

**THE
MANUAL
OF
BOMBAY ACTS & REGULATIONS
(CIVIL, CRIMINAL and REVENUE)
IN TWO VOLUMES
IN FACT**

**An Encyclopædia of Bombay Statute
From 1827 to February, 1937**

Volume II—L to Z



POONA

1937

PREFACE

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The 4th edition of the Manual of Bombay Acts and Regulations in two volumes published in 1932, and kept upto date from time to time by the insertion of new Amending and Independent Acts, having been exhausted, the author feels no small amount of pleasure to bring out this 5th edition of the same.

This edition incorporates all the unrepealed Bombay Regulations and Acts assented to by the Bombay Legislature from 1827 to February 1937, with exhaustive annotations and Government Rules thereunder amended upto date.

Assuch voluminous works have their utility solely as reference books, not a single unrepealed Bombay Act or Regulation in force in the Bombay Presidency is omitted, which must be considered a speciality of this edition.

To enhance the utility of the publication and to make it a complete and thorough work of reference in all respects, all the Bombay Acts amending General (India) Acts in their application to the Presidency of Bombay are also included.

Regarding Sind, all the Bombay Acts (with the exception of the Karachi Municipal Act of 1933) solely applicable to the Province of Sind, are separately printed and supplied free to the customers from Sind.

Thus it will be seen that no pains have been spared to make this publication an exhaustive work of reference for the Bombay Presidency including Sind.

It is, therefore, earnestly hoped that the legal public, whose patronage has done so much to encourage this work, will continue to extend the same warm and generous support to this new edition, as of old.

LAW PRINTING PRESS OFFICE. }

Poona, 15th February 1937. }

D. G. KHANDEKAR

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Contents of Regulations and Acts in Alphabetical Order.

CONTENTS OF VOL. I.

—: o :—

- | | |
|--|---|
| Abkari Act (Bom. Act 5 of 1878) | Disqualification of Aliens Act (Bom. Act 6 of 1918) |
| Acknowledgment of Debts: Interests: Mortgages (Bom. Reg. 5 of 1827) | District Municipal Act (Bom. Act 3 of 1901) |
| Administration of Estates (Bom. Reg. 8 of 1827) | District Police Act (Bom 7 of 1867) |
| Adulteration (Prevention of) Act, (Bom. Act 5 of 1925) | Do. (Bom. Act 4 of 1890) |
| Ahmedabad Talukdars Act (Bom. Act 6 of 1862) | Entertainments Duty Act (Bom, Act 1 of 1923) |
| Betting Tax Act (Bom. Act 6 of 1925) | Famine Relief Fund Act (Bom. Act 19 of 1936) |
| Bhagdari and Narwadari Tenures Act (Bom. Act 5 of 1862) | Female infanticide Act (3 of 1897) |
| Boiler Inspection Act (Bom. Act 5 of 1917) | Ferries Act (Bom, Act 2 of 1868) |
| Borstal Schools Act (Bom Act 18 of 1929) | Finance Act (Bom, Act 2 of 1932) |
| Broach and Kaira Incumbered Estates Act (Act 14 of 1877) | Gambling (Prevention of) Act (Bom. Act 4 of 1887) |
| Do. Do. (21 of 1881) | Gas Companies Act (Bom Act 5 of 1863) |
| Children Act (Bom, Act 13 of 1924) | General Clauses Act (Bom, Act 1 of 1904) |
| Civil Courts (Bom, Reg. 4 of 1827) | Gujarat Talukdars Act (Bom, 6 of 1888) |
| Civil Courts Act (14 of 1869) | Hereditary Offices Act (Bom. 3 of 1874) |
| Civil Jails Act (Bom, Act 2 of 1874) | Do. Amending Act (Bom. 5 of 1886) |
| Commissioner in Sind Delegation of Powers Act (5 of 1868) | High Courts Jurisdiction (Sind) Act (5 of 1872) |
| Cotton Control Act (Bom, Act 35 of 1935) | High Courts (Letters Patent) Act (Bom 23 of 1866) |
| Courts of Adalat Act (16 of 1838) | Highways Act (Bom. 1 of 1863) |
| Co-operative Societies Act (Bom, Act 7 of 1925) | Hindu Heirs Relief Act (Bom. 7 of 1866) |
| Cotton Markets Act (Bom Act 17 of 1927) | Haqqa Prohibition Act (20 of 1839) |
| Court of Wards Act (Bom, Act 1 of 1905) | Intimidation Act (Bom. 8 of 1929) |
| Criminal Courts (Substitution for letter for summons) (Bom, Reg. 13 of 1827) | Invalidation of Hindu Ceremonial Emoluments Act (Bom. 11 of 1926) |
| Deccan Assistant Agent's Appointment Act (19 of 1835) | Irrigation Act (Bom 7 of 1879) |
| Deccan Agriculturists Relief Act (Act 17 of 1879) | Jurisdiction of Jagirdars, (Bom. Reg.) (13 of 1830) |
| Devadasis Protection Act (Bom. 10 of 1934) | Khoti Settlement Act (Bom, 1 of 1880) |
| | Khots Leases Act (otherwise called Survey and Settlement Act (Bom. 1 of 1865) |

CONTENTS OF VOL. II,

- | | |
|--|--|
| Land Revenue Code (Bom. Act 5 of 1879) | Motor Vehicles Tax Act (Bom. Act 34 of 1935) |
| Land Suits (Bom. Reg) (1 of 1831) | Municipal Boroughs Act (formerly known as the Bombay City Municipalities Act (Bom. 18 of 1925) |
| Do. (Bom. Reg. 16 of 1831) | Municipal Servants Act (Bom. Act 5 of 1890) |
| Landing and Wharfrage Act (Bom. Act 7 of 1882) | Non-Agriculturists Loans Act (Bom. Act 3 of 1929) |
| Live Stock Improvement Act (Bom. Act 22 of 1933) | Nurses, Midwives and Health Visitors Registration Act (Bom 7 of 1935) |
| Local Boards Act (Bom, Act 6 of 1923) | Opium Smoking Act (Bom 20 of 1936) |
| Local Fund Audit Act (Bom. Act 25 of 1930) | Parsi Public Trusts Registration Act (Bom. 23 of 1936) |
| Manlatdars Courts Act (Bom 2 of 1906) | |
| Markets and Fairs Act (Bom 4 of 1862) | |
| Matadars Act (Bom 6 of 1887) | |
| Maternity Benefit Act (Bom. 7 of 1929) | |
| Medical Act (Bom 6 of 1912) | |

- Pleaders (Caste Question), (Bom. Reg. 2 of 1827)
- Pleaders Act (Bom. Act 17 of 1920)
- Police (Duties and Powers of Magistrates) (Bom. Reg. 12 of 1827)
- Public Authorities Seals' Act (Bom. Act 5 of 1883)
- Presidency Area (Emergency) Security Act (Bom Act 17 of 1929)
- President's Salary Act (Bom. Act 12 of 1924)
- Primary Education Act (Bom. Act 4 of 1923)
- Prostitution (Prevention of) Act (Bom. Act 11 of 1923)
- Public Conveyances Act (Bom. Act 7 of 1920)
- Public Trusts Registration Act (Bom. Act 25 of 1935)
- Race-Courses Licensing Act (Bom Act 3 of 1912)
- Rent Free Estates (title to) Act (11 of 1852) with Saranjam Rules
- Revenue Jurisdiction Act (Act 10 of 1876)
- Salt Act (Bom. Act 2 of 1890)
- Securities Contracts Control Act (Bom. Act 8 of 1925)
- Special (Emergency) Powers Act (Bom Act 16 of 1932)
- State Prisoners (Bom. Reg. 25 of 1827)
- Summary Settlement Act (otherwise called Exemptions from land Revenue (No. 1) Act (Bom. 2 of 1863)
Do, No. (2) (Bom. 7 of 1863)
- Toda Giras Allowances Act (Bom. 7 of 1887)
- District Tobacco Act (Bom. 2 of 1933)
- Tolls on Roads and Bridges Act (Bom, 3 of 1875)
- Town Planning Act (Bom 1 of 1915)
- Trade Disputes Conciliation Act ((Bom. 9 of 1934)
- University Act (Bom 4 of 1928)
- Vaccination (District) Act (Bom 1 of 1892)
- Wagers (Amendment Act, for avoiding) (Bom 3 of 1865)
- Village Panchayats Act (Bom 6 of 1933)
- Village Police Act (Bom 6 of 1867)
- Village Sanitation Act (Bom 1 of 1889)
- Weights and Measures Act (15 of 1932)

*Bombay Acts amending unrepealed General (India) Acts
in their application to the Bombay Presidency.*

- | | |
|---|---|
| <p>1 The Cattle Trespass (Bom Amendment) Act (Bom 9 of 1924)</p> <p>2 Cattle Trespass (Bom. amendment) Act (Bom 4 of 1926)</p> <p>3 The Cattle Trespass (Bom amendment) Act (Bom 5 of 1931)</p> <p>4 The Coroners (Bombay Amendment) Act (Bom 13 of 1930)</p> <p>5 The Bombay Criminal Procedure, (Elections Offences) (Amendment) Act (Bom 9 of 1935)</p> <p>6 The Identification of Prisoners (Bom Amendment) Act (Bom 4 of 1935)</p> <p>7 The Identification of Prisoners (Bom Second Amendment) Act 21 of 1935</p> <p>8 The Female Infanticide Prevention (Amendment) Act (Bom Act 3 of 1897)</p> <p>9 The Indian Limitation (Amendment) Act (Bom Act 13 of 1912)</p> <p>10 The Indian Motor Vehicles (Bom Amendment) Act (Bom. 7 of 1931)</p> <p>11 The Indian Motor Vehicles (Bom. Amendment) Act (Bom Act 14 of 1935)</p> <p>12 The Mussalman Wakif (Bom Amendment) Act (Bom Act 18 of 1935)</p> <p>13 The Opium (Amendment,) (Bom, Act 2 of 1923)</p> | <p>14 The Opium (Bom Amendment) (Bom Act 4 of 1930)</p> <p>15 The Presidency Small Cause Courts (Bom Amendment) (Bom Act 5 of 1933)</p> <p>16 Prevention of Cruelty to Animals (Bom Amendment) Act (Bom. Act 13 of 1922)</p> <p>17 Prevention of Cruelty to Animals (Bom Amendment) (Act 9 of 1923)</p> <p>18 Provincial Small Cause Courts (Bom Amendment) Act (Bom Act 6 of 1930)</p> <p>19 Provincial Small Cause Courts, (Bom Amendment) Act (Bom Act 9 of 1932)</p> <p>20 The Indian Registration (Bom Amendment) Act (Bom Act 5 of 1929)</p> <p>21 The Indian Registration (Bom Amendment) Act (Bom Act 17 of 1930)</p> <p>22 The Societies Registration (Amendment) Act (Bom. Act 2 of 1912)</p> <p>23 The Cotton Ginning and Pressing Factories (Bom Amendment) Act (Bom Act 4 of 1936)</p> <p>24 The Indian Lunacy, Bombay District Municipal and Bombay Municipal Boroughs (Amendment) Act (Bom Act 15 of 1936)</p> |
|---|---|

Contents of Regulations and Acts in Chronological Order

BOMBAY REGULATIONS.

- | | |
|--|---|
| Bom Reg. 2 of 1827, Pleaders Caste Question | Bom Reg. 14 of 1827, Criminal Courts: Substitution for letter for summons |
| Bom Reg. 4 of 1827, Civil Courts | Bom Reg. 25 of 1827, State Prisoners |
| Bom Reg. 5 of 1827, Acknowledgment of Debts : Interest : Mortgages | Bom Reg. 13 of 1830, Jurisdiction of Jagirdars |
| Bom Reg. 8 of 1827, Administration of Estates | Bom Reg. 1 of 1831, Land Suits |
| Bom Reg. 12 of 1827, Police Duties and Powers of Magistrates | Bom Reg. 16 of 1831, Land Suits. |

Local Acts of the Governor-General in Council in force in the Bombay Presidency.

- | | |
|---|---|
| Act 19 of 1835, Deccan Assistants Agents' Appointment | Act 5 of 1868, Commissioner in Sind, Delegation of Powers |
| Act 16 of 1838, Courts of Adalat | Act 14 of 1869, Civil Courts Act |
| Act 20 of 1839, Huqqa Prohibition | Act 10 of 1876, Revenue Jurisdiction |
| Act 11 of 1852, Title to Rent free Estates | Act 14 of 1877, Broach and Kaira Incumbered Estates |
| Act 5 of 1862, High Courts Jurisdiction, Sind | Act 17 of 1879, Deccan Agriculturists' Relief |
| Act 23 of 1862, High Courts Letters Patent, Bombay | Act 21 of 1881, Broach and Kaira Incumbered Estates |
| | Act 3 of 1897, Female Infanticide |

BOMBAY ACTS

- | | |
|--|--|
| Bom. Act 4 of 1862, Markets and Fairs | Bom Act 7 1879, Irrigation |
| Bom Act 5 of 1862, Bhagdari and Narwadari Tenures | Bom Act 1 of 1880, Khoti Settlement |
| Bom Act 6 1862, Ahmedbad Talukdars | Bom Act 7 of 1882, Landing and Wharfage |
| Bom Act 1 of 1863, Highways | Bom Act 5 of 1883, Public Authorities Seals |
| Bom Act 2 of 1863, Summary Settlement | Bom Act 5 of 1886, Hereditary Offices Amending |
| Bom Act 5 1863, Gas Companies | Bom Act 4 of 1887, Prevention of Gambling |
| Bom Act 7 of 1863, Summary Settlement | Bom Act 6 of 1887, Matadars |
| Bom Act 1 of 1865, Khots Leases Act otherwise called Survey and Settlement | Bom Act 7 of 1887, Toda Giras Allowances |
| Bom Act 3 of 1865, Wegers Amendment for avoiding | Bom Act 6 of 1888, Gujnarat Talukdars |
| Bom Act 7 of 1866, Hindu Heirs Relief | Bom Act 1 of 1889, Village Sanitation |
| Bom Act 7 of 1867, District Police | Bom Act 2 of 1890, Salt |
| Bom Act 8 of 1867, Village Police | Bom Act 4 of 1890, District Police |
| Bom Act 2 of 1868, Ferries | Bom Act 5 of 1890, Municipal Servants |
| Bom Act 2 of 1874, Civil Jails | Bom Act 1 of 1892, District Vaccination |
| Bom Act 3 of 1874, Hereditary Offices | Bom Act 3 of 1901, District Municipal |
| Bom Bom. Act 3 of 1875, Tolls on Roads and Bridges | Bom Act 1 of 1904, General Clauses |
| Bom Act 5 of 1878, Abkari | Bom Act 1 of 1905, Court of Wards |
| Bom Act 5 of 1879, Land Revenue Code | Bom Act 2 of 1906, Mamlatdars |
| | Bom 3 of 1912, Race Courses Licensing |
| | Bom Act 6 of 1912, Medical |

- Bom Act 1 of 1915, Town Planning*
Bom Act 5 of 1917, Boiler Inspection
Bom Act 6 of 1918, Disqualification of Aliens
Bom Act 7 of 1920, Public Conveyances
Bom Act (17 of 1920) Pledgers
Bom Act (1 of 1923 Entertainments Duty
Bom Act 4 of 1923 (Primary Education)
Bom Act 6 of 1923 (Local Boards)
Bom Act 11 of 1923 (Prostitution)
Bom Act 2 of 1924 (President's Salary)
Bom Act 13 of 1924 (Children)
Bom Act 5 of 1925 (Prevention of Adulteration)
Bom Act 6 of 1925 (Betting Tax)
Bom Act 7 of 1925 (Co-operative Societies)
- Bom Act 8 of 1925 (Securities Contracts Control)*
Bom Act 18 of 1925 (Municipal Boroughs)
- Bom Act 11 of 1926 (Invalidation of Hindu Ceremonial Emoluments)*
Bom Act 17 of 1927 (Cotton Markets)
Bom Act 4 of 1928 University)
Bom Act 3 of 1929 (Non-Agriculturists Loans)
Bom Act 7 of 1929 (Maternity Benefit)
Bom Act 8 of 1929 (Intimidation)
- Bom Act 17 of 1929 (Prssideny Area (Emergency) Security)*
Bom Act 18 of 1929 (Borstal Schools)
Bom Act 25 of 1930 (Local Fund Audit)
Bom Act 2 of 1932 (Finance)
Bom Act 15 of 1932 (Weights and Measures)
Bom Act 16 of 1932 (Special (Emergency) Powers)
Bom Act 2 of 1933 (District Tobacco)
Bom Act 6 of 1933 (Village Panchayats)
Bom Act 22 of 1933 (Life Stock Improvement)
Bom Act 9 of 1934 (Trade Disputes Conciliation)
Bom Act 10 of 1934 (Devadasis Protection)
Bom Act 7 of 1935 (Nurses, Midwives and Health Visitors Registration)
Bom Act 25 of 1935 (Public Trusts Registration)
Bom Act 34 of 1935 (Motor Vehicles Tax)
Bom Act 35 of 1935 (Cotton Control)
Bom Act 4 of 1936 (Cotton Ginning and Pressing Factories Bom. Amendment)
Bom Act 19 of 1936 (Famine Relief Fund)
Bom Act 20 of 1936 (Opium Smoking)
Bom Act 23 of 1936 Parsi Public Trusts Registration)

LAND REVENUE CODE, 1879

HISTORICAL RECORD

Year.	No. of Regs. and Acts	Name of Regulations and Acts.	How affected.
<i>Bombay Regulations.</i>			
1827	IV	Civil Courts (Law to be observed)	Rep. in part (locally), Bom. Act V of 1879
1827	XVI	Collectors of Land Revenue.	Residue rep. (locally), do.
1827	XVII	Land Revenue.	do. do.
1830	V	Revenue Commissioner ...	do. do.
1831	XV	Falsification of Records ...	do. do.
1832	II	Farmers of Land Revenue...	do. do.
1833	V	Hereditary Officers ...	do. do.
<i>Imperial Acts</i>			
1838	XVIII	Sureties, Bombay ...	Rep. (locally), Bom. Act V of 1879.
1842	XIII	Revenue, Bombay ...	Residue rep. (locally) do.
1842	XVII	Revenue Commissioners, Bombay.	do. do.
1846	III	Boundary marks, Bombay...	do. do.
1850	XII	Public Accountants' Defaults	Rep. in part (locally in Bombay), Bom. Act V of 1879.
1852	XI	Titles to Rent-free Estates, Bombay	Application declared, Bom. Act V of 1879, S. 127.
1852	XXI	Deputy Collectors, Bombay.	Residue rep. (locally), Bom. Act V of 1879
<i>Bombay Acts.</i>			
1863	II	Exemptions from Land Revenue in territories, subject to Act XI of 1852.	Application declared, Bom. Act V of 1879, S. 127.

HISTORICAL RECORD—(Concluded)

Year.	No. of Regs. and Acts.	Name of Regulations and Acts	How affected.
1863	VII	Exemptions from Land Revenue in territories not subject to Act XI of 1852.	Application declared, Bom. Act V of 1879 S. 127.
1865	I	Bombay Survey and Settlement Act.	Rep. locally (except Ss. 37, 38), Bom. Act V. 1879.
1868	I	Deputy and Assistant Collectors.	Residue rep. (locally) Bom. Act V of 1879.
1868	IV	The Act for City Surveys and amendment of Bombay Survey and Settlement Act.	do. do.
1875	I	Survey and Settlement (amending Bom. Act I of 1865).	Rep. (locally), Bom. Act V of 1879.
1879	V	<i>Bombay Land Revenue Code.</i>	<p>Rep. in part, Bom. Act III of 1886.</p> <p>" " and Am., Act XVI of 1895.</p> <p>" " Bom. Act VI of 1901.</p> <p>" " (locally), Bom. Act I of 1880, S. 39.</p> <p>" " Bom. Act VI of 1888 Ss. 3, and 33 as Am., Bom. Act II of 1905.</p> <p>Am., Bom. Act VII of 1879 S. 2.</p> <p>" " IV of 1886.</p> <p>" " I of 1910.</p> <p>" " IV of 1913.</p> <p>Ss. 3 (1), 38, 43, 52, 80, 187, 214, heading above S. 40 Sch. B, Am., S. 144 rep. in part, Bom. Act IV of 1905.</p> <p>Rep. (in Coorg), Reg. I of 1899.</p> <p>S. 85 and part of S. 58 declared not to be in force in the Panch Mahals, Act VII of 1885.</p> <p>Am., Bom. Act XI of 1912.</p> <p>" " VII of 1914.</p> <p>" " II of 1919.</p> <p>" " I of 1920.</p> <p>" " III of 1921.</p> <p>" " V of 1930.</p> <p>" " III of 1932.</p>

INDEX

—:0:—

	PAGE		PAGE
<i>Inspectors—</i>		<i>Verification and stamping—</i>	
mean inspectors of weights and measures	... 2	provisions of means of	... 8
to be public servants	... 9	<i>Weighing instrument—</i>	
penalty for breach of duty by	... 13	includes scales with the weights belonging thereto	... 3
to enter into recognizance	... 8	<i>Weighing or measuring instruments—</i>	
verification and stamping by	... 8	use of, not verified and stamped prohibited	... 7
power of, to inspect weight and to enter shops	... 9	<i>Weights—</i>	
not to be maker, seller or adjuster of weights and measures	... 9	empowering municipalities and district local boards to stamp	... 7
<i>Mint—</i>		penalty for possessing for use, not verified or stamped	... 12
means His Majesty's Mint	... 2	penalty for neglect or refusal to produce, for inspection	... 12
<i>Mint Master—</i>			
meaning of	... 2	<i>Weights and measures—</i>	
<i>Municipalities and district local boards</i>		prohibition of, other than standard weights and measures	... 8
power of, to combine for purposes of Act	... 11	stamping and verification of	... 6
<i>Powers—</i>		appointments of inspectors of	... 7
delegation of, by Govt.	... 16	validity of, duly stamped	... 11
<i>Primary standards—</i>		penalty for fraudulent use of	... 11
mean weights and measures prepared and stamped under s. 5	... 2	penalty for making, selling, disposing of false or defective	... 12
custody of	... 4	penalty for use and possession of, not authorized	... 12
<i>Regulations—</i>		penalty for forging of	... 13
power of municipality and district local boards to make	... 15	<i>Weights and Measures Act—</i>	
<i>Rules—</i>		Short title	... 1
Power of Government to make	... 14	Extent and commencement	... 1
<i>Secondary standards—</i>		<i>Weight or measure—</i>	
mean weights and measures prepared and stamped under s. 7	... 3	penalty for sale by, other than standard weight or measure	... 12
custody and verification of	... 4	penalty for giving short	... 12
duty of certain municipalities and local boards to provide and maintain	... 5	penalty for sale or delivery of, not verified or stamped	... 13
<i>Stamped weights—</i>			
to be prima facie deemed correct in any Court	... 11		

Bombay Acts amending unrepealed General (India) Acts in their application to the Bombay Presidency

The Cattle-Trespass (Amendment) Act, 1924

Bom. Act No. IX of 1924

An Act further to amend the Cattle trespass Act, 1871

WHEREAS it is expedient further to amend the Cattle-trespass Act, 1871, in its application to the Presidency of Bombay in manner hereinafter appearing; It is enacted follows :—

1. This Act may be called the Cattle-trespass (Amendment) Act, 1924.

2. *Amendment of section 6 of Act I of 1871.*—After the proviso to section 6 of the Cattle-trespass Act, 1871, the following shall be inserted, namely :—

(*Other proviso was substituted for this proviso by
Bom. Act No. IV of 1926*)

The Cattle-trespass (Bombay Amendment) Act, 1926

(Bom. Act No. IV of 1926).

[11th May 1926

An Act further to amend the Cattle Trespass Act, 1871,
in its application to the Presidency of Bombay

WHEREAS it is expedient further to amend the Cattle-trespass Act, 1871, as amended by Bom. 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.

1. *Amendment of section 6 of Act I of 1871.*—In section 6 of the Cattle-trespass Act, 1871,

(I) for the second proviso, the following proviso shall be substituted, namely :—

Provided further that in the Presidency of Bombay

(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;”

* Bombay Village Panchayats Act of 1920 was repealed by Bom. Act VI of 1933.

(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.

The Cattle-trespass (Bom. Amendment) Act, 1931

Bom. Act No. V of 1931

23rd May 1931.

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

WHEREAS it is expedient further to amend the Cattle-trespass Act, 1871, 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, 1931.

2. *Amendment of section 14 Act I of 1871.*—In the proviso to section 14 of the Cattle-trespass Act, 1871, for the words "Magistrate of the District" the words "officer authorised to sell them by public auction" shall be substituted.

The Coroners (Bombay Amendment) Act, 1930

Bombay Act No. XIII of 1930

[3rd September 1930.]

An Act further to amend the Coroners' Act, 1871, in its application to the Presidency town of Bombay.

WHEREAS it is expedient further to amend the Coroners' Act, 1871, in its application to the Presidency town of Bombay, in manner hereinafter appearing; and Whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act has been obtained for the passing of this Act; it is hereby enacted as follows:—

Short title.

1. This Act may be called the Coroners' (Bombay Amendment) Act, 1930.

Substitution of new sections for sections 8 to 20 of Act IV of 1871.

2. For sections 8 to 20 of the Coroners' Act, 1871, hereinafter called the said Act, the following shall be substituted, namely:—

8. (1) When the Coroner is informed that the dead body of a person is lying within his jurisdiction and there is reasonable cause to suspect that such person has died under any of the circumstances mentioned in section 9 or has died a sudden death of which the cause is unknown, the Coroner may proceed to hold a preliminary inquiry on the body without a jury.

Jurisdiction to inquire into death.

(2) For the purpose of an inquiry under sub-section (1) the Coroner shall, as soon as practicable, after receipt of the information proceed to view and examine the body. Such view and examination shall be held in the presence of the Police Officer to whose section the case belongs and, if possible, in the presence of the relations or friends, if any, of the deceased and the Coroner may reduce to writing such observations as the appearance of the body requires. When the inquiry is concluded if the Coroner is satisfied as to the cause of death and if a *post-mortem* examination is in his opinion not necessary, the Coroner may authorise the body to be disposed of.

Inquest by jury.

9. (1) If it appears to the Coroner either before or in the course of an inquiry under section 8, that there is reason to suspect :—

(a) that the deceased came by his death by homicide, suicide or infanticide ; or

(b) that the death was caused by an accident, or poison, or machinery ; or

(c) that the death was caused by an occurrence arising out of the use of a vehicle in a street, public road or in private place ; or

(d) that the death occurred in a prison in which the deceased was a prisoner or that it occurred whilst the deceased was in the custody of the police ; or

(e) that the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public ;

and in any other case, if it appears to the Coroner either before or in the course of the preliminary inquiry that there is reason for holding an inquest by jury, he shall proceed to hold such inquest, whether or not the cause of death arose within his jurisdiction.

(2) Such inquest shall ordinarily be held in the Coroner's Court-house.

(3) The Coroner may hold one inquest on the bodies of several persons provided that they all are believed to have come by their deaths, in or in consequence of one and the same incident.

(4) Every such inquest shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code and for the purpose of any such inquest the Coroner shall have and may exercise all the powers of a Criminal Court under section 476 and section 480 of the Code of Criminal Procedure, 1898.

(5) The Coroner may hold an inquest by jury simultaneously with the preliminary inquiry.

10. (1) When a person dies in a prison situate within the local limits of the Coroner's jurisdiction or whilst he is in the custody of the police the Superintendent of the prison or the police officer in charge of the section concerned, as the case may be, shall report the death to the Coroner and await his orders before the body is disposed of.

(2) Any Superintendent of Prison or any such police officer who fails to comply with the requirement in sub-section (1) shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.

Report to Coroner when prisoner or person in police custody dies.

11. (1) Any person who, with the intention of preventing the holding of an inquest on a dead body which the Coroner is bound to hold under section 9, buries, cremates or otherwise disposes of it, and any person who with such intention abets such burial, cremation or disposal of a dead body shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.

(2) Such punishment shall be in addition to the punishment to which such person may be liable for any offence of which he may be found guilty in respect of the death of the deceased or under section 201 of the Indian Penal Code.

12. A coroner may order a body to be disinterred within a reasonable time after the death of the deceased person, either for the purpose of taking an original inquisition where none has been taken, or a further inquisition where further inquisition is, in the opinion of the Coroner, necessary or desirable in the interests of justice.

Power to order body to be disinterred.

13. In order to the impanelling of a jury for an inquest under section 9 the Coroner shall summon not less than five nor more than eleven respectable persons to appear before him at a time and place to be specified in the summons for the purpose of inquiring where, when and by what means the deceased came by his death.

Summoning jury.

14. (1) On the day and at the hour fixed for the inquest the Coroner shall proceed to open his court by proclamation and shall call over the names of the jurors on whom summonses under section 13 have been duly served. If not less than five jurors are in attendance the Coroner shall administer an oath to each juror to give a true verdict according to the evidence.

Opening Court. Jurors to be sworn.

(2) If the number of jurors in attendance is less than five, or, if in the course of an inquest at any time before the return of the verdict a juror is absent and it is not practicable to enforce his immediate attendance, the Coroner may appoint such number of persons as may be necessary to serve as jurors in the inquest.

14A. An inquest under this Act or its adjourned hearing under section 21 may be held on a Sunday or a public holiday.

Inquest may be on Sunday or public holiday.

15. At or before the first sitting of an inquest on a body the Coroner shall view the body and if before the body has been disposed of, a majority of the jurors so desire, it shall be viewed by the jurors also :

View of body

Provided that when a preliminary inquiry on the body has been held under section 8, or if from the medical evidence or from a medical certificate, the Coroner is satisfied that no advantage will result from such viewing, the Coroner may dispense with a view of the body at the inquest.

16. The Coroner shall then make proclamation for the attendance of witnesses, or, where the inquiry is conducted in secret, shall call in separately such as know anything concerning the death,

Proclamation for witnesses

17. (1) It shall be the duty of all persons acquainted with the circumstances attending the death to appear before the inquest as witnesses. The Coroner shall inquire of such circumstances and the cause of death, and if before or during the inquiry he is informed that any person, whether within or without the local limits of his jurisdiction, can give evidence or produce any document material thereto, may issue a summons requiring him to attend and give evidence or produce such document on the inquest.

(2) When any person so summoned fails to appear and the summons has been proved to be duly served on him in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure, the Coroner may, after recording his reasons in writing, issue a warrant for his arrest. Such warrant shall be executed as if it were issued under section 90 of the Code of Criminal Procedure, 1898.

(3) Any person disobeying a summons issued under sub-section (1) shall be deemed to have committed an offence under section 174, section 175 or section 176 of the Indian Penal Code, as the case may be.

(4) For the purpose of causing prisoners to be brought up to give evidence the Coroner shall be deemed a criminal court within the meaning of Part IX of the Prisoners Act, 1900.

18. (1) If before proceeding to view a body under section 8 or at the view or at any stage of an inquest by jury, it appears to the Coroner that a *post-mortem* examination of the body is necessary to ascertain the cause of death, he may direct such examination to be held by his Surgeon or by a duly qualified Registered Medical Practitioner invited to attend as a witness. The Coroner may also direct an analysis of any of the organs or parts of the body or of their contents. Every Medical witness other than the Chemical Examiner to Government and the Coroner's Surgeon shall be entitled to such reasonable remuneration as the Coroner thinks fit. For the purpose of such *post mortem* examination the Coroner may order the removal of the body to any place within his jurisdiction which may be provided for that purpose.

(2) Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government upon any matter or thing duly submitted to him for examination, or analysis and report in the course of any proceeding under this Act, may be used as evidence in any inquest under this Act and in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898.

19. (1) All evidence given under this Act shall, except in the case provided in sub-section (2), be on oath and the Coroner shall be bound to receive the evidence on behalf of the person who is alleged to have caused or to be concerned in causing the death of the deceased person.

Post-mortem examinations. Fees to medical witnesses. Report of Chemical Examiner.

Evidence to be on oath.
Evidence on behalf of accused Interpreter.

BOMBAY ACTS AMENDING INDIA ACTS

(2) If such person himself wishes to make a statement it shall be the duty of the Coroner to warn him that he is not bound to make any statement ; but if such person persists, the Coroner shall, without administering him any oath, record his statement in full after duly warning him that any incriminating statement which he may make may be used in evidence in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898.

(3) For the purpose of section 26 of the Indian Evidence Act, 1872, a Coroner shall be deemed to be a Magistrate.

(4) Witnesses unacquainted with the English language shall be examined through the medium of an interpreter, who shall be sworn to interpret truly as well the oath as the question put to, and the answer given by each witness.

(5) After each witness has been examined, the Coroner shall enquire whether the jury wish any further questions to be put to the witness, and if the jury wish that any such questions shall be put the Coroner shall put them accordingly.

Mode of recording evidence. 20. (1) The evidence given to the jury shall be recorded in the manner prescribed in section 356 of the Code of Criminal Procedure, 1898.

(2) For the purpose of this section the Coroner shall be deemed to be a Magistrate.

3. After section 21 of the said Act, the following section shall be inserted, namely :—

“21A. (1) If on an inquest touching a death, the Coroner is informed, before the jury have given their verdict, that criminal proceedings have been instituted against some person before a Magistrate in respect of an offence touching the death of the deceased, he may adjourn the inquest until after the conclusion of the criminal proceedings and may, if he thinks fit, discharge the jury.

(2) After the conclusion of the criminal proceedings which it shall be the duty of the police to communicate to the Coroner, the Coroner may, subject as hereinafter provided, if he thinks fit, resume the adjourned inquest :

Provided that at such resumed inquest no inquisition shall be held against any person in respect of any offence with which he was charged or of which he could have been convicted in the proceedings referred to in sub-section (1), and no finding shall be recorded which is inconsistent with the determination of any matter by the result of those proceedings.

(3) Where the Coroner resumes an inquest which has been adjourned and the Jury has been discharged, he shall proceed in all respects as if the inquest had not previously been begun and the provisions of this Act shall apply accordingly as if the resumed inquest were a fresh inquest, except that it shall not be obligatory on the Coroner to view the body.

(4) If, having regard to the result of the criminal proceedings, the Coroner decides not to resume the inquest, he shall furnish the

Commissioner of Police with a certificate stating the result of the criminal proceedings and any particulars necessary for the registration of the death which may have been ascertained.

(5) For the purposes of this section, the expression 'the criminal proceedings' means the proceedings before a Magistrate and before any court to which the accused person is committed for trial or before which an appeal from the conviction of that person is heard, and criminal proceedings shall not be deemed to be concluded until no further appeal can be made in the course thereof."

Substitution of new section 31 for section 31 of Act IV of 1871.

4. For section 31 of the said Act the following shall be substituted, namely :—

"31. (1) The Coroner shall prepare and from time to time revise a list of sufficient number of persons of good character and adequate education, liable to serve as jurors in his Court.

List of Jurors. Fine on juror neglecting to attend

(2) All male persons between the ages of twenty-one and sixty whose names are not in the Common Jury list of the High Court, shall, subject to the exemptions mentioned in section 320 of the Code of Criminal Procedure, 1898, be liable to serve as jurors in the Coroner's Court.

(3) Whenever any person has been duly summoned to appear as a juror by a Coroner, and fails or neglects to attend at the time and place specified in the summons, the Coroner may cause him to be openly called in his Court three times to appear and serve as a juror, and upon the non-appearance of such person, and proof that such summons has been served upon him or left at his usual place of abode, may impose such fine upon the defaulter, not exceeding fifty rupees, as to the Coroner seems fit :

Provided that the Coroner may, in his discretion, remit any fine so imposed."

Substitution of a new Schedule for the Second Schedule to Act IV of 1871.

5. For the Second Schedule to the said Act the following shall be substituted, namely:—

"SECOND SCHEDULE.

FORM OF INQUISITION.

(See Section 24)

An inquisition taken at _____ on the _____ day of _____ 19____ before E. F, Coroner of _____ (in the case of A B, deceased) upon the oath of G H, I J, K L and M N, then and there duly sworn and charged to enquire when, how and by what means the said A B came to his death.

We, the said jurors, find unanimously that the death of the said A. B was caused, on or about the _____ day of _____ 19____, by

1. Cases of homicide. ... a blow on the head with a stick inflicted on him by C D under such circumstances that the act of C D was justifiable (or accidental) homicide.

- a stab on the heart with a knife inflicted on him by C D under such circumstances that the act of C D was culpable homicide not amounting to murder.
2. Cases of suicide ... shooting himself through the head with a pistol. Drowning himself in a tank, river or sea. Opium arsenic, which he voluntarily administered to himself. Cutting his throat with a razor or any sharp instrument.
 3. Cases of infanticide ... strangling to death a newly-born child by its mother.
by exposure caused by C D with the knowledge that it would necessarily result in the death of A B, a newly-born child.
 4. Cases of accident ... falling out of a boat into any river, whereby he was drowned.
a kick from a horse which fractured his skull and ruptured blood-vessels in his head.
 5. Cases of poisoning ... opium or arsenic which was administered to the said A B by C D with the intention of killing him.
 6. Cases of death caused ... while working in a mill or a work shop being caught in moving machinery.
 7. Cases of death arising ... the wheel of a motor car or a heavy out of the use of a cart which was negligently driven by vehicle. C D passing over his chest and causing death.
 8. Cases of death from ... disease of the heart. any other cause. apoplexy.
sunstroke or any other disease.

And so say the jurors upon their oath aforesaid.

Witness our hands. *E. F., Coroner of*

G H, I J, K L, M N, O P (*Jurors*)."

**THE BOMBAY
Criminal Procedure (Election Offences)
Amendment Act, 1935**

BOMBAY ACT No. XXIX OF 1935

[30th November, 1935.]

An Act to amend the Code of Criminal Procedure, 1898,
in its application to the Presidency of Bombay.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1898, in its application to the Presidency of Bombay, for the purposes hereinafter appearing; And whereas the previous sanction of the Governor-General required under sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

Short title and extent. 1. (1) This Act may be called the Bombay Criminal Procedure (Election Offences) Amendment Act, 1935.

(2) It shall apply to the whole of the Presidency of Bombay.

Amendment of Section 196 of Act V of 1898. 2. In section 196 of the Code of Criminal Procedure, 1898, in its application to the Presidency of Bombay, after the word and figures "section 127" the words and figures "and section 171F so far as it relates to the offence of personation" shall be inserted.

Amendment of Schedule II to Act V of 1898.

3. In Schedule II to the same Code—

(a) in the entry relating to section 171F of the Indian Penal Code, the words "and personation" shall be deleted;

(b) after the said entry so amended, the following shall be inserted, namely:—

Personation at an election.	May arrest without warrant	Ditto.	Ditto	Ditto	Ditto	Ditto
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(c) in the third column in the entry relating to section 171G of the Indian Penal Code, for the word "Ditto", the words "shall not arrest without warrant" shall be substituted.

**The Identification of Prisoners Bom. (Amendment)
Act, 1935**

Bombay Act No. IV of 1935

[13th April 1935.]

An Act further to amend the Identification of prisoners Act, 1920, in its application to the Presidency of Bombay.

WHEREAS it is expedient further to amend the Identification of Prisoners Act, 1920, in its application to the Presidency of Bombay for the purposes hereinafter appearing; And whereas the previous sanc-

tion of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act ; It is hereby enacted as follows :—

Short title and extent, Act, 1935. 1. (1) This Act may be called the Identification of Prisoners (Bombay Amendment)

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

Amendment of section 4 of XXXIII of 1920.

2. For section 4 of the Identification of Prisoners Act, 1920, the following shall be substituted, namely :—

“4. Any person who has been—

Taking of measurements of unconvicted persons.

(a) ordered to remove himself or caused to be removed from British India under section 3 or 17 of the Foreigners Act, 1864,

(b) directed to remove himself under section 27 of the City of Bombay Police Act, 1902, or under section 46 of the Bombay District Police Act, 1890,

(c) arrested under section 55 of the Code of Criminal Procedure, 1898, or

(d) arrested in connection with an offence punishable under section 112 of the City of Bombay Police Act, 1902, or under section 61D of the Bombay District Police Act, 1890, or in connection with an offence punishable with rigorous imprisonment for a term of one year or upwards,

shall, if so required by a police officer, allow his measurements or photograph to be taken in the prescribed manner.”

The Identification of Prisoners (Bombay Second Amendment) Act, 1935

Bombay Act No. XXI of 1935

[1st October 1935.]

An Act to amend the Identification of Prisoners Act, 1920, in its application to the Presidency of Bombay.

WHEREAS it is expedient to amend the Identification of Prisoners Act, 1920, in its application to the Presidency of Bombay, for the purpose hereinafter appearing ; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act ; It is hereby enacted as follows :—

Short title and extent, Act, 1935. 1. (1) This Act may be called the Identification of Prisoners (Bombay Second Amendment) Act, 1935.

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

2. In clause (a) of section 3 of the Identification of Prisoners Act, 1920, hereinafter called the said Act, after the word “punishable” the words and figures “under section 121 of the City of Bombay Police Act, 1902, or of any other offence punishable” shall be inserted.

Amendment of section 3 of Act XXXIII of 1920.

Amendment of section 4, Act XXXIII of 1920.

3. In clause (d) of section 4 of the said Act after the figure “112” the word and figure “or 121” shall be inserted.

Female Infanticide Prevention (Amendment) Act

BOMBAY ACT No. III OF 1897

WHEREAS it is expedient to amend as to the Presidency of Bombay, in manner hereinafter appearing, Act VIII of 1870 of the Governor General of India in Council; And whereas the previous sanction of the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follows :--

1. *Application of accumulated funds collected under Act VIII of 1870.*--Notwithstanding any thing contained in Act VIII of 1870 (an Act for the prevention of the murder of female infants) or in the rules made thereunder, it shall be lawful for the Governor of Bombay in Council, from time to time, by notifications published in the official *Gazette*, to direct that the whole or any part of any moneys, or of any income or accumulated interest accrued or accruing from any moneys heretofore levied or recovered from, or paid by any inhabitants of the district of Kaira, under or for the purposes of the said Act, or any rule made in pursuance thereof, shall be applied for the educational benefit of the Lewa or Kunbi castes or any members thereof in the Kaira District, in such manner as the Local Government may deem expedient, and that the whole or any part of any moneys heretofore levied or recovered from, or paid by, any inhabitants of the district of Ahmedabad, under or for the purposes of the said Act, or any rule made in pursuance thereof, shall be applied for the educational benefit of the Lewa and Kadva Kunbi castes or any members thereof in the Ahmedabad District, in such manner as the Local Government may deem expedient, and to cancel or vary such notifications.

2. *Commencement of Act VIII of 1870 in Bombay Presidency.*--Notwithstanding anything contained in section 7 of Act VIII of 1870, the said Act shall be deemed to extend, and from the 21st December 1870 to have extended, to the Presidency of Bombay.

The Indian Limitation (Amendment) Act, 1912

BOM. ACT No. XIII OF 1912

An Act to amend the Indian Limitation Act, 1908

WHEREAS it is expedient to amend the Indian Limitation Act, 1908, in the manner hereinafter appearing :

And whereas the previous sanction of the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follows :--

1. This Act may be called the Indian Limitation (Amendment) Act, 1912.

2. Notwithstanding anything contained in the Indian Limitation Act, 1908, hereinafter called the said Act, in computing the period of two years mentioned in section 31 of the said Act in the case of any suit by a mortgagee for foreclosure or for sale for which a certificate granted under section 46 of the Dekkhan Agriculturists' Relief Act, 1879, is required the time intervening between the application made by the mortgagee under section 39 of the last mentioned Act,

and the institution of such suit shall be excluded, provided that such suit has already been instituted, or is instituted within six months from the commencement of this Act; and no such suit shall be dismissed on the ground that the certificate was not obtained within the year immediately preceding the filing of the suit.

3. *Applicability of section 4 of the Indian Limitation Act, 1908.*—The period of two years mentioned in section 31 of the said Act shall for the purposes of this Act be deemed to be a period of limitation within the meaning of section 4 of the said Act.

4. *Retrospective effect of section 3.*—The provisions of section 3 shall be deemed to have come into operation from the 7th day of August, 1908.

5. *Provision for restoration of suits.*—(1) Where the claim of a mortgagee for foreclosure or for sale for which a certificate granted under s. 46 of the Dekkhan Agriculturists' Relief Act, 1879, is required has been wholly or in part dismissed or withdrawn after the seventh day of August, 1910, and before the commencement of this Act either in a Court of first instance or of appeal or of revision, and the Court on application made as hereinafter provided is satisfied that such claim was so dismissed or withdrawn on the ground that,

(a) the time intervening between the application made by the mortgagee under section 39 of the Dekkhan Agriculturists' Relief Act, 1879, and the grant of the certificate under section 46 of the last mentioned Act or the institution of the suit, as the case may be, could not be excluded in computing the period of two years mentioned in section 31 of the said Act, or

(b) the certificate was not obtained within the year immediately preceding the filing of the suit, or

(c) the period of two years mentioned in section 31 of the said Act was not a period of limitation within the meaning of section 4 of the said Act,

the case shall be restored on an application in writing to the Court, by which the claim was dismissed or in which it was withdrawn; provided that such application is made within six months from the commencement of this Act.

(2) Where any such claim as aforesaid has been dismissed for failure to prosecute such claim after the seventh day of August, 1910, and before the commencement of this Act, either in a court of first instance or of appeal or of revision, and the court on application made as hereinafter provided is satisfied that such failure was due to the belief that such claim, if prosecuted, would be dismissed for any of the grounds specified in clauses (a), (b) and (c) of sub-section (1),

the case shall be restored on an application in writing to the Court by which the claim was dismissed; provided that such application is made within six months from the commencement of this Act.

(3) The provisions of sections 2, 3 and 4 shall apply to any case restored under either of the foregoing sub-sections.

6. *Provision for restoration of applications.*—Any application by the mortgagee under section 39 of the Dekkhan Agriculturists' Relief Act, 1879, in respect of any claim for sale or foreclosure as to which the

mortgagee was entitled to the benefit of the two years' period mentioned in section 31 of the said Act, made on or before the eighth day of August, 1910, and dismissed after the twenty-third day of February, 1911, shall be restored to the file of the Conciliator provided that the application for such restoration is made within two months from the commencement of this Act.

7. Third parties protected.—Nothing in this Act shall affect the interests of third parties that may have come into existence between the Twenty-third of February, 1911, and the twenty-eighth of September, 1912.

The Indian Motor Vehicles (Bombay Amendment) Act, 1931

Bom. Act No. VII of 1931.

[23rd May 1931.

An Act further to amend the Indian Motor Vehicles Act, 1914,
in its application to the Presidency of Bombay.

WHEREAS it is expedient further to amend the Indian Motor Vehicles Act, 1914, in its application to the Presidency of Bombay in manner hereinafter appearing; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Indian Motor Vehicles (Bombay Amendment) Act, 1931.

New section 18A of Act VIII of 1914,

2. After section 18 of the Indian Motor Vehicles Act, 1914, the following section shall be inserted, namely:—

“18. (1) Notwithstanding anything contained in sub-section (2) of section 18, where the offence of which a person is convicted is one against rules regulating the use of motor vehicles let or plied for hire in public places, the Court by which the person is convicted of such offence shall, if such person holds a permit to drive any such vehicle issued under the said rules, cause particulars of the conviction to be endorsed on such permit instead of on the licence held by such person, under the Act, and may, in its discretion, cancel or suspend such permit or declare such person disqualified from obtaining a permit under the said rules for a period not exceeding one year from the date of such conviction.

Cancellation and suspension of driver's permit and disqualification for obtaining it.

(2) In any such event as is referred to in sub-section (1) the provisions of sub-sections (3) to (7) of section 18 shall, so far as may be, apply to such permits and the holders thereof as if such permits were licences under this Act and the holders of such permits were holders of such licences, and as if

(a) in sub-section (3) for the words, figure and brackets ‘licence under this Act is accused of any offence mentioned in sub-section (2) may suspend such licence’ the words ‘permit issued under rules regulat-

ing the use of motor-vehicles let or hired for hire in public places is accused of any offence against the said rules may suspend such permit' were substituted, and

(b) in sub sections (4), (5), (6) and (7) for the word 'licence' wherever it occurs, the word 'permit' were substituted."

The Indian Motor Vehicles (Bombay Amendment) Act, 1935

Bombay Act No. XIV of 1935

[12th September 1935.]

An Act to amend the Indian Motor Vehicles Act, 1935

WHEREAS it is expedient to amend the Indian Motor Vehicles Act 1914, so as to remove doubts as to the validity of certain fees levied under the said Act and as to the powers of the Local Government to appropriate the said fees as part of the general revenues for the purposes of provincial expenditure; And whereas the previous sanction of the Governor General required under sub-section (3) of section 80A of the Government of India Act and the previous sanction of the Governor required under section 80C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows :--

Short title and extent. 1. (1) This Act may be called the Indian Motor Vehicles (Bombay Amendment) Act, 1935.

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

2. In the preamble to the Indian Motor Vehicles Act, 1914, hereinafter called the said Act, after the words "British India", the words "And whereas it is expedient to empower the Local Government to levy certain fees in respect of such vehicles and appropriate the said fees as part of the general revenues for the purposes of provincial expenditure" shall be inserted.

Amendment of section 11 of Act VIII of 1914. 3. In section 11 of the said Act, the following Explanation shall be added, namely :--

"*Explanation.*—For the purposes of clauses (a) and (d), the issue of a certificate of registration or a driving licence shall include the renewal of such certificate or licence respectively."

Insertion of a new section after section 11 of Act VIII of 1914. 4. After section 11 of the said Act, the following new section shall be inserted, namely :--

11A. Notwithstanding anything contained in this Act, it shall be deemed to be lawful, and always to have been lawful, for the Local Government under the rules made under section 11 to prescribe and levy fees in respect of the matters specified in the schedule at rates not exceeding the maxima specified therein and to appropriate the said fees as part of the general revenues for the purposes of provincial expenditure."

Power of Government to fix rates of fees and to appropriate them for purposes of provincial expenditure.

5. No person who in good faith, prior to the commencement of this Act, has used or driven a motor vehicle without payment of fees referred to in section 4 shall be deemed to have committed an offence under the said Act by reason merely of the prescription and levy of the said fees having been declared lawful under the said section.

Using or driving a motor vehicle in good faith prior to this Act without payment of fee not an offence by reason of section 4.

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

Addition of Schedule to Act VIII of 1914.

"SCHEDULE.
(Section 11A.)

Purpose for which fee is levied.	Maximum rate.
1	2
	Rs.
1. Driving licence	... 20
2. Renewal of driving licence	... 5
3. Registration—	
(i) Motor cycles	... 10
(ii) Heavy motor vehicles	... 80
(iii) Other motor vehicles	... 40
4. Renewal of registration certificates—	
(i) when presented on or before the date of expiry or within 10 days after that date	... 8 motor cycles. ... 64 heavy motor vehicles. 32 other motor vehicles
(ii) in other cases	... As in 3 above.
5. Dealers' Numbers--	
(i) for the first 7 letters	... 150
(ii) for every additional 7 letters	... 150"

The Mussalman Wakf (Bombay Amendment)Act, 1935

Bombay Act No. XVIII of 1935

[23rd September 1935.

An Act to amend the Mussalman Wakf Act, 1923, in its application to the Presidency of Bombay.

WHEREAS it is expedient to amend to Mussalman Wakf Act, 1923, in its application to the Presidency of Bombay for the purposes hereinafter appearing ;

AND WHEREAS the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act and the sanction of the Governor under section 80C of the said Act have been obtained for the passing of this Act ;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Mussalman Wakf (Bombay Amendment) Act, 1935.;

Heading after the preamble of XLII of 1923.

2. After the preamble of the Mussalman Wakf Act, 1923, hereinafter called the principal Act, the heading "Part I" shall be inserted.

Amendment of section 2 of XLII of 1923.

3. In section 2 of the principal Act,—

(a) after clause (b), the following shall be inserted, namely :—

"(bb) 'District' means a district constituted under section 3 of the Bombay Civil Courts Act, 1869, and includes the City of Bombay."

(b) after clause (e), the following shall be added, namely :—

"(ee) 'Wakf Committee' means a committee constituted under section 6L.

Heading after section 2 of XLII of 1923.

4. After section 2 of the principal Act, the heading "Part II" shall be inserted.

Insertion of Parts III to VI in XLII of 1923.

5. After section 6 of the principal Act, the following parts shall be inserted, namely :—

PART III.

Powers of the Court to call for Particulars and Statement of Accounts.

6A. (1) Notwithstanding anything contained in section 3, it shall be competent to the court, on failure of a mutawalli to furnish a statement as required under the said section, to require the mutawalli to furnish, within such time as the court shall fix, a statement containing all or any of the particulars referred to in the said section, including a copy of the deed or instrument, if any, creating the wakf.

(2) The provisions of section 4 shall apply to a statement furnished under this section as if such statement had been furnished under section 3.

6B. (1) Notwithstanding anything contained in section 5, it shall be competent to the court, on failure of a mutawalli to furnish a statement of accounts as required under the said section, to require the mutawalli to prepare and furnish, within such time as the court may fix, a statement of accounts of the nature described in the said section and for such period as the court may think fit.

(2) The provisions of section 6 shall apply to any statement of accounts required to be furnished under this section as if such statement of accounts were a statement of accounts furnished under section 5.

PART IV.

Powers of the Court to Enquire.

6C. (1) The court may, either on its own motion or upon the application of any person claiming to have an interest in a wakf, hold an enquiry in the prescribed manner at any time to ascertain—

(i) whether a wakf is a wakf to which this Act applies ;

(ii) whether any property is the property of such wakf and whether the whole or any substantial portion of the subject matter of such wakf is situate within the local limits of the jurisdiction of the court; and

(iii) who is the mutawalli of such wakf.

(2) If it comes to the knowledge of the court that a suit has been instituted in any civil court in regard to any of the matters mentioned in sub-section (1), it shall stay the enquiry so far as it relates to, or is likely to be affected by, the court's findings or order in regard to such matters, until the suit is finally decided in that court.

(3) The court shall from time to time ascertain whether such suit has been finally decided and after the final decision of the suit, it shall proceed with the enquiry in regard to such matters, if any, as may not have been decided in such suit.

(4) On completion of the enquiry provided for in sub-sections (1) and (3), the court shall record its findings as to the matters mentioned in the said sub-sections, except such matters as may have been decided in the aforesaid suit.

(5) Save as provided in this section, the court shall not, when acting under this section, try or determine any question of the title of any person claiming adversely to the wakf.

PART V.

Registration of Wakfs, Wakf Accounts and Wakf Administration Funds.

6D. (1) The court shall, after the submission of a statement under section 3 or section 4 or section 6A and an enquiry, if necessary, held under section 6C, or merely after an enquiry held under section 6C, record, in such form as may be prescribed in a register called the Register of Wakfs, the following particulars:—

(a) a description of the wakf property sufficient for the identification thereof;

(b) the gross annual income from such property;

(c) the gross amount of such income which has been collected during the five years preceding the date on which the statement is furnished, or during the period which has elapsed since the creation of the wakf, whichever period is shorter;

(d) the amount of the Government revenue and cesses and of all rents annually payable in respect of the wakf property;

(e) an estimate of the expenses annually incurred in the realisation of the income of the wakf property, based on such details as are available of any such expenses incurred within the period to which the particulars under clause (c) relate;

(f) the amount set apart under the wakf for—

(i) the salary of the mutawalli and allowances to individuals;

(ii) purely religious purposes;

(iii) charitable purposes;

(iv) any other purposes;

(g) the name of the mutawalli; and

(h) such other particulars as may be prescribed.

(2) Statements, if any, furnished under sections 3, 4 and 6A shall be filed with the said Register of Wakfs.

6E. (1) When any change occurs in any of the particulars recorded in the Register of Wakfs, the mutawalli shall, within three months of the occurrence of such change, report to the court such change in the prescribed form, accompanied by the prescribed fee. The provisions of sections 3 and 4 shall, so far as may be, apply to any such statement.

(2) For the purpose of verifying the correctness of the entries in the Register of Wakfs or ascertaining any change which may have occurred in such register, the court may hold an enquiry in the prescribed manner. The provisions of section 6C shall, so far as may be, apply to any such inquiry.

(3) If the court, after receiving a report under sub-section (1) and holding an enquiry, if necessary, under sub-section (2), or merely after an enquiry held under sub-section (2), is satisfied that a change has occurred in any of the particulars recorded in the Register of Wakfs with regard to a wakf, it shall amend in the prescribed manner the entry or entries affected by such change and shall file the report furnished under sub-section (1) along with the statement, if any, relating to the said wakf filed under section 3.

Entries in the Register of Wakfs and findings recorded under section 6C to be final, subject to section 6G.

6F. The entries made by the court in the Register of Wakfs and the findings recorded under section 6C shall, subject to the provisions of section 6G, be final for the purposes of this Act.

6G. A civil court of competent jurisdiction deciding any question relating to any wakf may direct that the court shall make such entries or amendments of entries in the Register of Wakfs relating to the said wakf as are consequential upon its decision, and the court shall make such entries or amendments of such entries accordingly.

6H. (1) Every mutawalli of a wakf in respect of which an entry has been recorded in the Register of Wakfs shall keep regular accounts of all moveable and immoveable property received, and of all payments and alienations made and incumbrances created by him on behalf of the wakf of which he is the mutawalli. Such accounts shall be kept in such form and shall contain such particulars as may be prescribed.

(2) The account shall be balanced on the thirty-first day of March in each year, and shall be examined and audited annually or at such other intervals, and in such manner as may be prescribed and by the persons referred to in section 6.

(3) Every auditor acting under sub-section (2) shall have access to the accounts and to all books, vouchers and other documents and records in the possession and under the control of the mutawalli :

Provided that, if it is proved to the satisfaction of the court that the gross annual income of any particular wakf is less than two hundred rupees, the court may by order in writing exempt such wakf from the provisions of this section.

6I. Every wakf shall, for the purpose of meeting the charges and expenses incidental to the registration, ^{Annual contribution from wakfs.} superintendence, administration and control of wakfs, the maintenance of the registers of wakfs, the scrutiny and audit of accounts of wakfs, the institution and defence of suits and proceedings relating to wakfs, and generally carrying into effect the purposes of this Act, be liable to pay to the Wakf Administration Fund of the district concerned annually such contribution, on such date and in such manner as may be prescribed :

Provided that the Local Government may, by rules made in this behalf, exempt from the provisions of this section any particular wakf or class of wakfs.

6J. For each district there shall be created a fund to be called ^{Wakf Administration Fund.} the Wakf Administration Fund of the district concerned, and there shall be placed to the credit thereof the following sums, namely :—

- (a) any fee which may be levied under this Act,
- (b) contributions under section 6I,
- (c) any sums received by the Wakf Administration Fund from private sources,
- (d) any sums allotted by Government or by any local authority to the Wakf Administration Fund.

6K. The Wakf Administration Fund of a district shall be under ^{Application of Wakf Administration Fund.} the control and management of the court and shall be applicable to the payment of charges for and expenses incidental to the registration, superintendence, administration and control of wakfs, the maintenance of the Register of Wakfs, the scrutiny and audit of accounts of wakfs, the institution and defence of suits and proceedings relating to wakfs, and generally carrying into effect the purposes of this Act.

PART VI.

Supervision and Control.

6L. (1) There shall be constituted in each district a wakf committee to advise and assist the court in all matters relating to the registration, superintendence, administration and control of wakfs. ^{Constitution and appointment of Wakf Committee.}

(2) The Committee shall consist of:—

- (a) the members of the Indian and Local Legislatures,
- (b) two members elected in the prescribed manner by the mutawallis of all wakfs in the district registered under the Act,
- (c) two members elected in the prescribed manner by the members of each district local board in the district professing the Mussalman faith from among their number,

(d) one member elected in the prescribed manner by the members professing the Mussalman faith of each municipality in the district constituted under the Bombay District Municipal Act, 1901,

(e) two members elected in the prescribed manner by the members professing the Mussalman faith of each municipality in the district constituted under the City of Bombay Municipal Act, 1888, the City of Karachi Municipal Act, 1933, or the Bombay Municipal Boroughs Act, 1925, and

(f) such other members not exceeding one-fourth of the total number of the members of the Committee as the Local Government may nominate :

Provided that no person who does not ordinarily reside in the district or does not profess the Mussalman faith shall be eligible to be a member of the Committee.

6M. (1) It shall be competent to the court to refer at any time to the Wakf Committee or any three or more members thereof, for advice, opinion, enquiry, report or recommendation, within such time as the court may direct, any matter relating to the registration, superintendence, administration and control of wakfs, and in particular any matter relating to—

(a) the conduct of a mutawalli or a trustee in the administration of a wakf or his fitness to continue as a mutawalli or a trustee,

(b) the settlement, cancellation or alteration of a scheme for the administration of a wakf, or

(c) the application of the funds of a wakf or any surplus thereof.

(2) When the court has referred any of the matters mentioned in sub-section (1) to a wakf committee or any members thereof for advice, opinion, enquiry, report or recommendation, and the committee or the members thereof, as the case may be, have, either unanimously or by a majority, made their recommendation in relation to the matter referred to them, the court may pass orders as it thinks fit after giving due consideration to such recommendation—

(i) suspending, removing or dismissing a mutawalli or trustee,

(ii) appointing a new mutawalli or trustee,

(iii) settling, cancelling or altering a scheme for the administration of a wakf,

(iv) directing the application, investment or deposit of the funds of a wakf or any surplus thereof in a particular manner or to a particular purpose,

(v) generally for carrying out the purposes of the Act.

Provided that nothing in this section shall be deemed to authorise the court to pass any order which is inconsistent with the objects and purposes of the wakf.

Provided further that no order under this section shall be passed to the prejudice of any mutawalli or trustee without giving such mutawalli or trustee an opportunity to be heard.

(3) For the performance of any of the duties under sub-section (2) the Wakf Committee or any members thereof to whom the court has referred any matter for advice, opinion, enquiry, report, or recommen-

dation, the committee or such members thereof may by order in writing require—

- (a) the production of any document necessary for the purpose ;
- (b) the attendance of any person for the purpose of giving evidence or for the production of any document referred to in clause (a).

(4) The provisions of sub-sections (2) and (3) of section 60 shall, so far as may be, apply to any inquiry under sub-section (1) or (2).

6N. Notwithstanding anything contained in section 92 of the Code of Civil Procedure, 1908, it shall be competent to the court, after such enquiry as it may think fit, (a) to authorise any one or more of the members of a Wakf Committee to institute or defend any suit or proceeding for the purposes of the protection or recovery of the property of a wakf or for the application of the property of a wakf to any public, charitable or religious purpose and (b) to allocate from the Wakf Administration Fund such sums as may, in the opinion of the court, be necessary for the aforesaid purpose.

6O. (1) It shall be competent to the court to direct one or more members of the Wakf Committee to undertake the inspection, in the prescribed manner, of the property, records and accounts of any wakf and to report to the court, within such time as the court may direct, the result of such inspection.

(2) It shall be competent to the court to employ upon such terms and conditions as may be prescribed such persons as may in the opinion of the court be necessary for carrying out the purposes of this Act and to pay them such remuneration from the Wakf Administration Fund as may be prescribed.

6P. It shall be competent to the court at any time to order a special audit of the accounts of a wakf by an accountant possessing the prescribed qualifications and to order the cost of such audit to be paid by the mutawalli from the income of the property of the wakf or out of the Wakf Administration Fund.

6Q. There shall be published annually on such date as the Local Government may determine in the local official Gazette and in the principal vernacular of the district in a newspaper circulating therein a list of wakfs and a statement of the sums standing to the credit of the Wakf Administration Fund, under the signature of the court and in such form as the Local Government may prescribe."

6. After section 6Q inserted by this Act, into the principal Act, the heading "Part VII" shall be inserted.

7. In section 7 of the principal Act after the word and figure "section 4", the words and figures "section 6A or section 6B or section 6C or section 6E" shall be inserted.

8. In section 8 of the principal Act,—

(a) after the word and figure "section 4" the words and figures "or section 6A or section 6C or section 6E" shall be inserted ; and

(b) after the word and figure "section 5" the words and figures "or section 6B or section 6C" shall be inserted.

Amendment of section 9
of XLII of 1923.

9. In section 9 of the principal Act,—

(a) after the word and figure "section 4", the words and figures "or section 6A or section 6C or section 6E" shall be inserted ;

(b) after the word and figure "section 5" the words and figures "or section 6B or section 6C" shall be inserted ;

(c) after the word and figure "section 6", the words and figures "or section 6H or section 6P or any entry in the Register of Wakfs or any statement, notice, intimation, report, accounts or any document filed under this Act" shall be inserted.

Insertion of new section
after s. 9 of XLII of 1923.

10. After section 9 of the principal Act, the following shall be inserted, namely :—

Provisions of Code of
Civil Procedure to apply.

"9A. (1) The provisions of the Code of Civil Procedure, 1908, relating to—

(a) the proof of facts by affidavits,

(b) the enforcing of the attendance of any person and his examination on oath,

(c) the enforcing of the production of documents, and

(d) the issuing of commissions shall apply to all proceedings held by the court under this Act and provisions relating to the service of summonses shall apply to the service of notices thereunder.

(2) The provisions of the said Code relating to the execution of decrees shall, so far as they are applicable, apply to the execution of orders passed by the court under this Act."

Heading after section
9A of this Act.

11. After section 9A inserted by this Act, into the principal Act, the heading "Part VIII" shall be inserted.

Amendment of section
10 of XLII of 1923.

12. In section 10 of the principal Act—

(a) after the word and figure "section 4", the words and figures "or section 6A or section 6C or section 6E" shall be inserted ;

(b) after the word and figure "section 5", the words and figures "or section 6B or section 6C" shall be inserted ;

(c) after the word "accounts" where it occurs for the first time, the words, figure and letter "or who is required by section 6H to keep regular accounts" shall be inserted ;

(d) after the word "document" where it occurs for the second time, the words "or to keep regular accounts" shall be inserted ;

(e) after the words "statement" where it occurs for the fourth time the words " or keeps accounts" shall be inserted.

Insertion of new sections
after s. 10 of XLII of 1923.

13. After section 10 of the principal Act, the following shall be inserted, namely :—

“10A. (1) If any person fails to comply with any order passed by the Court or by the Wakf Committee or any member thereof under or in pursuance of the provisions of this Act, such person shall, if such failure to comply is not punishable under any of the sections of this Act, be on conviction punishable with fine which may extend to one thousand rupees.

(2) A Criminal Court may, in passing an order of conviction for an offence under sub-section (1), specify the period within which the person convicted shall comply with the provisions of this Act which may be found to have been contravened by him, and may also prescribe a daily fine not exceeding Rs. 50 for every day for the period during which the default continues after the expiry of the period so specified :

Provided that, if the person failing to comply with any direction issued by such court satisfies such court that there is good reason for his failure to do so and applies for an extension of the period specified under this section, such court may, if it thinks fit, extend the period and may remit the whole or any part of the fine paid or due.

10B. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the Court given in the prescribed manner.

(2) No Criminal Court inferior to that of a Presidency Magistrate or of a Magistrate of the First Class shall try an offence under this Act.

10C. No suit or prosecution or other proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

10D. All sums due under this Act shall be recoverable as arrears of land revenue.”

14. (1) In sub-section (2) of section 11 of the principal Act—

(a) in clause (a) after the word and figure “section 3” the words and figures “or under section 6A or section 6C” shall be inserted;

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

(b) the manner in which notice to be published under section 4 and the fees to be charged upon application made to the court under sub-section (1) of section 4 or under section 6A or section 6B or section 6C;

(c) in clause (c) after the word and figure “section 5”, the words and figures “or section 6B or section 6C” shall be inserted;

(d) in clause (d) after the word and figure “section 6” the words and figures “or section 6H or section 6P” shall be inserted;

(e) in clause (e), after the brackets and letter “(e)” the words “the manner of inspection and” shall be inserted;

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

“(f1) the manner in which subject to the provisions of section 9A an inquiry shall be held by the Court and the Wakf Committee

under section 6C or 6M and the manner in which the parties shall be represented in such inquiry and the costs of such inquiry shall be borne,

(f2) the manner in which the Register of Wakfs shall be prepared and maintained under section 6D,

(f3) the form in which a change in any of the particulars recorded in the Register of Wakfs shall be reported and the amount of fee to accompany such report and the manner in which the inquiry shall be held and the entries in the Register of Wakfs shall be amended under section 6E,

(f4) the form in which the accounts shall be prepared, kept and furnished, the particulars to be entered therein, and the manner in which, and interval at which such accounts shall be audited under section 6H,

(f5) the amount of contribution, the date on which and the manner in which it shall be paid and exemptions granted under section 6I,

(f6) the appointment and remuneration of auditors appointed under the Act,

(f7) the management, custody, investment and disbursement of the Wakf Administration Fund,

(f8) the purpose for which a Wakf Administration Fund shall be applied under section 6K,

(f9) the number of members who shall constitute a Wakf Committee, the period of office of a Wakf Committee and the manner in which such committee shall hold its meetings and the procedure to be followed at their meetings,

(f10) the manner in which the inspection of the property, records and accounts of a wakf shall be carried out, the sum which shall be paid in respect of the costs of the members of the Wakf Committee undertaking such inspection, the terms and conditions on which persons shall be employed and the remuneration which shall be paid to such persons, under section 6O,

(f11) the qualifications of an accountant appointed under section 6P,

(f12) the form in which a list of wakfs shall be published under section 6Q."

(2) After sub section (2) of section 11 of the principal Act, the following new sub-section shall be added, namely :—

“(3) Rules made under this section shall be laid upon the table of the Bombay Legislative Council at the session of the said Council next following and shall be liable to be modified or rescinded by a resolution of the said Council and such rule shall after notification in the local official Gazette be deemed to have been modified or rescinded accordingly :

Provided that when in the opinion of the Local Government such modification or rescission is likely to defeat or frustrate any of the purposes of this Act, the Local Government may by notification in the local official Gazette declare that the modification or rescission shall have no effect and thereupon the rules shall remain in force as if they had not been modified or rescinded.”

The Opium (Amendment) Act, 1923

Bombay Act No II of 1923

[3rd February 1923.]

An Act further to amend the Opium Act, 1878.

WHEREAS it is expedient further to amend the Opium Act, 1878, in its application to the Presidency of Bombay, in manner hereinafter appearing; and WHEREAS the previous sanction of the Governor General required by clause (e) of sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act: It is hereby enacted as follows:—

Short title. 1. This Act may be called the Opium (Amendment) Act, 1923.

2. In section 3 of the Opium Act, 1878, hereinafter called the Interpretation clause. said Act, after the definition of "Magistrate" the following definition shall be inserted, namely:—

"Officer in charge of a police station" means and includes, in the City of Bombay, an officer in charge of a section, and "officer in charge of the nearest police station" means and includes, in the City of Bombay, the nearest officer in charge of a section, within the meaning of the City of Bombay Police Act, 1902.

3. For section 20 of the said Act, the following sections shall be substituted, namely:—

New sections 20 to 20C. "20. Every officer of the department of Salt and Excise not below the rank of Inspector and every officer of the Customs department not below the rank of Preventive officer, who may in right of his office be authorised by the Local Government in this behalf, shall, within the area for which he is appointed, exercise powers with regard to offences under this Act, similar to those exercised by an officer in charge of a police station under the Code of Criminal Procedure, 1898.

20A. Every person arrested and thing seized under sections 14, 15, or 19 shall, unless the arrest or seizure has been made by an officer of the department of Salt and Excise or the Customs department authorized under section 20, be forwarded without delay to the nearest such officer, or if there be no such officer within a reasonable distance, to the officer in charge of the nearest police station.

20B. When any person has been arrested under section 14, 15 or 19 by an officer of the department of Salt and Excise or the Customs department authorized under section 20 or been forwarded to him under section 20A, the said officer may detain such person and shall proceed to enquire into the charge against him, and

(a) if he is of opinion that there is sufficient evidence or reasonable ground of suspicion against him, he shall forward him to the nearest Magistrate having power to take cognizance of the offence, or admit him to bail if sufficient bail be tendered for his appearance before the Magistrate; or

(b) if he is of opinion that there is not sufficient evidence or reasonable ground as aforesaid, or that the person arrested may be discharged with a warning, he shall release him on his executing a bond with or without sureties, to appear, if and when so required, before a Magistrate having power as aforesaid, and make a full report of all the particulars of the case to his official superior and be guided by the order which he shall receive upon such report.

20C. When anything has been seized by an officer of the department of Salt and Excise or the Customs department authorised under section 20, or been sent to him under section 20A, such officer, after such enquiry as may be necessary, shall

(a) if it appears that such thing is required as evidence in the case of any person arrested, forward it to the Magistrate to whom such person is forwarded or for his appearance before whom bail has been taken,

(b) if it appears that it is liable to confiscation but is not required as evidence as aforesaid, send it with a full report of the particulars of the seizure to the Collector,

(c) if no offence appears to have been committed, return it to the person from whose possession it was seized."

The Opium (Bom. Amendment) Act, 1930

Bombay Act No. XIV of 1930.

[3rd September 1930.]

An Act further to amend the Opium Act, 1878, in its application to the Presidency of Bombay.

WHEREAS it is expedient further to amend the Opium Act, 1878, in its application to the Presidency of Bombay in manner hereinafter appearing; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act ; It is hereby enacted as follows :—

1. This Act may be called the Opium (Bombay Amendment) Act, 1930.

2. In section 20 of the Opium 1878, for the words "and Excise not below the rank of Inspector" the words "not below the rank of Inspector and every officer of the department of Excise not below the rank of Assistant Inspector" shall be substituted.

Presidency Small Cause Courts (Bom. Amendment) Act,

Bombay Act No. V of 1933

[17th May 1933.]

An Act further to amend the Presidency Small Cause Courts Act, 1882, in its application to the Presidency Town of Bombay.

WHEREAS it is expedient further to amend the Presidency Small Cause Courts Act, 1882, in its application to the Presidency-town of Bombay ; It is hereby enacted as follows :—

1. This Act may be called the Presidency Small Cause Courts (Bombay Amendment) Act, 1933.

2. In the footnote to part E of the third schedule to the Presidency Small Cause Courts Act, 1882, for the words "four annas per day" the words "such fee not exceeding twelve annas per day as may be fixed by the Registrar of the Small Cause Court" shall be substituted.

Prevention of Cruelty to Animals (Bom. Amendment) Act
Bombay Act No XIII of 1922

[28th December 1922.]

(As amended by Bom. Act No. III of 1933)

An Act further to amend the Prevention of Cruelty to Animals Act, 1890.

WHEREAS it is expedient further to amend the Prevention of Cruelty to Animals Act, 1890, in its application to the Presidency of Bombay in manner hereinafter appearing; It is hereby enacted as follows:—

Short title. 1. This Act may be called the Prevention of Cruelty to Animals (Bombay Amendment) Act, 1922.

Amendment of section 3 of XI of 1890. 2. In section 3 of the Prevention of Cruelty to Animals Act, 1890, hereinafter called the said Act,

(a) the words "in any street or in any other place, whether open or closed, to which the public have access, or within sight of any person in any street or any such other place" shall be repealed; and

(b) after clause (c) the following two clauses shall be added, namely:—

"or (d) in any area to which this clause is by special notification as aforesaid extended, without sufficient excuse neglects to supply any animal under his control with sufficient food or drink; or

(e) in any area to which this clause is by special notification as aforesaid extended, without sufficient excuse abandons or turns loose any animal, without making due provision for its sustenance."

Amendment of section 6 of XI of 1890. 3. For section 6 of the said Act the following section shall be substituted, namely:—

6. (1) If any person employs in any work or labour any animal which by reason of any disease, infirmity, wound, sore or other cause is unfit to be so employed, or permits any such unfit animal in his possession or under his control to be so employed, he shall be punished with fine which may extend to one hundred rupees.

(2) The Local Government may, by general or special order, appoint places to be infirmaries for the treatment and care of animals in respect of which offences against sub-section (1) have been committed.

(3) The Magistrate before whom a prosecution for such an offence has been instituted may direct that the animal in respect of which the offence is alleged or proved to have been committed shall be sent for treatment and care to an infirmary and be there detained until, except as provided for in sub-section (4), it is in his opinion or in the opinion of some other Magistrate, again fit for the work or labour on which it has been ordinarily employed. If, however, the Magistrate decides that the animal will never again be fit he may direct that it shall be destroyed or sent to a pinjrapole.

(4) Within any specified area the Local Government may, when any animal has been sent to an infirmary under sub-section (2), authorize any veterinary officer to issue a certificate that in his opinion such animal is fit for the work or labour on which it has been ordinarily employed and such animal shall not be released from detention unless and until such certificate shall have been issued or the Magistrate directs that it shall be destroyed or sent to a pinjrapole.

(5) The cost of the transport to the infirmary and the treatment, feeding and watering of the animal in the infirmary shall be payable by the owner of the animal according to such scale of rates as the District Magistrate or, in the case of an infirmary in a Presidency town, the Commissioner of Police may from time to time prescribe.

*(6) (a) If in the case of an animal directed to be destroyed or sent to a pinjrapole under sub-section (4), the owner refuses or neglects to pay the costs incurred in respect of the animal under sub-section (5), such cost shall be recoverable from the owner as a fine on the order of a Magistrate, provided that no such order shall be made without the owner being given an opportunity of showing cause, before the Magistrate, why such costs should not be recovered ;

(b) if, in the case of an animal certified under sub-section (4) to be fit for work or labour, the owner refuses or neglects to remove the animal within such time as a magistrate may prescribe and to pay the cost incurred in respect of the animal under sub-section (5) the magistrate may direct the animal to be sold and the proceeds of the sale to be applied to the payment of such cost.

(7) The surplus, if any, of the proceeds of the sale shall, on application made by the owner within two months after the date of the sale, be paid to him.

(8) If the cost incurred under sub-section (5) shall exceed the proceeds of the sale, the excess to such extent as shall seem reasonable shall be recoverable from the owner as a fine on the order of a Magistrate, provided that no such order shall be made without the owner being given a reasonable opportunity of urging his objections, if any, before the Magistrate.

*Sub-section (6) was substituted for the original by Bom. Act III of 1933, section 2.

**Prevention of Cruelty to Animals (Bom. Amendment) Act
BOMBAY ACT No. IX OF 1923**

[4th October 1923]

**An Act further to amend the Prevention of Cruelty to
Animals Act, 1890.**

WHEREAS it is expedient further to amend the Prevention of Cruelty to Animals Act, 1890. in its application to the Presidency of Bombay in manner hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Prevention of Cruelty to Animals (Bombay Amendment) Act, 1923.

Amendment of section
11 of XI of 1890.

2. In section 11 of the Prevention of Cruelty to Animals Act, 1890, after the words "offence to" the words "abandon, turn loose or" shall be inserted.

The Provincial Small Cause Courts (Bombay Amendment) Act, 1930

Bombay Act No. VI of 1930

[9th March 1930.]

An Act further to amend the Provincial Small Cause Courts Act, 1887, in its application to the Presidency of Bombay.

WHEREAS it is expedient further to amend the Provincial Small Cause Courts Act, 1887, in its application to the Presidency of Bombay in manner hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Provincial Small Cause Courts (Bombay Amendment) Act, 1930.

Amendment of section
12 of Act IX of 1887.

2. In sub-section (3) of section 12 of the Provincial Small Cause Courts Act, 1887, hereinafter called "the said Act" for the word "twenty" the word "fifty" shall be substituted.

Amendment of the Second
Schedule to Act IX
of 1887.

3. In the Second Schedule to the said Act the following amendments shall be made, namely :—

(1) to clause (4) after the words "such property" the following shall be added, namely :—

"but not including a suit for ejectment where—

(a) The property has been let under a lease made by a written instrument, and

(b) The Court of Small Causes would be competent to take cognizance of a suit for the rent of the property, and

(c) The only substantial issue arising for decision is as to whether the lease has determined by efflux of the time limited thereby or has been determined by a notice in accordance with clause (b) of section 111 of the Transfer of Property Act, 1882.

(2) In clause (18) for the words "relating to a trust" the words "to enforce a trust" shall be substituted ;

(3) to clause (20) after the words "Code of Civil Procedure" the words "in respect of any immoveable property" shall be added ;

(4) to clause (21) after the word "attachment" the words "of any immoveable property" and after the word "transfer" the words "of any such property" shall, respectively, be added ; and

(5) in clause (31) for the words "and a suit for the profits on immoveable property belonging to the Plaintiff which have been wrongfully received by the Defendant" the words "but not including a suit for mesne profits" shall be substituted.

The Provincial Small Cause Courts (Bombay Amendment) Act, 1932.

Bombay Act No. IX of 1932

[10th November 1932.]

An Act further to amend the Provincial Small Cause Courts Act, 1887, in its application to the Presidency of Bombay.

WHEREAS it is expedient further to amend the Provincial Small Cause Courts Act, 1887, in its application to the Presidency of Bombay ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Provincial Small Cause Courts (Bombay Amendment) Act, 1932.

Amendment of the second schedule to Act IX of 1887.

2. In sub-clause (a) of clause 4 in the Second Schedule to the said Act, between the words "a written instrument" and "and" the following words shall be inserted, namely :—

"or orally."

The Indian Registration (Bombay Amendment) Act, 1929

Bombay Act No V of 1929

[22nd May 1929.]

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

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

Short title.

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

Amendment of section 8 of Act XVI of 1908.

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

namely :—

"Provided that the Local Government may delegate, subject to such restrictions and conditions as it thinks fit, to the Inspector-

General of Registration the power of appointing inspectors of registration offices.”

Amendment of section
13 of Act XVI of 1908.

3. In section 13 of the said Act,

(1) sub-sections (1) and (2) shall be repealed ; and

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

Amendment of section
21 of Act XVI of 1908.

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

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

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

Amendment of section
22 of Act XVI of 1908.

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

Amendment of section
36 of Act XVI of 1908.

Amendment of section
51 of Act XVI of 1908.

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

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

Amendment of section
54 of Act XVI of 1908.

Amendment of section
55 of Act XVI of 1908.

9. In section 55 of the said Act,

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

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

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

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

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

“(3A) Index No. II-A shall contain such particulars mentioned in section 21 as the Inspector-General may, from time to time, pre-

scribe in this behalf in regard to every copy filed under sub-section (1) or (3) of section 89 ; ”

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

Amendment of section 57 of Act XVI of 1908.

inserted, namely :—

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

Amendment of section 69 of Act XVI of 1908.

shall be inserted.

Amendment of section 89 of Act XVI of 1908.

substituted.

10. In sub-section (1) of section 57 of the said Act after the words and figure “Book No. 1” the following words and figures shall be in-

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

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

The Indian Registration (Bombay Amendment) Act, 1930

Bombay No. XVII of 1930

[4th September 1930.]

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

WHEREAS it is expedient further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay, in manner hereinafter appearing ; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act has been obtained for the passing of this Act ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Registration (Bombay Amendment) Act, 1930.

2. After clause (g) of sub-section (1) of section 69 of the Indian Registration Act, 1908, hereinafter called the said Act, the following clause shall be inserted, namely :—

Amendment of section 69 of Act XVI of 1908.

“(gg) regulating the procedure for transmitting documents for being photographed and the serial numbering, binding and preservation of the photographic prints and negatives.”

Insertion of new Part XI-A in Act XVI of 1908.

3. After Part XI of the said Act, the following shall be inserted, namely:—

PART XI-A

OF THE COPYING OF DOCUMENTS BY MEANS OF PHOTOGRAPHY

70-A. This Part shall apply to the areas only in respect of which a notification is issued by the Local Government under section 70-C.

Application of this part.

70-B. For the purposes of this Part 'Photo-Registrar' means any person appointed by the Local Government to perform the duties of Photo-Registrar under

Definition,

this Part :

Provided that the Local Government may delegate, subject to such restrictions and conditions as it thinks fit, to the Inspector-General of Registration the power of appointing Photo-Registrars.

70-C. (1) The Local Government may, by notification in the *Bombay Government Gazette*, direct that in any district or sub-district specified in the notification copies of documents admitted to registration under this Act shall be made by means of photography.

Documents may be photographed in areas notified by Government.

(2) On the issue of such notification it shall be translated into the vernacular of the district and shall be posted in a conspicuous place at the Registration offices affected by the notification.

70-D. In any district or sub-district in respect of which a notification has been issued under section 70-C the provisions of this Act shall, for the purposes of this Part, be subject to the following modifications, namely :—

Application of Act to areas notified under section 70-C.

(1) (a) every document admitted to registration under section 35 or section 41 shall be carefully marked with an identification stamp and the serial number of the document on every page.

(b) It shall then be transmitted by the registering officer to the Photo-Registrar, who shall cause, each side of each page of such document together with all stamps, endorsements, seals, signatures, thumb impressions and certificates appearing thereon to be photographed without subtraction or alteration. He may for this purpose cut or untie, without breaking any seals, the thread or ribbon wherewith the pages of the document are sewn together in order or separate the pages of the document, and, as soon as the document has been photographed, he shall rebind the document exactly as before and if he has cut the thread or ribbon shall seal it over the joint with his seal :

Provided that before transmission of the document to the Photo Registrar the party presenting the document may require the registering officer to have it copied by hand under section 52 on payment of an additional copying fee.

(c) There shall then be prepared and preserved the negative and at least one photographic print and to each such negative and print the Photo Registrar shall fix his signature and seal in token of the exact correspondence of the copy to the original document, as admitted for registration.

(d) One set of such prints arranged in the order of their serial numbers shall be made up into books and sewn or bound together. To each such book the Registrar or Sub-Registrar shall pre fix a certificate of the serial numbers it contains, and the books shall then be preserved in the records of the Sub-Registrar. The negatives shall be preserved in such suitable place as the Inspector-General may prescribe.

(2) All words and expressions used in the Act with reference to the making of copies of documents by hand or the entering or filing

of documents or memorandum in books provided under section 16 shall, so far as may be necessary, be construed as referring to the making of such copies by means of photography or the entering or filing of documents or memoranda in books made up of copies prepared by means of photography.

(3) Where this part applies the sections mentioned below shall be deemed to be modified as follows :—

(a) In section 19 the words 'and also by a true copy' shall be omitted ;

(b) sub-section (4) of section 21 shall be omitted ;

(c) the words 'according to the order of its admission' occurring in clause (c) of sub-section (1) of section 52 shall be omitted ;

(d) section 53 shall be omitted ;

(e) in sub-section (1) of section 60 the words 'and page' shall be omitted ;

(f) sub-section (1) of section 61 shall be omitted ;

(g) in sub-section (1) of section 62,—

(i) for the word 'transcribed' the word 'copied' shall be substituted ; and

(ii) for the words and figures 'copy referred to in' section 19' the words 'photograph of the original' shall be substituted."

The Indian Registration (Bombay Amendment) Act, 1933

Bombay Act No. XVIII of 1933

[18th October 1933.]

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

WHEREAS it is expedient further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay, for the purpose hereinafter appearing ; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Registration (Bombay Amendment) Act, 1933.

2. To clause (gg) of sub-section (1) of section 69 of the Indian Registration Act, 1908, in its application to the Presidency of Bombay, hereinafter called the said Act, the following shall be added, namely:—

"and the manner of fixing the signature and seal of the Photo-Registrar at the end of a length of film;"

Amendment of section 70-D of Act XVI of 1908.

3. To clause (c) of sub-section (1) of section 70-D of the said Act the following shall be added, namely :—

" provided that when more than one such negative is recorded on one length of film and the Photo-Registrar has affixed his signature

and seal at the end of such length of film certifying in the manner prescribed by rules made in this behalf, the exact correspondence of all copies on such length of film with the original documents, the Photo-Registrar shall be deemed to have affixed his signature and seal to each such negative on such length of film."

The Societies Registration (Amendment) Act, 1912

Bombay Act No. II of 1912

[29th May 1912]

An Act to amend the Societies Registration Act, 1860

WHEREAS it is expedient to amend the Societies Registration Act, 1860, in manner hereinafter appearing;

AND WHEREAS the previous sanction of the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follows:

1. Notwithstanding anything contained in section 14 of the Societies Registration Act, 1860, hereinafter called "the said Act," it shall be lawful for the members of any society dissolved under section 13 of the said Act to determine by a majority of votes of members present personally or by proxy at the time of dissolution of such society that any property whatsoever remaining after the satisfaction of all its debts and liabilities shall be given to Government to be utilised for any of the purposes referred to in section 1 of the said Act.

Amendment of section 14.

The Cotton Ginning and Pressing Factories

(Bombay Amendment) Act, 1936

Bombay Act No. IV of 1936.

[16th March 1936]

An Act to amend the Cotton Ginning and Pressing Factories Act, 1925, in its application to the Presidency of Bombay.

WHEREAS it is expedient to amend the Cotton Ginning and Pressing Factories Act, 1925, in its application to the Presidency of Bombay for the purposes hereinafter appearing; And whereas the previous sanction of the Governor General required under subsection (3) of section 80A and the previous sanction of the Governor required under section 80C of the Government of India Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

1. (1) This Act may be called the Cotton Ginning and Pressing Factories (Bombay Amendment) Act, 1936.

Short title, extent and commencement.

(2) This Act shall extend in the first instance to the Province of Sind or such area in the said Province with effect from such date as the Local Government may by notification in the local official Gazette appoint. The Local Government may by notification in the local official Gazette extend the provisions of this Act to any other area with effect from such date as the Local Government may appoint in the said notification.

Amendment of section 2 of Act XII of 1925. 2. In section 2 of the Cotton Ginning and Pressing Factories Act, 1925, hereinafter called the said Act,—

(1) after the word, comma and dash "context,—," the following shall be inserted, namely :—

"(aa) 'admixture of cotton' means a prescribed mixture of different varieties of cotton ;" and

(2) after clause (f) the following clause shall be inserted, namely :—

"(ff) 'licence' means a licence granted under section 2A."

(3) after clause (h) the following clause shall be inserted, namely :—

"(i) 'Season' means such period as may from time to time be prescribed."

Insertion of section 2A in Act XII of 1925.

3. After section 2 of the said Act, the following section shall be inserted, namely :—

"2A. (1) No cotton ginning factory or cotton pressing factory shall be worked without a licence granted to the owner thereof by such authority, in such form, subject to such conditions and on payment of such fee, as may be prescribed.

(2) (a) A licence for which the prescribed fee has been paid shall be liable to be refused only on the ground that the owner or person in charge of a cotton ginning or cotton pressing factory in respect of which a licence is applied for has been convicted of an offence punishable under this Act.

(b) A licence shall be liable to be suspended, withdrawn or cancelled only on the ground that the owner or person in charge of the cotton ginning or cotton pressing factory in respect of which a licence was granted has been convicted of an offence punishable under this Act:

Provided that no licence shall be suspended, withdrawn or cancelled under this clause until after the expiration of the season in which the said owner or person has been so convicted.

(3) If any person works a cotton ginning or cotton pressing factory in respect of which a licence has not been granted or has been suspended, withdrawn or cancelled, such person shall be punishable :—

(a) on a first conviction, with fine which may extend to five hundred rupees and, if the offence has continued for more than one day, with an additional fine which may extend to one hundred rupees for every day subsequent to the first day during which the offence has continued ; and

(b) on every subsequent conviction, with fine which may extend to fifteen hundred rupees and, if the offence has continued for more than one day, with an additional fine which may extend to two hundred rupees for every day subsequent to the first day during which the offence has continued."

4. In sub-section (2) of section 3 of the said Act:—]

Amendment of section
3 of Act XII of 1925.

(1) the word 'and' shall be omitted, and

(2) the following words shall be added at the end :—

"and the prescribed particulars as supplied by such person of the cotton ginning factory where it has been ginned."

Insertion of new sections
3A, 3B and 3C
in Act XII of 1925.

5. After section 3 of the said Act, the following new sections shall be inserted, namely:—

"3A. (1) The Local Government may by notification in the local official Gazette declare that in any area specified in such notification and to which this Act has been extended, no cotton which is ginned or pressed in a cotton ginning or cotton pressing factory shall contain any admixture of cotton.

(2) Any owner of a cotton ginning or cotton pressing factory or any person in charge of such factory—

(a) who knowing or having reason to believe that any cotton is watered or contains seed in excess of the prescribed proportion or contains any foreign substance, gins or presses or allows such cotton to be ginned or pressed in such factory, or

(b) who in area specified in the notification under sub-section (1) gins or presses or allows to be ginned or pressed any cotton which he knows or has reason to believe to contain an admixture of cotton,

shall, on conviction, be punishable with fine which may extend to five thousand rupees.

(3) Any owner of cotton who knowingly waters any cotton which is ginned and which is being, or is intended to be, pressed in a cotton pressing factory, or mixes seed or foreign substance with such cotton, or in any area specified in sub-section (1) makes any admixture of cotton, or abets or knowingly allows or connives at any such watering, mixing or admixture of cotton, shall, on conviction, be punishable with fine which may extend to five thousand rupees.

Explanation.—For the purposes of this section, cotton shall not be deemed to be watered, unless such cotton contains moisture in excess of the normal quantity. The normal quantity of moisture in any given quantity of cotton is the amount of moisture that such cotton is reasonably expected to have, regard being had to the place or places at or to which, and the time or times of the year in which, such cotton has been picked, collected, stored, conveyed, left ginned or pressed. A certificate given by the prescribed authority as to the normal quantity of moisture that a given quantity of such cotton should have and the quantity of moisture that it possesses shall be evidence of such matters, until the contrary is proved; and if the latter quantity exceeds the former it shall be evidence, until the contrary is proved, that the cotton is watered.

3B. (1) The Local Government or any gazetted officer authorised by it in this behalf may on its or his own motion or on receipt of a complaint that there has been a contravention of the provisions of section 3A in respect of any cotton, package or of any bale and in the case of a complaint, on payment of the prescribed fee by the complainant, cause such cotton or the contents of such package or bale to be examined by the prescribed person or body.

(2) A certificate given by such person after examination of the contents of any bale under sub-section (1) shall be admissible in evidence and be presumptive proof of the facts mentioned therein until the contrary is proved.

3C. (1) The Local Government may authorise any gazetted officer to enter into and inspect, at any reasonable time, any cotton ginning or cotton pressing factory for the purpose of ascertaining whether there is any contravention therein of any of the provisions of this Act or of any rule made thereunder or of any of the conditions subject to which a licence has been granted in respect of such factory and to seize all things in respect of which an offence punishable under this Act appears to have been committed.

(2) The owner or the person in charge of every cotton ginning or cotton pressing factory shall give every reasonable assistance to the inspecting officer in the performance of his duties under sub-section (1).

(3) The owner or the person in charge of such factory shall, in every instance, be permitted to attend during the inspection and the things seized during such inspection shall be sealed in the prescribed manner."

Amendment of section 5 of Act XII of 1925.

6. For section 5 of the said Act, the following section shall be substituted, namely :—

"5. (1) The owner of every cotton ginning factory shall submit to the prescribed authority, within such time and in such form, as may be prescribed, monthly returns showing the quantity of cotton ginned in the factory during the preceding month and from the commencement of the season to the end of that month.

Returns.

(2) The Local Government shall compile from the monthly returns submitted under sub-section (1), and shall publish in such manner as the Governor-General in Council may direct, a statement showing the total quantity of cotton ginned in the province during the month and from the commencement of the season to the end of the month to which the returns relate ;

Provided that the quantity of cotton ginned in any individual factory shall not be published.

(3) The owner of every cotton pressing factory shall submit to the prescribed authority, within such time and in such form, as may be prescribed, weekly returns showing the total number of bales of cotton pressed during the preceding week and from the commencement of the season to the end of that week, and the approximate average net weight of the bales pressed in that week.

(4) The Local Government shall compile from the weekly returns submitted under sub-section (3), and shall publish in such manner as the Governor-General in Council may direct, a statement showing the total number of bales pressed in the province during the week and from the commencement of the season to the end of the week to which the returns relate :

Provided that the number of bales pressed in any individual factory shall not be published.

(5) If default is made in submitting any return as required by sub-section (1) or sub-section (3), the owner of the factory

shall, on conviction, be punishable with fine which may extend to fifty rupees.

(6) When the owner of a cotton ginning or cotton pressing factory has notified to the prescribed authority that the work of ginning cotton or pressing bales in that factory has been suspended, it shall not be necessary for the owner to submit returns under sub-section (1) or sub-section (3) until such work has been resumed."

7. In section 6 of the said Act, after the words "other than" the words and figures "the standard weights and measures, weighing and measuring instruments authorised under the Bombay Weights and Measures Act, 1932, in districts or areas in which Parts II, III, V and VI of that Act are in force or elsewhere other than" shall be inserted.

Amendment of section 6 of Act XII of 1925.

8. In sub-section (1) of section 7 of the said Act, after the words "for the purpose of sections" insert the figures and letters "3A, 3C."

Amendment of section 7 of Act XII of 1925.

9. After section 11 of the said Act the following new section shall be inserted, namely :—

Insertion of new section 11A in Act XII of 1925.

"11A. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, a Presidency Magistrate or a Magistrate of the First class may pass any sentence provided for any offence punishable under this Act and the provisions of the said Code shall be deemed to have been amended accordingly."

Power of Magistrate to pass sentence.

10. (1) In section 13 of the said Act, after clause (a), the following clauses shall be inserted, namely :—

Amendment of section 13 of Act XII of 1925.

(aa) what shall constitute an admixture of cotton ;

(ab) the period which shall from time to time constitute a season ;

(ac) the authority by whom, the form in which, the conditions subject to which and the fees on payment of which, a licence may be granted under sub-section (1) of section 2-A ;

(ad) the particulars of the cotton ginning factory to be entered in the register maintained under sub-section (2) of section 3 ;

(as) the proportion of seed which may be contained in cotton;

(af) the person authorised to give a certificate regarding the quantity of moisture contained in any cotton and other matters specified in section 3-A;

(ag) the person authorised to examine bales under section 3-B;

(ah) the procedure for making a complaint and causing the contents of a bale to be examined and the fee for examination of the contents of a bale under sub-section (1) of section 3-B;

(ai) the manner in which the things seized shall be sealed under section 3-C."

(2) Section 13 of the said Act shall be renumbered as sub-section (1) of that section and after the sub-section so renumbered, the following sub-section shall be added, namely :—

(2) "The rules to be made under sub-section (1) shall be subject to the condition of previous publication.

(3) Rules made under sub-section (1) shall as soon as they are made be laid upon the table of the Bombay Legislative Council for a period of one month and shall be liable to be modified or rescinded by a resolution tabled at the session thereof immediately following the expiry of the said period; such rule shall, after notification in the local official Gazette be deemed to have been modified or rescinded accordingly :

Provided that when, in the opinion of the Local Government, such modification or rescission is likely to defeat or frustrate any of the purposes of this Act, the Local Government may, by notification in the local official Gazette, declare that the modification or rescission shall have no effect and thereupon the rule shall remain in force as if it had not been modified or rescinded."

Addition of sections 16 and 17 in Act XII of 1925.

11. After section 15 of the said Act, the following sections shall be added, namely :—

"16. Whoever contravenes any of the provisions of this Act or any rule made thereunder or any of the conditions subject to which a licence has been granted to him shall, on conviction, if no other penalty is already provided in this Act for such contravention, be punishable with fine which may extend to five hundred rupees or, if he has previously been convicted of an offence under this Act or any rule made thereunder, with fine which may extend to fifteen hundred rupees.

Penalty.

17. (1) The District Magistrate may accept from any person whose licence is liable to be suspended, withdrawn or cancelled under this Act, or who is reasonably suspected of having committed an offence under this Act, a sum of money in lieu of such suspension, withdrawal or cancellation or by way of composition for the offence which may have been committed, as the case may be.

(2) On payment by such person of such sum to the District Magistrate, such person if in custody shall be set at liberty and if criminal proceedings shall have been instituted against such person, the composition shall be held to amount to an acquittal."

12. In sub-sections (5) and (6) of section 3, in sub-section (2) of section 4, in sub-section (2) of section 6, in sub-section (3) of section 7, in sub-section (2) of section 8 and in sub-section (3) of section 9 of the said Act for the words "shall be punished" the words "shall, on conviction, be punishable" shall be substituted.

Amendment of sections 3, 4, 6, 7, 8 and 9 of Act XII of 1925.



The Indian Lunacy, Bombay District Municipal and Bombay Municipal Boroughs (Amendment) Act, 1936

BOMBAY ACT No. XV OF 1936

[27th November 1936.]

An Act to amend the Indian Lunacy Act, 1912, in its application to the Presidency of Bombay, the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925

WHEREAS it is expedient to amend the Indian Lunacy Act, 1912, in its application to the Presidency of Bombay, the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925, for the purposes hereinafter appearing; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Indian Lunacy, Bombay District Municipal and Bombay Municipal Boroughs (Amendment) Act, 1936.

Short title.

Amendment of section 88 of Act IV of 1912.

2. In the Indian Lunacy Act, 1912—

(1) In section 88—

(i) after the words "has the means to maintain him", the words "or if any local authority is liable for the cost of maintenance of such lunatic under any law for the time being in force" shall be inserted;

(ii) the words "or any local authority liable for the cost of maintenance of such lunatic under any law for the time being in force" shall be deleted;

(iii) after the word "resides", the words "or the local authority liable for the cost of his maintenance is constituted" shall be inserted;

(iv) at the end of the marginal note, the following words shall be added, namely.—

"or by local authority liable for such costs.

Amendment of section 89 of Act IV of 1912.

(2) In section 89—

(i) in sub-section (1)—

(a) after the words "such lunatic" where they occur for the second time, the words "or that any local authority is liable for the cost of maintenance of such lunatic under any law for the time being in force" shall be inserted;

(b) after the words "such person", the words "or from such local authority" shall be added ;

(c) at the end, the following proviso shall be added, namely :—

"Provided that no order for the recovery of the cost of maintenance of such lunatic from a local authority shall be made if he has an estate applicable to his maintenance or if there is any person legally bound, and having the means, to maintain him."

(iv) in sub-section (2), after the word "person", the words "or the local authority" shall be inserted.

Amendment of section
55 of Bom. III of 1901.

3. In section 55 of the Bombay District
Municipal Act, 1901—

(1) the words "habitually resident within or" shall be deleted;

(2) for the proviso the following shall be substituted namely:—

"Provided that where an application is made to the High Court or a District Court under the provisions of section 88 of the Indian Lunacy Act, 1912, no order for the payment of the cost of maintenance of the lunatic by a municipality shall be made without an opportunity being given to such municipality to show that the lunatic has an estate applicable to his maintenance or that there is a person legally bound, and having the means, to maintain him.

Provided further that the municipality shall not be liable under this section for the maintenance and treatment of any lunatic or leper in any such asylum, hospital or house as aforesaid, unless such lunatic or leper, immediately previous to his admission thereto, has been resident in the municipal district for at least one year.

The officer in charge of an asylum to which lunatics or lepers for whose maintenance and treatment a municipality is liable under this section are admitted shall maintain a clear account of the cost of maintenance and treatment incurred on account of such person detained in the asylum and shall furnish a copy thereof to the municipality."

4. In the second proviso to section 70 of the Bombay Municipal Boroughs Act, 1925, for the words beginning with the words, "before making any order" and ending with the words, "the Local Government", the following shall be substituted, namely :—

Amendment of section
70 of Bom. XVIII of
1925.

"where an application is made to the High Court or a District Court under the provisions of section 88 of the Indian Lunacy Act, 1912, no order for the payment of the cost of maintenance of the lunatic by a municipality shall be made without an opportunity being given to such municipality to show that the lunatic has an estate applicable to his maintenance or that there is a person legally bound, and having the means, to maintain him."