



Government of Bombay
Legal Department

The Bombay Code

Volume II

containing

The Unrepealed Acts of the Governor of Bombay in Council
in force in Bombay from 1862 to 1887 inclusive; And
a Chronological Table of Enactments reproduced
in the Volume with an Index

FIFTH EDITION

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BOMBAY
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PREFACE.

The present fifth edition of the Bombay Code is based partly on the last edition edited and published by the Legislative Department of the Government of India and partly on the last edition of the supplementary volumes (containing Bombay Acts from 1923-1934), edited and published by the Legal Department of the Government of Bombay. It contains, with some exceptions, the unrepealed Bombay Regulations, the Local Acts of the Governor General in Council in force in the Province of Bombay, the Acts passed by the Governor of Bombay in Council, the Bombay Legislative Council and the Bombay Legislature.

2. The exceptions referred to above are—

(a) certain enactments which are now only in force within narrow limits and which were excluded from the last edition of the Code ;

(b) the following Acts, which are of a purely personal character :—

Act XVIII of 1848 (Nawab of Surat).

Act VI of 1893 (Sir Dinshah Manockjee Petit).

Act XIX of 1911 (Sir Cowasjee Jehangir Baronetcy).

Act IV of 1913 (Sir Currimbhoy Ebrahim Baronetcy).

Act II of 1915 (Sir Sassoon Jacob David Baronetcy).

Act X of 1915 (Sir Jamsetjee Jeejeebhoy Baronetcy).

Act XXV of 1917 (Sir Currimbhoy Ebrahim Baronetcy Amendment).

Bom. Act VIII of 1924 (Sir Chinubhai Madhavlal Ranchhodlal Baronetcy).

Bom. Act XVI of 1936 (Sir Chinubhai Madhavlal Ranchhodlal Baronetcy Amendment).

3. This edition of the Code consists of six volumes, and like the earlier edition is divided into parts according to the class of enactments in each part. Volume I contains Part I, which reproduces unrepealed Bombay Regulations published in the last edition ; and Part II which consists of unrepealed Local Acts of the Governor General in Council, now in force in the Province of Bombay. The other five volumes contain Parts III and IV, which reproduce the Acts passed by the

local Council and the Bombay Legislature, respectively, from 1862 onwards. Volume II consists of the Acts passed during the years 1862 to 1887, Volume III those passed from 1888 to 1897, Volume IV those passed from 1898 to 1922, Volume V those passed from 1923 to 1930 and Volume VI those passed from 1931 to 1937.

4. Since its last publication in 1922 a large number of amending acts and new enactments have been passed by the Bombay Legislative Council. The Government of India (Adaptation of Indian Laws) Order, 1937, passed under section 293 of the Government of India Act, 1935, has made considerable changes in almost all the Acts and Regulations enacted prior to 1st April 1937. In publishing this edition, all Acts purely of an amending nature modifying the main Bombay Acts have been omitted except those which have modified the Acts of the Central Government.

5. In order to facilitate ready reference to all the changes carried out in any Act, a table has been inserted at the commencement of each Act setting out the number and years of all amending and repealing Acts. A chronological table of Acts and a short index are also appended to each of the volumes. The changes made by the Government of India (Adaptation of Indian Laws) Order, 1937, are referred to in the foot-notes as being made by the Adaptation of Indian Laws Order in Council.

All Acts are printed as modified up to 31st December 1937.

LEGAL DEPARTMENT.

28th January 1938.

**CHRONOLOGICAL TABLE OF THE UNREPEALED
BOMBAY ACTS.**

Year	No.	Short title or subject	How repealed or otherwise affected by legislation	Page
1	2	3	4	5
1862	IV	The Markets and Fairs Act, 1862.	Rep. in part, by Act 12 of 1873 .. Rep. in part, by Act 12 of 1876. Rep. in part, and amended, by Bom. 3 of 1886. Adapted and modified by the Adaptation of Indian Laws Order in Council.	1
1862	V	The Bhagdari and Narvadari Act, 1862. <i>S. T. 2 / 1421</i>	Rep. in part, by Act 12 of 1873 .. Rep. in part, by Act 12 of 1876. Rep. in part, by Bom. 3 of 1886. Amended, by Bom. 2 of 1910. Adapted and modified by the Adaptation of Indian Laws Order in Council.	7 <i>See note 7/1885</i>
1862	VI	The Ahmedabad Taluquars Act, 1862. <i>S. T. 2 / 1421</i>	Rep. in part, by Act 12 of 1876 and by Bom. 3 of 1886. Adapted and modified by the Adaptation of Indian Laws Order in Council.	13 <i>See note 6/1885</i>
1863	II	The Exemptions from Land-revenue (No. 1) Act, 1863. <i>S. T. 2</i>	Rep. in part, by Act 10 of 1876. Rep. in part, by Act 12 of 1876. Rep. in part, and amended, by Act 16 of 1895. Rep. in part, and amended, by Bom. 3 of 1886. Adapted and modified by the Adaptation of Indian Laws Order in Council.	21 <i>See note 2 of 1885</i> <i>Act 15 of 1888</i> <i>Act 12 of 1885</i>
1863	III	The Satara, Sholapur and Southern Maratha Country Laws Act, 1863.	Rep. in part, by Act 4 of 1868 .. Rep. in part, by Act 15 of 1874. Rep. in part, by Act 10 of 1876. Rep. in part, by Act 16 of 1895. Rep. in part, by Bom. 3 of 1886.	35
1863	V	The Gas Companies Act, 1863.	Rep. in part, by Bom. 3 of 1886 .. Amended, by Act 16 of 1895. Adapted and modified by the Adaptation of Indian Laws Order in Council.	51
1863	VII	The Exemptions from Land-revenue (No. 2) Act, 1863.	Rep. in part, by Act 12 of 1873 .. Rep. in part, by Act 10 of 1876. Rep. in part, by Act 12 of 1876. Rep. in part (locally), by Bom. 5 of 1879. Rep. in part, and amended, by Bom. 3 of 1886. Amended, by Act 16 of 1895. Adapted and modified by the Adaptation of Indian Laws Order in Council.	63

Year	No.	Short title or subject	How repealed or otherwise affected by legislation	Page
1	2	3	4	5
1864	II	The Bombay Steam-vessels Act, 1864.	Rep. (except section 15), by Act 6 of 1884.	81
1865	I	The Khots Leases Act, 1865.	Rep. in part, by Act 12 of 1873 .. Rep. in part, by Act 10 of 1876. Rep. in part, by Bom. 4 of 1868. Amended, by Bom. 1 of 1875. (Rep. locally (except sections 37 and 38), by Bom. 5 of 1879.) Sections 37 and 38 rep. (locally), by Bom. 1 of 1880. Adapted and modified by the Adaptation of Indian Laws Order in Council.	83
1865	III	The Act for Avoiding Wagers (Amendment) Act, 1865.	Rep. in part, by Act 16 of 1895 .. Rep. in part, by Bom. 3 of 1886.	87
1865	VII	The Religious Endowments (Extension to Kanara) Act, 1865.	91
1866	VII	The Bombay Hindu Heirs' Relief Act, 1866.	Rep. in part, by Act 12 of 1873 .. Rep. in part, by Bom. 3 of 1886.	95
1866	XIII	The Legislative Council Witnesses Act, 1866.	This Act ceases to have effect under the Adaptation of Indian Laws Order in Council.	99
1866	XIV	The Edulabad and Warangaon Parganas Laws Act, 1866.	Rep. in part, by Act 10 of 1876 .. Rep. in part, by Act 12 of 1876. Rep. in part, by Act 16 of 1895.	101
1867	VI	The Bombay City Sanitary Regulation Act, 1867.	Rep. in part, by Bom. 3 of 1886. Rep. in part, by Act 38 of 1920. Amended, by Act 16 of 1895. Adapted and modified by the Adaptation of Indian Laws Order in Council.	105
1867	VII	The Bombay District Police Act, 1867.	Rep. in part, and amended, by Bom. 3 of 1886. Rep. (save sections 33 and 34), by Bom. 4 of 1890. Sections 33 and 34 rep. locally and temporarily, by Bom. 1 of 1889. Sections 33 and 34 rep. locally and temporarily, by Bom. 6 of 1933.	113

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Year	No.	Short title or subject	How repealed or otherwise affected by legislation	Page
1	2	3	4	5
1867	VIII	The Bombay Village Police Act, 1867.	Rep. in part, by Act 12 of 1873 .. Rep. in part, by Act 12 of 1876. Rep. in part, by Bom. 3 of 1886. Rep. in part (locally and temporarily), by Bom. 1 of 1889. Amended, by Bom. 1 of 1876. Amended, by Bom. 3 of 1886 (as amended by Bom. 1 of 1891). Amended, by Bom. 4 of 1905. Amended, by Bom. 3 of 1915. Amended, by Bom. 9 of 1925. Supplemented, by Bom. 4 of 1890. Adapted and modified by the Adaptation of Indian Laws Order in Council.	117
1868	II	The Bombay Ferries Act, 1868.	Rep. in part, by Act 12 of 1873 .. Rep. in part, by Act 2 of 1901. Rep. in part, by Act 38 of 1920. Rep. in part, by Bom. 3 of 1886. Rep. in part (except in the City of Bombay), by Bom. 1 of 1884. Amended, by Bom. 2 of 1878. Amended, by Bom. 8 of 1923. Amended, by Bom. 4 of 1933. Adapted and modified by the Adaptation of Indian Laws Order in Council.	127
1874	I	The Bombay Tramways Act, 1874.	Rep. in part, by Bom. 3 of 1886. Rep. in part and amended, by Bom. 2 of 1895. Rep. in part, and amended, by Bom. 1 of 1907. Rep. in part, and amended, by Bom. 3 of 1914. Rep. in part, and amended, by Bom. 1 of 1917. Adapted and modified by the Adaptation of Indian Laws Order in Council.	135
1874	II	The Civil Jails Act, 1874.	Rep. in part, by Act 9 of 1894 .. Rep. in part, by Bom. 3 of 1886. Amended, by Bom. 2 of 1882. Adapted and modified by the Adaptation of Indian Laws Order in Council.	157

Chronological Table

Year	No.	Short title or subject	How repealed or otherwise affected by legislation	Page
1	2	3	4	5
1874	III	The Bombay Hereditary Offices Act, 1874.	Rep. in part, by Act 12 of 1876 .. Rep. in part, by Bom. 3 of 1886. Rep. in part, and amended, by Act 16 of 1895. Rep. in part, and amended, by Bom. 5 of 1886. Rep. in part, and amended, by Bom. 3 of 1910. Rep. in part, amended and supplemented (locally), by Bom. 6 of 1887. Amended, by Bom. 3 of 1915. Amended, by Bom. 11 of 1925. Amended, by Bom. 11 of 1930. Amended, by Bom. 15 of 1931. Amended, by Bom. 12 of 1932. Adapted and modified by the Adaptation of Indian Laws Order in Council.	163
1875	III	The Tolls on Roads and Bridges Act, 1875.	Rep. in part, by Act 16 of 1895 .. Rep. in part, by Act 2 of 1901. Rep. in part, by Bom. 3 of 1886. Rep. in part (except in the City of Bombay), by Bom. 1 of 1884. Amended, by Bom. 5 of 1881. Amended (except in the City of Bombay), by Bom. 1 of 1884. Adapted and modified by the Adaptation of Indian Laws Order in Council.	195
1876	II	The Bombay City Land-revenue Act, 1876.	Rep. in part, by Bom. 3 of 1886 .. Rep. in part, by Act 38 of 1920. Amended, by Act 16 of 1895. Amended, by Bom. 3 of 1900. Amended, by Bom. 1 of 1910. Amended, by Bom. 4 of 1915. Amended, by Bom. 2 of 1919. Adapted and modified by the Adaptation of Indian Laws Order in Council.	203
1877	I	The Bombay Vaccination Act, 1877.	Rep. in part, by Bom. 3 of 1886 .. Rep. in part and amended, by Act 16 of 1895. Amended, by Bom. 3 of 1882. Amended, by Bom. 3 of 1907. Adapted and modified by the Adaptation of Indian Laws Order in Council.	223

Chronological Table

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Year	No.	Short title or subject	How repealed or otherwise affected by legislation	Page
1	2	3	4	5
1878	V	The Bombay Abkari Act, 1878.	Rep. in part, by Act 16 of 1895 .. Rep. in part, by Act 38 of 1920. Rep. in part, by Act 24 of 1934. Rep. in part, and amended, by Bom. 3 of 1886. Rep. in part, and amended, by Bom. 12 of 1912. Amended, by Act 2 of 1930. Amended, by Bom. 3 of 1892. Amended, by Bom. 5 of 1901. Amended, by Bom. 3 of 1905. Amended, by Bom. 4 of 1905. Amended, by Bom. 3 of 1917. Amended, by Bom. 2 of 1919. Amended, by Bom. 4 of 1925. Amended, by Bom. 9 of 1929. Adapted and modified by the Adaptation of Indian Laws Order in Council.	237
1879	V	The Bombay Land Revenue Code, 1879.	Rep. in part, by Bom. 3 of 1886 .. Rep. in part, and amended, by Act 16 of 1895. Rep. in part, and amended, by Bom. 6 of 1901. Rep. in part, and amended, by Bom. 4 of 1905. Rep. in part, and amended (locally), by Bom. 1 of 1880. Rep. in part, and amended (locally), by Bom. 6 of 1888 as amended by Bom. 2 of 1905. Rep. in part, and amended (locally), by Bom. 11 of 1912. Rep. in part, and amended (locally), by Bom. 4 of 1913. Rep. in part, and amended (locally), by Bom. 2 of 1919. — Amended, by Bom. 7 of 1879. Amended, by Bom. 4 of 1886. Amended, by Bom. 1 of 1910. Amended, by Bom. 7 of 1914. Amended, by Bom. 1 of 1920. Amended, by Bom. 3 of 1921. Amended, by Bom. 15 of 1929. Amended, by Bom. 3 of 1932. Amended, by Bom. 31 of 1935. Amended, by Bom. 5 of 1936. Adapted and modified by the Adaptation of Indian Laws Order in Council.	277
1879	VI	The Bombay Port Trust Act, 1879.	Rep. in part, by Act 2 of 1901 .. Rep. in part, by Bom. 3 of 1886 (as amended by Bom. 1 of 1891). Rep. in part, and amended, by Bom. 1 of 1899. Rep. in part, and amended, by Bom. 3 of 1913. Amended, by Bom. 1 of 1881. Amended, by Bom. 3 of 1881. Amended, by Bom. 3 of 1883.	373

Chronological Table

Year	No.	Short title or subject	How repealed or otherwise affected by legislation	Page
1	2	3	4	5
1879	VI	The Bombay Port Trust Act, 1879— <i>contd.</i>	Amended, by Bom. 6 of 1883. Amended, by Bom. 3 of 1888. Amended, by Bom. 2 of 1901. Amended, by Bom. 1 of 1910. Amended, by Bom. 4 of 1910. Amended, by Bom. 6 of 1914. Amended, by Bom. 4 of 1917. Amended, by Bom. 4 of 1919. Amended, by Bom. 21 of 1920. Amended, by Bom. 5 of 1923. Amended, by Bom. 5 of 1924. Amended, by Bom. 17 of 1925. Amended, by Bom. 8 of 1926. Amended, by Bom. 14 of 1927. Amended, by Bom. 16 of 1929. Amended, by Bom. 5 of 1930. Amended, by Bom. 12 of 1933. Amended, by Bom. 9 of 1936. Adapted and modified by the Adaptation of Indian Laws Order in Council.	
1879	VII	The Bombay Irrigation Act, 1879.	Rep. in part, by Act 16 of 1895 .. Rep. in part, by Bom. 3 of 1880. Rep. in part, by Bom. 3 of 1886. Amended, by Bom. 1 of 1910. Amended, by Bom. 2 of 1914. Amended, by Bom. 14 of 1931. Amended, by Bom. 15 of 1933. Adapted and modified by the Adaptation of Indian Laws Order in Council.	425
1880	I	The Khoti Settlement Act, 1880.	Rep. in part, by Bom. 3 of 1886 .. Rep. in part, and amended, by Bom. 3 of 1904. Rep. in part, and amended, by Bom. 4 of 1913. Amended, by Bom. 8 of 1912. Adapted and modified by the Adaptation of Indian Laws Order in Council.	463
1882	VII	The Bombay Landing and Wharfage Fees Act, 1882.	Rep. in part, and amended, by Act 16 of 1895. Amended, by Bom. 5 of 1916. Amended, by Bom. 2 of 1919. Adapted and modified by the Adaptation of Indian Laws Order in Council.	487
1883	I	The Bombay Highway Act, 1883.	Rep. in part, by Bom. 3 of 1886 (as amended by Bom. 1 of 1891). Amended, by Act 16 of 1895. Adapted and modified by the Adaptation of Indian Laws Order in Council.	495

Chronological Table

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Year	No.	Short title or subject	How repealed or otherwise affected by legislation	Page
1	2	3	4	5
1883	V	The Bombay Public Authorities Seals Act, 1883.	Rep. in part, by Act 16 of 1895 .. Adapted and modified by the Adaptation of Indian Laws Order in Council.	501
1886	III	The Bombay General Clauses Act, 1886.	505
1886	V	The Bombay Hereditary Offices (Amendment) Act, 1886.	Rep. in part, by Act 16 of 1895 .. Rep. in part, and amended locally, by Bom. 6 of 1887. Sections 10 and 11 virtually rep., by Bom. 3 of 1910, s. 2. Amended, by Bom. 10 of 1923.	507
1887	II	The Protection of Pilgrims Act, 1887.	Rep. in part, by Act 14 of 1927 .. Rep. in part, by Act 20 of 1932. Amended, by Bom. 5 of 1915. Adapted and modified by the Adaptation of Indian Laws Order in Council.	509
1887	IV	The Bombay Prevention of Gambling Act, 1887.	Rep. in part, by Act 16 of 1895 .. Amended, by Bom. 1 of 1890. Amended, by Bom. 1 of 1910. Amended, by Bom. 6 of 1919. Amended, by Bom. 5 of 1922. Amended, by Bom. 5 of 1926. Amended, by Bom. 14 of 1929. Amended, by Bom. 3 of 1931. Amended, by Bom. 12 of 1934. Amended, by Bom. 1 of 1936. Adapted and modified by the Adaptation of Indian Laws Order in Council.	515
1887	VI	The Matadars Act, 1887..	Amended, by Bom. 3 of 1890 .. Amended, by Bom. 3 of 1910. Amended, by Bom. 3 of 1915. Amended, by Bom. 8 of 1922. Amended, by Bom. 24 of 1936. Adapted and modified by the Adaptation of Indian Laws Order in Council.	525
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4. Order permitting establishment.
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10. Saving of general powers of Provincial Government.
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THE TODA GIRAS ALLOWANCES ACT, 1887.

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3. Toda giras allowances to be held hereditarily in male descent.
4. Mortgage, etc., of toda giras allowance.
5. Exemption of toda giras allowances from attachment and sale in execution of decrees.
6. Saving of toda giras allowances already alienated.
Collector how to proceed in respect of alienations notified to him under clauses (b) and (c).

BOMBAY ACT No. VII OF 1887.¹

[THE TODA GIRAS ALLOWANCES ACT, 1887.]

[28th April, 1888.]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to declare and amend the Law relating to Toda Giras Allowances.

WHEREAS it is expedient to declare and amend the law relating to toda giras allowances; It is enacted as follows:—

1. This Act may be called the Toda Giras Allowances Act, 1887. Short title.

2. In this Act, "toda giras allowance" means a cash payment made periodically to any person on the part of ²[the Crown], or by or on the part of a holder of alienated land, under the name of *giras*, *wol*, *tora giras* or *toda giras*. "Toda giras allowance" defined.

3. Every toda giras allowance is continuable hereditarily to the lineal male heirs in male descent of the first recipient thereof under British rule: Toda giras allowances to be held hereditarily in male descent.

Provided that, on failure of such heirs, the allowance, or some portion thereof, shall, whenever the ³[Provincial Government] has already so directed, or shall hereafter so direct, be continuable hereditarily to the lineal male heirs in male descent of a brother of the first recipient of such allowance under British rule.

4. No mortgage, charge or alienation of a toda giras allowance, or of any part thereof, or of any interest therein, by any recipient of the same, shall be valid as to any time beyond such recipient's natural life. Mortgage, etc., of toda giras allowance.

5. No toda giras allowance shall be liable to attachment or sale in execution of a decree: Exemption of toda giras allowances from attachment and sale in execution of decrees.

Provided that any money due or likely to become due to a judgment-debtor on account of a toda giras allowance may be attached in execution of the decree against him, but such attachment shall not affect any money which becomes due on account of such allowance after such judgment-debtor's death.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1886, Pt. V, p. 99, and for Proceedings in Council, see *ibid*, 1887, pp. 16, 212 and 220.

² The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ The words "Provincial Government" were substituted for the words "Governor in Council" by *ibid*.

Saving of
toda giras
allowances
already
alienated.

6. (1) Nothing in this Act applies to a toda giras allowance which has already been alienated—

(a) if the instrument purporting or operating to effect such alienation has before the date on which this Act comes into force been registered under any law for the time being in force relating to the registration of documents ; or

(b) if the said instrument, not being compulsorily registrable, and not having been registered under any such law as aforesaid, has been executed before the date on which this Act comes into force, and is presented for inspection, together with a copy thereof for record, at any time within six months after the said date, to the Collector of the district in which such allowance is payable ; or

(c) if when such alienation has not been effected by an instrument, proof thereof is produced within the period and to the Collector aforesaid.

Collector
how to
proceed in
respect of
alienations
notified to
him under
clauses (b)
and (c).

(2) When any instrument is presented to a Collector under clause (b), he shall, before returning the same, endorse thereon, under his signature and official seal, the date of such presentation. When proof of an alienation is produced before a Collector under clause (c), he shall give to the alienee a certificate, under his signature and official seal, that the toda giras allowance so alienated is not subject to the provisions of this Act.

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