powers conferred by this section on the Commissioner of Police for the City of Bombay may be exercised, as regards his district or part of his district, by the District

[Price—Pies 6 or 1d.]

Magistrate when empowered in that behalf by the Governor in Council by a notification in the *Bombay Government Gazette*.

(b) Any person on whom a notice issued by the District Magistrate under the powers exercisable by him under clause (a) shall have been served, disobeying the requisition therein contained shall be liable to the punishment provided in sub-section (4).

(c) Whoever, within two years from the date of his removal under the provisions of this sub-section, returns to any place within the district from which he has been removed without the permission in writing of the District Magistrate shall be liable to the punishment provided in sub-section (5)."

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

Amendment  
of s. 10 of  
Bom. XI of  
1923.

"(1) Any police officer on information, and, if the offence is committed in his view, any police officer specially authorised in this behalf by the Commissioner of Police, may arrest without a warrant any person committing any offence punishable under section 3."

6. In section 13 of the said Act,—

Amendment  
of s. 13 of  
Bom. XI of  
1923.

(a) For clause (c) of sub-section (1) the following shall be substituted, namely:—

"(c) in clause 33 (i) after the figures '126' the word 'or' shall be deleted and after the figures '23' the words and figures 'or under section 128' shall be inserted."

(b) For clause (e) of sub-section (1) the following shall be substituted, namely:—

"(e) the following shall be inserted as sub-section (1) of section 35:—

'Any police officer empowered in this behalf by the Commissioner of Police may arrest without warrant for any offence specified in section 120.'"

# BOMBAY ACT No. X OF 1926

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 13th October 1926)

An Act to amend the Bombay City Municipalities Act, 1925

WHEREAS it is expedient to amend the Bombay City Municipalities Act, 1925, in manner herein-  
after appearing; It is hereby enacted as follows:—

Bom.  
XVIII  
of 1925

1. This Act may be called the Bombay City Municipalities (Amendment) Act, 1926.

Bom.  
XVIII  
of 1925

2. In sub-section (I) of section 13 of the Bombay City Municipalities Act, 1925, hereinafter called the said Act, for the words and figures "sub-clauses (iii) and (iv) of clause (c) of section 11" the words and figures "clause (c) of sub-section (I) of section 10" shall be substituted.

Amendment  
of section 13  
of Bom.  
XVIII of  
1925.

3. For section 33 of the said Act the following section shall be substituted, namely:—

Substitution  
of a new  
section for  
section 33 of  
Bom. XVIII  
of 1925.

"33. (1) There shall be a chief officer in every municipal borough who shall be a graduate of a recognized university or a qualified engineer appointed by the municipality:

Appointment  
of Chief  
Officer:  
Conditions  
of tenure.

Provided that a person permanently appointed as chief officer under the Bombay District Municipal Act, 1901, before the coming into operation of this Act, need not be a graduate of a recognized university or a qualified engineer.

Bom.  
III of  
1901.

(2) No chief officer shall be removed from office, reduced or suspended unless by the votes of at least two-thirds of the whole number of councillors; and no such officer shall be punishable with fine."

[Price—Pies 6 or 1d.]

2      *The Bombay City Municipalities  
          ( Amendment ) Act, 1926*

[BOM. X  
OF 1926]

Sections 2  
and 3 to have  
retrospective  
effect.

4. The amendments made by sections 2 and 3 shall be deemed to have been made and to have had effect from the date on which the said Act came into operation :

Provided that nothing in this section shall apply or shall be deemed to have applied in the case of any person who, being a chief officer, was removed from office under section 33 of the said Act before the 16th day of July 1926, as not being a graduate of a recognized university, or a qualified man.

# BOMBAY ACT No. XI OF 1926

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 13th October 1926)

An Act to amend the law relating to the emoluments claimable by hereditary Hindu priests

5 & 6 Geo. 5, a. 61. WHEREAS it is expedient to amend the law relating to the emoluments claimable by hereditary Hindu priests and whereas the previous sanction of the Governor General required under section 80-A (3) 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 Invalidation of Hindu Ceremonial Emoluments Act, 1926. 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 the first day of April 1928.

3. In this Act,

"Ceremonial emoluments" means all perquisites, fees and any other dues claimable by any person for religious ceremonies, on account of his being a hereditary priest or an alienee from a hereditary priest. Definitions.

4. No person shall be entitled to claim, as a matter of right, any ceremonial emoluments from any Hindu who does not call in the services of the person claiming those emoluments. Right to claim ceremonial emoluments.

5. After this Act comes into operation—

(i) Every hereditary priest who holds no inam land or receives no cash allowance as remuneration for the performance of his services to the village shall be deemed to be relieved of his obligation to perform such services when required. Hereditary priest may be relieved of his obligation to perform services.

[Price—Pies 6 or 1d.]

by any villager to officiate or to provide a substitute to officiate at any religious ceremony in the village.

(ii) A hereditary priest who holds inam lands or receives a cash allowance as remuneration for the performance of his services shall, at his option, on written application to the Collector, be relieved of his obligation to perform such services when required by any villager to officiate or to provide a substitute to officiate at any religious ceremony in the village if he agrees to pay full revenue assessment on his inam lands or, as the case may be, to forego his cash allowance; provided that such option shall be allowed to be exercised once only in the case of each inam grant.

Extent to  
which rights  
of hereditary  
Hindu priest  
or his alienee  
affected under  
the Act.

6. Nothing in this Act shall affect the rights of a hereditary Hindu priest or an alienee from such priest to the inam lands or cash allowance attached to his office for the performance of any service pertaining to it, except to the extent specified herein.

# BOMBAY ACT No. XII OF 1926

*(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 20th October 1926)*

An Act further to amend the City of Bombay Police Act, 1902

Bom. IV  
of 1902. WHEREAS it is expedient further to amend the City of Bombay Police Act, 1902, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the City of Bombay Police (Amendment) Act, 1926. Short title.

Bom. IV  
of 1902. 2. After section 29, of the City of Bombay Police Act, 1902, the following section shall be inserted, namely :— New section 29-A of Bom. IV of 1902.

"29-A. (1) Any police officer who in any street or public place other than a place of worship finds any animal other than a bull or a cow so diseased, or so severely injured, and in such a physical condition, that in his opinion it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the Veterinary Practitioner in charge of the area in which the animal is found and, if the Veterinary Practitioner certifies that the animal is mortally injured, or so severely injured; or so diseased, or in such a physical condition, that it is cruel to keep it alive, the police officer may, without the consent of the owner, destroy the animal or cause it to be destroyed: Destruction of suffering or unfit animals.

Provided that if in the opinion of the Veterinary Practitioner the animal can be removed from the place where it is found without causing it great suffering, and, if the owner or person in charge of the animal, or in their absence any other person on the spot is willing and offers to

[Price—Pies 6 or 1d.]

remove the animal to a Veterinary Hospital or Pinjrapole within such time as the Veterinary Practitioner considers reasonable, the Veterinary Practitioner shall allow the animal to be removed by such owner, person in charge or other person. If the owner or person in charge of the animal or such other person is unwilling or fails so to remove the animal, the Veterinary Practitioner may direct the Police Officer to remove the animal before it is destroyed from the place where it is found to such other place as he may think fit :

Provided further that when the animal is destroyed in any street or public place it shall, as far as possible, be screened from the public gaze while it is being destroyed.

*Explanation.*—For the purpose of this section ‘ bull ’ does not include ‘ bullock.’

Power to  
appoint  
Veterinary  
Practitioners.

(2) The Governor in Council may appoint such persons as he thinks fit to be Veterinary Practitioners and may declare the areas of which they shall be in charge for the purposes of this Act.”