

THE



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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to provide for certain matters in connection with the taking of the Census was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd October 1890 :

We, the undersigned, Members of the Select Committee to which the Bill to provide for certain

From Officiating Secretary to Chief Commissioner, Assam, No. 3564J., dated 21st August 1890, and enclosure [Papers No. 1].

From Secretary to Chief Commissioner, Coorg, No. 1361—165-99, dated 1st September 1890 [Paper No. 2].

From Officiating Registrar, High Court, Calcutta, No. 2072, dated 5th September 1890 [Paper No. 3].

From Secretary for Berár to Resident, Hyderabad, No. 295, dated 3rd September 1890 [Paper No. 4].

From Chief Commissioner, Ajmere-Merwara, No. 997—690, dated 11th September 1890 [Paper No. 5].

From Assistant Secretary to Chief Commissioner, Central Provinces, No. 5705—566, dated 10th September 1890 [Paper No. 6].

From Chief Secretary to Government, Bombay, No. 3638, dated 9th September 1890, and enclosure [Papers No. 7].

From Officiating Junior Secretary to Government, Panjáb, No. 794S., dated 5th September 1890, and enclosures No. 837S., dated 11th September 1890, and enclosures [Papers No. 8].

From Chief Secretary to Government, Bombay, No. 3730, dated 16th September 1890 [Paper No. 9].

From Secretary to Government, Bengal, No. M.—3-C.—18-31, dated 11th September 1890, and enclosures [Papers No. 10].

From Officiating Chief Secretary to Chief Commissioner, Burma, No. 559—10L., dated 15th September 1890, and enclosures [Papers No. 11].

From Chief Secretary to Government, Madras, No. 1493, dated 8th September 1890, and enclosures [Papers No. 12].

matters in connection with the taking of the Census was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill

as revised by us annexed thereto.

2. We are of opinion that the Act should extend to the whole of British India. We have accordingly recast sections 1 and 2 of the Bill as introduced.

3. We have provided that the functions assigned to the District Magistrate by sections 4 and 5 of the revised Bill may be discharged by any officer appointed in that behalf by the Local Government. To the latter section we have made additions authorising requisitions for assistance in the taking of the census to be made upon lessees of fisheries under the Upper Burma Land and Revenue Regulation, 1889, upon village-servants in permanently-settled estates in the Madras Presidency, and upon members of pancháyats appointed under the Silhat and Kachar Rural Police Regulation, 1883.

4. In section 7 of the revised Bill we have provided that no woman is to be bound to state the name of any person whose name she is forbidden by custom to mention.

5. In section 10, clause (e), we have provided for the protection of letters, marks or numbers already painted or affixed for the purposes of the census.

6. In section 11 of the revised Bill we have provided that no prosecution under the Act shall be instituted without the previous sanction of the Local Government or of some officer authorised in that behalf by the Local Government.

7. We have by section 12 of the revised Bill extended to entries in schedules delivered under section 9 the provisions of the former section with respect to the inadmissibility as evidence in certain cases of records made by census-officers.

8. The other amendments which we have proposed are unimportant and do not call for special remark.

9. The publication ordered by the Council has been made as follows :—

				<i>In English.</i>	
<i>Gazette.</i>			<i>Date.</i>		
Gazette of India	12th July 1890.
Fort Saint George Gazette	5th August 1890.
Bombay Government Gazette	24th July 1890.
Calcutta Gazette	23rd July 1890.
North-Western Provinces and Oudh Government Gazette	2nd August 1890.
Punjab Government Gazette	17th July 1890.
Central Provinces Gazette	19th July 1890.
Burma Gazette	2nd August 1890.
Assam Gazette	26th July 1890.
Coorg District Gazette	1st August 1890.
Sindh Official Gazette	24th July 1890.

				<i>In the Vernaculars.</i>	
<i>Province.</i>	<i>Language.</i>			<i>Date.</i>	
Bombay	...	Maráthi	...	...	7th August 1890.
	...	Gujaráti	...	...	7th August 1890.
Bengal	...	Kánarese	...	...	7th August 1890.
	...	Bengali	...	...	29th July 1890.
	...	Uríya	...	...	31st July 1890.
	...	Hindi	...	...	16th September 1890.
Burma	...	Burmese	...	...	9th August 1890.
Assam	...	Bengali	...	...	16th August 1890.
Sindh	...	Sindhi	...	...	31st July 1890.

10. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

PHIL. P. HUTCHINS.
ANDREW R. SCOBLE.
C. A. ELLIOTT.
R. J. CROSTHWAITE.

The 1st October 1890.

No. II.

A Bill to provide for certain matters in connection with the taking of the Census.

WHEREAS it has been determined to take a census of British India during the year 1891, and it is expedient to provide for certain matters in connection with the taking of such census; it is hereby enacted as follows :—

1. (1) This Act may be called the Indian Census Act, 1890.

(2) It extends to the whole of British India, inclusive of Upper Burma and British Baluchistan; and

(3) It shall come into force at once.

2. (1) The Local Government may appoint any person, by name or by office, to take, or aid in or supervise the taking of, the census within any specified local area.

(2) Persons so appointed shall be called census-officers.

(3) The Local Government may delegate to such authority as it thinks fit the power of appointing census-officers which is conferred by this section.

3. (1) A declaration in writing signed by any officer authorized by the Local Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(2) All census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

4. (1) (a) Every military or naval officer in command of any body of men belonging to Her Majesty's military or naval forces or of any vessel of war.

(b) every person (except a pilot or harbour-master) having charge or control of a vessel,

(c) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up, or of any public, charitable, religious or educational institution,

(d) every keeper, secretary or manager of any sarai, hotel, boarding-house, lodging-house or club, and

XLV of 1860.

(e) every occupant of immoveable property having at the time of the taking of the census not less than fifty persons employed under him, or living, on or in such property,

shall, if so required by the District Magistrate, or by such officer as the Local Government may appoint in this behalf by name or by office, perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or inmates of his house or present on or in such property, as such Magistrate or officer may, by written order, direct.

(2) All the provisions of this Act relating to census-officers shall apply, so far as they can be made applicable, to all such persons while performing such duties, and any person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

5. (1) The District Magistrate, or such officer as the Local Government may appoint in this behalf by name or by office for any local area, may, by written order, call upon all owners and occupiers of land, tenure-holders, farmers, assignees of land-revenue and lessees of fisheries under the Burma Fisheries Act, 1875, or the Upper Burma Land and Revenue Regulation, 1889, in his district or in such local area, as the case may be, or their agents, upon village-servants in permanently-settled estates in the Madras Presidency, and upon all members of panchayats appointed in his district or in such local area under the Village Chaukidari Act, 1870 (Bengal), or the Chota Nagpore Rural Police Act, 1887, or the Silhat and Kachar Rural Police Regulation, 1883, to give such assistance as he needs towards the taking of a census of the persons who are at the time of the taking of the census on the lands of such owners, occupiers, holders, farmers and assignees, or within the limits of such fisheries or in the villages for which such village-servants or panchayats are appointed, as the case may be.

(2) Such order shall specify the nature of the assistance required, and such owners, occupiers, holders, farmers, assignees, lessees or their agents, and such village-servants and the members of such panchayats, shall be bound to obey it.

6. Every census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Local Government and published in the official Gazette, he may be directed to ask.

7. Every person of whom any question is asked under the last foregoing section shall be legally bound to answer such question to the best of his knowledge or belief:

Provided that no person shall be bound to state the name of any female member of his household, and that no woman shall be bound to state the name of her husband or deceased

husband or of any other person whose name she is forbidden by custom to mention.

8. Every person occupying any house, enclosure, vessel or other place shall allow census-officers such access thereto as they may require for the purposes of the census, and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on or affix to the place such letters, marks or numbers as may be necessary for the purposes of the census.

9. (1) Subject to such orders as the Local Government may issue in this behalf, any census-officer may leave, or cause to be left, at any dwelling-house within the local area for which he is appointed, a schedule for the purpose of its being filled up by the occupier of such house or of any specified part thereof with such particulars as the Local Government may direct regarding the inmates of such house or part at the time of the taking of the census.

(2) When any such schedule has been so left, the occupier of the house or part to which it relates shall fill it up, or cause it to be filled up, to the best of his knowledge or belief, so far as regards the inmates of such house or part, as the case may be, at the time aforesaid, and shall sign his name thereto, and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as he may direct.

10. In any of the following cases, namely:—

- (a) if a census-officer without sufficient cause refuses or neglects to act as such,
- (b) if a census-officer intentionally puts any offensive or improper question or knowingly makes any false return,
- (c) if any person refuses to answer to the best of his knowledge or belief any question asked of him by a census-officer which he is legally bound by section 7 so to answer,
- (d) if any person occupying any house, enclosure, vessel or other place refuses to allow a census-officer such reasonable access thereto as he is required by section 8 to allow,
- (e) if any person removes, obliterates, alters or injures before the thirty-first day of March 1891, any letters, marks or numbers which have been painted or affixed for the purposes of the census,
- (f) if any occupier of a dwelling-house or part thereof knowingly and without sufficient cause fails to comply with the provisions of section 9 or makes any false return under that section,

he shall be punished with fine which may extend to fifty rupees.

11. (1) The Local Government may, by notification in the official Gazette, declare before what classes of Magistrates prosecutions under this Act may be instituted.

XLV of 1860.

VII of 1875.
III of 1889

VI (B.C.) of 1870.
V (B.C.) of 1887.
I of 1883.

Asking of questions by census officers.

Obligation to answer questions.

Jurisdiction in prosecutions.

(2) Unless and until a notification is published under sub-section (1), all prosecutions under this Act shall, in the towns of Calcutta, Madras and Bombay, be instituted before a Presidency Magistrate, and elsewhere before the District Magistrate.

(3) No prosecution under this Act shall be instituted except with the previous sanction of the Local Government, or with the previous sanction of some officer authorised by the Local Government in this behalf by name or by office.

12. Notwithstanding anything to the contrary

Records of census not in the Indian Evidence Act, 1872, no entry in any certain proceedings. book, register or record made by a census-officer in the discharge of his duty as such officer, and no entry in a schedule

delivered under section 9, shall be admissible as evidence in any civil proceeding or any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1882.

X of 1882.

13. Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority may, at the time appointed for the taking of the census of British India during the year 1891, cause the census of the municipality to be taken wholly or in part by any method authorised by this Act.

S. HARVEY JAMES,
Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Indian Emigration Act, 1883, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd October 1890:

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Indian, Emigration Act, 1883,

From Chief Secretary to Government, North-Western Provinces and Oudh, No. 1346—1365, dated 12th August, 1890 [Paper No. 1].

From Secretary to Chief Commissioner, Coorg, No. 1269—177, dated 13th August, 1890 [Paper No. 2].

From Secretary for Berar to Resident, Hyderabad, No. 266G., dated 14th August, 1890 [Paper No. 3].

From Agent to Governor General in Baluchistan, No. 811F. C., dated 15th August, 1890 [Paper No. 4].

From Under Secretary to Chief Commissioner, Central Provinces, No. 5151—495, dated 16th August, 1890 [Paper No. 5].

From Officiating Revenue Secretary to Government, Punjab, No. 710S., dated 25th August, 1890 [Paper No. 6].

From Chief Secretary to Government, Bombay, No. 3480, dated 30th August, 1890 [Paper No. 7].

From Chief Commissioner, Ajmere-Merwara, No. 949—690, dated 30th August, 1890 [Paper No. 8].

From Officiating Chief Secretary to Chief Commissioner, Burma, No. 1067—19L., dated 29th August, 1890 [Paper No. 9].

From Officiating Secretary to Chief Commissioner, Assam, No. 3629 J., dated 28th August, 1890 [Paper No. 10].

From Officiating Registrar, High Court, Calcutta, No. 2163, dated 13th September, 1890 [Paper No. 11].

From Secretary to Government, Bengal, No. 400, dated 12th September, 1890, and enclosures [Papers No. 12].

From Chief Secretary to Government, Madras, No. 1495, dated 8th September, 1890, and enclosures [Papers No. 13].

Act, 1883, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. The clauses of the Bill as introduced have been generally approved, and we have left them unaltered.

3. But it has been brought to our notice by the Local Governments which have most to do with emigration that much trouble and delay are caused by that part of the Act of 1883 which requires an agreement to be prepared in triplicate for each intending emigrant. The Emigration Agents state that the third copy is not required for transmission to the Colonies, and that a copy of the particulars registered under section 31 is sufficient for their purposes. In these circumstances we have proposed to provide (sections 2, 3, 4 and 6 of the Bill as revised by us) that agreements shall be executed in duplicate instead of in triplicate, and we have made it clear that any number of intending emigrants appearing with the same recruiter before the Registering Officer or Protector at the same time, and desiring to emigrate on the same terms to the same country, may execute one instrument of agreement instead of as many such instruments as there are intending emigrants. The amendments which we have proposed will, we believe, remove any reasonable ground for complaint respecting the procedure under the Act as regards the execution of agreements.

4. The other alterations which we have proposed merely correct clerical errors in the Act and call for no further remark.

5. The publication ordered by the Council has been made as follows:—

<i>In English.</i>					
<i>Gazette.</i>					<i>Date.</i>
Gazette of India	...	...	...	...	2nd August, 1890.
Fort Saint George Gazette	...	...	...	...	19th August, 1890.
Bombay Government Gazette	...	...	...	...	7th August, 1890.
Calcutta Gazette	...	...	...	...	15th August, 1890.
North-Western Provinces and Oudh Government Gazette	...	...	...	...	9th August, 1890.
Punjab Government Gazette	...	...	...	...	7th August, 1890.
Central Provinces Gazette	...	...	...	...	9th August, 1890.
Burma Gazette	...	...	...	...	23rd August, 1890.
Assam Gazette	...	...	...	...	16th August, 1890.
Coorg District Gazette	...	...	...	...	1st September, 1890.

<i>In the Vernaculars.</i>						
<i>Province.</i>			<i>Language.</i>			<i>Date.</i>
Bombay...	...	...	Marathi	...	...	21st August, 1890.
			Gujarathi	...	...	21st August, 1890.
			Kanarese	...	...	21st August, 1890.
Bengal ...	...	...	Bengali	...	...	19th August, 1890.
			Uriya	...	...	28th August, 1890.
			Hindi	...	...	2nd September, 1890.

6. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

PHIL. P. HUTCHINS.
ANDREW R. SCOBLE.
R. J. CROSTHWAITE
BABA KHEM SINGH BEDI.

The 1st October 1890.

No. II.

A Bill to amend the Indian Emigration Act, 1883.

WHEREAS it is expedient to amend the Indian Emigration Act, 1883, in manner hereinafter appearing; It is hereby enacted as follows:—

1. In section 31 of the said Act, after the word "mistake" the word "and" shall be inserted.

Correction of section 31, Act XXI, 1883.

2. (1) In section 35, sub-section (1), of the said Act, the words "in duplicate" shall be substituted for the words "in triplicate" in both places where the latter words occur.

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

"(4) Any number of intending emigrants appearing with the same recruiter before the Registering Officer or Protector at the same time, and desiring to emigrate on the same terms to the same country, may with the permission of the Registering Officer or Protector (as the case may be), execute one instrument of agreement under this section, instead of each of such intending emigrants executing a separate instrument."

3. For section 37 of the said Act the following shall be substituted, namely:—

Substitution of new section for section 37, Act XXI, 1883.

"37. When the agreement has been executed and attested—
Record of registrations and agreements.

(a) one of the copies thereof shall be delivered to the emigrant, and the other shall be retained by the Protector or sent by the Registering Officer to him, and

(b) a certified copy of the particulars registered under section 31 concerning the emigrant or emigrants by whom the agreement was executed, and concerning his or their dependents (if any), shall be delivered to the recruiter for transmission to the Emigration Agent."

4. There shall be substituted in sub-section (1) of section 49 of the said Act, for the word "agreement" the words

Amendment of section 49, Act XXI, 1883.

and figures "particulars registered under section 21," and in sub-section (2) of the same section for the word "agreement" the words "said copy".

5. To sub-section (1) of section 56 of the said Act the following proviso shall be added, namely:—

Addition of proviso to section 56 (1), Act XXI, 1883.

"Provided that, if the vessel is a steam-ship having a certificate of survey granted by the Board of Trade or any British Colonial Government or under the Indian Steam-ships Act, 1884, and in force and applicable to her intended voyage, the survey under this sub-section with a view to ascertain her seaworthiness shall not extend to her hull or machinery unless the Protector of Emigrants has reason to believe that, since the grant of the certificate, her hull or machinery has sustained injury or damage or has otherwise become inefficient."

VII of 1884.

Repeal of section 70, Act XXI, 1883.

6. Section 70 of the said Act is hereby repealed.

7. For section 102 of the said Act as amended by Act XXI of 1884 the following shall be substituted, namely:—

Substitution of new section for section 102, Act XXI, 1883.

"102. (1) On and from such a date as the Governor General in Council may, by notification in the Gazette of India, fix in this behalf with respect to any protected Native State adjoining the Straits Settlements, or with respect to any British colony or possession for labour in which Natives of India are recruited exclusively through the agency of the Government of the Straits Settlements, a Native of India who departs by sea out of British India under an agreement to labour for hire in any such State, colony or possession shall not, so long as the notification continues to apply to the State, colony or possession, be deemed to emigrate within the meaning of this Act.

(2) The Governor General in Council may, by notification in the Gazette of India, declare that from a date to be specified a notification under sub-section (1) shall no longer apply to a Native State or British colony or possession therein mentioned."

8. Every notification made under section 102 of the said Act as amended by Act XXI of 1884 shall be deemed to have been made under sub-section (1) of section 102 of the said Act as amended by the last foregoing section of this Act.

Saving of notifications under section 102, Act XXI, 1883, as amended by Act XXI, 1884.

9. In section 105 of the said Act, for the word and figures "section 102" the words, figures and letter "section 103, clause (a), and section 104" shall be substituted.

Amendment of section 105, Act XXI, 1883.

S. HARVEY JAMES,

Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Indian Salt Act, 1882, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd October 1890:

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Indian Salt Act, 1882, was referred, have considered the Bill and a letter from the Government of the Punjab,—Revenue and Agriculture (General),—No. 590, dated the 24th September, 1890, and beg now to submit this our Report, with the Bill as revised by us annexed thereto.

2. In the opinion of His Honour the Lieutenant-Governor the Bill suitably provides for the objects which it is intended to secure. We concur in that opinion and recommend that the Bill be passed with the verbal alteration which we have made in section 8B.

3. The publication ordered by the Council has been made as follows:

Gazette.		<i>In English.</i>		Date.
Gazette of India	2nd August, 1890.
Port Saint George Gazette	26th September, 1890.
Bombay Government Gazette	7th August, 1890.
Calcutta Gazette	13th August, 1890.
North-Western Provinces and Oudh Government Gazette.				9th August, 1890.
Punjab Government Gazette	7th August, 1890.
Central Provinces Gazette	9th August, 1890.
Burma Gazette	23rd August, 1890.
Assam Gazette	16th August, 1890.
Coorg District Gazette	1st September, 1890.
Sindh Official Gazette	21st August, 1890.

In the Vernaculars.

Province.	Language.	Date.
North-Western Provinces and Oudh	Urdu	30th August, 1890.
Central Provinces	Hindi	20th August, 1890.
Assam	Bengali	6th September, 1890.
Sindh	Sindhi	28th August, 1890.

D. BARBOUR.

ANDREW R. SCOBLE.

BABA KHEM SINGH BEDI.

The 1st October, 1890.

No. II.

A Bill to amend the Indian Salt Act, 1882.

WHEREAS it is expedient to amend the Indian Salt Act, 1882, for the purpose of regulating the traffic in Kohat salt in the Punjab; It is hereby enacted as follows:

1. To section 3 of the Indian Salt Act, 1882, Addition to section 3, the following shall be added, namely:

“Kohat salt” means salt produced in the district of Kohat in the Punjab.”

2. After Chapter III of the said Act the following shall be inserted, namely:

“CHAPTER IIIA.

INDUS PREVENTIVE LINE.

8A. (1) The Governor General in Council Power to define zones may, from time to time, and establish chains of posts,—

(a) define a zone of country not exceeding fifteen miles in breadth—

(i) along any portion of the river Indus and at such distance therefrom as he deems expedient, or

(ii) in any tract extending from that river to the western frontier of the Punjab,

(b) extend any such zone so as to include any ferry, or any portion of a railway, canal or navigable river entering the

Act XII of 1882.

Act XII of 1882.

Insertion of new Chapter IIIA after Chapter III, Act XII, 1882.

zone, or any place where goods are loaded or unloaded into wagons or boats for the purpose of entering or leaving the zone, and

(c) within such a zone establish a chain of posts extending along the zone.

(2) The establishment of a chain of posts under clause (c) of sub-section (1) shall be deemed to be a public purpose within the meaning of the Land Acquisition Act, 1870.

8B. When a zone has been defined and a chain of posts established under section 8A, the Governor General in Council may from time to time, by rule—

Effect of defining a zone and establishing a chain of posts.

chain of posts established under section 8A, the Governor General in Council may from time to time, by rule—

(a) prohibit any person, except upon such conditions as may be prescribed in the rule, from having in his possession any Kohat salt within the limits of the zone, and,

(b) so far as may be necessary for the prevention of the smuggling of Kohat salt across the chain of posts, control and regulate the passage of traffic across such chain, and provide for the searching of all persons and things crossing or being taken across such chain."

3. The following shall be added to section 25 of the said Act, namely:—

Addition to section 25, Act XII, 1882.

"A Salt-revenue-officer shall not be deemed to search or detain any person, or to seize the moveable property of any person, vexatiously and unnecessarily within the meaning of clause (b) or clause (c) of the first paragraph of this section if the search is authorized by any rule under clause (b) of section 8B, and the detention or seizure is such as is necessary for the purposes of such search."

4. To section 27 of the said Act the following shall be added, namely:—

"Nothing in this section shall be deemed to affect Chapter IIIA of this Act or any rule under that Chapter."

And whereas the Madras Salt Excise Act, 1871, Mad. VI of 1871, has been repealed by the Madras Salt Act, 1889, Mad. IV of 1889, and section 31 of the Indian Salt Act, 1882, has become obsolete; It is hereby enacted as follows: XII of 1882.

5. Section 31 of the Indian Salt Act, 1882, is hereby repealed.

Repeal of section 31, Act XII, 1882.

S. HARVEY JAMES,

Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd October 1890:

Bill No. 17 of 1890.

A Bill to amend the Code of Criminal Procedure, 1882.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882; It is hereby enacted as follows:

Repeal of section 250, Act X, 1882.

1. Section 250 of the said Code is hereby repealed.

Enactment of new section in place of repealed section 250, Act X, 1882.

2. To the said Code the following shall be added, namely:

"560. (1) If, in any case instituted by complaint or upon information, a person is accused before any Magistrate of any of the offences specified or referred to in clauses (a) to (k) of section 260, and the Magistrate discharges or acquits the accused and is satisfied that the accusation against him was frivolous or vexatious, the Magistrate may, in his discretion, by his order of discharge or acquittal, direct the person upon whose complaint or information the accusation was made to pay to the accused, or to each of the accused where there are more than one, such compensation, not exceeding fifty rupees, as the Magistrate thinks fit:

Provided that, before making any such direction, the Magistrate shall—

(a) call upon the complainant or informant to show cause why the compensation which

ought, in the opinion of the Magistrate, to be awarded should not be directed to be paid,

(b) record any objection which the complainant or informant may urge against the making of the direction, and,

(c) if the Magistrate directs any compensation to be paid, state in writing, in his order of discharge or acquittal, his reasons for awarding the compensation.

(2) Compensation of which a Magistrate has ordered payment under sub-section (1) shall be recoverable as if it were a fine:

Provided that, if it cannot be recovered, the imprisonment to be awarded shall be simple, and for such term, not exceeding thirty days, as the Magistrate directs.

(3) A complainant or informant who has been ordered under sub-section (1) by a Magistrate of the second or third class to pay compensation to an accused person may appeal from the order, in so far as the order relates to the payment of the compensation, as if such complainant or informant had been convicted on a trial held by such Magistrate.

(4) Where an order for payment of compensation to an accused person is made in a case which is subject to appeal under sub-section (3), the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided.

(5) At the time of awarding compensation in any subsequent civil suit relating to the same matter the Court shall take into account any compensation paid or recovered under this section."

3. The words "or complained against" in the second paragraph of section 552 of the said Code are hereby repealed.

Repeal of part of section 552, Act X, 1882.

STATEMENT OF OBJECTS AND REASONS.

THE principal object of this Bill is to apply provisions similar to those in section 250 of the Code of Criminal Procedure, 1882, to certain cases instituted otherwise than by complaint. It is proposed by the Bill, in accordance with a suggestion originally made by the Hon'ble Judges of the High Court of Judicature for the North-Western Provinces, to authorise any Magistrate, in any case in which a person accused before him of any offence triable summarily under Chapter XXII of the Code is discharged or acquitted, to direct the payment by the accuser to the accused of compensation not exceeding fifty rupees, if the Magistrate is satisfied that the accusation was frivolous or vexatious. Before directing the payment the Magistrate is to hear and record anything which the accuser may have to say against the direction being made; and, if the direction is made by a Magistrate of the second or third class, an appeal is to lie therefrom to the District Magistrate or such competent subordinate Magistrate of the first class as is referred to in section 407 of the Code.

ANDREW R. SCOBLE.

The 1st October 1890.

S. HARVEY JAMES,

Secretary to the Government of India.