

**THIRD SUPPLEMENT TO
THE BOMBAY CODE
FIFTH EDITION, 1938**



Government of Bombay
Legal Department

Third Supplement

to

The Bombay Code

containing

the Acts made during the year 1940 by the Governor of Bombay in exercise of the powers vested in him under the Proclamation issued under section 93 of the Government of India Act, 1935, and the Chronological Table of Enactments reproduced in this Supplement

FIFTH EDITION, 1938

BOMBAY

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PREFACE

THIS supplement contains all the Acts made during the year 1940 by the Governor of Bombay in exercise of the powers vested in him under the Proclamation issued under section 93 of the Government of India Act, 1935. The arrangement adopted in this Supplement is the same as that in the First and Second Supplements to the Bombay Code, Fifth Edition, 1938.

LEGAL DEPARTMENT.
31st January 1941.

P. N. MOOS.

CHRONOLOGICAL TABLE OF ACTS MADE BY THE GOVERNOR OF BOMBAY DURING THE YEAR 1940 IN EXERCISE OF THE POWERS OF THE BOMBAY LEGISLATURE VESTED IN HIM UNDER THE PROCLAMATION ISSUED UNDER SECTION 93 OF THE GOVERNMENT OF INDIA ACT, 1935.

Year.	Act No.	Short Title or Subject.	References to the Acts affected and to the Volume and page of the Bombay Code, 5th edition and Supplements thereto.	Page.
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1940	II	The Bombay Rent Restriction (Amendment) Act, 1940.	Bom. Act 16 of 1939, 2nd supplement, 81.	5
1940	III	The Bombay Motor Vehicles Tax, and the Bombay Local Boards (Amendment) Act, 1940.	(1) Bom. Act 6 of 1923, V, 23. (2) Bom. Act 34 of 1935, VI, 243.	7
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1940	VII	The Bombay Legislative Council (President and Deputy President) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries Act, 1937 and the Bombay Legislature Members' Salaries and Allowances Act, 1937 (Temporary Repeal) Act, 1940.	(1) Bom. Act 2 of 1937, VI, 313. (2) Bom. Act 3 of 1937, VI, 317.	19
1940	VIII	The Bombay Securities Contracts Control (Amendment) Act, 1940.	Bom. Act 8 of 1925, V, 215 ..	21
1940	IX	The Bombay Famine Relief Fund (Amendment) Act, 1940.	Bom. Act 19 of 1936, VI, 279 ..	23
1940	X	The Bombay Legislature Members' (Removal of Disqualifications) (Amendment) Act, 1940.	Bom. Act 1 of 1937, VI, 309 ..	25

BOMBAY ACT No. I OF 1940.

[THE BOMBAY FINANCE (AMENDMENT) ACT, 1940.]

[20th March 1940]

An Act to amend the Bombay Finance Act, 1932.¹

WHEREAS it is expedient to amend the Bombay Finance Act, 1932, for the purposes hereinafter appearing;

28
Geo. 5,
Ch. 2.) And whereas the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

1. (1) This Act may be called the Bombay Finance (Amendment) Act, 1940. Short title and commencement.

(2) It shall come into force on 31st March 1940.

Bom. II of 1932. 2. In sub-section (3) of section 2 of the Bombay Finance Act, 1932 (hereinafter called "the said Act"), for the word "eight" the word "nine" shall be substituted. Amendment of section 2 of Bom. II of 1932.

3. In section 18 of the said Act, —

(i) in the entries against Articles 18, 31, 32, 33, 35, 40, 58 and 63, for the words, brackets and figures "under the Bombay Finance (Amendment) Act, 1932", wherever they occur, the words and figures "under the Bombay Finance Act, 1932, as amended from time to time" shall be substituted; Amendment of section 18 of Bom. II of 1932.

(ii) after the entry relating to Article 23, the following shall be inserted, namely:—

"27 Debenture.

(b) by delivery

.. The same duty as was leviable on a conveyance (No. 23) before the passing of the Bombay Finance Act, 1932, for a consideration equal to the face amount of the debenture,";

(iii) in the entry relating to Article 35,—

(a) after the word "Lease", where it occurs for the first time, the following clauses shall be inserted, namely:—

"(a) (iii) where the lease purports to be for a term in excess of three years.

The same duty as was leviable on a conveyance (No. 23) before the passing of the Bombay Finance Act, 1932, for a consideration equal to the amount or value of the average annual rent reserved.

¹See Bombay Code, Vol. VI, p. 7.

(a) (iv) where the lease does not purport to be for any definite term.

The same duty as was leviable on a conveyance (No. 23) before the passing of the Bombay Finance Act, 1932, for a consideration equal to the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.

(a) (v) where the lease purports to be in perpetuity.

The same duty as was leviable on a conveyance (No. 23) before the passing of the Bombay Finance Act, 1932, for a consideration equal to one-fifth of the whole amount of rents which would be paid or delivered in respect of the first fifty years of the lease".

(b) in the entries against clauses (b) (i) and (c) (i), for the brackets, words and figures " [No. 23, as it stood before its amendment by the Bombay Finance (Amendment) Act, 1932] " the brackets, words and figures " (No. 23) under the Bombay Finance Act, 1932, as amended from time to time " shall be substituted ;

(iv) after the entry relating to Article 40, the following shall be inserted, namely :—

" 48. Power of Attorney.

(f) when given for consideration and authorising the attorney to sell any immoveable property.

The same duty as was leviable on a conveyance (No. 23) before the passing of the Bombay Finance Act, 1932, for the amount of the consideration";

and

(v) after the entry relating to Article 58, the following shall be inserted, namely :—

" 59. Share warrants to bearer issued under the Indian Companies Act, 1882.

One and a half times the duty payable on a conveyance (No. 23) before the passing of the Bombay Finance Act, 1932, for a consideration equal to the nominal amount of the shares specified in the warrant."

Amendment of section 24 of Bom. II of 1932.

4. In section 24 of the said Act,—

(i) in sub-section (1) the words "levied and" shall be deleted; and

(ii) in sub-section (2) the words "levy and" and the words "levied and" at both places where the latter words occur, shall be deleted.

Amendment of section 24A of Bom. II of 1932.

5. In section 24A of the said Act the words "levy and" at both places where they occur shall be deleted.

6. After section 24A of the said Act the following new section shall be inserted :—
- Insertion of new section 24AA in Bom. II of 1932.
- “24AA. The collection of the Urban Immoveable Property tax under section 24 and the recovery of the penalty under section 24A on behalf of any municipality shall be made by the appropriate municipal authority appointed to collect the property tax on behalf of such municipality under the law under which such municipality is constituted.”
- Collection of the Urban Immoveable Property tax and recovery of the penalty to be made by the appropriate municipal authority.
7. In section 25 of the said Act the words “levy and” shall be deleted.
- Amendment of section 25 of Bom. II of 1932.
8. In section 28 of the said Act the word “levy” wherever it occurs shall be deleted.
- Amendment of section 28 of Bom. II of 1932.
9. In clause (a) of sub-section (2) of section 29 of the said Act the words “levied and” shall be deleted.
- Amendment of section 29 of Bom. II of 1932.

BOMBAY ACT No. II OF 1940.

[THE BOMBAY RENT RESTRICTION (AMENDMENT) ACT, 1940.]

[26th March 1940]

An Act to amend the Bombay Rent Restriction Act, 1939.¹

WHEREAS it is expedient to amend the Bombay Rent Restriction Act, 1939, for the purpose hereinafter appearing;

And whereas the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

1. (1) This Act may be called the Bombay Rent Restriction (Amendment) Act, 1940. Short title and commencement.

(2) It shall come into force on 31st March 1940.

2. In sub-section (3) of section 1 of the Bombay Rent Restriction Act, 1939, for the figures "1940" the figures "1941" shall be substituted. Amendment of section 1 of Bom. XVI of 1939.

¹See 2nd Supplement to Bombay Code, p. 81.

BOMBAY ACT No. III OF 1940.

[THE BOMBAY MOTOR VEHICLES TAX AND THE BOMBAY LOCAL
BOARDS (AMENDMENT) ACT, 1940.]

[28th March 1940.]

An Act to amend the Bombay Motor Vehicles Tax Act, 1935,¹ and the Bombay Local Boards Act, 1923.²

Bom. XXXIV of 1935. Bom. VI of 1923. WHEREAS it is expedient to amend the Bombay Motor Vehicles Tax Act, 1935, and the Bombay Local Boards Act, 1923, for the purposes hereinafter appearing ;

26 Geo. 3, Ch. 2. And whereas the Governor of Bombay has assumed to himself, under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Motor Vehicles Tax and the Bombay Local Boards (Amendment) Act, 1940. Short title, extent and commencement.

(2) It shall extend to the whole of the Province of Bombay.

(3) It shall come into force with effect from such date as the Provincial Government may, by notification in the Official Gazette, appoint.

Bom. XXXIV of 1935. 2. In section 2 of the Bombay Motor Vehicles Tax Act, 1935 (hereinafter called "the said Act"),— Amendment of section 2 of Bom. XXXIV of 1935.

(i) for clause (1), the following shall be substituted, namely :—

"(1) 'Certificate of taxation' means a certificate issued under sub-section (3) of section 3 showing the rate at which the tax is leviable and the periods for which the tax has been paid."

(ii) clauses (2), (4), (7), (9) and (13) shall be deleted ;

(iii) in clause (10) for the words and figures "Indian Motor Vehicles Act, 1914" the words and figures "Motor Vehicles Act, 1939" shall be substituted ;

(iv) after clause (12), the following shall be inserted, namely :—

"(12A) 'Tax Token' means a token issued under sub-section (3) of section 3 showing that the amount of tax has been paid and includes a fresh tax token issued in place of the original token under sub-section (2) of section 6 ;" ; and

¹ See Bombay Code, Vol VI, p. 243.

² See Bombay Code, Vol V, p. 23.

(v) after clause (14), the following new clause shall be inserted, namely :—

“(15) Words and expressions used but not defined in this Act shall have the meaning assigned to them in the Motor Vehicles Act, 1914-1939.”

Amendment
of section 3
of Bom.
XXXIV of
1935.

3. In section 3 of the said Act—

(i) in sub-section (2)—

(a) in the proviso for the words and figures “Indian Motor Vehicles Act, 1914” the words and figures “Motor Vehicles Act, 1939” shall be substituted; and

(b) after the said proviso, the following further proviso shall be inserted, namely :—

“Provided further that in calculating the amount due under this sub-section for any period less than one year, the fraction of a rupee less than 8 annas shall be counted as 8 annas and the fraction of a rupee exceeding 8 annas shall be counted as a rupee.”; and

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

“(3) When the tax leviable under this section in respect of any motor vehicle is paid, the registering authority shall issue to the person paying the tax a token in the prescribed form showing that such tax has been paid. The registering authority shall also issue to such person a certificate of taxation showing the rate at which the tax is leviable and the period for which the tax has been paid in respect of such motor vehicle or if a certificate of taxation has been already issued in respect of such motor vehicle, cause an entry about such payment to be made in such certificate of taxation.”

Deletion of
section 4
of Bom.
XXXIV of
1935.

4. Section 4 of the said Act shall be deleted.

Amendment
of section 5
of Bom.
XXXIV of
1935.

5. In section 5 of the said Act—

(i) for the words “certificate of registration and licence card”, wherever they occur and for the words “certificate and licence card” the words “tax token and the certificate of taxation” shall be substituted;

(ii) in sub-section (3), the words “or for the renewal of registration” shall be deleted; and

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

“(4) When a motor vehicle in respect of which the tax has been paid is altered in such manner as to cause it to become a vehicle in respect of which the tax is leviable at a lower rate, the person who

has paid such tax shall be entitled on the production of a certificate signed by a registering authority stating that the vehicle has been so altered to a refund of a sum equal to the difference between the amount which would be refundable to him in accordance with the provisions of sub-sections (1) and (2) on the surrender of the tax token and the certificate of taxation and the amount of the tax leviable on such vehicle at the lower rate.

(5) Notwithstanding anything contained in sub-sections (1) and (2) a person shall be entitled to a refund of the tax as provided in the said sub-sections on the production of a certificate signed by a registering authority stating that such authority is satisfied that—

(a) such person has, for reasons beyond his control, not been able to surrender the tax token or the certificate of taxation, and

(b) the vehicle in respect of which the refund of the tax is claimed shall not be used in any public place during the period for which such refund is claimed."

6. In sub-section (2) of section 6 of the said Act,

(i) for the words "registration certificate" the words "tax token and the certificate of taxation" shall be substituted, and

(ii) the following shall be added at the end :—

"On receipt of such additional tax, the registering authority, shall issue to such owner or person a fresh tax token in place of the original token and shall cause an entry about such payment to be made in the certificate of taxation."

Amendment
of section 6
of Bom.
XXXIV of
1935.

7. In section 7 of the said Act, for the words "certificate of registration or renew any certificate of registration", the words "tax token" shall be substituted.

Amendment
of section 7
of Bom.
XXXIV of
1935.

8. In section 8 of the said Act, for the words "on any public road" the words "in any public place" shall be substituted.

Amendment
of section 8
of Bom.
XXXIV of
1935.

9. In sub-section (1) of section 10 of the said Act, for the words commencing with the words "which may extend to" where they occur for the first time and ending with the words "is committed", the following shall be substituted, namely :—

Amendment
of section 10
of Bom.
XXXIV of
1935.

"which shall not be less than a sum equal to the quarterly tax payable in respect of such vehicle and which may extend to a sum equal to the annual tax payable in respect of such vehicle; and in the event of such person having been previously convicted of an offence under this section with fine which shall not be less than a sum equal to the tax payable in respect of such vehicle for two quarters and which may extend to a sum equal to twice the annual tax payable in respect of such vehicle."

Amendment of section 14 of Bom. XXXIV of 1935.

10. In clause (a) of section 14 of the said Act, for the words "vehicles and animals" the words "vehicles, animals and persons" shall be substituted.

Amendment of section 15 of Bom. XXXIV of 1935.

11. In clause (a) of section 15 of the said Act, for the words "vehicle or animal" the words "vehicle, animal or person" shall be substituted.

Substitution of a new section 19 for section 19 of Bom. XXXIV of 1935.

12. For section 19 of the said Act, the following shall be substituted, namely :—

Exemption of motor vehicles used for agriculture.

"19. All motor vehicles designed and used solely for carrying out agricultural operations on farms or farm lands shall be exempt from the payment of the tax.

Explanation.—For the purpose of this section the expression 'agricultural operation' shall mean tilling, sowing, harvesting, crushing of agricultural produce or any other similar operation carried out for the purpose of agriculture but shall not include the transportation of persons or materials for the purpose of agriculture or the transportation of agricultural produce."

Amendment of section 20 of Bom. XXXIV of 1935.

13. In sub-section (2) of section 20 of the said Act—

(i) in clause (b) after the word "any" the word "token," shall be inserted; and

(ii) clause (g) shall be deleted.

Deletion of sections 21 and 23 of Bom. XXXIV of 1935.

14. Sections 21 and 23 of the said Act shall be deleted.

Amendment of Schedule I to Bom. XXXIV of 1935.

15. In Schedule I to the said Act—

(i) for Article III in clause A, the following shall be substituted, namely :—

"III. Motor Vehicles (including tricycles) weighing more than 8 cwt. unladen used for the transport or haulage of goods or materials :—

	Rs.
(a) Vehicles the registered laden weight of which does not exceed 30 cwt.	150
(b) Vehicles the registered laden weight of which exceeds 30 cwt. but does not exceed 60 cwt. . .	240
(c) Vehicles the registered laden weight of which exceeds 60 cwt. but does not exceed 90 cwt. . .	360

BOMBAY ACT No. IV OF 1940.

[THE BOMBAY VILLAGE PANCHAYATS (AMENDMENT) AMENDMENT
ACT, 1940.]

[29th March 1940]

An Act to amend the Bombay Village Panchayats (Amendment) Act, 1939.¹

WHEREAS it is expedient to amend the Bombay Village Panchayats (Amendment) Act, 1939;

And whereas the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

26 Geo.
5,
Ch. 2.

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

1. This Act may be called the Bombay Village Panchayats (Amendment) Act, 1940. Short title.

2. In section 50 of the Bombay Village Panchayats (Amendment) Act, 1939, Amendment of section 50 of Bom. XVIII of 1939.

Bom.
XVIII
of
1939.

(i) after the words "in this Act" the words "or in the said Act and notwithstanding that the term of office of the members of such panchayat or bench has expired" shall be inserted;

(ii) for the words "but shall be dissolved on" the word "till" shall be substituted; and

(iii) after the words "On the date so appointed" the words "the panchayat and the bench shall be dissolved and" shall be inserted.

3. (1) Any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made, issued or imposed by a panchayat at the term of the office of which has expired under the Bombay Village Panchayats Act, 1933, before the coming into force of this Act, shall, notwithstanding the expiration of such term, be deemed to be valid and duly made, issued or imposed and shall continue in force unless it is superseded by any new appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form duly made, issued or imposed. Savings.

Bom.
VI of
1933.

¹ See 2nd Supplement to Bombay Code, p. 91.

(2) All suits, cases and proceedings which were pending before any bench the term of office of the members of which expired under the Bombay Village Panchayats Act, 1933, on a date before the coming into force of this Act, but which were heard or disposed of by such bench after such date and before the date of the coming into force of this Act, shall, notwithstanding the expiration of such term, be deemed to have been validly heard or disposed of and any notice, summons, order, decision, distraint or sale issued or made by such bench in any suit, case or proceeding during such period shall not be called in question on the ground that such bench had no jurisdiction to issue or make such notice, summons, order, decision, distraint or sale, by reason that the term of office of its members had expired.

Section 2 to
have retro-
spective
effect.

4. The provisions of section 2 shall have effect from the date on which the Bombay Village Panchayats (Amendment) Act, 1939, came into force.

Bom.
XVIII
of
1939.

BOMBAY ACT No. V OF 1940.

[THE BOMBAY SMALL HOLDERS RELIEF (AMENDMENT) ACT, 1940.]

[29th March 1940]

An Act to amend the Bombay Small Holders Relief Act, 1938.¹

WHEREAS it is expedient to amend the Bombay Small Holders Relief Act, 1938, for the purposes hereinafter appearing ;

And whereas the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by 26 Geo. 5, Ch. 2. or under the said Act in the Provincial Legislature ;

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Small Holders Relief (Amendment) Act, 1940. Short title and commencement.

(2) It shall come into force on the 31st March 1940.

2. In sub-section (3) of section 1 of the Bombay Small Holders Relief Act, 1938, hereinafter called "the said Act" for the figures "1940" the figures "1941" shall be substituted. Amendment of section 1 of Bom. VIII of 1938.

3. In sub-section (2) of section 3 of the said Act, for the words "two years" where they occur at both the places, the words "three years" shall be substituted. Amendment of section 3 of Bom. VIII of 1938.

4. In sub-section (1) of section 4 of the said Act, for the figures "1940", the figures "1941" shall be substituted. Amendment of section 4 of Bom. VIII of 1938.

5. In sub-section (1) of section 9 of the said Act, for the figures "1939" where they occur at both the places, the figures "1940" shall be substituted. Amendment of section 9 of Bom. VIII of 1938.

¹ See 1st Supplement to Bombay Code, p. 43.

BOMBAY ACT No. VI OF 1940.

[THE BOMBAY ABKARI (AMENDMENT) ACT, 1940.]

[11th April 1940]

An Act to amend the Bombay Abkari Act, 1878.¹

Bom. V of 1878. WHEREAS it is expedient to amend the Bombay Abkari Act, 1878, so as to remove doubts as to the validity of certain rules, orders and notifications made or issued under the said Act for the purpose of promoting, enforcing and carrying into effect the policy of Prohibition in certain areas in the Province of Bombay and as to the powers of the Provincial Government and other authorities to make and issue such rules, orders and notifications for the said purpose ;

26 Geo. 5, Ch. 2. And whereas the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Abkari (Amendment) Act, Short title. 1940.

Bom. V of 1878. 2. In the preamble and the provisions of the Bombay Abkari Act, Amendment 1878, hereinafter called "the said Act", for the word "Presidency" of preamble wherever it occurs except in clause (5) of section 3, and for the words and provisions of "Bombay Presidency" wherever they occur except in section 61, the Bom. V of word "Province" shall be substituted. 1878.

3. In the preamble of the said Act, after the word "Bombay" the Amendment words "and whereas in order to promote, enforce and carry into effect of preamble the policy of Prohibition, it is necessary to prohibit the import, export, of Bom. V of transport, manufacture, sale and possession of liquor and of intoxicating 1878. drugs in the Province of Bombay or in specified areas thereof" shall be inserted.

4. In section 3 of the said Act, after clause (17) the following new Amendment clause shall be inserted, namely :— of section 3 of Bom. V of 1878.

"(18) 'Province' means the Province of Bombay."

5. For the heading to Chapter IV of the said Act, the following shall Substitution of the heading to Chapter IV of Bom. V of be substituted, namely :— 1878.

"IV. Cultivation, Manufacture and Possession."

¹ See Bombay Code, Vol. II, p. 237.

Amendment
of section
14B of Bom.
V of 1878.

6. In section 14B of the said Act,—

(a) the proviso to sub-section (1) shall be deleted ; and

(b) in sub-section (2), for the words “ any person or class of persons ” the words “ any individual or a class or body of individuals or the public generally ” shall be substituted.

Amendments
made by this
Act to be
retrospective:
indemnity.

7. The amendments made by this Act in the preamble and the provisions of the said Act shall have effect from the date on which the said preamble and the said provisions were respectively enacted and any rule, order or notification made or issued under the said Act before the commencement of this Act shall be deemed to have been made or issued under the said Act as amended by this Act and no prosecution, suit or other proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of any such rule, order or notification, as the case may be.

BOMBAY ACT No. VII OF 1940.

[THE BOMBAY LEGISLATIVE COUNCIL (PRESIDENT AND DEPUTY PRESIDENT) AND THE BOMBAY LEGISLATIVE ASSEMBLY (SPEAKER AND DEPUTY SPEAKER) SALARIES ACT, 1937, AND THE BOMBAY LEGISLATURE MEMBERS' SALARIES AND ALLOWANCES ACT, 1937 (TEMPORARY REPEAL) ACT, 1940.]

(26th June 1940)

An Act for the temporary repeal of the Bombay Legislative Council (President and Deputy President) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries Act, 1937¹, and the Bombay Legislature Members' Salaries and Allowances Act, 1937².

WHEREAS the Governor of Bombay has by the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

AND WHEREAS it is expedient that the provisions of the Bombay Legislative Council (President and Deputy President) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries Act, 1937, and the Bombay Legislature Members' Salaries and Allowances Act, 1937, should be temporarily repealed and should cease to have effect during the period the said Proclamation is in force;

Now, THEREFORE, in exercise of the powers of the Provincial Legislature assumed to himself by the said Proclamation, the Governor of Bombay is pleased to make the following Act:—

1. This Act may be called the Bombay Legislative Council (President and Deputy President) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries Act, 1937, and the Bombay Legislature Members' Salaries and Allowances Act, 1937 (Temporary Repeal) Act, 1940.

2. The provisions of the Bombay Legislative Council (President and Deputy President) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries Act, 1937, and the Bombay Legislature Members' Salaries and Allowances Act, 1937, shall be deemed to have been repealed and shall cease to have effect from the first day of July 1940 until the

Proclamation dated the 4th November 1939, issued by the Governor of Bombay under section 93 of the Government of India Act, 1935, is revoked or ceases to operate.

¹ See Bombay Code, Vol. VI, p. 313.

² See Bombay Code, Vol. VI, p. 317.

Temporary repeal of the Bombay Legislative Council (President and Deputy President) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries Act, 1937, and the Bombay Legislature Members' Salaries and Allowances Act, 1937.

BOMBAY ACT No. VIII OF 1940.

**[THE BOMBAY SECURITIES CONTRACTS CONTROL (AMENDMENT)
ACT, 1940.]**

[22nd August 1940]

An Act to amend the Bombay Securities Contracts Control Act, 1925.¹

Bom. VIII of 1925. WHEREAS it is expedient to amend the Bombay Securities Contracts Control Act, 1925, for the purpose hereinafter appearing ;

And whereas the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

26 Geo. 5, Ch. 2.

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Securities Contracts Control (Amendment) Act, 1940. Short title.

Bom. VIII of 1925. 2. To sub-section (3) of section 5 of the Bombay Securities Contracts Control Act, 1925, the following shall be added, namely :— Amendment of section 5 of Bom. VIII of 1925.

“ Provided that if the Provincial Government is of opinion that in the interest of trade, it is necessary to sanction any such rules forthwith, the Provincial Government may sanction such rules, notwithstanding that such rules are not previously published. ”

¹See Bombay Code, Vol. V, p. 215.

BOMBAY ACT No. IX OF 1940.

[THE BOMBAY FAMINE RELIEF FUND (AMENDMENT) ACT, 1940.]

[27th August 1940]

An Act to amend the Bombay Famine Relief Fund Act, 1936.¹

Bom. WHEREAS it is expedient to amend the Bombay Famine Relief Fund
XIX Act, 1936, for the purposes hereinafter appearing ;

of And whereas the Governor of Bombay has assumed to himself under
1936. the Proclamation dated the 4th November 1939 issued by him under
26 Geo. section 93 of the Government of India Act, 1935, all powers vested by or
Ch. 2. under the said Act in the Provincial Legislature ;

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Famine Relief Fund Short title. (Amendment) Act, 1940.

Bom. 2. In section 6 of the Bombay Famine Relief Fund Act, 1936, for the Amendment
XIX words "in securities of the Central Government" the words, figures, of section 6 of
of brackets and letters "in Government securities as defined in section 2 (a) Bom. XIX
1936. of the Indian Securities Act, 1920, or in securities specified in clause (c) of 1936.
X of or (d) of section 20 of the Indian Trusts Act, 1882" shall be
1920. substituted.
II of
1882.

¹See Bombay Code, Vol. VI, p. 279.

BOMBAY ACT No. X OF 1940.

[THE BOMBAY LEGISLATURE MEMBERS (REMOVAL OF DISQUALIFICATIONS)
(AMENDMENT) ACT, 1940.]

[28th September 1940.]

**An Act to amend the Bombay Legislature Members (Removal of
Disqualifications) Act, 1937.¹**

WHEREAS it is expedient to amend the Bombay Legislature Members (Removal of Disqualifications) Act, 1937, for the purposes hereinafter appearing ;

And whereas the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Legislature Members (Removal of Disqualifications) (Amendment) Act, 1940. Short title.

2. In the Schedule to the Bombay Legislature Members (Removal of Disqualifications) Act, 1937, for entry 4 the following shall be substituted, namely :— Amendment of Schedule to Bom. I of 1937.

“ 4. Any office in the Army in India Reserve of Officers, the Auxiliary Force, India, the Indian Territorial Force or in any branch of His Majesty's Naval, Military or Air Forces.”

¹See Bombay Code, Vol. VI, p. 309.

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