

*Acts of the Government  
of India  
for the year 1908.*

A COLLECTION  
OF  
THE ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR

1908

---

CALCUTTA  
SUPERINTENDENT GOVERNMENT PRINTING, INDIA  
1909

[*Price one anna and six pces.*]

Z 2  
D 8  
12 5052

CALCUTTA  
SUPERINTENDENT GOVERNMENT PRINTING, INDIA  
8, HASTINGS STREET

# TITLES OF ACTS

PASSED BY

## THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1908.

- 
- I. An Act further to amend the Legal Practitioners Act, 1879.
- ~~II.~~ II. „ further to amend the Indian Tariff Act, 1894.
- III. „ further to amend the Law relating to Private Trusts and Trustees.
- IV. „ further to amend the Coroners Act, 1871, and the Prisoners Act, 1900.
- V. „ to consolidate and amend the Laws relating to the Procedure of the Courts of Civil Judicature.
- VI. „ further to amend the Law relating to Explosive Substances.
- VII. „ for the prevention of incitements to murder and to other offences in newspapers.
- ~~VIII.~~ VIII. „ to amend the Local Authorities Loan Act, 1904.
- IX. „ to consolidate and amend the Law for the Limitation of Suits, and for other purposes.
- ~~X.~~ X. „ to make special provision for the payment of duty on salt in certain cases.
- ~~XI.~~ XI. „ to amend the Assam Labour and Emigration Act, 1871.
- ~~XII.~~ XII. „ further to amend the Indian Emigration Act, 1883.
- ~~XIII.~~ XIII. „ to provide for the appointment of a Financial Commissioner for the Central Provinces and further to amend the Central Provinces Land-revenue Act, 1881.
- XIV. „ to provide for the more speedy trial of certain offences, and for the prohibition of associations dangerous to the public peace.
- XV. „ to consolidate the Enactments relating to Ports and Port-charges.
- XVI. „ to consolidate the Enactments relating to the Registration of Documents.
- ~~XVII.~~ XVII. „ to consolidate the Enactments relating to the Emigration of Natives of India.
- XVIII. „ further to amend the Indian Merchant Shipping Act, 1880.

# INDEX

TO THE

## ACTS PASSED BY THE GOVERNOR GENERAL IN COUNCIL IN THE YEAR 1908.

	Act.	SECTION.
ACKNOWLEDGMENT, <i>see</i> Indian Limitation Act, 1908. . . . .		
<b>ACT VII OF 1870—</b>		
Section 16, repealed . . . . .	V	s. 156 and sch. V.
Schedule I, article 1, amended . . . . .	"	s. 155 & sch. IV.
Schedule II, article 11, repealed in part . . . . .	"	s. 155 & sch. IV.
article 15, repealed . . . . .	"	s. 156 & sch. V.
article 19, amended . . . . .	"	s. 155 & sch. IV.
<b>ACT IV OF 1871—</b>		
section 9, amended . . . . .	IV	s. 2.
section 11, amended . . . . .	"	s. 3.
section 15, proviso added . . . . .	"	s. 4.
section 17, amended . . . . .	"	s. 5.
section 18A, added . . . . .	"	s. 6.
section 21, amended . . . . .	"	s. 7.
section 25, new section substituted . . . . .	"	s. 8.
section 26, new section substituted . . . . .	"	s. 9.
section 27, repealed . . . . .	"	s. 10.
section 28, amended . . . . .	"	s. 11.
second schedule, amended . . . . .	"	s. 12.
<b>ACT III OF 1877, REPEALED</b> . . . . .	XVI	s. 93 & sch.
<b>ACT XV OF 1877, REPEALED</b> . . . . .	IX	s. 32 & sch. III.
<b>ACT XVII OF 1877, REPEALED</b> . . . . .	"	"
<b>ACT XII OF 1879—</b>		
repealed in part . . . . .	"	
the rest of the Act repealed . . . . .	XVI	s. 93 & sch.
<b>ACT XVIII OF 1879—</b>		
section 4, amended . . . . .	I	s. 2.
section 7, proviso added . . . . .	"	s. 3.
section 25, proviso added . . . . .	"	s. 4.
section 33, amended . . . . .	"	s. 5.
<b>ACT VII OF 1880—</b>		
section 3, amended . . . . .	XVIII	s. 2.
section 4, amended . . . . .	"	s. 3.
section 85, new section substituted* . . . . .	"	s. 4.

To come into force on date to be notified: *see* Act XVIII of 1908, s. 1 (2).

[*Price four annas and three pies.*]

	ACT.	SECTION.
ACT V OF 1881— section 156, repealed . . . . .	IX	s. 32 & sch. III.
ACT XVIII OF 1881— sections 5 and 6, new sections substituted . . . . . section 17, amended . . . . . section 22, clause (c), amended . . . . . section 23, clause (c), amended . . . . . section 25, amended . . . . .	XIII " " " "	s. 4. s. 5. ? s. 6. s. 6. s. 5.
ACT II OF 1882. section 20, new clause (d) substituted . . . . .	III	s. 2.
ACT IV OF 1882. sections 85 to 90 inclusive, 92 to 94 inclusive, 96, 97, 99 and part of section 100, repealed.	V	s. 156 & sch. V.
ACT XIV OF 1882, REPEALED . . . . .	"	s. 156 & sch. V.
ACT XV OF 1882— section 3, 1st paragraph, repealed . . . . .	"	s. 156 & sch.
ACT XIX OF 1883— section 12, repealed . . . . .	XVI	s. 93 and sch.
ACT XXI OF 1883, REPEALED . . . . .	XVII	s. 110 and sch. IV.
ACT VII OF 1886, REPEALED . . . . .	XVI	s. 93 and sch.
ACT IX OF 1887— section 36, repealed . . . . .	IX	s. 32 and sch. III.
ACT VI OF 1888— sections 2 to 8, repealed . . . . .	V	s. 156 and sch. V.
ACT VII OF 1888 — repealed in part . . . . . repealed in part . . . . . rest of the Act repealed . . . . .	" IX XVI	s. 156 and sch. V. s. 32 and sch. III. s. 93 and sch.
ACT X OF 1888, REPEALED . . . . .	V	s. 156 and sch. V.
ACT X OF 1889, REPEALED . . . . .	XV	s. 69 and sch. II.
ACT VIII OF 1890— section 53, repealed . . . . .	V	s. 156 and sch. V.
ACT XVIII OF 1890, REPEALED . . . . .	XVII	s. 110 and sch. IV.
ACT V OF 1891, REPEALED . . . . .	XV	s. 69 and sch. II.
ACT XII OF 1891, repealed in part . . . . . repealed in part . . . . .	V XVI	s. 156 and sch. V. s. 93 and sch.

	ACT.	SECTION.
ACT VI OF 1892— sections 2, 3, 4 repealed . . . . .	V	s. 156 and sch. V.
section 1, repealed . . . . .	IX	s. 32 and sch. III.
ACT II OF 1894, REPEALED . . . . .	XV	s. 69 and sch. II.
ACT V OF 1894, REPEALED . . . . .	V	s. 156 and sch. V.
ACT VIII OF 1894— No. 1 of Schedule III, amended . . . . .	II	s. 2.
ACT VII OF 1895— sections 1 and 2, repealed . . . . .	V	s. 156 and sch. V.
ACT XIII OF 1895, REPEALED . . . . .	"	s. 156 and sch. V.
ACT I OF 1896, REPEALED . . . . .	XVII	s. 110 and sch. IV.
ACT III OF 1896, virtually amended . . . . .	II	s. 2.
ACT IV OF 1896, REPEALED . . . . .	XV	s. 69 and sch. II.
ACT VII OF 1897, REPEALED . . . . .	XVII	s. 110 and sch. IV.
ACT X OF 1899— section 3, repealed . . . . .	IX	32 and sch. III.
ACT XVII OF 1899, REPEALED . . . . .	XVI	93 and sch.
ACT III OF 1900— section 11, amended . . . . .	IV	s. 13.
ACT VI OF 1900, repealed in part . . . . .	V	s. 156 and sch. V.
repealed in part . . . . .	IX	s. 32 and sch. III.
ACT XI OF 1900, REPEALED . . . . .	"	s. 32 and sch. III.
ACT III OF 1901, REPEALED . . . . .	XV	s. 69 and sch. II.
ACT VI OF 1901— section 21, new section substituted . . . . .	XI	s. 2.
section 218, new section substituted . . . . .	"	s. 2.
ACT X OF 1902, REPEALED . . . . .	I	s. 110 and sch. IV.
ACT V OF 1903, REPEALED . . . . .	XV	s. 69 and sch. II.
ACT III OF 1904— section 2, amended . . . . .	VIII	s. 2.
ACT XII OF 1904, REPEALED . . . . .	XVII	s. 110 and sch. IV.
ACT IV OF 1908— section 5, repealed . . . . .	IX	s. 32 and sch. III.

	Act	Section
ACT XII OF 1908, REPEALED	XVII	s. 140 and sch. IV.
Affidavit, <i>see</i> Code of Civil Procedure, 1908.		
Agent, <i>see</i> Code of Civil Procedure, 1908; Indian Limitation Act, 1908.		
Appeal, <i>see</i> Code of Civil Procedure, 1908.		
Arbitration, <i>see</i> Code of Civil Procedure, 1908.		
Association, <i>see</i> Unlawful Association.		
Attachment, <i>see</i> Code of Civil Procedure, 1908; Newspaper (Incitements to Offences) Act, 1903.		
CENTRAL PROVINCES FINANCIAL COMMISSIONERS ACT, 1908	XVIII	
Appointment of Financial Commissioner		s. 2.
Assignment of powers to Financial Commissioner		s. 3.
Central Provinces Land-revenue Act, 1881, amended, <i>see</i> Act XVIII of 1881.		
Civil Procedure, <i>see</i> Code of Civil Procedure, 1908.		
CODE OF CIVIL PROCEDURE, 1908		
Abatement		O. XXII, rr. 1, 3, 4, 6, 7, 8, 9.
Adjournments		O. XVII
Adjustment of suits		O. XXIII
Admissions		O. XII
Affidavits		O. XIX
administrative oath on		s. 139.
Agents, recognised		O. III
Aliens, suits by, <i>see</i> Code of Civil Procedure, 1908, Suits		s. 153.
Amendment, general power of		O. XXI, r. 17.
Amendment of application for execution of judgments, etc., of pleadings		s. 152.
		s. 153; O. VII, rr. 17, 18.
Appeals		ss. 96-112;
from appellate courts		O. XLI-XLV.
from orders		ss. 100-103;
from original decrees		O. XLII.
pauper		ss. 104-106;
procedure on admission of		O. XLIII.
procedure on hearing of		ss. 96-99.
stay of proceedings and execution on		O. XLI.
to King in Council		O. XLI, r. 1;
Appearance		O. XLIV.
exemption from personal		O. XLI, rr. 9-15.
		O. XLI, rr. 16-20.
		O. XLI, rr. 5-8;
		O. XLII, r. 1;
		O. XLIII, r. 2.
		ss. 109-112;
		O. XLV.
		O. I, r. 12;
		IX.
		ss. 132, 133.



GENERAL OF INDIA IN COUNCIL IN THE YEAR 1908. Y

	Act.	Section.
Code of Civil Procedure, 1908— <i>contd.</i>		
Security for defendant's	V	O. XXXVIII, rr. 1-4.
Arbitration	"	s. 89 and Sch. II.
Arrest before judgment	"	O. XXXVIII, rr. 1-4.
Exemption from, under civil process	"	ss. 81, 135.
Other than in execution of decrees	"	s. 134.
Outside jurisdiction	"	s. 136.
See Code of Civil Procedure, 1908, Execution of decrees	"	
Attachment— <i>see</i> Code of Civil Procedure, 1908, Execu- tion of decrees		
Attachment before judgment	"	O. XXXVIII, r. 5, etc.
Other than in execution	"	s. 136.
How to make in certain cases	"	Sa. 47, 144.
Cause of action	"	s. 20, O. VII, r. 1 (c).
joinder of	"	O. II, r. 3-7
Commissioners	"	ss. 75-78; O. XXVI.
for examination of accounts	"	O. XXVI, rr. 11-12.
for examination of witnesses	"	O. XXVI, rr. 1-8.
for local investigation	"	O. XXVI, rr. 9-10.
for making partition	"	O. XXVI, rr. 13-14.
Compensation for arrest, attachment or injunction on insufficient grounds	"	s. 95.
Corporations, suit by or against— <i>see</i> Code of Civil Procedure, 1908, Suits		
Costs	"	s. 35.
of plaintiff in interpleader suit	"	O. XXXV, r. 6.
security for	"	O. XXV.
Counter-claim	"	s. 128 (2) (c).
Court-fees, deficiency in	"	s. 149.
Decree	"	s. 83; O. XX, rr. 6, etc.
in appeal.	"	O. XLI, r. 35.
execution of— <i>see</i> Code of Civil Procedure, 1908, Execution of decrees.		
ex parte	"	O. IX, r. 6; O. XLI, rr. 17-21.
payment under	"	O. XXI, rr. 1-2.
setting aside of ex parte	"	O. IX, rr. 13, 14.
Definitions	"	s. 2.
Disability, consent or agreement by persons under	"	s. 147.
Discovery	"	s. 30; O. XI.
Documents, production, impounding and return of	"	O. XIII.
Documents relied on in plaint	"	O. VII, rr. 14-18.

	ACT.	SECTION.
CODE OF CIVIL PROCEDURE, 1908— <i>contd.</i>		
Examination of parties by Court	V	O. X.
Execution of decree . . . . .	"	s. 36, etc.
application for . . . . .	"	O. XXI, r. 10, etc.
arrest and detention in . . . . .	"	ss. 55-59; <sup>a</sup> O. XXI, r. 33, r. 37- 40.
attachment in . . . . .	"	ss. 60-64, O. XXI, r. 41, etc.
claims on and objection to attachment in . . . . .	"	O. XXI, r. 58, etc.
Collector, transfer of, to . . . . .	"	ss. 68-72; sch. III.
Courts by which decree may be executed . . . . .	"	ss. 38-44; O. XXI, rr. 3-9.
cross claims under same decree, in case of . . . . .	"	O. XXI, rr. 19, 20.
cross decrees, in case of . . . . .	"	O. XXI, rr. 18, 20.
delivery of property in . . . . .	"	O. XXI, r. 31, 35, 36.
delivery of property sold in . . . . .	"	O. XXI, rr. 79, 96.
distribution of assets in . . . . .	"	s. 73.
in foreign territory . . . . .	"	s. 45.
legal representative . . . . .	"	s. 50.
mode of . . . . .	"	O. XXI, rr. 30-36.
notice of, when to be given . . . . .	"	O. XXI, rr. 16-22.
precepts . . . . .	"	s. 46.
procedure . . . . .	"	ss. 51-54; O. XXI.
process for . . . . .	"	O. XXI, rr. 24, 25.
questions for executing Court . . . . .	"	s. 47.
resistance to . . . . .	"	s. 74; O. XXI, rr. 67, etc.
sale in . . . . .	"	s. 65; O. XXI, rr. 64-96.
setting aside of sale in . . . . .	"	O. XXI, rr. 89-93.
in case of sale of moveable property . . . . .	"	O. XXI, r. 78.
stay of . . . . .	"	O. XXI, rr. 28-29; O. XII, r. 5, etc.
suit for certain matters relating to, barred . . . . .	"	s. 47.
time, limit of . . . . .	"	s. 45.
transferees . . . . .	"	s. 49.

	ACT.	SECTION.
CODE OF CIVIL PROCEDURE, 1908— <i>contd.</i>		
Execution of orders of the King in Council . . . . .	V	O. XLVI, r. 15.
Ex parte decrees . . . . .	"	O. IX, rr. 6, 13, 14.
in appeal . . . . .	"	O. XLI, rr. 17-21.
Firms, suit by or against, <i>see</i> Code of Civil Procedure, 1908, Suits.		
Foreign judgments . . . . .	"	ss. 13, 14.
Foreign and Native Rulers, suit by or against, <i>see</i> Code of Civil Procedure, 1908, Suits.		
Forms . . . . .	"	O. XLVIII, r. 3.
Garnishee orders . . . . .	"	s. 123(2) (d)
Government, suit by or against, <i>see</i> Code of Civil Procedure, 1908, Suits.		
High Courts, chartered, special rules relating to . . . . .	"	ss. 116-120
Inherent powers . . . . .	"	O. XLIX.
Injunctions . . . . .	"	s. 151.
Interest . . . . .	"	O. XXXIX.
after payment into Court . . . . .	"	s. 34.
Interlocutory orders . . . . .	"	O. XXIV, r. 3.
Interpleader . . . . .	"	O. XXXIX rr. 6-10.
Interrogatories . . . . .	"	s. 88; O. XXXV.
Issues . . . . .	"	O. XI, r. 1, etc.
Judgment . . . . .	"	O. XIV.
in appeal . . . . .	"	s. 33; O. XX, r. 1, etc.
Jurisdiction . . . . .	"	O. XLI, r. 30, etc.
objection to . . . . .	"	s. 6, 9, etc.
Language of Subordinate Courts . . . . .	"	s. 21.
Military men— <i>see</i> Code of Civil Procedure, 1908, Suits.		s. 137.
Minors— <i>see</i> Code of Civil Procedure, 1908, Suits.		
Mortgage— <i>see</i> Code of Civil Procedure, 1908, Suits.		
Negotiable instruments, summary procedure on . . . . .	"	O. XXXVII.
Notices to be in writing . . . . .	"	s. 142.
service of . . . . .	"	O. XLVIII.
Orders to be in writing . . . . .	"	s. 142.
service of . . . . .	"	O. XLVIII.
Originating summons . . . . .	"	s. 123(2) (g).
Parties . . . . .	"	O. I.
death, marriage and insolvency of . . . . .	"	O. XXII.
misjoinder and non-joinder of . . . . .	"	O. I, rr. 9, 13.
Paupers, appeal by . . . . .	"	O. XLIV.
suit by . . . . .	"	O. XXXIII.
Payment into Court . . . . .	"	O. XXIV.
in interpleader suit . . . . .	"	O. XXXV, r. 2.
Persons of unsound mind, suit by or against . . . . .	"	O. XXXII, r. 15.

	ACT.	SECTION.
CODE OF CIVIL PROCEDURE, 1908— <i>contd.</i>		
Place of suing . . . . .	V	s. 16, etc.
Plaint . . . . .	"	O. VII.
in interpleader suit . . . . .	"	O. XXXV, r. 1.
Pleader . . . . .	"	O. III.
Pleadings . . . . .	"	O. VI.
Postage . . . . .	"	s. 143.
Precepts, <i>see</i> Code of Civil Procedure, 1908, Execution of decrees.		
Public charities, suits relating to, <i>see</i> Code of Civil Pro- cedure, 1908, Suits.		
Public nuisances, suits relating to, <i>see</i> Code of Civil Pro- cedure, 1908, Suits.		
Public officers, suits by or against, <i>see</i> Code of Civil Procedure, 1908, Suits.		
Receivers . . . . .	"	O. XL.
Recognised agents . . . . .	"	O. III.
Reference . . . . .	"	s. 113; O. XLVI.
Representatives, proceedings by or against . . . . .	"	s. 146.
Res judicata . . . . .	"	s. 11.
Restitution, application for . . . . .	"	s. 144.
Revenue Courts, application of Code to . . . . .	"	s. 5.
Review . . . . .	"	s. 114; O. XLVII.
Revision . . . . .	"	s. 116.
Rules . . . . .	"	ss. 121—131.
Security for appearance of defendant . . . . .	"	O. XXXVIII, r. 1-4.
for costs . . . . .	"	O. XXV.
in appeal . . . . .	"	O. XLI, rr. 6, 7.
in appeal to the King in Council . . . . .	"	O. XLV, r. 7, etc.
Separate trial, power to order . . . . .	"	O. II, r. 6.
Service—		
of notices and orders . . . . .	"	O. XLVIII.
of process, expenses of . . . . .	"	O. XLVIII, r. 1.
of summons . . . . .	"	O. V.
Set-off . . . . .	"	O. VIII, r. 6.
Small Cause Courts, Presidency . . . . .	"	s. 8; O. LI.
Provincial . . . . .	"	s. 7; O. L.
Special case . . . . .	"	s. 90; O. XXXVI.
Suing, place of . . . . .	"	s. 16, etc.
Suits, adjustment of . . . . .	"	O. XXIII,
by or against aliens, foreign and Native rulers	"	ss. 83-87.
corporations . . . . .	"	XXC
firms . . . . .	"	O. XXX.
Government or public officers . . . . .	"	ss. 79-82; O. XXVI.
military men . . . . .	"	O. XXVIII.
minors, etc. . . . .	"	O. XXXII.
trustees, executors, etc. . . . .	"	O. XXXI.

	ACT.	SECTION.
<b>CODE OF CIVIL PROCEDURE, 1908—concl'd.</b>		
by paupers . . . . .	V	O. XXXIII.
disposal of, at first hearing . . . . .	"	O. XV.
frame of . . . . .	"	O. II.
Institution of . . . . .	"	s. 26; O. IV.
interpleader . . . . .	"	s. 88.
parties to . . . . .	"	O. I.
place of instituting . . . . .	"	s. 16, etc.
relating to mortgages . . . . .	"	O. XXXIV.
Suits relating to public charities . . . . .	"	s. 91.
to public nuisances . . . . .	"	s. 92.
stay of . . . . .	"	s. 10.
withdrawal of . . . . .	"	O. XXIII.
Summary procedure . . . . .	"	s. 12; (2) (f).
on negotiable instruments . . . . .	"	O. XXXVII.
Summons . . . . .	"	s. 27, etc.; O. V.
Supplemental proceedings . . . . .	"	ss. 94, 95.
Surety, enforcement of liability of . . . . .	"	s. 145.
Time, power to enlarge . . . . .	"	s. 148.
Transfer of business . . . . .	"	s. 150.
of suit or proceeding . . . . .	"	ss. 22-25.
Trustees, suit by or against . . . . .	"	O. XXXI.
Unsound mind, persons of—suit by or against . . . . .	"	O. XXXII.
Withdrawal of suit . . . . .	"	O. XXIII.
Witnesses, summoning and attendance of . . . . .	"	s. 31; O. XVI.
examination of . . . . .	"	O. XVIII.
Written statement . . . . .	"	O. VIII.
<b>CORONERS (AMENDMENT) ACT, 1908—</b>	IV	
Coroners Act, 1871, amended, <i>see</i> Act IV of 1871.		
Prisoners Act, 1900, amended, <i>see</i> Act III of 1900.		
<b>COURT-FEES—</b> <i>see</i> Code of Civil Procedure, 1908.		
<b>DISABILITY—</b> <i>see</i> Code of Civil Procedure, 1908; Indian Limitation Act, 1903.		
<b>EASEMENTS—</b> <i>see</i> Indian Limitation Act, 1903.		
<b>EMIGRATION—</b> <i>see</i> Indian Emigration Act, 1903.		
<b>EXECUTION OF DECREE—</b> <i>see</i> Code of Civil Procedure, 1903.		
<b>EXPLOSIVE SUBSTANCES ACT, 1908—</b>		
Abettors . . . . .	VI	s. 6.
Definitions . . . . .	"	s. 2.
Punishments . . . . .	"	ss. 3, 4, 5.
Restriction on trial . . . . .	"	s. 7.
<b>FRAUD—</b> <i>see</i> Indian Limitation Act, 1903.		
<b>INDIAN CRIMINAL LAW AMENDMENT ACT, 1908—</b>	XIV	
Application of Criminal Procedure Code, 1898 . . . . .	"	s. 14.
Bail, when to be refused . . . . .	"	s. 12.
Discharge of accused . . . . .	"	s. 5.

	ACT.	SECTION.
<b>INDIAN CRIMINAL LAW AMENDMENT ACT, 1908—contd.</b>		
Evidence, special rules of	XIV	s. 13.
Joinder of charges	"	s. 7.
Jury, none in trial before Special Bench	"	s. 11 (2).
Local extent	"	s. 1 (2), (3).
Magistrate, inquiry before	"	s. 3.
inquiry before, to be ex parte	"	s. 4.
power of, to send accused for trial	"	s. 6.
power of, to summon supplementary witnesses	"	s. 9.
Special Bench	"	s. 11.
Special procedure	"	ss. 2-14.
Unlawful association—		
continuance of	"	s. 18.
definition of	"	s. 15.
penalties in respect of	"	s. 17.
power to declare	"	s. 18.
Witnesses for defence	"	s. 10.
<b>INDIAN EMIGRATION ACT, 1908—</b>		
	XVII	
Agreement to emigrate	"	ss. 25-32.
on behalf of child or ward	"	s. 36.
power to make, if over sixteen	"	s. 35.
Calcutta, vessels sailing from	"	ss. 71-74.
Countries to which emigration is lawful	"	ss. 4-8.
Definitions	"	s. 2.
Departure of natives of India by sea out of India for certain purposes	"	Chap. XI.
Depôts	"	Chap. VII.
Desertion, penalty for	"	ss. 93, 94.
Embarkation and departure	"	Chap. X.
Emigrant not to be forced to embark	"	s. 61.
liability of, for desertion or refusal to embark or to proceed to depôt	"	ss. 61, 93, 94, 98.
Emigrant-vessels	"	Chap. IX.
Emigration agents	"	Chap. III.
Emigration from French and Dutch Colonies	"	ss. 104, 105.
Emigration overland	"	s. 106.
Expenses and compensation	"	ss. 46-49.
Fees	"	ss. 34, 68.
Government vessels	"	s. 108.
Medical inspectors	"	ss. 14, 15, 39, 40, 45, 57, 65.
Offences	"	Ch. XIII.
Payment of expenses and compensation	"	ss. 46-49.
Ports of emigration	"	s. 3.
Power to prohibit emigration	"	ss. 5-9.
Protector of emigrants	"	ss. 12, 13, 16, 21, 48, 49, 57, 63, 66, 79.
Recruiters	"	Ch. V.
Registering officers	"	s. 24.
Registration of emigrants	"	ss. 28-33.
Rules	"	s. 81.
Savings	"	ss. 103, 109.
Vessels from Calcutta	"	ss. 71-74.
Voyages, probable length of	"	s. 102.

	ACT.	SECTION.
<b>INDIAN LIMITATION ACT, 1908—</b>	<b>IX</b>	
Acknowledgment . . . . .	"	s. 19.
Agent . . . . .	"	ss. 19, 20, 21.
Computation of period of limitation . . . . .	"	Part III.
Continuing breaches and wrongs . . . . .	"	s. 23.
Continuous running of time . . . . .	"	s. 9.
Court closed . . . . .	"	s. 4.
Death before accrual of right to sue . . . . .	"	s. 17.
Defendant's absence . . . . .	"	s. 13.
Definitions . . . . .	"	s. 2.
Disabilities . . . . .	"	ss. 6—8.
Easements . . . . .	"	ss. 26, 27.
Exclusion of certain periods . . . . .	"	ss. 12—16.
Extension of time, power of Court to grant . . . . .	"	s. 5.
Extinguishment of right of property . . . . .	"	s. 28.
Foreign contracts . . . . .	"	s. 11 (1).
Foreign law . . . . .	"	s. 11 (2).
Fraud . . . . .	"	s. 18.
Notice, period of, excluded . . . . .	"	s. 15 (1).
Payment of interest . . . . .	"	s. 20.
Payment of part of principal . . . . .	"	s. 20.
Periods of limitation . . . . .	"	Sch. I.
Time for taking copies . . . . .	"	s. 12 (2), (3), (4).
Trusts . . . . .	"	s. 10.
<b>INDIAN MERCHANT SHIPPING (AMENDMENT) ACT, 1908—</b>	<b>XVIII</b>	
Indian Merchant Shipping Act, 1880, amended, <i>see</i> Act VII of 1880.		
<b>INDIAN PORTS ACT, 1908—</b>	<b>XV</b>	
Colours, hoisting of unlawful . . . . .	"	s. 62.
Conservation of ports . . . . .	"	Ch. IV.
Conservator, appointment of . . . . .	"	s. 7.
powers of . . . . .	"	s. 8, <i>et seq.</i> ; s. 40.
Conviction to be quashed on merits only . . . . .	"	s. 61.
Definitions . . . . .	"	s. 3.
Distress . . . . .	"	s. 42.
costs of . . . . .	"	s. 58.
Expenses . . . . .	"	ss. 11, 40, 57—59.
Fire . . . . .	"	ss. 16, 28.
Fire-arms, discharge of . . . . .	"	s. 27.
Fire-extinguishing apparatus . . . . .	"	s. 32.
Foreign deserters . . . . .	"	s. 63.
Government, indemnity of . . . . .	"	s. 18.
Government moorings . . . . .	"	s. 13.
Health officers . . . . .	"	s. 17.
Hospital port-dues . . . . .	"	ss. 49, 50.
Local Governments, powers of . . . . .	"	Ch. II.
Offences, jurisdiction in respect of . . . . .	"	s. 60.
trial of . . . . .	"	s. 55.
Penalties . . . . .	"	s. 19—30, 45, 53, 54.
how recovered . . . . .	"	s. 55.
Pilots . . . . .	"	ss. 31, 53.
Ports . . . . .	"	ss. 1, 4, 3 ; Sch. I.

	ACT.	SECTION.
<b>INDIAN PORTS ACT, 1908—contd.</b>		
Ports, grouping of . . . . .	XV	s. 37.
limits of . . . . .	"	s. 5.
obstructions in . . . . .	"	ss. 10, 12.
Port-clearance, not granted except on payment of port-charges . . . . .	"	s. 43.
Port-dues, fees and other charges . . . . .	"	Ch. V.
expenditure and account . . . . .	"	s. 36.
evading payment of, penalty for . . . . .	"	s. 45.
in certain cases . . . . .	"	ss. 46, 47.
levy of . . . . .	"	s. 33.
payable in one port recoverable at another . . . . .	"	s. 44.
receipts . . . . .	"	ss. 36, 38.
variation of . . . . .	"	s. 34.
when not charged . . . . .	"	s. 43.
Port-officials . . . . .	"	Ch. III.
Port-rules, power to make . . . . .	"	s. 6.
Power to board vessel or enter building . . . . .	"	s. 15.
Prohibited acts . . . . .	"	ss. 19—30, 31, 62.
Sailors' institutes, grant of sites for . . . . .	"	s. 65.
Shipping, rules for safety of . . . . .	"	Ch. IV.
Signals, hoisting of . . . . .	"	s. 51.
Unlawful colours, hoisting of . . . . .	"	s. 62.
Vessels in ballast . . . . .	"	s. 46.
Vessels, ascertainment of draught and tonnage of . . . . .	"	ss. 40, 41.
Wreck, raising and removal of . . . . .	"	s. 14.
<b>INDIAN REGISTRATION ACT, 1908—</b>		
Absence of Registrar or Sub-Registrar . . . . .	XVI	ss. 10, 11, 12.
Appeal to Registrar . . . . .	"	s. 72.
Appearance of executors and witnesses . . . . .	"	Part VII.
exemption from . . . . .	"	s. 38.
Application for registration . . . . .	"	s. 73.
Authority to adopt, presentation and registration of . . . . .	"	ss. 40, 41.
Burmese Registration rules . . . . .	"	s. 92.
Certificate of registration . . . . .	"	s. 60.
Commissions . . . . .	"	ss. 38, 39.
Compulsory registration . . . . .	"	s. 17.
Copies . . . . .	"	ss. 56, 57.
Definitions . . . . .	"	s. 2.
Districts . . . . .	"	s. 5.
Documents—		
containing alterations, blanks, erasures and interlineations . . . . .	"	s. 20.
description of properties in . . . . .	"	ss. 21, 22.
executed by several persons . . . . .	"	s. 24.
out of British India . . . . .	"	s. 26.
in language unknown to registering officer . . . . .	"	ss. 19, 62.
unclaimed . . . . .	"	s. 85.
which may be registered . . . . .	"	s. 18.
which must be registered . . . . .	"	s. 17.
who may present for registration . . . . .	"	ss. 32, 33.
Effects of registration and non-registration . . . . .	"	Part X.
Exemption from Act . . . . .	"	ss. 90, 91.
Fees . . . . .	"	Part XIII.
Fines . . . . .	"	s. 25.
power to remit . . . . .	"	s. 70.



	ACT.	SECTION.
<b>INDIAN REGISTRATION ACT, 1908—contd.</b>		
Indexes . . . . .	XVI	ss. 53, 57.
Inspector General . . . . .	"	s. 3.
powers of . . . . .	"	ss. 69, 70.
Optional registration . . . . .	"	s. 18.
Penalties . . . . .		Part XIV
Place of registration . . . . .		Part V.
Power-of-attorney . . . . .	"	s. 33.
Presentation, time of . . . . .	"	Part IV; ss. 72, 75, 77.
Priority . . . . .	"	ss. 48, 49, 50.
Private residence, registration or deposit at . . . . .	"	s. 31.
Procedure—		
on admission or denial of execution . . . . .	"	ss. 35, 73, 74.
on admitting to registration . . . . .	"	ss. 58—63.
special duties of Sub-Registrar on . . . . .	"	ss. 64, 65.
special duties of Registrar on . . . . .	"	ss. 66, 67.
Refusal to register . . . . .	"	Part XII.
Registers . . . . .	"	ss. 16, 51, 52.
Registering officers—		
duties and powers of . . . . .	"	Part XI.
non-liability of, for <i>bonâ fide</i> acts . . . . .	"	s. 86.
power to administer oath and record state- ment. . . . .	"	s. 63.
remuneration, etc., of . . . . .	"	s. 14.
seals of . . . . .	"	s. 15.
Registrars . . . . .	"	s. 6.
registration by, in certain cases . . . . .	"	s. 30.
vacancy in office of . . . . .	"	s. 10.
Rules, power to make . . . . .	"	ss. 69, 4 (1)
Searches . . . . .	"	s. 57.
Sindh. Branch Inspector General for . . . . .	"	s. 4.
Sub-districts . . . . .	"	s. 5.
Sub-Registrars . . . . .	"	s. 6.
Suits . . . . .	"	s. 77.
Summons . . . . .	"	ss. 37, 39.
Time of presentation . . . . .	"	Part IV.
Wills . . . . .	"	Parts VII IX.
deposit of and procedure . . . . .	"	ss. 42, 43.
may be presented or deposited at any time . . . . .	"	s. 27.
proceedings on death of depositor . . . . .	"	s. 45.
saving of power of Courts . . . . .	"	s. 46.
withdrawal of sealed cover . . . . .	"	s. 44.
<b>INDIAN SALT-DUTIES ACT, 1908—</b>		
Power to make rules allowing time for payment of duties . . . . .	X	s. 2
<b>INDIAN TARIFF (AMENDMENT) ACT, 1908—</b>		
Indian Tariff Act, 1894, as amended by the Indian Tariff Act (1894) Amendment Act, 1896, amended, see Act VIII of 1894 and Act III of 1896.	II	

	Act.	SECTION.
INDIAN TRUSTS (AMENDMENT) ACT, 1908— Indian Trusts Act, 1882, amended, <i>see</i> Act II of 1882.	III	
INJUNCTIONS— <i>see</i> Code of Civil Procedure, 1908.		
LEGAL PRACTITIONERS' (AMENDMENT) ACT, 1908— Legal Practitioners' Act, 1879, amended, <i>see</i> Act XVIII of 1879.	I	
LIMITATION— <i>see</i> Indian Limitation Act, 1908.		
LOCAL AUTHORITIES LOAN (AMENDMENT) ACT, 1908— Local Authorities Loan Act, 1904, amended, <i>see</i> Act III of 1904.	VIII	
MERCHANT SHIPPING— <i>see</i> Indian Merchant Shipping (Amendment) Act, 1908.		
NEWSPAPERS (INCITEMENTS TO OFFENCES) ACT, 1908—	VII	
Annulment of declaration under Act XXV of 1867 . . . . .	"	s. 7.
Appeal . . . . .	"	s. 5.
Application of Code of Criminal Procedure, 1898 . . . . .	"	s. 9.
Definition . . . . .	"	s. 2.
Penalty . . . . .	"	s. 8.
Power to seize property ordered to be attached or for- feited . . . . .	"	s. 4.
Printing press—		
<i>ex parte</i> order for attachment of . . . . .	"	s. 3 (3).
order for forfeiture . . . . .	"	s. 3.
proceedings to question order under section 3 barred . . . . .	"	s. 6.
saving of other laws . . . . .	"	s. 10.
PAUPERS— <i>see</i> Code of Civil Procedure, 1908.		
PORTS— <i>see</i> Indian Ports Act, 1908.		
PRECEPTS— <i>see</i> Code of Civil Procedure, 1908.		
PRINTING PRESS— <i>see</i> Newspapers (Incitements to Offences) Act, 1908.		
PRISONERS' ACT, 1900— <i>see</i> Coroners' (Amendment) Act, 1908.		
PUBLIC CHARITIES— <i>see</i> Code of Civil Procedure, 1908.		
PUBLIC NUISANCES— <i>see</i> Code of Civil Procedure, 1908.		
RECEIVERS— <i>see</i> Code of Civil Procedure, 1908.		
REGISTRATION— <i>see</i> Indian Registration Act, 1908.		
SALT— <i>see</i> Indian Salt-duties Act, 1908.		
SMALL CAUSE COURTS— <i>see</i> Code of Civil Procedure, 1908.		
SUITS— <i>see</i> Code of Civil Procedure, 1908.		
TRUSTEES, suit by or against— <i>see</i> Code of Civil Procedure, 1908.		
TRUSTS— <i>see</i> Indian Limitation Act, 1908 ; Indian Trusts (Amendment) Act, 1908.		
UNLAWFUL ASSOCIATIONS— <i>see</i> Indian Criminal Law (Amend- ment) Act, 1908.		
UNLAWFUL COLOURS, HOISTING OF— <i>see</i> Indian Ports Act, 1908.		
WITNESSES— <i>see</i> Code of Civil Procedure, 1908 ; Indian Criminal Law (Amendment) Act, 1908.		

# ACT No. I OF 1908.

~~PASSED BY THE~~ GOVERNOR GENERAL OF INDIA IN COUNCIL.]  
~~M B A~~  
(Received the assent of the Governor General on the 3rd  
January, 1908.)

An Act further to amend the Legal Practitioners Act, 1879.

XVIII of  
1879.

WHEREAS it is expedient further to amend the Legal Practitioners Act, 1879; It is hereby enacted as follows :—

1. This Act may be called the Legal Practitioners (Amendment) Act, 1908. Short title.

XVIII of  
1879.

2. In section 4 of the Legal Practitioners Act, 1879, the following amendments shall be made, namely :— Amendment of section 4 of Act XVIII of 1879.

(a) after the words " this Act " the words " or enrolled as a Pleader in the Chief Court of the Punjab under section 8 of this Act " shall be inserted ; and

(b) after the words " no such Vakil " the words " or Pleader " shall be added.

3. To section 7 of the said Act the following shall be added, namely :— Addition to section 7 of Act XVIII of 1879.

" Provided that, on the admission as a Pleader of any person who has been previously entered as a Vakil or Attorney on the roll of a High Court established by Royal Charter, the High Court may in its discretion issue to such person a certificate authorising him to practise permanently in the Courts and in the offices specified therein, and a certificate so issued shall not require to be renewed under this section."

4. To  
1

[Price one anna and three pies.]

*Legal Practitioners.* [ACT I, 1908.]

Amendment  
of section 25  
of Act XVIII  
of 1879.

4. To section 25 of the said Act the following shall be added, namely :—

“ Provided also that no stamped paper shall be required in the case of a certificate whether original or renewed authorising, under section 7, a Vakil or Attorney on the roll of a High Court established by Royal Charter to practise as a Pleader.”

Amendment  
of section 38  
of Act XVIII  
of 1879.

5. In section 38 of the said Act, “ 7, ” shall be added after “ 5, ” and “ 25, ” after “ 16. ”

ACT No. I OF 1908.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.]

(Received the assent of the Governor General on the 3rd January, 1908.)

An Act further to amend the Legal Practitioners Act, 1879.

XVIII of  
1879.

WHEREAS it is expedient further to amend the Legal Practitioners Act, 1879; It is hereby enacted as follows :—

1. This Act may be called the Legal Practitioners (Amendment) Act, 1908. Short title.

XVIII of  
1879.

2. In section 4 of the Legal Practitioners Act, 1879, the following amendments shall be made, namely :— Amendment of section 4 of Act XVIII of 1879.

(a) after the words "this Act" the words "or enrolled as a Pleader in the Chief Court of the Punjab under section 8 of this Act" shall be inserted; and

(b) after the words "no such Vakil" the words "or Pleader" shall be added.

3. To section 7 of the said Act the following shall be added, namely :— Addition to section 7 of Act XVIII of 1879.

" Provided that, on the admission as a Pleader of any person who has been previously entered as a Vakil or Attorney on the roll of a High Court established by Royal Charter, the High Court may in its discretion issue to such person a certificate authorising him to practise permanently in the Courts and in the offices specified therein, and a certificate so issued shall not require to be renewed under this section."

4. To

1

[Price one anna and three pies.]

*Legal Practitioners.* [ACT I, 1908.]

Amendment  
of section 25  
of Act XVIII  
of 1879.

4. To section 25 of the said Act the following shall be added, namely :—

“ Provided also that no stamped paper shall be required in the case of a certificate whether original or renewed authorising, under section 7, a Vakil or Attorney on the roll of a High Court established by Royal Charter to practise as a Pleader.”

Amendment  
of section 38  
of Act XVIII  
of 1879.

5. In section 38 of the said Act; “ 7, ” shall be added after “ 5, ” and “ 25, ” after “ 16. ”

# ACT NO. II OF 1908.

[PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.]

(Received the assent of the Governor General on the 3rd  
January, 1908.)

## An Act further to amend the Indian Tariff Act, 1894.

VIII of 1894. WHEREAS it is expedient further to amend the  
Indian Tariff Act, 1894; It is hereby enacted as  
follows:—

1. This Act may be called the Indian Tariff Short title.  
(Amendment) Act, 1908.

VIII of 1894. 2. In No. 1 of Schedule III of the Indian Tariff Act, Amendment  
of Schedule  
III of Act  
VIII of 1894.  
1894, as amended by the Indian Tariff Act (1894)  
III of 1896. Amendment Act, 1896, "annas 2" shall be substi-  
tuted for "anna 1" in the fourth column as the rate  
of duty to be levied and collected per Imperial gallon  
or six quart bottles of ale, beer, porter, cider and  
other fermented liquors.

[Price one anna.]

## ACT No. III OF 1908.

[PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.]  
(Received the assent of the Governor General on the 17th  
January, 1908.)

An Act further to amend the law relating to  
Private Trusts and Trustees.

WHEREAS it is expedient further to amend the  
law relating to Private Trusts and Trustees; It  
is hereby enacted as follows:—

1. This Act may be called the Indian Trusts Short title.  
(Amendment) Act, 1908.

II of 1882. 2. For clause (d) of section 20 of the Indian Amendment  
of section 20,  
Act II of  
1882.  
Trusts Act, 1882, the following clause shall be sub-  
stituted, namely:—

“(d) in debentures or other securities for money  
issued, under the authority of any Act of  
a Legislature established in British India,  
by or on behalf of any municipal body,  
port trust or city improvement trust in any  
Presidency-town or in Rangoon Town, or  
by or on behalf of the trustees of the port  
of Karachi;”.

[Price one anna.]



ACT No. IV OF 1908.

THE GOVERNOR GENERAL OF INDIA IN COUNCIL.]

(Received the assent of the Governor General on the 14th February, 1908.)

An Act further to amend the Coroners Act, 1871, and the Prisoners Act, 1900.

1871.  
1900.

WHEREAS it is expedient further to amend the Coroners Act, 1871, and the Prisoners Act, 1900; It is hereby enacted as follows :—

1. This Act may be called the Coroners (Amendment) Act, 1908. Short title.
2. In section 9 of the said Act, for the word "buried" the words "disposed of" shall be substituted. Amendment of section 9, Act IV of 1871.
3. In section 11 of the said Act, for the words "where the first was insufficient" the words "where the Coroner considers it necessary or desirable in the interests of justice to take a further inquisition" shall be substituted. Amendment of section 11, Act IV of 1871.
4. To section 15 of the said Act the following shall be added, namely :— Addition of proviso to section 15, Act IV of 1871.

"Provided that the Coroner may, with the concurrence of a majority of the jury, dispense with a view of the body, if he is satisfied, from medical evidence or medical certificates, that no advantage would result from such viewing."
5. In section 17 of the said Act, for the words and figures "Act No. XV of 1869 (*to provide facilities for obtaining the evidence and appearance of prisoners and for service of process upon them*)," the words and figures "Part IX of the Prisoners Act, 1900," shall be substituted. Amendment of section 17, Act IV of 1871.

6. After

[Price one anna and six pies.]

Addition of new section 18A to Act IV of 1871.

6. After section 18 of the said Act the following shall be inserted, namely:—

Report of Chemical Examiner.

“18A. 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.”

V of 1898\*

Addition to section 21, Act IV of 1871.

7. To section 21 of the said Act the following shall be added, namely:—

“and the whole, or such part thereof as to the Coroner seems fit, shall, in default of attendance by the jurors, be recoverable in the same manner as a fine imposed under section 31.”

Substitution of new section 25, Act IV of 1871.

8. For section 25 of the said Act the following shall be substituted, namely:—

Procedure where death is found due to an act amounting to an offence.

“25. When the jury or a majority of the jury find that the death of the deceased person was occasioned by an act which amounts to an offence under any law in force in British India, the Coroner shall immediately after the inquest forward a copy of the inquisition, together with the names and addresses of the witnesses, to the Commissioner of Police.”

Substitution of new section 26, Act IV of 1871.

9. For section 26 of the said Act the following shall be substituted, namely:—

Power to arrest and commit for trial.

“26. The Coroner may also, where the verdict justifies him in so doing, issue his warrant for the apprehension of the person who is found to have caused the death of the deceased person, and send him forthwith to a Magistrate empowered to commit him for trial.”

Repeal of section 27, Act IV of 1871.

10. Section 27 of the said Act is hereby repealed.

11. In

1908.]

*Coroners.*

11. In section 28 of the said Act, for the word "burial" the word "disposal" shall be substituted. Amendment of section 28, Act IV of 1871.
12. In the Second Schedule of the said Act, for the words "on view of the body of A. B. then and there lying dead" the words "in the case of A. B. deceased" shall be substituted. Amendment of Second Schedule, Act IV of 1871.
- III of 1900. 13. In section 11 of the Prisoners Act, 1900, for the words "Justice of the Peace or Coroner" the words "or Justice of the Peace" shall be substituted. Amendment of Act III of 1900, section 11.

# ACT No. IV OF 1908.

[PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.]

(Received the assent of the Governor General on the 14th February, 1908.)

An Act further to amend the Coroners Act, 1871, and the Prisoners Act, 1900.

IV of 1871.  
III of 1900.

WHEREAS it is expedient further to amend the Coroners Act, 1871, and the Prisoners Act, 1900; It is hereby enacted as follows:—

1. This Act may be called the Coroners (Amendment) Act, 1908.

Short title.

2. In section 9 of the said Act, for the word "buried" the words "disposed of" shall be substituted.

Amendment of section 9, Act IV of 1871.

3. In section 11 of the said Act, for the words "where the first was insufficient" the words "where the Coroner considers it necessary or desirable in the interests of justice to take a further inquisition" shall be substituted.

Amendment of section 11, Act IV of 1871.

4. To section 15 of the said Act the following shall be added, namely:—

Addition of proviso to section 15, Act IV of 1871.

"Provided that the Coroner may, with the concurrence of a majority of the jury, dispense with a view of the body, if he is satisfied, from medical evidence or medical certificates, that no advantage would result from such viewing."

5. In section 17 of the said Act, for the words and figures "Act No. XV of 1869 (to provide facilities for obtaining the evidence and appearance of prisoners and for service of process upon them)," the words and figures "Part IX of the Prisoners Act, 1900;" shall be substituted.

Amendment of section 17, Act IV of 1871.

6. After

[Price one anna and six pies.]

Addition of new section 18A to Act IV of 1871.

6. After section 18 of the said Act, the following shall be inserted, namely:—

Report of Chemical Examiner.

“18A. 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.”

V of 1898.

Addition of section 21, Act IV of 1871.

7. To section 21 of the said Act the following shall be added, namely:—

“and the whole, or such part thereof, as to the Coroner seems fit, shall, in default of attendance by the jurors, be recoverable in the same manner as a fine imposed under section 31.”

Substitution of new section 25, Act IV of 1871.

8. For section 25 of the said Act the following shall be substituted, namely:—

Procedure where death is found due to an act amounting to an offence.

“25. When the jury or a majority of the jury find that the death of the deceased person was occasioned by an act which amounts to an offence under any law in force in British India, the Coroner shall immediately after the inquest forward a copy of the inquisition, together with the names and addresses of the witnesses, to the Commissioner of Police.”

Substitution of new section 26, Act IV of 1871.

9. For section 26 of the said Act the following shall be substituted, namely:—

Power to arrest and commit for trial.

“26. The Coroner may also, where the verdict justifies him in so doing, issue his warrant for the apprehension of the person who is found to have caused the death of the deceased person, and send him forthwith to a Magistrate empowered to commit him for trial.”

Repeal of section 27, Act IV of 1871.

10. Section 27 of the said Act is hereby repealed.

11. In

1908.]

*Coroners.*

11. In section 28 of the said Act, for the word "burial" the word "disposal" shall be substituted. Amendment of section 28, Act IV of 1871.

12. In the Second Schedule of the said Act, for the words "on view of the body of A. B. then and there lying dead" the words "in the case of A. B. deceased" shall be substituted. Amendment of Second Schedule, Act IV of 1871.

[11 of 1900.

13. In section 11 of the Prisoners' Act, 1900, for the words "Justice of the Peace or Coroner" the words "or Justice of the Peace" shall be substituted. Amendment of Act III of 1900, section 11.

# ACT No. VI OF 1908.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 8th June, 1908.)*

An Act further to amend the law relating to explosive substances.

WHEREAS it is necessary further to amend the law relating to explosive substances; It is hereby enacted as follows:—

1. (1) This Act may be called the Explosive Substances Act, 1908. Short title, extent and application.

(2) It extends to the whole of British India and applies also to—

(a) all native Indian subjects of His Majesty in any place without and beyond British India;

(b) all other British subjects within the territories of any native prince or chief in India.

2. In this Act the expression “explosive substance” shall be deemed to include any materials for making any explosive substance; also any apparatus, machine, implement or material used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine or implement. Definition of “explosive substance”.

3. Any person who unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be punished Punishment for causing explosion likely to endanger life or property.

1

[Price one anna and six pies.]

punished with transportation for life or any shorter term, to which fine may be added, or with imprisonment for a term which may extend to ten years, to which fine may be added.

Punishment for attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property.

4. Any person who unlawfully and maliciously—

(a) does any act with intent to cause by an explosive substance, or conspires to cause by an explosive substance, an explosion in British India of a nature likely to endanger life or to cause serious injury to property; or

(b) makes or has in his possession or under his control any explosive substance with intent by means thereof to endanger life, or cause serious injury to property in British India, or to enable any other person by means thereof to endanger life or cause serious injury to property in British India;

shall, whether any explosion does or does not take place and whether any injury to person or property has been actually caused or not, be punished with transportation for a term which may extend to twenty years, to which fine may be added, or with imprisonment for a term which may extend to seven years, to which fine may be added.

Punishment for making or possessing explosives under suspicious circumstances.

5. Any person who makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be punishable with transportation for a term which may extend to fourteen years, to which fine may be added, or with imprisonment for a term which may extend to five years, to which fine may be added.

Punishment of abettors.

6. Any person who by the supply of or solicitation for money, the providing of premises, the supply of materials,



1908.]

*Explosive Substances.*

materials, or in any manner whatsoever, procures, counsels, aids, abets, or is accessory to, the commission of any offence under this Act shall be punished with the punishment provided for the offence.

7. No Court shall proceed to the trial of any person for an offence against this Act except with the consent of the Local Government or the Governor General in Council.

Restriction  
on trial of  
offences.

# ACT No. VII OF 1908.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 6th June 1908.)

An Act for the prevention of incitements to murder and to other offences in newspapers.

**W**HEREAS it is expedient to make better provision for the prevention of incitements to murder and to other offences in newspapers; It is hereby enacted as follows :—

1. (1) This Act may be called the Newspapers (Incitements to Offences) Act, 1908. Short title and extent.

(2) It extends to the whole of British India.

2. (1) In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "Magistrate" means a District Magistrate or Chief Presidency Magistrate:

(b) "newspaper" means any periodical work containing public news or comments on public news:

(c) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing.

(2) Save as herein otherwise provided all words and expressions in this Act shall have the same meanings as those respectively assigned to them in the Code of Criminal Procedure, 1898.

V of 1898.

3. (1) In cases where, upon application made by order of or under authority from the Local Government, a Magistrate is of opinion that a newspaper printed and published within the Province contain any incitement to murder or to any offence under the Power to forfeit printing presses in certain cases.

Explosive

1

[Price one anna and nine pies.]

Explosive Substances Act, 1908, or to any act of violence, such Magistrate may make a conditional order declaring the printing press used, or intended to be used, for the purpose of printing or publishing such newspaper, or found in or upon the premises where such newspaper is, or at the time of the printing of the matter complained of was, printed and all copies of such newspaper, wherever found, to be forfeited to His Majesty, and shall in such order state the material facts and call on all persons concerned to appear before him, at a time and place to be fixed by the order, to show cause why the order should not be made absolute. VI of 1908.

(2) A copy of such order shall be fixed on some conspicuous part of the premises specified in the declaration made in respect of such newspaper under section 5 of the Press and Registration of Books Act, 1867, or of any other premises in which such newspaper is printed, and the affixing of such copy shall be deemed to be due service of the said order on all persons concerned. XXV of 1867.

(3) In cases of emergency or in cases where the purposes of the application might be defeated by delay the Magistrate may, on or after the making of a conditional order under sub-section (1), make a further order *ex parte* for the attachment of the printing press or other property referred to in the conditional order.

(4) If any person concerned appears and shows cause against the conditional order, the Magistrate shall take evidence, whether in support of or in opposition to such order, in manner provided in section 356 of the Code of Criminal Procedure, 1898.

(5) If the Magistrate is satisfied that the newspaper contains matter of the nature specified in sub-section (1), he shall make the conditional order of forfeiture absolute in respect of such property as he may find to be within the terms of the said sub-section.

(6) If the Magistrate is not so satisfied, he shall set aside the conditional order of forfeiture and the order of attachment, if any.

4. (1) The

1909.] *Newspapers (Incitements to Offences).*

4. (1) The Magistrate may by warrant empower any Police-officer not below the rank of a Sub-Inspector to seize and detain any property ordered to be attached under section 3, sub-section (3), or to seize and carry away any property ordered to be forfeited under section 3, sub-section (5), wherever found and to enter upon and search for such property in any premises—

Power to seize.

- (a) where the newspaper specified in such warrant is printed or published, or
- (b) where any such property may be or may be reasonably suspected to be, or
- (c) where any copy of such newspaper is kept for sale, distribution, publication or public exhibition or reasonably suspected to be so kept.

(2) Every warrant issued under sub-section (1) so far as it relates to a search shall be executed in manner provided for the execution of search-warrants by the Code of Criminal Procedure, 1893.

v of 1898.

5. Any person concerned who has appeared and shown cause against a conditional order of forfeiture may appeal to the High Court within fifteen days from the date when such order is made absolute.

Appeal.

6. Save as provided in section 5, no order duly made by a Magistrate under section 3 shall be called in question in any Court.

Bar of other proceedings.

7. Where an order of forfeiture has been made absolute in relation to any newspaper the Local Government may, by notification in the local official Gazette, annul any declaration made by the printer or publisher of such newspaper under the Press and Registration of Books Act, 1867, and may by such notification prohibit any further declaration being made or subscribed under the said Act in respect of the said newspaper, or of any newspaper which is the same in substance as the said newspaper, until such prohibition be withdrawn.

Power to annul declaration under Press and Registration of Books Act, 1867.

XXV of 1867.

8. Any person who prints or publishes any newspaper specified in any prohibition notified under

Penalty.

section 7

*Newspapers (Incitements to Offences).* [ACT VII, 1908.

section 7 during the continuance of that prohibition shall be liable, on conviction, to the penalties prescribed by section 15 of the Press and Registration of Books Act, 1867.

XXV of  
1867.

Application  
of Code of  
Criminal  
Procedure.

9. All proceedings under this Act shall be conducted so far as may be in accordance with the provisions of the Code of Criminal Procedure, 1898.

V of 1898.

Operation  
of other  
laws not  
barred.

10. No proceedings taken under this Act shall operate to prevent any person from being prosecuted for any act which constitutes an offence under any other law.

# ACT No. VIII OF 1908.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th July, 1908.)

## An Act to amend the Local Authorities Loan Act, 1904.

III of 1904. WHEREAS it is expedient to amend the Local Authorities Loan Act, 1904; It is hereby enacted as follows:—

1. This Act may be called the Local Authorities Short title. Loan (Amendment) Act, 1908.

2. In section 2 of the Local Authorities Loan Amendment Act, 1904, for the words "bills repayable" the words of section 2, "bills or promissory notes payable" shall be substituted; and in the proviso to the same section, after the word "bills" the words "or promissory notes" shall be inserted. Act III, 1904.

*Price one anna.]*

S. G. P. I.-80 L. D.-25-7-08-8,500.

GOVERNMENT OF INDIA  
LEGISLATIVE DEPARTMENT

---

THE INDIAN LIMITATION ACT, 1908  
(IX OF 1908)



CALCUTTA :  
OFFICE OF THE SUPERINTENDENT, GOVERNMENT PRINTING, INDIA,  
1908

[Price thirteen annas.]

# AN LIMITATION ACT, 1908 (IX OF 1908).

## CONTENTS.

### PART I.

#### PRELIMINARY.

e, extent and commencement.

18.

### PART II.

#### PERIOD OF LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

Period of suits, etc., instituted, etc., after period of limitation.

Court is closed when period expires.

Extension of period in certain cases.

Joint liability.

Death of one of several plaintiffs or applicants.

Exceptions.

Continuous running of time.

Limitation against express trustees and their representatives.

Limitation on foreign contracts.

### PART III.

#### COMPUTATION OF PERIOD OF LIMITATION.

Computation of time in legal proceedings.

Computation of time of defendant's absence from British territories and certain other territories.

Computation of time of proceeding *bonâ fide* in Court out of jurisdiction.

Computation of time during which proceedings are suspended.

Computation of time during which proceedings to set aside a sale are pending.

Effect of death before right to sue accrues.

Effect of fraud.

Effect of acknowledgment in writing.

20. Effect



SECTIONS.

20. Effect of payment of interest as such or of part payment of principal.  
Effect of receipt of produce of mortgaged land.
21. Agent of person under disability.  
Acknowledgment or payment by one of several joint contractors, etc.
22. Effect of substituting or adding new plaintiff or defendant.
23. Continuing breaches and wrongs.
24. Suit for compensation for act not actionable without special damage.
25. Computation of time mentioned in instruments.

---

PART IV.

ACQUISITION OF OWNERSHIP BY POSSESSION.

26. Acquisition of right to easements.
27. Exclusion in favour of reversioner of servient tenement.
28. Extinguishment of right to property.

---

PART V.

SAVINGS AND REPEALS.

29. Savings.
30. Provision for suits for which the period prescribed is shorter than that prescribed by the Indian Limitation Act, 1877.
31. Provision for suits by certain mortgagees in territories mentioned in the second schedule.
32. Repeals.

---

THE FIRST SCHEDULE.—LIMITATION. .

THE SECOND SCHEDULE.—TERRITORIES REFERRED TO  
-IN SECTION 31.

THE THIRD SCHEDULE.—ENACTMENTS REPEALED.

1908.]

## ACT No. IX OF 1908.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 7th August, 1908.)

An Act to consolidate and amend the law for the Limitation of Suits, and for other purposes.

WHEREAS it is expedient to consolidate and amend the law relating to the limitation of suits, appeals and certain applications to Courts; and whereas it is also expedient to provide rules for acquiring by possession the ownership of easements and other property; It is hereby enacted as follows:—

### PART I.

#### PRELIMINARY.

1. (1) This Act may be called the Indian Limitation Act, 1908. Short title, extent and commencement.

(2) It extends to the whole of British India; and

(3) This section and section 31 shall come into force at once. The rest of this Act shall come into force on the first day of January 1909.

2. In this Act, unless there is anything repugnant in the subject or context, Definitions.

(1) "applicant" includes any person from or through whom an applicant derives his right to apply:

(2) "bill of exchange" includes a hundi and a cheque:

(3) "bond" includes any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified

(Part I.—Preliminary. Part II.—Limitation of Suits, Appeals and Applications.)

specified act is performed, or is not performed, as the case may be :

(4) "defendant" includes any person from or through whom a defendant derives his liability to be sued :

(5) "easement" includes a right not arising from contract, by which one person is entitled to remove and appropriate for his own profit any part of the soil belonging to another or anything growing in, or attached to, or subsisting upon, the land of another :

(6) "foreign country" means any country other than British India :

(7) "good faith" : nothing shall be deemed to be done in good faith which is not done with due care and attention :

(8) "plaintiff" includes any person from or through whom a plaintiff derives his right to sue :

(9) "promissory note" means any instrument whereby the maker engages absolutely to pay a specified sum of money to another at a time therein limited, or on demand, or at sight :

(10) "suit" does not include an appeal or an application : and

(11) "trustee" does not include a benamidar, a mortgagee remaining in possession after the mortgage has been satisfied, or a wrong-doer in possession without title.

---

PART II.

LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

Dismissal of suits, etc., instituted, etc., after period of limitation.

3. Subject to the provisions contained in sections 4 to 25 (inclusive), every suit instituted, appeal preferred, and application made, after the period of limitation prescribed therefor by the first schedule shall be dismissed, although limitation has not been set up as a defence.

*Explanation.*

*(Part II.—Limitation of Suits, Appeals and Applications.)*

*Explanation.*—A suit is instituted, in ordinary cases, when the plaint is presented to the proper officer; in the case of a pauper, when his application for leave to sue as a pauper is made; and, in the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.

4. Where the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, preferred or made on the day that the Court re-opens.

Where Court is closed when period expires.

5. Any appeal or application for a review of judgment or for leave to appeal or any other application to which this section may be made applicable by any enactment or rule for the time being in force may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not preferring the appeal or making the application within such period.

Extension of period in certain cases.

*Explanation.*—The fact that the appellant or applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period of limitation may be sufficient cause within the meaning of this section.

6. (1) Where a person entitled to institute a suit or make an application for the execution of a decree is, at the time from which the period of limitation is to be reckoned, a minor, or insane, or an idiot, he may institute the suit or make the application within the same period after the disability has ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the first schedule.

Legal disability.

(2) Where such person is, at the time from which the period of limitation is to be reckoned, affected by two such disabilities, or where, before his disability has

*Limitation.*

[ACT IX.]

(Part II.—*Limitation of Suits, Appeals and Applications.*)

has ceased, he is affected by another disability, he may institute the suit or make the application within the same period, after both disabilities have ceased, as would otherwise have been allowed from the time so prescribed.

(3) Where the disability continues up to the death of such person, his legal representative may institute the suit or make the application within the same period after the death as would otherwise have been allowed from the time so prescribed.

(4) Where such representative is at the date of the death affected by any such disability, the rules contained in sub-sections (1) and (2) shall apply.

*Illustrations.*

(a) The right to sue for the hire of a boat accrues to A during his minority. He attains majority four years after such accruer. He may institute his suit at any time within three years from the date of his attaining majority.

(b) A right to sue accrues to Z during his minority. After the accruer, but while Z is still a minor, he becomes insane. Time runs against Z from the date when his insanity and minority cease.

(c) A right to sue accrues to X during his minority. X dies before attaining majority, and is succeeded by Y, his minor son. Time runs against Y from the date of his attaining majority.

Disability  
of one of  
several  
plaintiffs or  
applicants.

7. Where one of several persons jointly entitled to institute a suit or make an application for the execution of a decree is under any such disability, and a discharge can be given without the concurrence of such person, time will run against them all: but, where no such discharge can be given, time will not run as against any of them until one of them becomes capable of giving such discharge without the concurrence of the others or until the disability has ceased.

*Illustrations.*

(a) A incurs a debt to a firm of which B, C and D are partners. B is insane, and C is a minor. D can give a discharge

of

1908.]

*Limitation.*

*(Part II.—Limitation of Suits, Appeals and Applications.)*

of the debt without the concurrence of B and C. Time runs against B, C and D.

(b) A incurs a debt to a firm of which E, F and G are partners. E and F are insane, and G is a minor. Time will not run against any of them until either E or F becomes sane, or G attains majority.

8. Nothing in section 6 or in section 7 applies to suits to enforce rights of pre-emption, or shall be deemed to extend, for more than three years from the cessation of the disability or the death of the person affected thereby, the period within which any suit must be instituted or application made. Special exceptions.

*Illustrations.*

(a) A, to whom a right to sue for a legacy has accrued during his minority, attains majority eleven years after such accruer. A has, under the ordinary law, only one year remaining within which to sue. But under section 6 and this section an extension of two years will be allowed him, making in all a period of three years from the date of his attaining majority, within which he may bring his suit.

(b) A right to sue for an hereditary office accrues to A who at the time is insane. Six years after the accruer A recovers his reason. A has six years, under the ordinary law, from the date when his insanity ceased within which to institute a suit. No extension of time will be given him under section 6 read with this section.

(c) A right to sue as landlord to recover possession from a tenant accrues to A, who is an idiot. A dies three years after the accruer, his idiocy continuing up to the date of his death. A's representative in interest has, under the ordinary law, nine years from the date of A's death within which to bring a suit. Section 6 read with this section does not extend that time, except where the representative is himself under disability when the representation devolves upon him.

9. Where once time has begun to run, no subsequent disability or inability to sue stops it: Continuous running of time.

Provided that, where letters of administration to the estate of a creditor have been granted to his debtor, the running of the time prescribed for a suit to recover the debt shall be suspended while the administration continues.

10. Notwithstanding

(Part II.—Limitation of Suits, Appeals and Applications. Part III.—Computation of Period of Limitation.)

Suits against express trustees and their representatives.

10. Notwithstanding anything hereinbefore contained, no suit against a person in whom property has become vested in trust for any specific purpose, or against his legal representatives or assigns (not being assigns for valuable consideration), for the purpose of following in his or their hands such property, or the proceeds thereof, or for an account of such property or proceeds, shall be barred by any length of time.

Suits on foreign contracts.

11. (1) Suits instituted in British India on contracts entered into in a foreign country are subject to the rules of limitation contained in this Act.

(2) No foreign rule of limitation shall be a defence to a suit instituted in British India on a contract entered into in a foreign country, unless the rule has extinguished the contract and the parties were domiciled in such country during the period prescribed by such rule.

### PART III.

#### COMPUTATION OF PERIOD OF LIMITATION.

Exclusion of time in legal proceedings.

12. (1) In computing the period of limitation prescribed for any suit, appeal or application, the day from which such period is to be reckoned shall be excluded.

(2) In computing the period of limitation prescribed for an appeal, an application for leave to appeal and an application for a review of judgment, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence or order appealed from or sought to be reviewed, shall be excluded.

(3) Where a decree is appealed from or sought to be reviewed, the time requisite for obtaining a copy of the judgment on which it is founded shall also be excluded.

(4) In

1908.]

*Limitation.*

(Part III.—*Computation of Period of Limitation.*)

(4) In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

13. In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from British India and from the territories beyond British India under the administration of the Government shall be excluded.

Exclusion of time of defendant's absence from British India and certain other territories.

14. (1) In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the defendant, shall be excluded, where the proceeding is founded upon the same cause of action and is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

Exclusion of time of proceeding *bonâ fide* in Court without jurisdiction.

(2) In computing the period of limitation prescribed for any application, the time during which the applicant has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the same party for the same relief shall be excluded, where such proceeding is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

*Explanation I.*—In excluding the time during which a former suit or application was pending, the day on which that suit or application was instituted or made, and the day on which the proceedings therein ended, shall both be counted.

*Explanation II.*—For the purposes of this section, a plaintiff or an applicant resisting an appeal shall be deemed to be prosecuting a proceeding.

*Explanation III.*—For the purposes of this section misjoinder of parties or of causes of action shall be deemed



*Limitation.*

[ACT IX

*(Part III.—Computation of Period of Limitation.)*

deemed to be a cause of a like nature with defect of jurisdiction.

Exclusion of time during which proceedings are suspended.

15. (1) In computing the period of limitation prescribed for any suit or application for the execution of a decree, the institution or execution of which has been stayed by injunction or order, the time of the continuance of the injunction or order, the day on which it was issued or made, and the day on which it was withdrawn, shall be excluded.

(2) In computing the period of limitation prescribed for any suit of which notice has been given in accordance with the requirements of any enactment for the time being in force, the period of such notice shall be excluded.

Exclusion of time during which proceedings to set aside execution-sale are pending. Effect of death before right to sue accrues.

16. In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree, the time during which a proceeding to set aside the sale has been prosecuted shall be excluded.

17. (1) Where a person who would, if he were living, have a right to institute a suit or make an application, dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased capable of instituting or making such suit or application.

(2) Where a person against whom, if he were living, a right to institute a suit or make an application would have accrued dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased against whom the plaintiff may institute or make such suit or application.

(3) Nothing in sub-sections (1) and (2) applies to suits to enforce rights of pre-emption or to suits for the possession of immovable property or of an hereditary office.

Effect of fraud.

18. Where any person having a right to institute a suit or make an application has, by means of fraud, been

*(Part III.—Computation of Period of Limitation.)*

been kept from the knowledge of such right or of the title on which it is founded,

or where any document necessary to establish such right has been fraudulently concealed from him,

the time limited for instituting a suit or making an application—

(a) against the person guilty of the fraud or accessory thereto, or

(b) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or, in the case of the concealed document, when he first had the means of producing it or compelling its production.

19. (1) Where, before the expiration of the period prescribed for a suit or application in respect of any property or right, an acknowledgment of liability in respect of such property or right has been made in writing signed by the party against whom such property or right is claimed, or by some person through whom he derives title or liability, a fresh period of limitation shall be computed from the time when the acknowledgment was so signed.

Effect of acknowledgment in writing.

(2) Where the writing containing the acknowledgment is undated, oral evidence may be given of the time when it was signed; but, subject to the provisions of the Indian Evidence Act, 1872, oral evidence of its contents shall not be received.

I of 1872.

*Explanation I.*—For the purposes of this section an acknowledgment may be sufficient though it omits to specify the exact nature of the property or right, or avers that the time for payment, delivery, performance or enjoyment has not yet come, or is accompanied by a refusal to pay, deliver, perform or permit to enjoy, or is coupled with a claim to a set-off, or is addressed to a person other than the person entitled to the property or right.

*Explanation II.*—

(Part III.—Computation of Period of Limitation.)

*Explanation II.*—For the purposes of this section, “signed” means signed either personally or by an agent duly authorized in this behalf.

*Explanation III.*—For the purposes of this section an application for the execution of a decree or order is an application in respect of a right.

Effect of payment of interest as such or of part payment of principal.

20. (1) Where interest on a debt or legacy is, before the expiration of the prescribed period, paid as such by the person liable to pay the debt or legacy, or by his agent duly authorized in this behalf,

or where part of the principal of a debt is, before the expiration of the prescribed period, paid by the debtor or by his agent duly authorized in this behalf,

a fresh period of limitation shall be computed from the time when the payment was made :

Provided that, in the case of part payment of the principal of a debt, the fact of the payment appears in the handwriting of the person making the same.

Effect of receipt of produce of mortgaged land.

(2) Where mortgaged land is in the possession of the mortgagee, the receipt of the rent or produce of such land shall be deemed to be a payment for the purpose of sub-section (1).

*Explanation.*—Debt includes money payable under a decree or order of Court.

Agent of person under disability.

21. (1) The expression “agent duly authorized in this behalf,” in sections 19 and 20, shall, in the case of a person under disability, include his lawful guardian, committee or manager, or an agent duly authorized by such guardian, committee or manager to sign the acknowledgment or make the payment.

Acknowledgment or payment by one of several joint contractors, etc.

(2) Nothing in the said sections renders one of several joint contractors, partners, executors or mortgagees chargeable by reason only of a written acknowledgment signed or of a payment made by, or by the agent of, any other or others of them.

Effect of substituting or adding

22. (1) Where, after the institution of a suit, a new plaintiff or defendant is substituted or added, the

1908.]

*Limitation.*

*(Part III.—Computation of Period of Limitation.)*

the suit shall, as regards him, be deemed to have been instituted when he was so made a party. new plaintiff or defendant.

(2) Nothing in sub-section (1) shall apply to a case where a party is added or substituted owing to an assignment or devolution of any interest during the pendency of a suit or where a plaintiff is made a defendant or a defendant is made a plaintiff.

23. In the case of a continuing breach of contract and in the case of a continuing wrong independent of contract, a fresh period of limitation begins to run at every moment of the time during which the breach or the wrong, as the case may be, continues. Continuing breaches and wrongs.

24. In the case of a suit for compensation for an act which does not give rise to a cause of action unless some specific injury actually results therefrom, the period of limitation shall be computed from the time when the injury results. Suit for compensation for act not actionable without special damage.

*Illustration.*

A owns the surface of a field. B owns the subsoil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation in the case of a suit by A against B runs from the time of the subsidence.

25. All instruments shall, for the purposes of this Act, be deemed to be made with reference to the Gregorian calendar. Computation of time mentioned in instruments.

*Illustrations.*

(a) A Hindu makes a promissory note bearing a Native date only, and payable four months after date. The period of limitation applicable to a suit on the note runs from the expiration of four months after date computed according to the Gregorian calendar.

(b) A Hindu makes a bond, bearing a Native date only, for the repayment of money within one year. The period of limitation applicable to a suit on the bond runs from the expiration of one year after date computed according to the Gregorian calendar.

**PART IV.**

PART IV.

ACQUISITION OF OWNERSHIP BY POSSESSION.

Acquisition  
of right to  
easements.

26. (1) Where the access and use of light or air to and for any building have been peaceably enjoyed therewith as an easement, and as of right, without interruption, and for twenty years,

and where any way or watercourse, or the use of any water, or any other easement (whether affirmative or negative) has been peaceably and openly enjoyed by any person claiming title thereto as an easement and as of right without interruption, and for twenty years,

the right to such access and use of light or air, way, watercourse, use of water, or other easement shall be absolute and indefeasible.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

(2) Where the property over which a right is claimed under sub-section (1) belongs to Government, that sub-section shall be read as if for the words "twenty years" the words "sixty years" were substituted.

*Explanation.*—Nothing is an interruption within the meaning of this section, unless where there is an actual discontinuance of the possession or enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made.

*Illustrations.*

(a) A suit is brought in 1911 for obstructing a right of way. The defendant admits the obstruction, but denies the right of way. The plaintiff proves that the right was peaceably  
and

1908.]

*Limitation.*

(Part IV.—Acquisition of Ownership by Possession.  
Part V.—Savings and Repeals.)

and openly enjoyed by him, claiming title thereto as an easement and as of right, without interruption from 1st January 1890 to 1st January 1910. The plaintiff is entitled to judgment.

(b) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff, on one occasion during the twenty years, had asked his leave to enjoy the right. The suit shall be dismissed.

27. Where any land or water upon, over or from which any easement has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of such easement during the continuance of such interest or term shall be excluded in the computation of the period of twenty years in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land or water.

Exclusion in favour of reversioner of servient tenement.

*Illustration.*

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shows that during ten of these years C, a Hindu widow, had a life interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

28. At the determination of the period hereby limited to any person for instituting a suit for possession of any property, his right to such property shall be extinguished.

Extinguishment of right to property.

PART V.

SAVINGS AND REPEALS.

29. (1) Nothing in this Act shall—

Savings.

IX of 1872.

(a) affect the Indian Contract Act, 1872, section 25 :

(b) affect

(Part V.—Savings and Repeals.)

(b) affect or alter any period of limitation specially prescribed for any suit, appeal or application by any special or local law now or hereafter in force in British India.

(2) Nothing in this Act shall apply to suits under the Indian Divorce Act.

IV of 1929.

(3) Sections 26 and 27 and the definition of "easement" in section 2 shall not apply to cases arising in territories to which the Indian Easements Act, 1882, may for the time being extend.

V of 1882.

Provision for suits for which the period prescribed is shorter than that prescribed by the Indian Limitation Act, 1877.

30. Notwithstanding anything herein contained, any suit for which the period of limitation prescribed by this Act is shorter than the period of limitation prescribed by the Indian Limitation Act, 1877, may be instituted within the period of two years next after the passing of this Act, or within the period prescribed for such suit by the Indian Limitation Act, 1877, whichever period expires first.

XV of 1877.

Provision for suits by certain mortgages in territories mentioned in the second schedule.

31. (1) Notwithstanding anything contained in this Act or in the Indian Limitation Act, 1877, in the territories mentioned in the second schedule a suit for foreclosure or a suit for sale by a mortgagee may be instituted within two years from the date of the passing of this Act, or within sixty years from the date when the money secured by the mortgage became due, whichever period expires first; and no such suit in the said territories instituted within the said period of sixty years and pending at the date of the passing of this Act, either in a Court of first instance or of appeal, shall be dismissed on the ground that a twelve years' rule of limitation is applicable.

XV of 1877.

(2) Where in the aforesaid territories the claim of a mortgagee for foreclosure or for sale has been wholly or in part dismissed or withdrawn after the twenty-second day of July 1907 and before the passing of this Act, either in a Court of first instance or of appeal on the ground that a twelve years' rule of limitation applied to such claim, the case may be restored on an application in writing to the Court by which

1908.]<sup>2</sup>

*Limitation.*

*(Part V.—Savings and Repeals.)*

which the claim was dismissed or in which it was withdrawn; provided the application is made within six months from the date of the passing of this Act : and on such restoration, the provisions of sub-section (1) shall apply.

32. The enactments mentioned in the third <sup>Repeals.</sup> schedule are repealed to the extent specified in the fourth column thereof.



[ACT IX, 1908.]

*Limitation.*

(*The First Schedule.—First Division : Suits.*)

THE FIRST SCHEDULE.

(*See section 3.*)

FIRST DIVISION : SUITS.

Description of suit.	Period of limitation.	Time from which period begins to run.
<p>1.—To contest an award of the Board of Revenue under the Waste Lands (Claims) Act, 1863.</p>	<p><i>Part I.—Thirty days.</i> Thirty days</p>	<p>When notice of the award is delivered to the plaintiff.</p>
<p>2.—For compensation for doing or for omitting to do an act alleged to be in pursuance of any enactment in force for the time being in British India.</p>	<p><i>Part II.—Ninety days.</i> Ninety days</p>	<p>When the act or omission takes place.</p>
<p>3.—Under the Specific Relief Act, 1877, section 9, to recover possession of immoveable property.</p>	<p><i>Part III.—Six months.</i> Six months</p>	<p>When the dispossession occurs.</p>
<p>4.—Under the Employers and Workmen (Disputes) Act, 1860, section 1.</p>	<p>Ditto</p>	<p>When the wages, hire or price of work claimed accrue or accrues due.</p>

*Limitation.*

[ACT IX

(*The First Schedule.—First Division: Suits.*)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part III.—Six months—contd.</i>	
5.—Under the summary procedure referred to in section 128 (2) (f) of the Code of Civil Procedure, 1908.	Six months . . .	When the debt or liquidated demand becomes payable or when the property becomes recoverable.
	<i>Part IV.—One year.</i>	
6.—Upon a Statute, Act, Regulation or By-law, for a penalty or forfeiture.	One year . . .	When the penalty or forfeiture is incurred.
7.—For the wages of a household servant, artisan or labourer not provided for by this schedule, article 4.	Ditto . . .	When the wages accrue due.
8.—For the price of food or drink sold by the keeper of a hotel, tavern or lodging-house.	Ditto . . .	When the food or drink is delivered.
9.—For the price of lodging	Ditto . . .	When the price becomes payable.
10.—To enforce a right of pre-emption, whether the right is founded on law, or general usage, or on special contract.	Ditto . . .	When the purchaser takes, under the sale sought to be impeached, physical possession of the whole of the property sold, or, where the subject of the sale does not admit of physical possession, when the instrument of sale is registered.

V  
1908.

11.—By

1908.]

*Limitation.*

(*The First Schedule.—First Division : Suits.*)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<p>11.—By a person, against whom any of the following orders has been made to establish the right which he claims to the property comprised in the order :</p> <p>(1) Order under the Code of Civil Procedure, 1908, on a claim preferred to, or an objection made to the attachment of, property attached in execution of a decree ;</p> <p>(2) Order under section 28 of the Presidency Small Cause Courts Act, 1882.</p>	<p><i>Part IV.—One year—contd.</i></p> <p>One year . . .</p>	<p>The date of the order.</p>
<p>11A.—By a person against whom an order has been made under the Code of Civil Procedure, 1908, upon an application by the holder of a decree for the possession of immoveable property or by the purchaser of such property sold in</p>	<p>Ditto</p>	<p>The date of the order.</p>

V of 1908.

XV of 1882.

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<p>execution of a decree, complaining of resistance or obstruction to the delivery of possession thereof, or upon an application by any person dispossessed of such property in the delivery of possession thereof to the decree-holder or purchaser, to establish the right which he claims to the present possession of the property comprised in the order.</p>	<p><i>Part IV.—One year—contd.</i></p>	
<p>12.—To set aside any of the following sales:—</p> <p>(a) sale in execution of a decree of a Civil Court;</p> <p>(b) sale in pursuance of a decree or order of a Collector or other officer of revenue;</p> <p>(c) sale for arrears of Government revenue, or for any demand recoverable as such arrears;</p>	<p>One year . . .</p>	<p>When the sale is confirmed, or would otherwise have become final and conclusive had no such suit been brought.</p>

(d) sale

1908.]

*Limitation.**(The First Schedule.—First Division : Suits.)*THE FIRST SCHEDULE—*contd.*FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<p>(d) sale of a patni taluq sold for current arrears of rent.</p> <p><i>Explanation.</i>—In this article "patni" includes any intermediate tenure saleable for current arrears of rent.</p>	<p><i>Part IV.—One year—contd.</i></p>	
<p>13.—To alter or set aside a decision or order of a Civil Court in any proceeding other than a suit.</p>	<p>One year . . .</p>	<p>The date of the final decision or order in the case by a Court competent to determine it finally.</p>
<p>14.—To set aside any act or order of an officer of Government in his official capacity, not herein otherwise expressly provided for.</p>	<p>Ditto . . .</p>	<p>The date of the act or order.</p>
<p>15.—Against Government to set aside any attachment, lease or transfer of immovable property by the revenue-authorities for arrears of Government revenue.</p>	<p>Ditto . . .</p>	<p>When the attachment, lease or transfer is made.</p>

16.—Against

*Limitation.*

[ACT IX

*(The First Schedule.—First Division: Suits.)*

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part IV.—One year—contd.</i>		
16.—Against Government to recover money paid under protest in satisfaction of a claim made by the revenue-authorities on account of arrears of revenue or on account of demands recoverable as such arrears.	One year . . .	When the payment is made.
17.—Against Government for compensation for land acquired for public purposes.	Ditto . . .	The date of determining the amount of the compensation.
18.—Like suit for compensation when the acquisition is not completed.	Ditto . . .	The date of the refusal to complete.
19.—For compensation for false imprisonment.	Ditto . . .	When the imprisonment ends.
20.—By executors, administrators or representatives under the Legal Representatives' Suits Act, 1855.	Ditto . . .	The date of the death of the person wronged. <span style="float: right;">XII of 1855.</span>
21.—By executors, administrators or representatives under the Indian Fatal Accidents Act, 1855.	Ditto . . .	The date of the death of the person killed. <span style="float: right;">XIII of 1855.</span>

1908.]

*Limitation.**(The First Schedule.—First Division : Suits.)*THE FIRST SCHEDULE—*contd.*FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part IV.—One year—contd.</i>	
22.—For compensation for any other injury to the person.	One year . . .	When the injury is committed.
23.—For compensation for a malicious prosecution.	Ditto . . .	When the plaintiff is acquitted, or the prosecution is otherwise terminated.
24.—For compensation for libel.	Ditto . . .	When the libel is published.
25.—For compensation for slander.	Ditto . . .	When the words are spoken, or, if the words are not actionable in themselves, when the special damage complained of results.
26.—For compensation for loss of service occasioned by the seduction of the plaintiff's servant or daughter.	Ditto . . .	When the loss occurs.
27.—For compensation for inducing a person to break a contract with the plaintiff.	Ditto . . .	The date of the breach.
28.—For compensation for an illegal, irregular or excessive distress.	Ditto . . .	The date of the distress.
29.—For compensation for wrongful seizure of moveable property under legal process.	Ditto . . .	The date of the seizure.
30.—Against a carrier for compensation for losing or injuring goods.	Ditto . . .	When the loss or injury occurs.

31.—Against

*Limitation.*

[ACT IX

*(The First Schedule.—First Division: Suits.)*

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part IV.—One year—concl'd.</i>	
31.—Against a carrier for compensation for non-delivery of, or delay in delivering, goods.	One year . . .	When the goods ought to be delivered.
	<i>Part V.—Two years.</i>	
32.—Against one who, having a right to use property for specific purposes, perverts it to other purposes.	Two years . . .	When the perversion first becomes known to the person injured thereby.
33.—Under the Legal Representatives' Suits Act, 1855, against an executor.	Ditto . . .	When the wrong complained of is done.
34.—Under the same Act against an administrator.	Ditto . . .	Ditto.
35.—Under the same Act against any other representative.	Ditto . . .	Ditto.
36.—For compensation for any malfeasance, misfeasance or nonfeasance independent of contract and not herein specially provided for.	Ditto . . .	When the malfeasance, misfeasance or nonfeasance takes place.

XII of 1855.



1908.]

*Limitation.**(The First Schedule.—First Division : Suits.)*THE FIRST SCHEDULE—*contd.*FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part VI.—Three years.</i>	
37.—For compensation for obstructing a way or a watercourse.	Three years . . .	The date of the obstruction.
38.—For compensation for diverting a watercourse.	Ditto . . .	The date of the diversion.
39.—For compensation for trespass upon immoveable property.	Ditto . . .	The date of the trespass.
40.—For compensation for infringing copyright or any other exclusive privilege.	Ditto . . .	The date of the infringement.
41.—To restrain waste . . .	Ditto . . .	When the waste begins.
42.—For compensation for injury caused by an injunction wrongfully obtained.	Ditto . . .	When the injunction ceases.
of 1865. 43.—Under the Indian Succession Act, 1865, section 320 or section 321, or under the Probate and Administration Act, 1881, section 139 or section 140, to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets.	Ditto . . .	The date of the payment or distribution.
7 1881. of		

44.—By

27

*Limitation.*

[ACT IX

*(The First Schedule.—First Division : Suits.)*

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.	
<i>Part VI.—Three years— contd.</i>			
44.—By a ward who has attained majority, to set aside a transfer of property by his guardian.	Three years	When the ward attains majority.	
45.—To contest an award under any of the following Regulations of the Bengal Code:—	Ditto . . .	The date of the final award or order in the case.	
The Bengal Land-revenue Settlement Regulation, 1822.			VII of 1822.
The Bengal Land-revenue Settlement Regulation, 1825.			IX of 1825.
The Bengal Land-revenue (Settlement and Deputy Collectors) Regulation, 1833.			IX of 1833.
46.—By a party bound by such award to recover any property comprised therein.	Ditto . . .	The date of the final award or order in the case.	

1908.]

*Limitation.*

(*The First Schedule.—First Division : Suits.*)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part VI.—Three years—contd.</i>	
<p>1899. of Bom. II of 1906.</p> <p>47.—By any person bound by an order respecting the possession of immoveable property made under the Code of Criminal Procedure, 1898, or the Mamlatdars' Courts Act, 1906, or by any one claiming under such person, to recover the property comprised in such order.</p>	Three years	The date of the final order in the case.
48.—For specific moveable property lost, or acquired by theft, or dishonest misappropriation or conversion, or for compensation for wrongfully taking or detaining the same.	Ditto	When the person having the right to the possession of the property first learns in whose possession it is.
49.—For other specific moveable property, or for compensation for wrongfully taking or injuring or wrongfully detaining the same.	Ditto	When the property is wrongfully taken or injured, or when the detainer's possession becomes unlawful.

50.—For

*Limitation.*

[ACT IX

*(The First Schedule.—First Division : Suits.)*

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years—contd.</i>		
50.—For the hire of animals, vehicles, boats or household furniture.	Three years	When the hire becomes payable.
51.—For the balance of money advanced in payment of goods to be delivered.	Ditto	When the goods ought to be delivered.
52.—For the price of goods sold and delivered, where no fixed period of credit is agreed upon.	Ditto	The date of the delivery of the goods.
53.—For the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit.	Ditto	When the period of credit expires.
54.—For the price of goods sold and delivered to be paid for by a bill of exchange, no such bill being given.	Ditto	When the period of the proposed bill elapses.
55.—For the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.	Ditto	The date of the sale.

1908.]

*Limitation.*

(*The First Schedule.—First Division: Suits.*)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years—<del>contd.</del></i>		
56.—For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment.	Three years	When the work is done.
57.—For money payable for money lent.	Ditto	When the loan is made.
58.—Like suit when the lender has given a cheque for the money.	Ditto	When the cheque is paid.
59.—For money lent under an agreement that it shall be payable on demand.	Ditto	When the loan is made.
60.—For money deposited under an agreement that it shall be payable on demand, including money of a customer in the hands of his banker so payable.	Ditto	When the demand is made.
61.—For money payable to the plaintiff for money paid for the defendant.	Ditto	When the money is paid.

62.—For

*Limitation.*

[ACT IX

*(The First Schedule.—First Division: Suits.)*

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years—contd.</i>		
62.—For money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	Three years	When the money is received.
63.—For money payable for interest upon money due from the defendant to the plaintiff.	Ditto	When the interest becomes due.
64.—For money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.	Ditto	When the accounts are stated in writing signed by the defendant or his agent duly authorized in this behalf, unless where the debt is, by a simultaneous agreement in writing signed as aforesaid, made payable at a future time, and then when that time arrives.
65.—For compensation for breach of a promise to do anything at a specified time, or upon the happening of a specified contingency.	Ditto	When the time specified arrives or the contingency happens.
66.—On a single bond, where a day is specified for payment.	Ditto	The day so specified.
67.—On a single bond, where no such day is specified.	Ditto	The date of executing the bond.

68.—On

1908.]

*Limitation.**(The First Schedule.—First Division: Suits.)*THE FIRST SCHEDULE—*contd.*FIRST DIVISION: SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years - contd.</i>		
68.—On a bond subject to a condition.	Three years	When the condition is broken.
69.—On a bill of exchange or promissory note payable at a fixed time after date.	Ditto	When the bill or note falls due.
70.—On a bill of exchange payable at sight, or after sight, but not at a fixed time.	Ditto	When the bill is presented.
71.—On a bill of exchange accepted payable at a particular place.	Ditto	When the bill is presented at that place.
72.—On a bill of exchange or promissory note payable at a fixed time after sight or after demand.	Ditto	When the fixed time expires.
73.—On a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue.	Ditto	The date of the bill or note.
74.—On a promissory note or bond payable by instalments.	Ditto	The expiration of the first term of payment as to the part then payable; and for the other parts, the expiration of the respective terms of payment.

75.—On

*Limitation.*

[ACT IX

(*The First Schedule.—First Division : Suits.*)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI—Three years—contd.</i>		
75.—On a promissory note or bond payable by instalments, which provides that, if default be made in payment of one or more instalments, the whole shall be due.	Three years	When the default is made, unless where the payee or obligee waives the benefit of the provision, and then when fresh default is made in respect of which there is no such waiver.
76.—On a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.	Ditto . . .	The date of the delivery to the payee.
77.—On a dishonoured foreign bill, where protest has been made and notice given.	Ditto . . .	When the notice is given.
78.—By the payee against the drawer of a bill of exchange, which has been dishonoured by non-acceptance.	Ditto . . .	The date of the refusal to accept.
79.—By the acceptor of an accommodation-bill against the drawer.	Ditto . . .	When the acceptor pays the amount of the bill.
80.—Suit on a bill of exchange, promissory note or bond not herein expressly provided for.	Ditto . . .	When the bill, note, or bond becomes payable.



1908.]

*Limitation.**(The First Schedule.—First Division : Suits.)*THE FIRST SCHEDULE—*contd.*FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years—contd.</i>		
81.—By a surety against the principal debtor.	Three years . . .	When the surety pays the creditor.
82.—By a surety against a co-surety.	Ditto . . .	When the surety pays anything in excess of his own share.
83.—Upon any other contract to indemnify.	Ditto . . .	When the plaintiff is actually damaged.
84.—By an attorney or vakil for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid.	Ditto . . .	The date of the termination of the suit or business, or (where the attorney or vakil properly discontinues the suit or business) the date of such discontinuance.
85.—For the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.	Ditto . . .	The close of the year in which the last item admitted or proved is entered in the account ; such year to be computed as in the account.
86.—On a policy of insurance, when the sum assured is payable immediately after proof of the death or loss has been given to or received by the insurers.	Ditto . . .	When proof of the death or loss is given or received to or by the insurer, whether by or from the plaintiff, or any other person.

87.—By

*Limitation.*

[ACT IX

*(The First Schedule.—First Division: Suits.)*

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years—contd.</i>		
87.—By the assured to recover premia paid under a policy voidable at the election of the insurers.	Three years . . .	When the insurers elect to avoid the policy.
88.—Against a factor for an account.	Ditto . . .	When the account is, during the continuance of the agency, demanded and refused or, where no such demand is made, when the agency terminates.
89.—By a principal against his agent for moveable property received by the latter and not accounted for.	Ditto . . .	Ditto.
90.—Other suits by principals against agents for neglect or misconduct.	Ditto . . .	When the neglect or misconduct becomes known to the plaintiff.
91.—To cancel or set aside an instrument not otherwise provided for.	Ditto . . .	When the facts entitling the plaintiff to have the instrument cancelled or set aside become known to him.
92.—To declare the forgery of an instrument issued or registered.	Ditto . . .	When the issue or registration becomes known to the plaintiff.

1908.]

*Limitation.**(The First Schedule.—First Division : Suits.)*THE FIRST SCHEDULE—*contd.*FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years—contd.</i>		
93.—To declare the forgery of an instrument attempted to be enforced against the plaintiff.	Three years .	The date of the attempt.
94.—For property which the plaintiff has conveyed while insane.	Ditto .	When the plaintiff is restored to sanity, and has knowledge of the conveyance.
95.—To set aside a decree obtained by fraud, or for other relief on the ground of fraud.	Ditto	When the fraud becomes known to the party wronged.
96.—For relief on the ground of mistake.	Ditto .	When the mistake becomes known to the plaintiff.
97.—For money paid upon an existing consideration which afterwards fails.	Ditto .	The date of the failure.
98.—To make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust.	Ditto .	The date of the trustee's death, or, if the loss has not then resulted, the date of the loss.

99.—For

*Limitation.*

[ACT IX

*(The First Schedule.—First Division: Suits.)*

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
99.—For contribution by a party who has paid the whole or more than his share of the amount due under a joint decree, or by a sharer in a joint estate who has paid the whole or more than his share of the amount of revenue due from himself and his co-sharers.	<i>Part VI.—Three years—contd.</i> Three years	The date of the payment in excess of the plaintiff's own share.
100.—By a co-trustee to enforce against the estate of a deceased trustee a claim for contribution.	Ditto	When the right to contribution accrues.
101.—For a seaman's wages	Ditto	The end of the voyage during which the wages are earned.
102.—For wages not otherwise expressly provided for by this schedule.	Ditto	When the wages accrue due.
103.—By a Muhammadan for exigible dower ( <i>mu'ajjal</i> ).	Ditto	When the dower is demanded and refused or (where, during the continuance of the marriage, no such demand has been made) when the marriage is dissolved by death or divorce.

1908.]

*Limitation.**(The First Schedule.—First Division: Suits.)*THE FIRST SCHEDULE—*contd.*FIRST DIVISION: SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part VI.—Three years—contd.</i>	
104.—By a Muhammadan for deferred dower ( <i>mu'wajjal</i> ).	Three years	When the marriage is dissolved by death or divorce.
105.—By a mortgagor after the mortgage has been satisfied, to recover surplus collections received by the mortgagee.	Ditto	When the mortgagor re-enters on the mortgaged property.
106.—For an account and a share of the profits of a dissolved partnership.	Ditto	The date of the dissolution.
107.—By the manager of a joint estate of an undivided family for contribution, in respect of a payment made by him on account of the estate.	Ditto	The date of the payment.
108.—By a lessor for the value of trees cut down by his lessee contrary to the terms of the lease.	Ditto	When the trees are cut down.
109.—For the profits of immoveable property belonging to the plaintiff which have been wrongfully received by the defendant.	Ditto	When the profits are received.

110.—For

*Limitation.*

[ACT IX

(*The First Schedule.—First Division : Suits.*)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part VI.—Three years—concl'd.</i>	
110.—For arrears of rent .	Three years .	When the arrears become due.
111.—By a vendor of immoveable, property for personal payment of unpaid purchase-money.	Ditto .	The time fixed for completing the sale, or (where the title is accepted after the time fixed for completion) the date of the acceptance.
112.—For a call by a company registered under any Statute or Act.	Ditto .	When the call is payable.
113.—For specific performance of a contract.	Ditto .	The date fixed for the performance, or, if no such date is fixed, when the plaintiff has notice that performance is refused.
114.—For the rescission of a contract.	Ditto .	When the facts entitling the plaintiff to have the contract rescinded first become known to him.
115.—For compensation for the breach of any contract, express or implied, not in writing registered and not herein specially provided for.	Ditto .	When the contract is broken, or (where there are successive breaches) when the breach in respect of which the suit is instituted occurs, or (where the breach is continuing) when it ceases.

1908.]

*Limitation.**(The First Schedule.—First Division: Suits.)*THE FIRST SCHEDULE—*contd.*FIRST DIVISION: SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
116.—For compensation for the breach of a contract in writing registered.	<i>Part VII.— Six years.</i> Six years . . .	When the period of limitation would begin to run against a suit brought on a similar contract not registered.
117.—Upon a foreign judgment as defined in the Code of Civil Procedure, 1908.	Ditto . . .	The date of the judgment.
118.—To obtain a declaration that an alleged adoption is invalid, or never, in fact, took place.	Ditto . . .	When the alleged adoption becomes known to the plaintiff.
119.—To obtain a declaration that an adoption is valid.	Ditto . . .	When the rights of the adopted son, as such, are interfered with.
120.—Suit for which no period of limitation is provided elsewhere in this schedule.	Ditto . . .	When the right to sue accrues.
121.—To avoid incumbrances or undertenures in an entire estate sold for arrears of Government revenue, or in a patni taluk or other saleable tenure sold for arrears of rent.	<i>Part VIII.— Twelve years.</i> Twelve years . . .	When the sale becomes final and conclusive.

122.—Upon

*Limitation.* [ACT IX  
(*The First Schedule.—First Division: Suits.*)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part VIII.— Twelve years— contd.</i>	
122.—Upon a judgment obtained in British India, or a recognisance.	Twelve years . . .	The date of the judgment or recognisance.
123.—For a legacy or for a share of a residue bequeathed by a testator, or for a distributive share of the property of an intestate.	Ditto . . .	When the legacy or share becomes payable or deliverable.
124.—For possession of an hereditary office.	Ditto . . .	When the defendant takes possession of the office adversely to the plaintiff.  <i>Explanation.</i> —An hereditary office is possessed when the profits thereof are usually received, or (if there are no profits) when the duties thereof are usually performed.
125.—Suit during the life of a Hindu or Muhammadan female by a Hindu or Muhammadan who, if the female died at the date of instituting the suit, would be entitled to the possession of land, to have an alienation of such land made by the	Ditto . . .	The date of the alienation.

female



1908.]

*Limitation.**(The First Schedule.—First Division : Suits.)*THE FIRST SCHEDULE—*contd.*FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<p>female declared to be void except for her life or until her re-marriage.</p> <p>126.—By a Hindu governed by the law of the Mitakshara to set aside his father's alienation of ancestral property.</p> <p>127.—By a person excluded from joint family property to enforce a right to share therein.</p> <p>128.—By a Hindu for arrears of maintenance.</p> <p>129.—By a Hindu for a declaration of his right to maintenance.</p> <p>130.—For the resumption or assessment of rent-free land.</p> <p>131.—To establish a periodically recurring right.</p> <p>132.—To enforce payment of money charged upon immoveable property.</p>	<p><i>Part VIII.—</i> <i>Twelve years—</i> <i>contd.</i></p> <p>Twelve years</p> <p>Ditto</p> <p>Ditto</p> <p>Ditto</p> <p>Ditto</p> <p>Ditto</p> <p>Ditto</p>	<p>When the alienee takes possession of the property.</p> <p>When the exclusion becomes known to the plaintiff.</p> <p>When the arrears are payable.</p> <p>When the right is denied.</p> <p>When the right to resume or assess the land first accrues.</p> <p>When the plaintiff is first refused the enjoyment of the right.</p> <p>When the money sued for becomes due.</p>

*Explanation.—*

*Limitation.*

[ACT IX

(*The First Schedule.—First Division : Suits.*)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION ; SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VIII.—</i>		
<i>Twelve years—</i>		
<i>contd.</i>		
<p><i>Explanation.</i>—The allowance and fees respectively called <i>malikana</i> and <i>haggs</i> shall, for the purpose of this article, be deemed to be money charged upon immoveable property.</p>		
<p>133.—To recover moveable property conveyed or bequeathed in trust, deposited or pawned, and afterwards bought from the trustee, depository or pawnee for a valuable consideration.</p>	Twelve years	The date of the purchase.
<p>134.—To recover possession of immoveable property conveyed or bequeathed in trust or mortgaged and afterwards transferred by the trustee or mortgagee for a valuable consideration.</p>	Ditto	The date of the transfer.

1908.]

*Limitation.**(The First Schedule.—First Division : Suits.)*THE FIRST SCHEDULE—*contd.*FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
135.—Suit instituted in a Court not established by Royal Charter by a mortgagee for possession of immoveable property mortgaged.	<i>Part VIII.— Twelve years— contd.</i> Twelve years .	When the mortgagor's right to possession determines.
136.—By a purchaser at a private sale for possession of immoveable property sold when the vendor was out of possession at the date of the sale.	Ditto . . .	When the vendor is first entitled to possession.
137.—Like suit by a purchaser at a sale in execution of a decree, when the judgment-debtor was out of possession at the date of the sale.	Ditto . . .	When the judgment-debtor is first entitled to possession.
138.—Like suit by a purchaser at a sale in execution of a decree, when the judgment-debtor was in possession at the date of the sale.	Ditto . . .	The date when the sale becomes absolute.
139.—By a landlord to recover possession from a tenant.	Ditto . . .	When the tenancy is determined.

140.—By

*(The First Schedule.—First Division : Suits.)*

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
140.—By a remainderman, a reversioner (other than a landlord) or a devisee, for possession of immoveable property.	<p><i>Part VIII.—</i> <i>Twelve years—</i> concl. Twelve years .</p>	When his estate falls into possession.
141.—Like suit by a Hindu or Muhammadan entitled to the possession of immoveable property on the death of a Hindu or Muhammadan female.	Ditto .	When the female dies.
142.—For possession of immoveable property when the plaintiff, while in possession of the property, has been dispossessed or has discontinued the possession.	Ditto .	The date of the dispossession or discontinuance.
143.—Like suit, when the plaintiff has become entitled by reason of any forfeiture or breach of condition.	Ditto .	When the forfeiture is incurred or the condition is broken.
144.—For possession of immoveable property or any interest therein not hereby otherwise specially provided for.	Ditto .	When the possession of the defendant becomes adverse to the plaintiff.

1908.]

*Limitation.**(The First Schedule.—First Division : Suits.)*THE FIRST SCHEDULE—*contd.*FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part IX.—Thirty years.</i>	
145.—Against a depositary or pawnee to recover moveable property deposited or pawned.	Thirty years	The date of the deposit or pawn.
146.—Before a Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction by a mortgagee to recover from the mortgagor the possession of immoveable property mortgaged.	Ditto	When any part of the principal or interest was last paid on account of the mortgage-debt.
146A.—By or on behalf of any local authority for possession of any public street or road or any part thereof from which it has been dispossessed or of which it has discontinued the possession.	Ditto	The date of the dispossession or discontinuance.
147.—By a mortgagee for foreclosure or sale.	<i>Part X.—Sixty years.</i> Sixty years	When the money secured by the mortgage becomes due.

148.—Against

*Limitation.*

[ACT IX

(*The First Schedule.—First Division : Suits.*)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*concl'd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
148.—Against a mortgagee to redeem or to recover possession of immoveable property mortgaged.	<p><i>Part X.—Sixty years—contd.</i></p> <p>Sixty years</p>	<p>When the right to redeem or to recover possession accrues:</p> <p>Provided that all claims to redeem arising under instruments of mortgage of immoveable property situated in Lower Burma which had been executed before the first day of May 1863 shall be governed by the rules of limitation in force in that province immediately before the same day.</p>
149.—Any suit by or on behalf of the Secretary of State for India in Council.	Ditto	When the period of limitation would begin to run under this Act against a like suit by a private person.

SECOND DIVISION :

1908.]

*Limitation.**(The First Schedule.—Second Division : Appeals)*THE FIRST SCHEDULE—*contd.*

## SECOND DIVISION : APPEALS.

Description of appeal.	Period of limitation.	Time from which period begins to run.
150.—Under the Code of Criminal Procedure, 1898, from a sentence of death passed by a Court of Session.	Seven days	The date of the sentence.
151.—From a decree or order of any of the High Courts of Judicature at Fort William, Madras and Bombay or the Chief Court of the Punjab or the Chief Court of Lower Burma in the exercise of its original jurisdiction.	Twenty days	The date of the decree or order.
152.—Under the Code of Civil Procedure, 1908, to the Court of a District Judge.	Thirty days	The date of the decree or order appealed from.
153.—Under the same Code to a High Court from an order of a Subordinate Court refusing leave to appeal to His Majesty in Council.	Ditto	The date of the order.
154.—Under the Code of Criminal Procedure, 1898, to any Court other than a High Court.	Ditto	The date of the sentence or order appealed from.
		155.—Under

*Limitation.*

[ACT IX

(*The First Schedule.—Second Division : Appeals.*)

THE FIRST SCHEDULE—*contd.*

SECOND DIVISION : APPEALS—*contd.*

Description of appeal.	Period of limitation.	Time from which period begins to run.
155.—Under the same Code to a High Court, except in the cases provided for by article 150 and article 157.	Sixty days	The date of the sentence or order appealed from.
156.—Under the Code of Civil Procedure, 1908, to a High Court, except in the cases provided for by article 151 and article 153.	Ninety days	The date of the decree or order appealed from. V of 1908.
157.—Under the Code of Criminal Procedure, 1898, from an order of acquittal.	Six months	The date of the order appealed from. V of 1898

THIRD DIVISION :.



1908.]

*Limitation.**(The First Schedule.—Third Division: Applications.)*THE FIRST SCHEDULE—*contd.*

## THIRD DIVISION : APPLICATIONS.

Description of application.	Period of limitation.	Time from which period begins to run.
V of 1908. 158.—Under the Code of Civil Procedure, 1908, to set aside an award.	Ten days . . .	When the award is submitted to the Court.
159.—For leave to appear and defend a suit under the summary procedure referred to in section 128 (2) (f) of the same Code.	Ditto . . .	When the summons is served.
160.—For an order under the same Code, to restore to the file an application for review rejected in consequence of the failure of the applicant to appear when the application was called on for hearing.	Fifteen days . . .	When the application for review is rejected.
161.—For a review of judgment by a Provincial Court of Small Causes or by a Court invested with the jurisdiction of a Provincial Court of Small Causes when exercising that jurisdiction.	Ditto . . .	The date of the decree or order.
162.—For a review of judgment by any of the High Courts of Judicature at Fort William, Madras and Bombay or the Chief Court of the Punjab or the Chief Court of Lower Burma in the exercise of its original jurisdiction.	Twenty days . . .	Ditto

163.—By

51.

(The First Schedule.—Third Division : Applications.)

THE FIRST SCHEDULE—*contd.*

THIRD DIVISION : APPLICATIONS—*contd.*

Description of application.	Period of limitation.	Time from which period begins to run.
163.—By a plaintiff, for an order to set aside a dismissal for default of appearance or for failure to pay costs of service of process or to furnish security for costs.	Thirty days	The date of the dismissal.
164.—By a defendant, for an order to set aside a decree passed <i>ex parte</i> .	Ditto	The date of the decree or, where the summons was not duly served, when the applicant has knowledge of the decree.
165.—Under the Code of Civil Procedure, 1908, by a person dispossessed of immovable property and disputing the right of the decree-holder or purchaser at a sale in execution of a decree to be put into possession.	Ditto	The date of the dispossession. <span style="float: right;">Y of 1908.</span>
166.—Under the same Code to set aside a sale in execution of a decree.	Ditto	The date of the sale.
167.—Complaining of resistance or obstruction to delivery of possession of immovable property decreed or sold in execution of a decree.	Ditto	The date of the resistance or obstruction.

1908.]

*Limitation.**(The First Schedule.—Third Division : Applications.)*THE FIRST SCHEDULE—*contd.*THIRD DIVISION : APPLICATIONS—*contd.*

Description of application.	Period of limitation.	Time from which period begins to run.
168.—For the readmission of an appeal dismissed for want of prosecution.	Thirty days	The date of the dismissal.
169.—For the re-hearing of an appeal heard <i>ex parte</i> .	Ditto	The date of the decree in appeal or, where notice of the appeal was not duly served, when the applicant has knowledge of the decree.
170.—For leave to appeal as a pauper.	Ditto	The date of the decree appealed from.
171.—Under the Code of Civil Procedure, 1908, for an order to set aside an abatement.	Sixty days	The date of the abatement.
v of 1908.		
172.—Under the same Code by the assignee or the receiver of an insolvent plaintiff or appellant for an order to set aside the dismissal of a suit or an appeal.	Ditto	The date of the order of dismissal.
173.—For a review of judgment except in the cases provided for by article 161 and article 162.	Ninety days	The date of the decree or order.

174.—For

*Limitation.*

[ACT IX

*(The First Schedule.—Third Division : Applications.)*

THE FIRST SCHEDULE—*contd.*

THIRD DIVISION : APPLICATIONS—*contd.*

Description of application.	Period of limitation.	Time from which period begins to run.
174.—For the issue of a notice under the same Code, to show cause why any payment made out of Court of any money payable under a decree or any adjustment of the decree should not be recorded as certified.	Ninety days	When the payment or adjustment is made.
175.—For payment of the amount of a decree by instalments.	Six months	The date of the decree.
176.—Under the same Code to have the legal representative of a deceased plaintiff or of a deceased appellant made a party.	Ditto	The date of the death of the deceased plaintiff or appellant.
177.—Under the same Code to have the legal representative of a deceased defendant or of a deceased respondent made a party.	Ditto	The date of the death of the deceased defendant or respondent.
178.—Under the same Code for the filing in Court of an award in a suit made in any matter referred to arbitration by order of the Court, or of an award made in any matter referred to arbitration without the intervention of a Court.	Ditto	The date of the award.

1908.]

*Limitation.*

*(The First Schedule.—Third Division : Applications.)*

THE FIRST SCHEDULE—*contd.*

THIRD DIVISION : APPLICATIONS—*contd.*

Description of application.	Period of limitation.	Time from which period begins to run.
179.—By a person desiring to appeal under the same Code to His Majesty in Council for leave to appeal.	Six months .	The date of the decree appealed from.
180.—By a purchaser of immoveable property at a sale in execution of a decree for delivery of possession.	Three years .	When the sale becomes absolute.
181.—Applications for which no period of limitation is provided elsewhere in this schedule or by section 48 of the Code of Civil Procedure, 1908.	Ditto .	When the right to apply accrues.
182.—For the execution of a decree or order of any Civil Court not provided for by article 183 or by section 48 of the Code of Civil Procedure, 1908.	Three years ; or, where a certified copy of the decree or order has been registered, six years.	1. The date of the decree or order, or 2. (where there has been an appeal) the date of the final decree or order of the Appellate Court, or the withdrawal of the appeal, or 3. (where there has been a review of judgment) the date of the decision passed on the review, or

V of 1908.

*Limitation.*

[ACT IX

*(The First Schedule.—Third Division : Applications.)*

THE FIRST SCHEDULE—*contd.*

THIRD DIVISION : APPLICATIONS—*contd.*

Description of application.	Period of limitation.	Time from which period begins to run.
<p>182.—For the execution of a decree or order of any Civil Court not provided for by article 183 or by section 48 of the Code of Civil Procedure, 1908—<i>contd.</i></p>	<p>Three years ; or, where a certified copy of the decree or order has been registered, six years.</p>	<p>4. (where the decree has been amended) the date of amendment, or</p> <p>5. (where the application next hereinafter mentioned has been made) the date of applying in accordance with law to the proper Court for execution, or to take some step in aid of execution of the decree or order, or</p> <p>6. (where the notice next hereinafter mentioned has been issued) the date of issue of notice to the person against whom execution is applied for to show cause why the decree should not be executed against him, when the issue of such a notice is required by the Code of Civil Procedure, 1908, or 1908.</p> <p>7. (where the application is to enforce any payment which the decree or order directs to be made at a certain date) such date.</p>
		<p><i>Explanation 1.</i>—Where the decree or order has been passed severally in favour of more persons than one, distinguishing portions of the subject-matter as payable or deliverable to each, the application mentioned</p>

in

1908.]

*Limitation.*

(*The First Schedule.—Third Division : Applications.*)

THE FIRST SCHEDULE—*contd.*

THIRD DIVISION; APPLICATIONS—*contd.*

Description of application.	Period of limitation.	Time from which period begins to run.
<p>182.—For the execution of a decree or order of any Civil Court not provided for by article 183 or by section 48 of the Code of Civil Procedure, 1908—<i>concl'd.</i></p>	<p>Three years; or, where a certified copy of the decree or order has been registered, six years.</p>	<p>in clause 5 of this article shall take effect in favour only of such of the said persons or their representatives as it may be made by. But where the decree or order has been passed jointly in favour of more persons than one, such application, if made by any one or more of them, or by his or their representatives, shall take effect in favour of them all.</p> <p>Where the decree or order has been passed severally against more persons than one, distinguishing portions of the subject-matter as payable or deliverable by each, the application shall take effect against only such of the said persons or their representatives as it may be made against. But, where the decree or order has been passed jointly against more persons than one, the application, if made against any one or more of them, or against his or their representatives, shall take effect against them all.</p> <p><i>Explanation II.</i>—"Proper Court" means the Court whose duty it is to execute the decree or order.</p>

v of  
1908.

*Limitation.*

[ACT IX

(*The First Schedule.—Third Division: Applications. The Second Schedule.—Territories referred to in section 31.*)

THE FIRST SCHEDULE—*concl'd.*

THIRD DIVISION: APPLICATIONS—*concl'd.*

Description of application.	Period of limitation.	Time from which period begins to run.
183.—To enforce a judgment, decree or order of any Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction, or an order of His Majesty in Council.	Twelve years .	When a present right to enforce the judgment, decree or order accrues to some person capable of releasing the right: Provided that when the judgment, decree or order has been revived, or some part of the principal money secured thereby, or some interest on such money has been paid, or some acknowledgment of the right thereto has been given in writing signed by the person liable to pay such principal or interest, or his agent, to the person entitled thereto or his agent, the twelve years shall be computed from the date of such revivor, payment or acknowledgment or the latest of such revivors, payments or acknowledgments, as the case may be.

THE SECOND SCHEDULE.

TERRITORIES REFERRED TO IN SECTION 31.

(*See section 31.*)

The Presidency of Fort St. George.

The Presidency of Bombay.

The Sambalpur District of the Bengal Division of the Presidency of Fort William.

The United Provinces of Agra and Oudh.

Burma.

The Central Provinces.

Ajmer-Merwara.

THE THIRD SCHEDULE.



1903.]

*Limitation.**(The Third Schedule.—Enactments repealed.)*

## THE THIRD SCHEDULE.

## ENACTMENTS REPEALED.

*(See section 32.)*

Year.	No.	Short title.	Extent of repeal.
1877	XV	The Indian Limitation Act, 1877.	The whole.
1877	XVII	The Punjab Courts Act, 1877.	So much as has not been repealed.
1879	XII	The Registration and Limitation Acts Amendment Act, 1879.	In the title the words "and the Limitation Act, 1877", and after section 107, from the words "and whereas" to the end of the Act.
1881	V	The Probate and Administration Act, 1881.	Section 156.
1887	IX	The Provincial Small Cause Courts Act, 1887.	Section 36.
1888	VII	The Civil Procedure Code Amendment Act, 1888.	In the title and in the preamble, the words "and the Indian Limitation Act, 1877", and of section 66 so much as has not been repealed.
1892	VI	The Indian Limitation Act and Civil Procedure Code Amendment Act, 1892.	In the title and in the preamble, the words "the Indian Limitation Act, 1877", and section 1.
1899	X	The Carriers Act, 1899.	Section 3.

1900

*Limitation.*

[ACT IX, 1908.]

(*The Third Schedule.—Enactments repealed.*)

THE THIRD SCHEDULE—*concl'd.*

ENACTMENTS REPEALED—*concl'd.*

(*See section 32.*)

Year.	No.	Short title	Extent of repeal.
1900	VI	The Lower Burma Courts Act, 1900.	So much of section 47 and the first schedule as relates to the Indian Limitation Act, 1877.
1900	XI	The Indian Limitation Amendment Act, 1900.	The whole.
1906	IV	The Presidency Small Cause Courts Act, 1906.	Section 5.

## ACT NO. X OF 1908.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 11th  
September, 1908.)*

An Act to make special provision for the payment of duty on salt in certain cases.

WHEREAS it is expedient to make special provision for the payment of duty on salt in certain cases; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Salt-duties Act, 1908; and

Short title  
and extent.

(2) It extends to the whole of British India.

2. Where by any enactment any duty is imposed on any salt manufactured in or imported into or transported within British India, the Governor General in Council or the Local Government may, by notification in the official Gazette, make rules providing for the payment of such duty within a period not exceeding six months from the date on which payment is due, and for the furnishing of security for such payment; and salt may be manufactured, imported or transported in accordance with rules so made as if the duty payable thereon had been paid.

Payment of  
duty in  
certain cases.

[Price one anna.]

# ACT No. XI OF 1908.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

(Received the assent of the Governor General on the 11th  
September, 1908.)

## An Act to amend the Assam Labour and Emigration Act, 1901.

VI of 1901. WHEREAS it is expedient to amend the Assam Labour and Emigration Act, 1901; It is hereby enacted as follows :—

1. This Act may be called the Assam Labour and Emigration (Amendment) Act, 1908. Short title.

VI of 1901. 2. For section 91 of the Assam Labour and Emigration Act, 1901, the following shall be substituted, namely :— Substitution of new section for section 91, Act VI, 1901.

“91. Notwithstanding anything contained in section 90, the Local Government may, by notification in the local official Gazette, declare that— Power to Local Government to relax certain provisions of Act.

(a) in the case of contractors, sub-contractors and recruiters holding licenses granted under Chapter III, any of the requirements of that Chapter, or,

(b) in the case of garden-sardars holding certificates granted under Chapter IV or holding permits granted and countersigned under section 90, any of the requirements of that Chapter or of that section, as the case may be,

may be dispensed with or relaxed on such conditions as may be prescribed in the notification.”

3. For section 218 of the said Act the following shall be substituted, namely :— Substitution of new section for section 218, Act VI of 1901.

“218. The proceeds of any fines, fees and rates under this Act which may be credited to Government shall Application of proceeds

[Price one anna and three pice.]

*Labour and Emigration (Assam).* [ACT XI, 1908.]

of fines, fees  
and rates. shall be expended, in such manner as the Governor  
General in Council may direct, on paying the salaries  
and allowances of officers appointed under this Act  
and their pensionary and leave allowances, on meeting  
the cost of sending labourers and other persons back  
to their native districts, and generally on defraying  
the expenses of carrying out the purposes and objects  
of this Act and any rules made thereunder, and not  
otherwise."

# ACT No. XI OF 1908.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 11th September, 1908.)

## An Act to amend the Assam Labour and Emigration Act, 1901.

VI of 1901.

WHEREAS it is expedient to amend the Assam Labour and Emigration Act, 1901; It is hereby enacted as follows:—

1. This Act may be called the Assam Labour and Emigration (Amendment) Act, 1908. Short title.

VI of 1901.

2. For section 91 of the Assam Labour and Emigration Act, 1901, the following shall be substituted, namely:—

“91. Notwithstanding anything contained in section 90, the Local Government may, by notification in the local official Gazette, declare that—

(a) in the case of contractors, sub-contractors and recruiters holding licenses granted under Chapter III, any of the requirements of that Chapter, or,

(b) in the case of garden-sardars holding certificates granted under Chapter IV or holding permits granted and countersigned under section 90, any of the requirements of that Chapter or of that section, as the case may be,

may be dispensed with or relaxed on such conditions as may be prescribed in the notification.”

3. For section 218 of the said Act the following shall be substituted, namely:—

“218. The proceeds of any fines, fees and rates under this Act which may be credited to Government shall

[Price one anna and three pies.]

Substitution of new section for section 91, Act VI, 1901. Power to Local Government to relax certain provisions of Act.

Substitution of new section for section 218, Act VI of 1901. Application of proceeds

*Labour and Emigration (Assam).* [ACT XI, 1908.]

of fines, fees  
and rates. shall be expended, in such manner as the Governor  
General in Council may direct, on paying the salaries  
and allowances of officers appointed under this Act  
and their pensionary and leave allowances, on meeting  
the cost of sending labourers and other persons back  
to their native districts, and generally on defraying  
the expenses of carrying out the purposes and objects  
of this Act and any rules made thereunder, and not  
otherwise."

ACT No. ~~XXII OF 1908~~  
~~6061 & 112~~

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.  
(Received the assent of the Governor General on the 30th  
October 1908.)

An Act further to amend the Indian Emigration Act, 1883.

XXI of 1883. WHEREAS it is expedient further to amend the Indian Emigration Act, 1883; It is hereby enacted as follows:—

1. This Act may be called the Indian Emigration (Amendment) Act, 1908. Short title.

XXI of 1883. 2. In the Indian Emigration Act, 1883, the word "India", wherever it occurs, shall bear the meaning given to it by clause (27) of section 3 of the General Clauses Act, 1897. Meaning of "India" in Act XXI of 1883.

X of 1897. 3. In section 6 of the Indian Emigration Act, 1883, the proviso to clause (2) shall be omitted. Omission of proviso in section 6 of Act XXI of 1883.

4. After section 6 of the said Act the following section shall be inserted, namely:— Insertion of new section after section 6 of Act XXI of 1883.

"6A. In case of any doubt or dispute as to whether a person should be deemed — Determination of certain doubts.

(i) to emigrate, or

(ii) to be a native of India,

within the meaning of this Act, the question shall be determined by such person and in such manner as the Governor General in Council may from time to time, by rules made under this Act, direct, and such determination shall be final."

5. In section 18, sub-section (1), of the said Act,— Amendment of section 18 (1) of Act XXI of 1883.

(a) for the words "a Medical Inspector" the words "one or more Medical Inspectors" shall be substituted;

(b) after

[Price one anna and three pies.]



*Emigration.* [ACT XII, 1903.]

- (b) after the word "lawful" the words "and may apportion their respective duties" shall be inserted; and
- (c) for the word "him" the word "them" shall be substituted.

Addition of  
new clause in  
section 80  
(1) of Act  
XXI of  
1883.

6. In section 80, sub-section (1), the word "and", where it last occurs in clause (p), shall be omitted, and after the said clause the following shall be inserted, namely :—

"(pp) to prescribe the person by whom any doubt or dispute referred to in section 6A shall be determined and the procedure to be followed and the proof to be required in such cases; and".

ACT NO. XIII OF 1908.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

(Received the assent of the Governor General on the 30th October 1908.)

An Act to provide for the appointment of a Financial Commissioner for the Central Provinces and further to amend the Central Provinces Land-revenue Act, 1881.

WHEREAS it is expedient to appoint a Financial Commissioner for the Central Provinces and further to amend the Central Provinces Land-revenue Act, 1881; It is hereby enacted as follows:—

XVIII of  
1881.

1. (1) This Act may be called the Central Provinces Financial Commissioner's Act, 1908; and

Short title  
and com-  
mencement.

(2) It shall come into force on such date as the Chief Commissioner, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, direct.

2. (1) There shall be a Financial Commissioner for the Central Provinces.

Appointment  
of Financial  
Commis-  
sioner.

(2) The Chief Commissioner, with the previous sanction of the Governor General in Council, shall appoint, and may suspend or remove, the Financial Commissioner.

3. The Chief Commissioner, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, assign to the Financial Commissioner, subject to such conditions and restrictions, if any, as the Chief Commissioner with the like sanction may prescribe, all or any powers or functions assigned to the Local Government or to the Chief Commissioner or to the Chief Revenue-authority or the Chief Controlling Revenue-authority by any enactment for the time being in force.

Assignment  
of powers  
to Financial  
Commis-  
sioner.

4. For

[Price one anna and three pies.]

*Financial Commissioner (Central [ACT XIII, 1908.]  
Provinces).*

Substitution  
of new  
sections  
for sections  
5 and 6,  
Act XVIII,  
1881.  
Revenue-  
officers.

4. For sections 5 and 6 of the Central Provinces Land-revenue Act, 1881, the following shall be substituted, namely :— XVIII of  
1881.

“ 5. There shall be the following classes of Revenue-officers, namely :—

the Chief Commissioner,  
the Financial Commissioner,  
Commissioners,  
Deputy Commissioners,  
Assistant Commissioners,  
Tahsildars,  
Naib-tahsildars.

Subordina-  
tion of  
officers.

“ 6. (1) The Chief Commissioner shall, in all revenue matters, be subject to the control of the Governor General in Council.

(2) The Financial Commissioner shall be subject to the control of the Chief Commissioner.

(3) All other Revenue-officers shall be subordinate to the Chief Commissioner and the Financial Commissioner ; all Revenue-officers in a division shall be subordinate to the Commissioner of the division ; and all Revenue-officers in a district shall be subordinate to the Deputy Commissioner of the district.

(4) An officer in charge of a village-survey in a district which is not under settlement may be invested by the Chief Commissioner with the powers of a Revenue-officer of any class, and, when so invested, shall be subordinate to such officer or officers as the Chief Commissioner may direct.”

Amendment  
of sections  
17 and 25,  
Act XVIII,  
1881.

5. In sections 17 and 25 of the said Act, after the words “ Chief Commissioner ”, wherever they occur, the words “ or the Financial Commissioner ” shall be added.

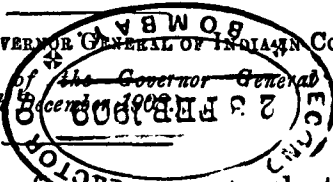
Amendment  
of sections  
22 and 23,  
Act XVIII,  
1881.

6. In sections 22, clause (c), and 23, clause (c), of the said Act, for the words “ Chief Commissioner ” the words “ Financial Commissioner ” shall be substituted.

# ACT No. XIV OF 1908.

PASSED BY THE GOVERNOR GENERAL IN COUNCIL.

(Received the assent of the Governor General on the 11th December 1908.)



An Act to provide for the more speedy trial of certain offences, and for the prohibition of associations dangerous to the public peace.

WHEREAS it is expedient to provide for the more speedy trial of certain offences, and for the prohibition of associations dangerous to the public peace; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Criminal Law Amendment Act, 1908. Short title and extent.

(2) It extends to the Provinces of Bengal and of Eastern Bengal and Assam; but the Governor General in Council may, at any time, by notification in the Gazette of India, extend the whole or any Part thereof to any other Province.

(3) When extending Part I to any province under sub-section (2) the Governor General in Council may declare the operation of the provisions of that Part relating to the constitution of the Special Bench to be subject to such modifications as may in the opinion of the Governor General in Council be necessary to adapt those provisions to the circumstances of that Province.

## PART I.

### SPECIAL PROCEDURE.

2. (1) Where a Magistrate has taken cognizance of any offence specified in the schedule, and it appears to the Governor General in Council or to the Local Government Application of Part.

[ Price two annas three pies.]

*Criminal Law Amendment.* [ACT XIV

Government that in the interests of peace and good order the provisions of this Part should be made to apply to proceedings in respect of such offence, the Governor General in Council, or the Local Government, with the previous sanction of the Governor General in Council, may make an order in writing to that effect and may by such order direct that the provisions of this Part shall apply to such proceedings.

(2) No order shall be made under sub-section (1) in any case in which an order of commitment to the High Court or Court of Session has been made under the Code of Criminal Procedure, 1898; but, save as aforesaid, an order may be made in respect of any offence whether committed before or after the commencement of this Act, or, in the case of a Province to which this Part is extended under section 1, before or after such extension.

V of 1898.

Inquiry by  
Magistrate.

3. (1) On receipt of an order under section 2 the Magistrate who has taken cognizance of the offence, or any other Magistrate to whom the case has been transferred, shall proceed to inquire whether the evidence offered upon the part of the prosecution is sufficient to put the accused upon his trial for an offence specified in the Schedule, and shall for that purpose record on oath the evidence of all such persons as may be produced in support of the prosecution, and may record any statement of the accused if voluntarily tendered by him.

(2) Where before the commencement of proceedings under this Act the evidence of a witness has been recorded under the Code of Criminal Procedure, 1898, in the course of an inquiry into the same offence as that to which such proceedings relate, such evidence may be treated for the purposes of this Act as if it had been taken under sub-section (1).

V of 1898.

Inquiry to  
be *ex parte*.

4. The accused shall not be present during an inquiry under section 3, sub-section (1), unless the Magistrate so directs, nor shall he be represented by a pleader during any such inquiry, nor shall any per-

son

son have any right of access to the Court of the Magistrate while he is holding such inquiry.

V of 1898. 5. When the evidence referred to in section 3 has been taken, the Magistrate shall, if he finds that it is not sufficient to put the accused upon his trial for an offence specified in the Schedule, record his reasons and discharge the accused, unless it appears to the Magistrate that the accused should be tried or committed for trial under the provisions of the Code of Criminal Procedure, 1898, for any other offence, in which case the Magistrate shall proceed accordingly.

When accused person to be discharged.

6. When upon such evidence being taken the Magistrate is satisfied that it is sufficient to put the accused upon his trial for an offence specified in the Schedule, he shall—

Power to send accused for trial.

- (a) frame a charge under his hand declaring with what offence the accused is charged;
- (b) make an order directing that the accused be sent to the High Court for trial; and
- (c) cause the accused to be supplied with a copy of the order and of the charge and of the evidence taken under section 3.

7. In framing any charge under section 6 the Magistrate may also frame a charge for any offence not specified in the Schedule with which the accused may be charged at the same trial, and the procedure of this Act shall apply to any such charge.

Joinder of charges.

8. When an order for trial has been made under section 6, the Magistrate shall send the order together with the charge, the record of inquiry and anything which is to be produced in evidence to the Clerk of the Crown or other officer appointed in this behalf by the High Court.

Charge, etc., to be forwarded to High Court.

9. (1) The Magistrate may, if he thinks fit, summon and examine supplementary witnesses after the order for trial and before the commencement of the trial.

Power to summon supplementary witnesses.

(2) When

*Criminal Law Amendment.* [ACT XIV

(2) When the Magistrate examines witnesses under sub-section (1), he shall forthwith cause the accused to be supplied with a copy of the evidence of such witnesses.

Witnesses  
for defence.

10. The accused may at any time before his trial give to the Clerk of the Crown or other officer as aforesaid a list of the persons whom he wishes to be summoned to give evidence on his trial.

Procedure in  
High Court.

11. (1) All persons sent for trial to the High Court under this Act shall be tried by a Special Bench of the Court composed of three Judges.

(2) No trial before the Special Bench shall be by jury.

(3) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority of those Judges.

Bail.

12. No person who has been remanded to custody in the course of proceedings under this Act shall be released on bail under the provisions of section 497 of the Code of Criminal Procedure, 1898, if there appear to be sufficient grounds for further inquiry into the guilt of such person.

V of 1898.

Special rule  
of evidence.

13. Notwithstanding anything contained in section 33 of the Indian Evidence Act, 1872, the evidence of any witness taken by a Magistrate in proceedings to which this Part applies shall be treated as evidence before the High Court if the witness is dead or cannot be produced and if the High Court has reason to believe that his death or absence has been caused in the interests of the accused.

I of 1872.

Procedure.

14. (1) The provisions of the Code of Criminal Procedure, 1898, shall not apply to proceedings taken under this Part in so far as they are inconsistent with the special procedure prescribed in this Part.

V of 1898.

(2) When holding a trial under section 11, the Special Bench shall apply the provisions of Chapter XXIII of the said Code with such modifications as

may

may appear necessary to adapt those provisions to the case of a trial before the High Court without a jury.

---

PART II.

UNLAWFUL ASSOCIATIONS.

15. In this Part—

Definitions.

(1) "association" means any combination or body of persons, whether the same be known by any distinctive name or not; and

(2) "unlawful association" means an association—

(a) which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts, or

(b) which has been declared to be unlawful by the Governor General in Council under the powers hereby conferred.

16. If the Governor General in Council is of opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order, or that it constitutes a danger to the public peace, the Governor General in Council may, by notification in the official Gazette, declare such association to be unlawful.

Power to declare association unlawful.

17. (1) Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association, or in any way assists the operations of any such association, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

Penalties.

(2) Whoever manages or assists in the management of an unlawful association, or promotes or assists in promoting a meeting of any such association,

or



*Criminal Law Amendment.* [ACT XIV, 1908.]

or of any members thereof as such members, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Continuance  
of association.

18. An association shall not be deemed to have ceased to exist by reason only of any formal act of dissolution or change of title, but shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof.

---

THE SCHEDULE.

(See section 3.)

1. Any offence under the following sections of the Indian Penal Code, namely :—

XLV of  
1860.

Chapter VI, sections 121, 121A, 122, 123 and 124.

Chapter VII, sections 131 and 132.

Chapter VIII, section 148.

Chapter XVI, sections 302, 304, 307, 308, 326, 327, 329, 332, 333, 363, 364, 365 and 368.

Chapter XVII, sections 385, 386, 387, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 431, 435, 436, 437, 438, 440, 454, 455, 457, 458, 459 and 460.

Chapter XXII, section 506.

2. Any offence under the Explosive Substances Act, 1908 ; and

VI of 1908.

3. Any attempt to commit or any abetment of any of the above offences.

**THE INDIAN PORTS ACT, 1908**  
**(XV OF 1908).**

---

**C O N T E N T S.**

---

**CHAPTER I.**

---

**PRELIMINARY.**

**SECTIONS.**

1. Title and extent.
2. Savings.
3. Definitions.

---

**CHAPTER II.**

**POWERS OF THE LOCAL GOVERNMENT.**

4. Power to extend or withdraw the Act or certain portions thereof.
5. Alteration of limits of ports.
6. Power to make port-rules.

---

**CHAPTER III.**

**PORT-OFFICIALS AND THEIR POWERS AND DUTIES.**

7. Appointment of conservator.
8. Power of conservator to give and enforce directions for certain specified purposes.
9. Power to cut warps and ropes.
10. Removal of obstructions within limits of port.
11. Recovery of expenses of removal.
12. Removal of lawful obstructions.
13. Fouling of Government moorings.
14. Raising or removal of wreck impeding navigation within limits of port.
15. Power to board vessels and enter buildings.
16. Power to require crews to prevent or extinguish fire.
17. Appointment and powers of health-officer.
18. Indemnity of Government against act or default of port-official or pilot.

B

1

[ *Price Eleven Annas.* ]

CHAPTER IV.

RULES FOR THE SAFETY OF SHIPPING AND THE CONSERVATION  
OF PORTS.

*General Rules.*

SECTIONS.

19. Injuring buoys, beacons and moorings.
20. Wilfully loosening vessel from moorings.
21. Improperly discharging ballast.
22. Graving vessel within prohibited limits.
23. Boiling pitch on board vessel within prohibited limits.
24. Drawing spirits by unprotected artificial light.
25. Warping.
26. Leaving out warp or hawser after sunset.
27. Discharge of fire-arms in port.
28. Penalty on master omitting to take order to extinguish fire.
29. Unauthorized person not to search for lost stores.
30. Removing stones or injuring shores of port prohibited.

*Special Rules.*

31. Moving of vessels without pilot or permission of harbour-master.
32. Provision of certain vessels with fire-extinguishing apparatus:

---

CHAPTER V.

PORT-DUES, FEES AND OTHER CHARGES.

33. Levy of port-dues.
34. Variation of port-dues by Local Government.
35. Fees for pilotage and certain other services.
36. Receipt, expenditure and account of port-charges.
37. Grouping of ports.
38. Receipts for port-charges.
39. Master to report arrival.
40. Conservator may in certain cases ascertain draught and charge expense to master.
41. Ascertainment of tonnage of vessel liable to port-dues.
42. Distraint and sale on refusal to pay port-charges.
43. No port-clearance to be granted until port-charges are paid.
44. Port-charges payable in one port recoverable at any other port.
45. Penalty for evading payment of port-charges.
46. Port-due on vessels in ballast.
47. Port-due on vessels not discharging or taking in cargo.

## SECTIONS.

- 48. Port-dues not to be chargeable in certain cases.
- 49. Power to impose hospital port-dues.
- 50. Application and account of hospital port-dues.

## CHAPTER VI.

## HOISTING SIGNALS.

- 51. Master to hoist number of vessel.
- 52. Pilot to require master to hoist number.
- 53. Penalty on pilot disobeying provisions of this Chapter.

## CHAPTER VII.

## PROVISIONS WITH RESPECT TO PENALTIES.

- 54. Penalty for disobedience to rules and orders of the Local Government.
- 55. Offences how triable, and penalties how recovered.
- 56. Costs of conviction.
- 57. Ascertainment and recovery of expenses and damages payable under this Act.
- 58. Costs of distress.
- 59. Magistrate to determine the amount to be levied in case of disputes.
- 60. Jurisdiction over offences beyond local limits of jurisdiction.
- 61. Conviction to be quashed on merits only.

## CHAPTER VIII.

## SUPPLEMENTAL PROVISIONS.

- 62. Hoisting unlawful colours in port.
- 63. Foreign deserters.
- 64. Application of sections 10 and 21.
- 65. Grant of sites for sailors' institutes.
- 66. Exercise of powers of conservator by his assistants.
- 67. Service of written notices of directions.
- 68. Publication of orders of Local Government.
- 69. Repeal.

THE FIRST SCHEDULE.—PORTS, VESSELS CHARGEABLE,  
RATE OF PORT-DUES AND FREQUENCY OF PAYMENT.

THE SECOND SCHEDULE.—ENACTMENTS REPEALED.

# ACT No. XV of 1908.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th December 1908.)

## An Act to consolidate the Enactments relating to Ports and Port-charges.

WHEREAS it is expedient to consolidate the enactments relating to ports and port-charges ; It is hereby enacted as follows :—

### CHAPTER I.

#### PRELIMINARY.

1. (1) This Act may be called the Indian Ports <sup>Title and extent.</sup> Act, 1908.

(2) It shall extend, save as otherwise appears from its subject or context,—

(a) to the ports mentioned in the first schedule, and to such parts of the navigable rivers and channels leading to such ports respectively as have been declared to be subject to Act XXII of 1855 (*for the Regulation of Ports and Port-dues*) or to the Indian Ports Act, 1875, or to the Indian Ports Act, 1889 ;

(b) to the other ports or parts of navigable rivers or channels to which the Local Government, in exercise of the power hereinafter conferred, extends this Act.

(3) But nothing in section 31 or section 32 shall apply to any port, river or channel to which the section has not been specially extended by the Local Government.

XIII of 1875.

X of 1889.

(Chapter I.—Preliminary.)

Savings.

2. Nothing in this Act shall—

- (i) apply to any vessel belonging to, or in the service of, His Majesty or the Government of India, or to any vessel of war belonging to any Foreign Prince or State, or
- (ii) deprive any person of any right of property or other private right, except as hereinafter expressly provided, or
- (iii) affect any law or rule relating to the customs or any order or direction lawfully made or given pursuant thereto.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(1) "Magistrate" means a person exercising powers under the Code of Criminal Procedure, 1898, not less than those of a Magistrate of the second class, and includes, in the towns of Calcutta, Madras and Bombay, a Presidency Magistrate ;

(2) "master," when used in relation to any vessel, means, subject to the provisions of any other enactment for the time being in force, any person (except a pilot or harbour-master) having for the time being the charge or control of the vessel :

(3) "pilot" means a person for the time being authorized by the Local Government to pilot vessels :

(4) "port" includes also any part of a river or channel in which this Act is for the time being in force :

(5) "port-officer" is synonymous with master-attendant :

(6) "ton" means a ton as determined or determinable by the rules for the time being in force for regulating the measurement of the net tonnage of British ships : and

(7) "vessel" includes anything made for the conveyance by water of human beings or of property.

## (Chapter II.—Powers of the Local Government.)

## CHAPTER II.

## POWERS OF THE LOCAL GOVERNMENT.

4. (1) With the previous sanction of the Governor General in Council, the Local Government may, by notification in the local official Gazette,—

- (a) extend this Act to any port in which this Act is not in force or to any part of any navigable river or channel which leads to a port and in which this Act is not in force ;
- (b) specially extend the provisions of section 31 or section 32 to any port to which they have not been so extended ;
- (c) withdraw this Act or section 31 or section 32 from any port or any part thereof in which it is for the time being in force.

(2) A notification under clause (a) or clause (b) of sub-section (1) shall define the limits of the area to which it refers.

(3) Limits defined under sub-section (2) may include any piers, jetties, landing-places, wharves, quays, docks and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance or good government of the port and its approaches, whether within or without high-water-mark, and, subject to any rights of private property therein, any portion of the shore or bank within fifty yards of high-water-mark.

(4) In sub-section (3) the expression "high-water-mark" means the highest point reached by ordinary spring tides at any season of the year.

5. (1) The Local Government may, with the previous sanction of the Governor General in Council and subject to any rights of private property, alter the limits of any port in which this Act is in force.

(2) When the Local Government alters the limits of a port under sub-section (1), it shall declare or

*(Chapter II.—Powers of the Local Government.)*

describe, by notification in the local official Gazette, and by such other means, if any, as it thinks fit, the precise extent of such limits.

Power to  
make port-  
rules.

6. (1) The Local Government may, in addition to any rules which it may make under any other enactment for the time being in force, make such rules, consistent with this Act, as it thinks necessary for any of the following purposes, namely :—

- (a) for regulating the time and hours at and during which, the speed at which, and the manner and conditions in and on which, vessels generally or vessels of any class defined in the rules, may enter, leave or be moved in any port subject to this Act ;
- (b) for regulating the berths, stations and anchorages to be occupied by vessels in any such port ;
- (c) for striking the yards and top masts, and for rigging-in the booms and yards, of vessels in any such port, and for swinging or taking-in davits, boats and other things projecting from such vessels ;
- (d) for the removal or proper hanging or placing of anchors, spars and other things being in or attached to vessels in any such port ;
- (e) for regulating vessels whilst taking-in or discharging passengers, ballast or cargo, or any particular kind of cargo, in any such port, and the stations to be occupied by vessels whilst so engaged ;
- (f) for keeping free passages of such width as may be deemed necessary within any such port, and along or near to the piers, jetties, landing-places, wharves, quays, docks, moorings and other works in or adjoining to the same, and for marking out the spaces so to be kept free ;
- (g) for regulating the anchoring, fastening, mooring and unmooring of vessels in any such port ;



*(Chapter II.—Powers of the Local Government.)*

- . (h) for regulating the moving and warping of all vessels within any such port and the use of warps therein;
- (i) for regulating the use of the mooring buoys chains and other moorings in any such port;
- (j) for fixing the rates to be paid for the use of such moorings when belonging to the Government, or of any boat, hawser or other thing belonging to the Government;
- (k) for licensing and regulating catamarans plying for hire, and flats and cargo, passenger and other boats plying, whether for hire or not, and whether regularly or only occasionally, in or partly within and partly without any such port, and for determining the quantity of cargo or number of passengers to be carried by any such vessels;
- (l) for regulating the use of fires and lights within any such port;
- (m) for enforcing and regulating the use of signals or signal-lights by vessels by day or by night in any such port;
- (n) for regulating the number of the crew which must be on board any vessel afloat within the limits of any such port;
- (o) for regulating the employment of persons engaged in cleaning or painting vessels, or in working in the bilges, boilers or double bottoms of vessels in any such port;
- (p) with the previous sanction of the Governor General in Council, for the establishment and regulation of places to be used as sanitarium for the segregation or as hospitals for the treatment of persons who are or have recently been suffering from any dangerous infectious or contagious disease,

*(Chapter II.—Powers of the Local Government.)*

and for regulating the action, including the disposal of dead bodies, to be taken—

- (i) where a vessel on which there is any case of dangerous infectious or contagious disease common in India, enters or is in any such port ;
- (ii) where a vessel on which there is any case of dangerous infectious or contagious disease uncommon in India, enters or is in any such port ;
- (iii) where a vessel on which there has been any case of dangerous infectious or contagious disease or any death within twelve days previous to the arrival of the vessel at such port, enters or is in any such port ;
- (iv) where a vessel enters any such port from a port in which, or in the neighbourhood of which, there is believed to be, or to have been at the time when the vessel left such port, any dangerous infectious or contagious disease uncommon in India ;
- (v) where a vessel enters any such port having on board any person transhipped from a vessel coming from a port in which or in the neighbourhood of which there is believed to be or to have been at the time when such last-mentioned vessel left such last-mentioned port, any dangerous infectious or contagious disease uncommon in India ;
- (vi) where there is a dead body on board a vessel in any such port ;

*(Chapter II.—Powers of the Local Government.)*

(vii) where there are on board a vessel in any such port foodstuffs which, owing to decomposition or for any other reason, are, in the opinion of the health-officer, unfit for human consumption ;  
or

(viii) where a vessel leaves any such port while there is in the port or in its neighbourhood any dangerous infectious or contagious disease uncommon in India ;

for the purposes of this clause only such diseases shall be deemed to be dangerous infectious or contagious diseases, or diseases common or uncommon in India, as the Governor General in Council may by order direct ; and

(g) for securing the protection from heat of the officers and crew of vessels in any such port by requiring the owner or master of any such vessel—

(i) to provide curtains and double awnings for screening from the sun's rays such portions of the deck as are occupied by, or are situated immediately above, the quarters of the officers and crew ;

(ii) to erect windsails so far as the existing portholes or apertures in the deck admit of their being used for ventilating the quarters of the officers and crew ;

(iii) when the deck is made of iron and not wood-sheathed, to cover with wooden planks or other suitable non-conducting material such portions of the deck as are situ-

(Chapter II.—Powers of the Local Government.  
Chapter III.—Port-officials and their Powers  
and Duties.)

ated immediately above the  
quarters of the officers and  
crew ;

- (iv) when the quarters used by the  
crew and the galley are  
separated by an iron bulkhead  
only, to furnish a temporary  
screen of some suitable non-  
conducting material between  
such quarters and the galley.

(2) The power to make rules under sub-section  
(1) is subject to the condition of the rules being made  
after previous publication :

Provided that nothing in this sub-section shall be  
construed to affect the validity of any rule in force  
immediately before the commencement of the Indian  
Ports Act, 1889, and continued by section 2, sub-<sup>X</sup> of 1889.  
section (2), of that Act.

(3) If any person disobeys any rule made under  
clause (p) of sub-section (1), he shall be punishable  
for every such offence with fine which may extend  
to one thousand rupees.

(4) If a master fails wholly or in part to do any  
act prescribed by any rule made under clause (p) of  
sub-section (1), the health-officer shall cause such  
act to be done, and the reasonable expenses incurred  
in doing such act shall be recoverable by him from  
such master.

### CHAPTER III.

#### PORT-OFFICIALS AND THEIR POWERS AND DUTIES.

Appointment  
of conserva-  
tor.

\* 7. (1) The Local Government shall appoint some  
officer or body of persons to be conservator of every  
port subject to this Act.

*(Chapter III.—Port-officials and their Powers and Duties.)*

(2) Subject to any direction by the Local Government to the contrary,—

(a) in ports where there is a port-officer, the port-officer shall be the conservator;

(b) in ports where there is no port-officer, but where there is a harbour-master, the harbour-master shall be the conservator.

(3) Where the harbour-master is not conservator, the harbour-master and his assistants shall be subordinate to, and subject to the control of, the conservator.

(4) The conservator shall be subject to the control of the Local Government, or of any intermediate authority which that Government may appoint.

8. (1) The conservator of any port subject to this Act may, with respect to any vessel within the port, give directions for carrying into effect any rule for the time being in force therein under section 6.

Power of conservator to give and enforce directions for certain specified purposes.

(2) If any person wilfully and without lawful excuse refuses or neglects to obey any lawful direction of the conservator, after notice thereof has been given to him, he shall, for every such offence, be punishable with fine which may extend to one hundred rupees, and in the case of a continuing offence with a further fine which may extend to one hundred rupees for every day during which, after such notice as aforesaid, he is proved to have wilfully and without lawful excuse continued to disobey the direction.

(3) In case of such refusal or neglect, the conservator may do, or cause to be done, all acts necessary for the purpose of carrying the direction into execution, and may hire and employ proper persons for that purpose, and all reasonable expenses incurred in doing such acts shall be recoverable by him from the person so refusing or neglecting to obey the direction.

(Chapter III.—Port-officials and their Powers and Duties.)

Power to cut warps and ropes.

9. The conservator of any such port may, in case of urgent necessity, cut, or cause to be cut, any warp, rope, cable or hawser endangering the safety of any vessel in the port or at or near to the entrance thereof.

Removal of obstructions within limits of port.

10. (1) The conservator may remove, or cause to be removed, any timber, raft or other thing, floating or being in any part of any such port, which in his opinion obstructs or impedes the free navigation thereof or the lawful use of any pier, jetty, landing-place, wharf, quay, dock, mooring or other work on any part of the shore or bank which has been declared to be within the limits of the port and is not private property.

(2) The owner of any such timber, raft or other thing shall be liable to pay the reasonable expenses of the removal thereof, and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such free navigation or lawful use, he shall also be punishable with fine which may extend to one hundred rupees.

(3) The conservator or any Magistrate having jurisdiction over the offence may cause any such nuisance to be abated.

Recovery of expenses of removal.

11. If the owner of any such timber, raft or other thing, or the person who has caused any such obstruction, impediment or public nuisance as is mentioned in the last foregoing section, neglects to pay the reasonable expenses incurred in the removal thereof, within one week after demand, or within fourteen days after such removal has been notified in the local official Gazette or in such other manner as the Local Government by general or special order directs, the conservator may cause such timber, raft or other thing, or the materials of any public nuisance so removed, or so much thereof as may be necessary, to be sold by public auction ;

and may retain all the expenses of such removal and sale out of the proceeds of the sale, and shall pay

1908.]

*Ports.*

*(Chapter III.—Port-officials and their Powers and Duties.)*

the surplus of such proceeds, or deliver so much of the thing or materials as may remain unsold, to the person entitled to receive the same ;

and, if no such person appears, shall cause the same to be kept and deposited in such manner as the Local Government directs ;

and may, if necessary, from time to time, realize the expenses of keeping the same, together with the expenses of sale, by a further sale of so much of the thing or materials as may remain unsold.

12. (1) If any obstruction or impediment to the navigation of any port subject to this Act has been lawfully made, or has become lawful by reason of the long continuance of such obstruction or impediment, or otherwise, the conservator shall report the same for the information of the Local Government, and shall, with the sanction of that Government, cause the same to be removed or altered, making reasonable compensation to the person suffering damage by such removal or alteration.

Removal of  
lawful  
obstructions.

(2) Any dispute arising concerning such compensation shall be determined according to the law relating to like disputes in the case of land required for public purposes.

13. (1) If any vessel hooks or gets foul of any of the buoys or moorings laid down by or by the authority of the Local Government in any such port, the master of such vessel shall not, nor shall any other person, except in case of emergency, lift the buoy or mooring for the purpose of unhooking or getting clear from the same without the assistance of the conservator ;

Fouling of  
Government  
moorings.

and the conservator, immediately on receiving notice of such accident, shall assist and superintend the clearing of such vessel ;

and the master of such vessel shall, upon demand, pay such reasonable expenses as may be incurred in clearing the same.

(Chapter III.—Port-officials and their Powers and Duties.)

(2) Any master or other person offending against the provisions of this section shall, for every such offence, be punishable with fine which may extend to one hundred rupees.

Raising or removal of wreck impeding navigation within limits of port.

14. (1) If any vessel is wrecked, stranded or sunk in any such port so as to impede, or be likely to impede, the navigation thereof, the conservator may cause the vessel to be raised, removed or destroyed.

(2) If any property recovered by a conservator acting under sub-section (1) is unclaimed or the person claiming it fails to pay the reasonable expenses incurred by the conservator under that sub-section and a further sum of twenty per cent. of the amount of such expenses, the conservator may sell the property by public auction, if the property is of a perishable nature, forthwith, and, if it is not of a perishable nature, at any time not less than six months after the recovery thereof.

(3) The expenses and further sum aforesaid shall be payable to the conservator out of the sale-proceeds of the property, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appears and claims the balance, shall be held in deposit for payment, without interest, to any person thereafter establishing his right thereto:

Provided that the person makes his claim within three years from the date of the sale.

Power to board vessels and enter buildings.

15. (1) The conservator or any of his assistants may, whenever he suspects that any offence against this Act has been, or is about to be, committed, or whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act,

and the person appointed under this Act to receive any port-dues, fees or other charges payable in respect of any vessel, may, whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act,



*(Chapter III.—Port-officials and their Powers and Duties.)*

either alone or with any other person, board any vessel, or enter any building or place, within the limits of any port subject to this Act.

(2) If the master of the vessel, or any person in possession or occupation of the building or place, without lawful excuse, refuses to allow any such person as is mentioned in sub-section (1) to board or enter such vessel, building or place in the performance of any duty imposed upon him by this Act, he shall for every such offence be punishable with fine which may extend to two hundred rupees.

16. (1) For the purpose of preventing or extinguishing fire in any port subject to this Act, the conservator or port-officer may require the master of any vessel within the port to place at his disposal such number as he requires, not exceeding three-fourths, of the crew then under the orders of such master.

Power to require crews to prevent or extinguish fire.

(2) Any master refusing or neglecting to comply with such requisition shall be punishable with fine which may extend to five hundred rupees, and any seaman then under his orders who, after being directed by the master to obey the orders of the conservator or port-officer for the purpose aforesaid, refuses to obey such orders, shall be punishable with fine which may extend to twenty-five rupees.

17. (1) The Local Government may appoint at any port subject to this Act an officer to be called the health-officer.

Appointment and powers of health-officer. /

(2) A health-officer shall, subject to the control of the Local Government, have the following powers, within the limits of the port for which he is appointed, namely:—

- (a) with respect to any vessel, the powers conferred on a shipping-master by the Indian Merchant Shipping Act, 1859, section 71;
- (b) power to enter on board any vessel and medically examine all or any of the seamen or apprentices on board the vessel;

(Chapter III.—Port-officials and their Powers, and Duties. Chapter IV.—Rules for the Safety of Shipping and the Conservation of Ports.)

- (c) power to require and enforce the production of the log-book and any other books, papers or documents which he thinks necessary for the purpose of enquiring into the health and medical condition of the persons on board the vessel ;
- (d) power to call before him and question for any such purpose all or any of those persons and to require true answers to any questions which he thinks fit to ask ;
- (e) power to require any person so questioned to make and subscribe a declaration of the truth of the statements made by him.

Indemnity of Government against act or default of port-official or pilot.

18. The Government shall not be responsible for any act or default of any conservator, port-officer or harbour-master, of any port subject to this Act, or of any deputy or assistant of any of the authorities aforesaid, or of any person acting under the control or direction of any such authority, deputy or assistant, or for any act or default of any pilot, or for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers or other things belonging to the Government which may be used by the vessel :

Provided that nothing in this section shall protect the Secretary of State for India in Council from a suit in respect of any act done by or under the express order or sanction of the Government.

## CHAPTER IV.

### RULES FOR THE SAFETY OF SHIPPING AND THE CONSERVATION OF PORTS.

#### *General Rules.*

Injuring buoys, beacons and moorings.

19. (1) No person shall, without lawful excuse, lift, injure, loosen or set adrift any buoy, beacon or

1908.]

*Ports.*

*(Chapter IV.—Rules for the Safety of Shipping and the Conservation of Ports.)*

mooring fixed or laid down by, or by the authority of, the Local Government in any port subject to this Act.

(2) If any person offends against the provisions of this section, he shall for every such offence be liable, in addition to the payment of the amount of damage done, to fine which may extend to two thousand rupees, or to imprisonment for a term which may extend to two years.

20. If any person wilfully and without lawful excuse loosens or removes from her moorings any vessel within any such port without leave or authority from the owner or master of the vessel, he shall, for every such offence, be punishable with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months.

21. (1) No ballast or rubbish, and no other thing likely to form a bank or shoal or to be detrimental to navigation, shall, without lawful excuse, be cast or thrown into any such port or into or upon any place on shore from which the same is liable to be washed into any such port, either by ordinary or high tides, or by storms or land-floods.

(2) Any person who by himself or another so casts or throws any ballast or rubbish or any such other thing, and the master of any vessel from which the same is so cast or thrown shall be punishable with fine which may extend to five hundred rupees, and shall pay any reasonable expenses which may be incurred in removing the same.

(3) If, after receiving notice from the conservator of the port to desist from so casting or throwing any ballast or rubbish or such other thing, any master continues so to cast or throw it, he shall also be liable to simple imprisonment for a term which may extend to two months.

(4) Nothing in this section applies to any case in which the ballast or rubbish or such other thing

## (Chapter IV.—Rules for the Safety of Shipping and the Conservation of Ports.)

is cast or thrown into any such port with the consent in writing of the conservator, or within any limits within which such act may be authorized by the Local Government.

Graving vessel within prohibited limits.

22. If any person graves, breams or smokes any vessel in any such port, contrary to the directions of the conservator, or at any time or within any limits at or within which such act is prohibited by the Local Government, he and the master of the vessel shall for every such offence be punishable with fine which may extend to five hundred rupees each.

Boiling pitch on board vessel within prohibited limits.

23. If any person boils or heats any pitch, tar, resin, dammer, turpentine, oil or other such combustible matter on board any vessel within any such port, or at any place within its limits where such act is prohibited by the Local Government, or contrary to the directions of the conservator, he and the master of the vessel shall for every such offence be punishable with fine which may extend to two hundred rupees each.

Drawing spirits by unprotected artificial light.

24. If any person, by an unprotected artificial light, draws off spirits on board any vessel within any port subject to this Act, he and the master of the vessel shall for every such offence be punishable with fine which may extend to two hundred rupees each.

Warping.

25. (1) Every master of a vessel in any port subject to this Act shall, when required so to do by the conservator, permit warps or hawsers to be made fast to the vessel for the purpose of warping any other vessel in the port, and shall not allow any such warp or hawser to be let go until required so to do.

(2) A master offending against sub-section (1) shall be punishable for every such offence with fine which may extend to two hundred rupees.

Leaving out warp or hawser after sunset.

26. (1) A master of a vessel shall not cause or suffer any warp or hawser attached to his vessel to be left out in any port subject to this Act after

1908.]

*Ports.*

*(Chapter IV.—Rules for the Safety of Shipping and the Conservation of Ports.)*

sunset in such a manner as to endanger the safety of any other vessel navigating in the port.

(2) A master offending against sub-section (1) shall be punishable for every such offence with fine which may extend to two hundred rupees.

27. If any person, without lawful excuse, discharges any fire-arm in any port subject to this Act, or on or from any pier, landing-place, wharf or quay thereof, except a gun loaded only with gunpowder for the purpose of making a signal of distress, or for such other purpose as may be allowed by the Local Government, he shall for every such offence be punishable with fine which may extend to fifty rupees.

Discharge of  
fire-arms in  
port.

28. If the master of any vessel in which fire takes place while lying in any such port wilfully omits to take order to extinguish the fire or obstructs the conservator or the port-officer, or any person acting under the authority of the conservator or port-officer, in extinguishing or attempting to extinguish the fire, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty on  
master  
omitting to  
take order to  
extinguish  
fire.

29. (1) No person, without the permission of the conservator, shall, in any port subject to this Act, creep or sweep for anchors, cables or other stores lost or supposed to be lost therein.

Unauthor-  
ized person  
not to search  
for lost  
stores.

(2) If any person offends against the provisions of sub-section (1), he shall be punishable with fine which may extend to one hundred rupees.

30. (1) No person without the permission of the conservator shall in any port subject to this Act remove or carry away any rock, stones, shingle, gravel, sand or soil or any artificial protection from any part of the bank or shore of the port;

Removing  
stones or in-  
juring shores  
of port pro-  
hibited.

and no person shall sink or bury in any part of such bank or shore, whether the same is public or

(Chapter IV.—Rules for the Safety of Shipping and the Conservation of Ports.)

private property, any mooring-post, anchor or any other thing, or do any other thing which is likely to injure or to be used so as to injure such bank or shore, except with the permission of the conservator, and with the aid or under the inspection of such person, if any, as the conservator may appoint to take part in or overlook the performance of such work.

(2) If any person offends against sub-section (1), he shall for every such offence be punishable with fine which may extend to one hundred rupees and shall pay any reasonable expenses which may be incurred in repairing any injury done by him to the bank or shore.

*Special Rules.*

Moving of vessels without pilot or permission of harbour-master.

31. (1) No vessel of the measurement of two hundred tons or upwards shall enter, leave or be moved in any port to which this section has been specially extended without having a pilot, harbour-master or assistant of the port-officer or harbour-master on board ;

and no vessel of any measurement less than two hundred tons and exceeding one hundred tons shall enter, leave or be moved in any such port without having a pilot, harbour-master or assistant of the port-officer or harbour-master on board unless authority in writing so to do has been obtained from the conservator or some officer empowered by him to give such authority.

(2) If any vessel, except in case of urgent necessity, enters, leaves or is moved in the port contrary to the provisions of sub-section (1), the master of the vessel shall for every such offence be punishable with fine which may extend to two hundred rupees, unless upon application to the proper officer the master was unable to procure a pilot, harbour-master or assistant of the port-officer or harbour-master to go on board the vessel.

1908.]

*Ports.*

(Chapter IV.—Rules for the Safety of Shipping and the Conservation of Ports. Chapter V.—Port-dues, Fees and other Charges.)

(3) Nothing in sub-sections (1) and (2) shall apply to native vessels when they are entering, leaving or being moved in the port of Bombay.

(4) If any question arises as to whether any vessel is a native vessel within the meaning of this section, the decision thereon of such authority as the Governor of Bombay in Council may appoint in this behalf shall be conclusive.

32. (1) Every vessel exceeding the measurement of two hundred tons and lying in any port to which this section has been specially extended shall be provided with a proper force-pump and hose and appurtenances, for the purpose of extinguishing any fire which may occur on board. Provision of certain vessels with fire-extinguishing apparatus.

(2) The master of such a vessel who, having been required by the conservator to comply with the provisions of sub-section (1), neglects or refuses, without lawful excuse, so to do for the space of seven days after such requisition, shall be punishable with fine which may extend to five hundred rupees.

---

CHAPTER V.

PORT-DUES, FEES AND OTHER CHARGES.

33. (1) In each of the ports mentioned in the first schedule such port-due, not exceeding the amount specified for the port in the third column of the schedule as the Local Government directs, shall be levied on vessels entering the port and described in the second column of the schedule, but not oftener than the time fixed for the port in the fourth column of the schedule. Levy of port-dues.

(2) Whenever the Local Government with the previous sanction of the Governor General in Council declares any other port to be subject to this Act, it

(Chapter V.—Port-dues, Fees and other Charges.)

may, with the like sanction, by the same or any subsequent declaration, further declare,—

- (a) in the terms of any of the entries in the second column of the first schedule, the vessels which are to be chargeable with port-dues on entering the port,
- (b) the highest rates at which such dues may be levied in respect of vessels chargeable therewith, and
- (c) the times at which such vessels are to be so chargeable.

(3) All port-dues now leviabie in any port shall continue to be so leviabie until it is otherwise declared in exercise of the powers conferred by this section.

(4) An order increasing or imposing port-dues under this section shall not take effect till the expiration of sixty days from the day on which the order was published in the local official Gazette.

Variation of port-dues by Local Government.

34. The Local Government may exempt the vessels entering a port subject to this Act from payment of port-dues and cancel the exemption, or may vary the rates at which port-dues are to be levied in the port, in such manner as, having regard to the receipts and charges on account of the port, it thinks expedient, by reducing or raising the dues, or any of them :

Provided that the rates shall not in any case exceed the amount authorized to be taken by or under this Act.

Fees for pilotage and certain other services.

35. (1) Within any port subject to this Act, fees may be charged for pilotage, hauling, mooring, re-mooring, hooking, measuring and other services rendered to vessels, at such rates as the Local Government may direct :

Provided that, in the case of fees for pilotage, the previous sanction of the Governor General in Council has been obtained.

(2) The fees now chargeable for such services shall continue to be chargeable unless and until they are



*(Chapter V.—Port-dues, Fees and other Charges.)*

altered in exercise of the power conferred by subsection (1).

36. (1) The Local Government shall appoint some officer or body of persons at every port at which any dues, fees or other charges are authorized to be taken by or under this Act to receive the same and, subject to the control of the Local Government, to expend the receipts on any of the objects authorized by this Act.

Receipt,  
expenditure  
and account  
of port-  
charges.

(2) Such officer or body shall keep for the port a distinct account, to be called the port fund account, showing, in such detail as the Local Government prescribes, the receipts and expenditure of the port, and shall publish annually as soon after the first day of April as may be practicable an abstract, in such form as that Government prescribes, of the account for the past financial year.

(3) If, for any of the purposes of this Act, an advance of money has been or shall be made by the Government on account of any port subject to this Act, simple interest upon that advance, or upon so much of it as remains or shall remain unrepaid, at such rate as the Governor General in Council may determine, shall be charged in the port fund account of the port.

(4) All money received under this Act at or on account of any port subject to this Act, excluding receipts on account of pilotage but including—

(a) fines,

(b) proceeds of waifs, and

(c) any balance of the proceeds of a sale under section 14 where no right to the balance has been established on a claim made within three years from the date of the sale,

shall be credited in the port fund account of the port.

(5) All expenses incurred for the sake of any such port, excluding expenses on account of pilotage but including—

(a) the pay and allowances of all persons upon the establishment of the port,

*(Chapter V.—Port-dues, Fees and other Charges.)*

- (b) the cost of buoys, beacons, lights and all other works maintained chiefly for the benefit of vessels being in or entering or leaving the port or passing through the rivers or channels leading thereto,
- (c) pensions, allowances and gratuities of persons who have been employed in the port under this or any other enactment relating to ports and port-dues, or such portion of those pensions, allowances and gratuities as the Local Government may by rule determine,
- (d) with the previous sanction of the Local Government, contributions towards the support of public hospitals or dispensaries suitable for the reception or relief of seamen or otherwise towards the provision of sanitary superintendence and medical aid for the shipping in the port and for seamen, whether ashore or afloat, belonging to vessels in the port, and
- (e) with the like sanction, contributions towards sailors' homes, institutes, rest-houses and coffee-houses and for other purposes connected with the health, recreation and temporal well-being of sailors,

shall be charged to the port fund account of the port.

(6) Subject to the provisions of any local law as to the disposal of any balance from time to time standing to the credit of a port fund account, any such balance may be temporarily invested in such manner as the Local Government may direct.

Grouping  
of ports.

37. (1) The Local Government may direct that for the purposes of the last foregoing section any number of ports shall be regarded as constituting a single port, and thereupon all moneys to be credited to the port fund account under sub-section (4) of that section shall form a common port fund account which shall be available for the payment of all expenses incurred for the sake of any of the ports :

*(Chapter V.—Port-dues, Fees and other Charges.)*

Provided, with respect to the ports of Calcutta, Madras, Bombay, Rangoon, Karachi, Chittagong and Aden, that none of those ports may be grouped with any other port, and that the port fund account of each of those ports shall be kept separate from the port fund account of any other port.

(2) Where ports are grouped by or under this Act, the following consequences ensue, namely:—

- (a) the Local Government, in the exercise of its control over expenditure debitable to the common port fund account of the group, may, with the previous sanction of the Governor General in Council, make rules with respect to the expenditure of the fund for the sake of the several ports of the group on the objects authorized by this Act, and shall cause effect to be given to any directions which the Governor General in Council may deem it necessary to issue with respect to such expenditure; and
- (b) the Local Government may exercise its authority under section 34 as regards all the ports in the group collectively or as regards any of them separately.

38. The person to whom any dues, fees or other charges authorized to be taken by or under this Act are paid shall grant to the person paying the same a proper voucher in writing under his hand, describing the name of his office, the port or place at which the dues, fees or other charges are paid, and the name, tonnage and other proper description of the vessel in respect of which the payment is made. Receipts for port-charges.

39. (1) Within twenty-four hours after the arrival within the limits of any port subject to this Act of any vessel liable to the payment of port-dues under this Act, the master of the vessel shall report her arrival to the conservator of the port. Master to report arrival.

(2) A master failing without lawful excuse to make such report within the time aforesaid shall for

## (Chapter V.—Port-dues, Fees and other Charges.)

every such offence be punishable with fine which may extend to one hundred rupees.

(3) Nothing in this section applies to tug-steamers, ferry steamers or river steamers plying to and from any of the ports subject to this Act or to ballam boats plying to and from the port of Chittagong.

Conservator may in certain cases ascertain draught and charge expense to master.

40. If any vessel liable to the payment of port-dues is in any such port without proper marks on the stem and stern posts thereof for denoting her draught, the conservator may cause the same to be ascertained by means of the operation of hooking, and the master of the vessel shall be liable to pay the expenses of the operation.

Ascertainment of tonnage of vessel liable to port-dues.

41. In order to ascertain the tonnage of any vessel liable to pay port-dues the following rules shall be observed, namely :—

- (1) (a) If the vessel is a British registered vessel or a vessel registered under the Indian Registration of Ships Act, 1841, or the X of 1841. Indian Registration of Ships Act (1841) Amendment Act, 1850, or under any XI of 1850. other law for the time being in force for the registration of vessels in British India, the conservator may require the owner or master of the vessel or any person having possession of her register to produce the register for inspection.
- (b) If the owner or master or such person neglects or refuses to produce the register or otherwise to satisfy the conservator as to what is the true tonnage of the vessel in respect of which the port-dues are payable, he shall be punishable with fine which may extend to one hundred rupees, and the conservator may cause the vessel to be measured, and the tonnage thereof to be ascertained, according to the mode of measurement prescribed by the rules for the time being in force for regulating the measurement of British vessels, and

*(Chapter V.—Port-dues, Fees and other Charges.)*

in such case the owner or master of the vessel shall also be liable to pay the expenses of the measurement.

- (2) If the vessel is not a British registered vessel or a vessel registered under the Indian Registration of Ships Act, 1841, or the Indian Registration of Ships Act (1841) Amendment Act, 1850, or under any other law for the time being in force for the registration of vessels in British India, and the owner or master thereof fails to satisfy the conservator as to what is her true tonnage according to the mode of measurement prescribed by the rules for the time being in force for regulating the measurement of British vessels, the conservator shall cause the vessel to be measured and the tonnage thereof to be ascertained according to the mode aforesaid, and in such case the owner or master of the vessel shall be liable to pay the expenses of the measurement.

- (3) If the vessel is a vessel of which the tonnage cannot be ascertained according to the mode of measurement mentioned in clauses (1) and (2), the tonnage of the vessel shall be determined by the conservator on such an estimate as may seem to him to be just.

42. If the master of any vessel in respect of which any port-dues, fees or other charges are payable under this Act, refuses or neglects to pay the same on demand, the authority appointed to receive such port-dues, fees or other charges may distrain or arrest the vessel, and the tackle, apparel and furniture belonging thereto or any part thereof, and detain the same until the amount due is paid ;

and in case any part of the port-dues, fees or other charges or of the costs of the distress or arrest or of the keeping of the vessel or other thing distrained or

Distrain and  
sale on refusal  
to pay  
port-charges.

X of 1841.

XI of 1850.

(Chapter V.—Port-dues, Fees and other Charges.)

arrested, remains unpaid for the space of five days next after any such distress or arrest, may cause the vessel or other thing distrained or arrested to be sold, and with the proceeds of such sale may satisfy the port-dues, fees or other charges and the costs including the costs of sale remaining unpaid, and shall render the surplus, if any, to the master of the vessel upon demand.

No port-clearance to be granted until port-charges are paid.

43. The officer of Government whose duty it is to grant a port-clearance for any vessel shall not grant such clearance--

(a) until her owner or master, or some other person, has paid or secured to the satisfaction of such officer the amount of all port-dues, fees and other charges, and of all fines, penalties and expenses to which the vessel or her owner or master is liable under this Act ;

(b) until all expenses, which by the Merchant Shipping Act, 1894, section 207, are to be borne by her owner, incurred since her arrival in the port from which he seeks clearance, have been paid. <sup>57 & 58 Vict., c. 60.</sup>

Port-charges payable in one port recoverable at any other port.

44. (1) If the master of any vessel in respect of which any such sum as is mentioned in the last foregoing section is payable causes her to leave any port without having paid the sum, the authority appointed to receive port-dues, fees and other charges at the port under this Act may require in writing the authority appointed to receive port-dues, fees and other charges under this Act at any other port in British India to which she may proceed, or in which she may be, to levy the sum.

(2) The authority to whom the requisition is directed shall proceed to levy such sum in the manner prescribed in section 42, and a certificate purporting to be made by the authority appointed to receive port-dues, fees and other charges at the port where such sum as is mentioned in the last

*(Chapter V.—Port-dues, Fees and other Charges.)*

foregoing section became payable, stating the amount payable, shall be sufficient *prima facie* proof; of such amount in any proceeding under section 42 and also (in case the amount payable is disputed) in any subsequent proceeding under section 59.

45. (1) If the master of a vessel evades the payment of any such sum as is mentioned in section 43, he shall be punishable with fine which may extend to five times the amount of the sum. Penalty for evading payment of port-charges.

(2) In any proceeding before a Magistrate on a prosecution under sub-section (1), any such certificate as is mentioned in section 44, sub-section (2), stating that the master has evaded such payment, shall be sufficient *prima facie* proof of the evasion, unless the master shows to the satisfaction of the Magistrate that the departure of the vessel without payment of the sum was caused by stress of weather, or that there was lawful or reasonable ground for such departure.

(3) Any Magistrate having jurisdiction under this Act in any port to which the vessel may proceed, or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this section.

46. A vessel entering any port subject to this Act (other than a port in Burma) in ballast and not carrying passengers shall be charged with a port-due at a rate to be determined by the Local Government and not exceeding three-fourths of the rate with which she would otherwise be chargeable. Port-due on vessels in ballast.

47. When a vessel enters a port subject to this Act, but does not discharge or take in any cargo or passengers therein (with the exception of such unshipment and reshipment as may be necessary for purposes of repair), she shall be charged with a port-due at a rate to be determined by the Local Government and not exceeding half the rate with which she would otherwise be chargeable. Port-due on vessels not discharging or taking in cargo.

48. No port-due shall be chargeable in respect of— Port-dues not to be chargeable in certain cases.

(a) any pleasure-yacht, or

(Chapter V.—Port-dues, Fees and other Charges.)

(b) any vessel which, having left any port, is compelled to re-enter it by stress of weather or in consequence of having sustained any damage, or

(c) any vessel which, having entered any port within the territories administered by the Governor of Fort Saint George in Council, leaves it within forty-eight hours without discharging or taking in any passengers or cargo.

Power to impose hospital port-dues.

49. (1) The Local Government may, by notification in the local official Gazette, order that there shall be paid in respect of every vessel entering any port subject to this Act, within a reasonable distance of which there is a public hospital or dispensary suitable for the reception or relief of seamen requiring medical aid, such further port-dues not exceeding one anna per ton as the Local Government thinks fit.

(2) Such port-dues shall be called hospital port-dues, and the Local Government shall, in making any order under sub-section (1), have regard to any contributions made under section 36, sub-section (5), clause (d).

(3) An order imposing or increasing hospital port-dues shall not take effect till the expiration of sixty days from the day on which the order was published in the local official Gazette.

(4) Whenever the Local Government is satisfied that proper provision has been made by the owners or agents of any class of vessels for giving medical aid to the seamen employed on board such class of vessels, or that such provision is unnecessary in the case of any class of vessels, it may, by notification in the local official Gazette, exempt such class of vessels from any payment under this section.

Application and account of hospital port-dues.

50. (1) Hospital port-dues shall be applied, as the Local Government may direct, to the support of any such hospital or dispensary as aforesaid, or otherwise for providing sanitary superintendence and medical



1908.]

*Ports.*

(Chapter V.—*Port-dues, Fees and other Charges.*  
Chapter VI.—*Hoisting Signals.*)

aid for the shipping in the port in which they are levied and for the seamen belonging to the vessels therein, whether such seamen are ashore or afloat.

(2) The Local Government shall publish annually in the local official Gazette, as soon after the first day of April as may be, an account, for the past financial year, of the sums received as hospital port-dues at each port where such dues are payable, and of the expenditure charged against those receipts.

(3) Such account shall be published as a supplement to the abstract published under section 36, sub-section (2).

---

## CHAPTER VI.

### HOISTING SIGNALS.

51. (1) The master of every inward or outward bound vessel on arriving within signal distance of any signal-station established within the limits of the river Hooghly, or within the limits of any part of a river or channel leading to a port subject to this Act, shall, on the requisition of the pilot in charge of the vessel, signify the name of the vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it is answered from the signal-station.

Master to hoist number of vessel.

(2) If the master of a vessel arriving as aforesaid offends against sub-section (1), he shall be punishable for every such offence with fine which may extend to one thousand rupees.

52. (1) Every pilot in charge of a vessel shall require the number of the vessel to be duly signalled as provided by the last foregoing section.

Pilot to require master to hoist number.

(2) When, on such requisition from the pilot, the master refuses to hoist the number of a vessel, or to adopt such other means of making her name known as may be practicable and usual, the pilot may, on

(Chapter VI.—Hoisting Signals. Chapter VII.—  
Provisions with respect to Penalties.)

arrival at the first place of safe anchorage, anchor the vessel and refuse to proceed on his course until the requisition has been complied with.

Penalty on pilot disobeying provisions of this Chapter.

53. Any pilot in charge of a vessel who disobeys, or abets disobedience to, any of the provisions of this Chapter shall be punishable with fine which may extend to five hundred rupees for each instance of such disobedience or abetment, and in addition shall be liable to have his authority to act as a pilot withdrawn.

## CHAPTER VII.

### PROVISIONS WITH RESPECT TO PENALTIES.

Penalty for disobedience to rules and orders of the Local Government.

54. If any person disobeys any rule or order which a Local Government has made in pursuance of this Act and for the punishment of disobedience to which express provision has not been made elsewhere in this Act, he shall be punishable for every such offence with fine which may extend to one hundred rupees.

Offences how triable, and penalties how recovered.

55. All offences against this Act shall be triable by a Magistrate, and any Magistrate may, by warrant under his hand, cause the amount of any fine imposed upon the owner or master of any vessel, for any offence committed on board of the vessel or in the management thereof or otherwise in relation thereto, whereof the owner or master is convicted, to be levied by distress and sale of the vessel, and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

Costs of conviction.

56. (1) In case of any conviction under this Act, the convicting Magistrate may order the offender to pay the costs of the conviction in addition to any fine, or expenses to which he may be liable.

(2) Such costs may be assessed by the Magistrate and may be recovered in the same manner as any fine under this Act.

*(Chapter VII.—Provisions with respect to Penalties.)*

57. (1) If any dispute arises as to the sum to be paid in any case as expenses or damages under this Act, it shall be determined by a Magistrate upon application made to him for that purpose by either of the disputing parties.

Ascertainment and recovery of expenses and damages payable under this Act.

(2) Whenever any person is liable to pay any sum, not exceeding one thousand rupees, as expenses or damages under this Act, any Magistrate, upon application made to him by the authority to whom the sum is payable, may, in addition to or instead of any other means for enforcing payment, recover the sum as if it were a fine.

58. Whenever any fine, expenses or damages is or are levied under this Act, by distress and sale, the costs of the distress and sale may be levied in addition to such fine, expenses or damages, and in the same manner.

Costs of distress.

59. If any dispute arises concerning the amount leviable by any distress or arrest under this Act or the costs payable under the last foregoing section, the person making the distress or using the arrest may detain the goods distrained or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate, who, upon application made to him for that purpose, may determine the amount and award such costs to be paid by either of the parties to the other of them as he thinks reasonable, and payment of such costs, if not paid on demand, shall be enforced as if they were a fine.

Magistrate to determine the amount to be levied in case of dispute.

60. (1) Any person offending against the provisions of this Act in any port subject to this Act shall be punishable by any Magistrate having jurisdiction over any district or place adjoining the port.

Jurisdiction over offences beyond local limits of jurisdiction.

(2) Such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner and to the same extent as if the offence had been committed locally within the limits of his jurisdiction, notwithstanding that the offence may not have been committed locally within such limits, and, in case any such Magistrate exercises the jurisdiction hereby

(Chapter VII.—Provisions with respect to Penalties. Chapter VIII.—Supplemental Provisions.)

vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.

Conviction to be quashed on merits only.

61. (1) No conviction, order or judgment of any Magistrate under this Act shall be quashed for error of form or procedure, but only on the merits, and it shall not be necessary to state, on the face of the conviction, order or judgment, the evidence on which it proceeds.

(2) If no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in the depositions.

## CHAPTER VIII.

### SUPPLEMENTAL PROVISIONS.

Hoisting unlawful colours in port.

62. (1) If any vessel belonging to any of His Majesty's subjects, or sailing under British colours, hoists, carries or wears, within the limits of any port subject to this Act, any flag, jack, pennant or colours, the use whereof on board such vessel has been prohibited by the Merchant Shipping Act, 1894, or any other Statute now or hereafter to be in force, or by any proclamation made or to be made in pursuance of any such Statute, or by any of His Majesty's regulations in force for the time being, the master of the vessel shall, for every such offence, be punishable with fine which may extend to fifty rupees.

57 & 58  
Vict., c. 60.

(2) Such fine shall be in addition to any other penalty recoverable in respect of such an offence.

(3) The conservator of the port, or any officer of His Majesty's Navy or Indian Marine Service, may enter on board any such vessel and seize and take away any flag, jack, pennant or colours so unlawfully hoisted, carried or worn on board the same.

*(Chapter VIII.—Supplemental Provisions.)*

57 & 58  
 Vict., c. 60.

63. Any Magistrate, upon an application being made to him by the Consul of any foreign Power to which section 238 of the Merchant Shipping Act, 1894, has by an Order in Council been, or shall hereafter be, declared to be applicable, or by the representative of such Consul, and upon complaint on oath of the desertion of any seaman, not being a slave, from any vessel of such foreign Power, may, until a revocation of such Order in Council has been publicly notified, issue his warrant for the apprehension of any such deserter, and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs, or, at the instance of the Consul, to be detained in custody until the vessel is ready to sail, or, if the vessel has sailed, for a reasonable time not exceeding one month :

Foreign  
 deserters.

Provided that a deposit be first made of such sum as the Magistrate deems necessary for the subsistence of the deserter during the detention and that the detention of the deserter shall not be continued beyond twelve weeks.

64. (1) The provisions of sections 10 and 21 shall be applicable to all ports heretofore or hereafter declared by the Local Government to be ports for the shipment and landing of goods but not otherwise subject to this Act, and may be enforced by any Magistrate to whose ordinary jurisdiction any such port is subject.

Applica-  
 tion of sec-  
 tions 10 and  
 21.

(2) Any penalties imposed by him, and any expenses incurred by his order, under the said provisions shall be recoverable respectively in the manner provided in sections 55 and 57.

(3) In any of the said ports for the shipment and landing of goods the consent referred to in section 21, sub-section (4), may be given by the principal officer of customs at such port or by any other officer appointed in that behalf by the Local Government.

65. Any local authority in which any immoveable property in or near a port is vested may, with the previous sanction of the Local Government, appropriate

Grant of  
 sites for  
 sailors'  
 institutes;

*(Chapter VIII.—Supplemental Provisions.)*

priate and either retain and apply, or transfer by way of gift or otherwise, the whole or any part of the property as a site for, or for use as, a sailors' home or other institution for the health, recreation and temporal well-being of sailors.

Exercise of powers of conservator by his assistants.

66. (1) All acts, orders or directions by this Act authorized to be done or given by any conservator may, subject to his control, be done or given by any harbour-master or any deputy or assistant of such conservator or harbour-master.

(2) Any person authorized by this Act to do any act may call to his aid such assistance as may be necessary.

Service of written notices of directions.

67. Any written notice of a direction given under this Act, left for the master of any vessel with any person employed on board thereof, or affixed on a conspicuous place on board of the vessel, shall, for the purposes of this Act, be deemed to have been given to the master thereof.

Publication of orders of Local Government.

68. Every declaration, order and rule of a Local Government made in pursuance of this Act shall be published in the local official Gazette, and a copy thereof shall be kept in the office of the conservator and at the custom-house, if any, of every port to which the declaration, order or rule relates, and shall there be open at all reasonable times to the inspection of any person without payment of any fee.

Repeal.

69. The enactments mentioned in the second schedule are hereby repealed to the extent specified in the fourth column of that schedule.

1908.]

## Ports.

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)

## THE FIRST SCHEDULE.

PORTS, VESSELS CHARGEABLE, RATE OF PORT-DUES AND FREQUENCY OF PAYMENT.

(See sections 1 and 33.)

## PART I.—BENGAL.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
Calcutta . . .	Sea-going vessels of twenty tons and upwards.	Not exceeding four annas per ton : provided that in the case of <i>dhonis</i> and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels.	Whenever the vessel enters the port except in the case of mail-steamers and coasting-vessels, which shall not be chargeable more than once in sixty days.
	Tug-steamers and river-steamers.	Not exceeding four annas per ton.	Once between the 1st January and the 30th June, and once between the 1st July and the 31st December, in each year.
Cuttack Ports,—namely, False Point and Pooree.	Sea-going vessels of ten tons and upwards.	Not exceeding four annas per ton.	Whenever the vessel enters any one of the ports except in the case of mail-steamers and coasting-vessels, which shall not be chargeable more than once in sixty days.
Balasore Ports—namely, Balasore, Churaman, Laichhunpur, Chanua, Subarnarekha, Dharmra (Chandbally), and Sartha.	Ditto . . .	Ditto . . .	Whenever the vessel enters any one of the ports, except in the case of mail-steamers and coasting-vessels, which shall not be chargeable more than once in thirty days.

*Ports.*

[ACT XV

*(The First Schedule.—Ports, Vessels chargeable, Rate of Port dues and Frequency of Payment.)*

PART II.—MADRAS PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable (in respect of same vessel.
1	2	3	4
Madras . . .	Sea-going vessels of fifteen tons and upwards.	<p style="text-align: center;"><i>Foreign vessels.</i></p> <p>(a) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements or Ceylon calling at Madras, not exceeding four annas a ton.</p> <p>(b) In the case of any other foreign ship or steamer calling at Madras, not exceeding four annas a ton.</p> <p style="text-align: center;"><i>Coasting vessels.</i></p> <p>(c) In the case of a coasting ship calling at Madras, not exceeding one and a half annas a ton.</p> <p>(d) In the case of a coasting steamer calling at Madras, not exceeding three annas a ton.</p>	<p>The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again.</p> <p>The due is payable on each entry into the port.</p> <p>The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again.</p> <p>The due is payable once in thirty days.</p>



1908.]

## Ports.

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)

## PART II.—MADRAS PRESIDENCY—continued.

Name of port.		Vessels chargeable.	Rate of port dues.	Due how often chargeable in respect of same vessel.
1	2	3	4	5
<i>Eastern Group.</i>				
District.	Port.			
		<i>Foreign Vessels.</i>		
Ganjam.	1. Gopalpur . . .	Sea-going vessels of fifteen tons and upwards.	(a) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at any one port in the Eastern group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
	2. Baruva . . .			
	3. Calingapatam . . .			
Vizagapatam.	4. Bimlipatam . . .		(b) In the case of any other foreign ship or steamer calling at any one port in the Eastern group, not exceeding three annas a ton.	The due is payable on each entry into the port.
	5. Vizagapatam . . .			
Godavari.	6. Cocanada . . .		(c) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Eastern group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
	7. Coringa . . .			
Kistna.	8. Narasapur . . .		(d) In the case of any other foreign ship or steamer calling at more than one port in the Eastern group, not exceeding four and half annas a ton.	The due is payable once for the voyage.
	9. Pernapalem . . .			
	10. Masnipatam . . .			
	11. Nagayalanka . . .			
	12. Kottapalem . . .			
Guntur.	13. Moratata . . .			
	14. Gangadipalem . . .			
	15. Nisampatnam . . .			
	16. Ipurupalem . . .			
Nellore.	17. Motupalle . . .			
	18. Kottapatnam . . .			
	19. Iskaalle . . .	(e) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.	
Chinglepat.	20. Covelong . . .	(f) In the case of a coasting steamer calling at one or more ports in the Eastern group, not exceeding three annas a ton.	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.	
	21. Cuddalore . . .			
South Arcot.	22. Porto Novo . . .			
	23. Thandavarayalaganpettai . . .			

Ports.

[ ACT XV

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)

PART II.—MADRAS PRESIDENCY—continued.

Name of port.		Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1		2	3	4
<i>Eastern Group—contd.</i>				
District.	Port.			
Tanjore.	24. Tirumalavasal	Sailing, vessels of fifteen tons and upwards.	<i>Foreign Vessels.</i>	
	25. Tranquebar			
	26. Nagore			
	27. Negapatam			
	28. Velankani			
	29. Toppaturai			
	30. Point Calimere.			
	31. Mutupet			
	32. Adirampatuam			
	33. Gopalapatnam.			
	34. Kattumavadi.			
	35. Krishnaji-patnam.			
	36. Annapatnam.			
	37. Kottapatnam.			
	38. Sundarapandiapatnam.			
	39. Vattanam			
	40. Tondi			
41. Pndupatnam.				
42. Karangadu				
43. Tirupalankudi.				
44. Devipatnam.				
45. Mudiyanpatnam.				
Madura.	46. Alagayan-kolam			
	47. Attankarai			
	48. Emanangundu			
	49. Pamban			
	50. Kamesvaram			
	51. Mandapam			
	52. Vedalai			
	53. Muttpettai			
	54. Kilakarai			
	55. Ervadi			
	56. Valinokkam			
				<i>Coasting Vessels.</i>
			(a) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at any one port in the Eastern group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
			(b) In the case of any other foreign ship or steamer calling at any one port in the Eastern group, not exceeding three annas a ton.	The due is payable on each entry into the port.
			(c) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Eastern group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
			(d) In the case of any other foreign ship or steamer calling at more than one port in the Eastern group, not exceeding four and a half annas a ton.	The due is payable once for the voyage.
			(e) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
			(f) In the case of a coasting steamer calling at one or more ports in the Eastern group, not exceeding three annas a ton.	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.

1908.]

## Ports.

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)

## PART II.—MADRAS PRESIDENCY—continued.

Name of port.		Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.	
1		2	3	4	
<i>Eastern Group—conold.</i>					
Dis-trict.	Port.				
			<i>Foreign Vessels.</i>		
Tinnevely.	{ 57. Vembar . . }	Sea-going vessels of fifteen tons and upwards.			
	{ 58. Vaippar . }				
	{ 59. Tuticorin . }				
	{ 60. Ovary . . }				
	{ 61. Kayalpatnam . }				
	{ 62. Kulasekharapatnam . }				
	<i>Western Group.</i>				
	{ 63. Cochin . }				
	{ 64. Chávakád . }				
	{ 65. Velivangod . }				
{ 66. Ponáni . }					
{ 67. Kutiyai . }					
{ 68. Parapanna . }					
{ 69. Taur . }					
{ 70. Parpanangadi . }					
{ 71. Ferokeh . }					
{ 72. Beypore . }					
{ 73. Calicut . }					
{ 74. Kappatta . }					
{ 75. Quilandi . }					
{ 76. Kottakkal . }					
{ 77. Badagara . }					
{ 78. Muttankal . }					
{ 79. Chompayi . }					
{ 80. Kallayi . }					
{ 81. Talayi . }					
{ 82. Tellichher . }					
{ 83. Cannanore . }					
{ 84. Pudiyangadi . }					
{ 85. Ashikal . }					
{ 86. Ettikulam . }					
{ 87. Kavvayi . }					
			(a) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at any one port in the Western group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.	
			(b) In the case of any other foreign ship or steamer calling at any one port in the Western group, not exceeding three annas a ton.	The due is payable on each entry into the port.	
			(c) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Western group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.	
			(d) In the case of any other foreign ship or steamer calling at more than one port in the Western group, not exceeding four and a half annas a ton.	The due is payable once for the voyage.	
			<i>Coasting Vessels.</i>		
			(e) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.	
			(f) In the case of a coasting steamer calling at one or more ports in the Western group, not exceeding three annas a ton.	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.	

**Ports.** [ACT XV  
(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)

PART II—MADRAS PRESIDENCY—concluded.

Name of port.		Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.	
1	2	3	4		
<i>Western Group—contd.</i>					
District.	Port.		<i>Foreign Vessels.</i>		
South Canara.	{ 88. Hosdrug } { 89. Baikal } { 90. Kasaragod } { 91. Kumbale } { 92. Manjesvara }	Sea-going vessels of fifteen tons and upwards.	(a) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at any one port in the Western group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port. The due is payable on each entry into the port.	
	{ 93. Mangalore } { 94. Mulki } { 95. Padubidri }		(b) In the case of any other foreign ship or steamer calling at any one port in the Western group, not exceeding three annas a ton.		
	{ 96. Ermala } { 97. Uchhila } { 98. Kaph } { 99. Malpé }		(c) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Western group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group. The due is payable once for the voyage.	
	100. Hangarakatta or Barkur. 101. Coondapoor.		(d) In the case of any other foreign ship or steamer calling at more than one port in the Western group, not exceeding four and a half annas a ton.		
	{ 102. Nyakinakatte (Nayakkankottai) } { 103. Raindur } { 104. Siruru }			<i>Coasting Vessels.</i>	
				(e) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port. The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.
				(f) In the case of a coasting steamer calling at one or more ports in the Western group, not exceeding three annas a ton.	

*Explanations to Part II of the First Schedule.*

*Explanation 1.*—In this part of the schedule—

- (a) "ship" means a sailing vessel, and "steamer" a steam-vessel;  
 (b) "coasting ship" or "coasting steamer" means respectively a ship or steamer which at any port discharges cargo exclusively from, or takes in cargo exclusively for, any port in the island of Ceylon or any part of India, between the westernmost part of Sind and the south-easternmost part of Burma; and "coasting steamer" includes a coasting steam-vessel having a general pass under section 164 of the Sea Customs Act, 1878;  
 (c) "foreign ship" or "foreign steamer" means respectively a ship or steamer not being a coasting ship or coasting steamer;

VIII of 1878.

Provided that, for the purpose of the levy of port-dues, a vessel shall not be deemed, during one and the same voyage, to be both a coasting ship or steamer, and a foreign ship or steamer, but port-dues shall, in respect of each voyage, be leviable on such vessel either as a coasting or as a foreign ship or steamer, whichever rate is the higher.

*Explanation 2.*—Ports enclosed in double brackets in the first column of the schedule shall be treated as if they were only one port; every vessel in respect of which such dues have been charged and taken at one of the bracketed ports being exempted from the payment of port-dues on entering another port bracketed with it within the period specified in the fourth column of the schedule.

To be substituted for corresponding pages  
of Act XV of 1908 previously circulated.

<i>Eastern Group.</i>					
Dis- trict.	Port.			<i>Foreign Vessels.</i>	
Godavari.	Gaujam.	1. Gopalpur . . .	}	(a) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at any one port in the Eastern group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
		2. Barnve . . .			
		3. Calingapatam . . .			
Godavari.	Vizagapatam.	4. Bimlipatam . . .	}	(b) In the case of any other foreign ship or steamer calling at any one port in the Eastern group, not exceeding three annas a ton.	The due is payable on each entry into the port.
		5. Vizagapatam . . .			
Godavari.	Cocanada	6. Cocanada . . .	}	(c) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Eastern group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
		7. Coringa . . .			
Kistna.	Guntur.	8. Narasapur . . .	}	(d) In the case of any other foreign ship or steamer calling at more than one port in the Eastern group, not exceeding four and a half annas a ton.	The due is payable once for the voyage.
		9. Pernpalem . . .			
		10. Masulipatam . . .			
		11. Nagayalanka . . .			
Kistna.	Nellore.	12. Kottapalem . . .	}	(e) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship for a period of sixty days from liability to pay the due again at that port.
		13. Moratata . . .			
		14. Gangadipalem . . .			
		15. Nisampatnam . . .			
Guntur.	Chingleput.	16. Ipurupalem . . .	}	(f) In the case of a coasting steamer calling at one or more ports in the Eastern group, not exceeding three annas a ton.	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.
		17. Motupalle . . .			
		18. Kottapatnam . . .			
Nellore.	Chingleput.	19. Iskapalle . . .	}	(g) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship for a period of sixty days from liability to pay the due again at that port.
		20. Covelong . . .			
South Arcot.	Tanjore.	21. Cuddalore . . .	}	(h) In the case of a coasting steamer calling at one or more ports in the Eastern group, not exceeding three annas a ton.	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.
		22. Porto Novo . . .			
		23. Thandavara- yasolagan- pettai . . .			
South Arcot.	Tanjore.	24. Tirumalavasal . . .	}	(i) In the case of a coasting steamer calling at one or more ports in the Eastern group, not exceeding three annas a ton.	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.
		25. Tranquebar . . .			
		26. Nagore . . .			
		27. Negapatam . . .			
		28. Velangani . . .			
		29. Toppaturai . . .			
		30. Point Calimere . . .			

Sea-going vessels of fifteen tons and upwards.

Ports.

[ACT XV

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)

PART II.—MADRAS PRESIDENCY—continued.

Name of port.		Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4	
<i>Eastern Group—contd.</i>				
Dis-trict.	Port.			
		<i>Foreign Vessels.</i>		
Tanjore—contd.	31. Mutupet	Sea-going vessels of fifteen tons and upwards.		<p>(a) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at any one port in the Eastern group, not exceeding three annas a ton.</p> <p>(b) In the case of any other foreign ship or steamer calling at any one port in the Eastern group, not exceeding three annas a ton.</p> <p>(c) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Eastern group, not exceeding four and a half annas a ton.</p> <p>(d) In the case of any other foreign ship or steamer calling at more than one port in the Eastern group, not exceeding four and a half annas a ton.</p>
	32. Adirampatnam			
	33. Gopalapatnam.			
	34. Kattumavadi.			
	35. Krishnaji-patnam.			
	36. Ammapatnam.			
	37. Kottaipatnam.			
	38. Sundarepandiya-patnam.			
	39. Vattanam			
	40. Tondi			
	41. Pudupatnam.			
	42. Karangadu			
	43. Tiruppala-nkudi.			
	44. Devipatnam.			
Madras.	45. Mudiyampatnam.			<p>The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.</p> <p>The due is payable on each entry into the port.</p> <p>The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.</p> <p>The due is payable once for the voyage.</p>
	46. Alagayan-kolam.			
	47. Attankarai			
	48. Emanan-gundu			
	49. Pamban			
	50. Rameswaram			
	51. Mandapam			
	52. Vedalai			
	53. Muttupettai			
	54. Kilakarai			
55. Ervadi				
56. Valinokkam				
Tinnevely.	57. Vembar			
	58. Vaippar.			
	59. Tuticorin			
	60. Ovary			
	61. Kayalpatnam			
	62. Kulasekhara-patnam.			
		<i>Coasting Vessels.</i>		
				<p>(e) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.</p> <p>(f) In the case of a coasting steamer calling at one or more ports in the Eastern group, not exceeding three annas a ton.</p>
				<p>The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.</p> <p>The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.</p>

1908.]

## Ports.

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)

## PART II.—MADRAS PRESIDENCY—continued.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
		<i>Foreign Vessels.</i>	
<i>Western Group.</i>		(a) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at any one port in the Western group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port;
63. Cochin . . . . .			
64. Chávakád . . . . .			
{ 65. Veliyangod }		(b) In the case of any other foreign ship or steamer calling at any one port in the Western group, not exceeding three annas a ton.	The due is payable on each entry into the port.
{ 66. Ponani . . . . . }			
{ 67. Kuttayi . . . . . }			
{ 68. Parapanna }		(c) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Western group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
{ 69. Tanur . . . . . }			
{ 70. Parpanangadi }			
{ 71. Ferokh . . . . . }	See-going vessels of fifteen tons and upwards.		
{ 72. Beypore . . . . . }			
{ 73. Calicut . . . . . }			
{ 74. Kappatta . . . . . }			
{ 75. Quilandi . . . . . }			
{ 76. Kottakkal . . . . . }			
{ 77. Badagara . . . . . }			
{ 78. Muttankal . . . . . }			
{ 79. Chompayi . . . . . }			
{ 80. Kallayi . . . . . }			
{ 81. Talayi . . . . . }			
82. Tellicherry . . . . .			
83. Cannanore . . . . .			
{ 84. Pudiyangadi }			
{ 85. Ashikal . . . . . }			
{ 86. Ettikulam . . . . . }			
{ 87. Kavrayi . . . . . }			
		<i>Coasting Vessels.</i>	
		(e) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
		(f) In the case of a coasting steamer calling at one or more ports in the Western group, not exceeding three annas a ton.	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.

*Ports.* [ACT XV

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)

PART II.—MADRAS PRESIDENCY—concluded.

Name of port.		Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.	
1	2	3	4		
<i>Western Group—contd.</i>					
District.	Port.		<i>Foreign Vessels.</i>		
South Canara.	{ 88. Hoedrug 89. Baikal . 90. Kasaragod 91. Kumbale 92. Manjesvara .	Sea-going vessels of fifteen tons and upwards.	(a) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at any one port in the Western group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.	
	{ 93. Mangalore 94. Mulki . 95. Padubidri }		(b) In the case of any other foreign ship or steamer calling at any one port in the Western group, not exceeding three annas a ton.	The due is payable on each entry into the port.	
	{ 96. Ermala . 97. Uchhila . 98. Kaph . 99. Malpé .		(c) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Western group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.	
	100. Hangarakatta or Barkur. 101. Coondapoor .		(d) In the case of any other foreign ship or steamer calling at more than one port in the Western group, not exceeding four and a half annas a ton.	The due is payable once for the voyage.	
	{ 102. Nyakinkotte (Nayakkankottai) 103. Baindur 104. Siruru .		<i>Coasting Vessels.</i>		
			(e) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.	
			(f) In the case of a coasting steamer calling at one or more ports in the Western group, not exceeding three annas a ton.	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.	

*Explanations to Part II of the First Schedule.*

- Explanation 1.*—In this part of the schedule—
- (a) "ship" means a sailing vessel, and "steamer" a steam-vessel;
  - (b) "coasting ship" or "coasting steamer" means respectively a ship or steamer which at any port discharges cargo exclusively from or takes in cargo exclusively for, any port in the island of Ceylon or any part of India, between the westernmost part of Sind and the south-easternmost part of Burma; and "coasting steamer" includes a coasting steam-vessel having a general pass under section 164 of the Sea Customs Act, 1878;
  - (c) "foreign ship" or "foreign steamer" means respectively a ship or steamer not being a coasting ship or coasting steamer:
- Provided that, for the purpose of the levy of port-dues, a vessel shall not be deemed, during one and the same voyage, to be both a coasting ship or steamer, and a foreign ship or steamer, but port-dues shall, in respect of such voyage, be leviable on such vessel either as a coasting or as a foreign ship or steamer, whichever rate is the higher.

*Explanation 2.*—Ports enclosed in double brackets in the first column of the schedule shall be treated as if they were only one port; every vessel in respect of which such dues have been charged and taken at one of the bracketed ports being exempted from the payment of port-dues on entering another port bracketed with it within the period specified in the fourth column of the schedule.



1908.]

## Ports.

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)

## PART III.—BOMBAY PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
Bombay . . . .	Sea-going vessels of ten tons and upwards (except fishing-boats). Tug-steamers, ferry-steamers and river-steamers.	Not exceeding four annas per ton.	Once in the same month.
<i>Northern Group of Ports—</i>			
1. Gogha . . . .			
2. Dholará ( <i>Whittle Bandar</i> ). . . .			
3. Tankári . . . .			
4. Dehegáun . . . .			
5. Kavi . . . .			
6. Dehej . . . .			
7. Broach . . . .			
8. Bhagwá . . . .			
9. Surat . . . .			
10. Matwád . . . .			
11. Balesár . . . .			
12. Umarsádi . . . .			
13. Kolak . . . .			
14. Kalái . . . .			
15. Maroli . . . .			
16. Umbargam . . . .			
17. Gholwad . . . .			
18. Dábhánu Creek . . . .			
19. Tárápur . . . .			
20. Olivára Navápur . . . .			
21. Sápáti Creek . . . .			
22. Máunim (Kelva) . . . .			
23. Kelva . . . .			
24. Dantiora . . . .			
25. Arnála . . . .			

Ports.

[ACT XV

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)

PART III.—BOMBAY PRESIDENCY—continued.

Name of port.	Vessels chargeable.	Rate of port-dues.	Dues how often chargeable in respect of same vessel.
1	2	3	4
<i>Southern Group of Ports—</i>			
1. Bándra . . . . .	} Sea-going vessels of ten tons and upwards (except fishing-boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port may be charged at a rate to be determined by the Local Government and not exceeding the highest rate of port-dues leviable at any port of the group to which such port belongs, and an addition of one-half of such highest rate.	Once, in thirty days at the same port: provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
2. Vesáva . . . . .			
3. Manori . . . . .			
4. Utan . . . . .			
5. Bassein . . . . .			
6. Bhiwandi . . . . .			
7. Kalyan . . . . .			
8. Thána . . . . .			
9. Mahul . . . . .			
10. Trombay . . . . .			
11. Panwel . . . . .			
12. Mora . . . . .			
13. Karanjá . . . . .			
14. Thal . . . . .			
15. Alibág . . . . .			
16. Revdaudá . . . . .			
17. Mandád . . . . .			
18. Bankot . . . . .			
19. Kelshi . . . . .			
20. Harnai . . . . .			
21. Dabhoi . . . . .			
22. Borya . . . . .			
23. Jaygad . . . . .			
24. Varavdá . . . . .			
25. Ratnagiri . . . . .			
26. Purangad . . . . .			
27. Jaytapur . . . . .			
28. Vijaydurg . . . . .			
29. Devgad . . . . .			
30. Achra . . . . .			
31. Málwan . . . . .			
32. Nivti . . . . .			
33. Vengurla . . . . .			
34. Redi . . . . .			
35. Kirnapani . . . . .			
36. Tilmati . . . . .			
37. Sadasivgad . . . . .			
38. Karwár, including Baitkhol . . . . .			
39. Bingi . . . . .			
40. Chendya . . . . .			
41. Belikeri . . . . .			
42. Ankolá . . . . .			
43. Gangávali . . . . .			

1908.]

## Ports.

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)

## PART III.—BOMBAY PRESIDENCY—concluded.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
<i>Southern Group of Ports—concl.</i>			
44. Tadri . . .	} Sea-going vessels of ten tons and upwards (except fishing-boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port may be charged at a rate to be determined by the Local Government and not exceeding the highest rate of port-dues leviable at any port of the group to which such port belongs, and an addition of one-half of such highest rate.	Once in thirty days at the same port: provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
45. Kumptá . . .			
46. Honáwar . . .			
47. Manki . . .			
48. Murdeshwar . . .			
49. Shiráli . . .			
50. Bhatkal . . .			
Karachi . . .	Sea-going vessels of ten tons and upwards (except fishing boats). Tug-steamers and river-steamers.	Not exceeding four annas per ton.  Ditto . . .	Once in three months.  Once between the 1st January and the 30th June, and once between the 1st July and the 31st December, in each year.
Aden . . .	Sea-going vessels of ten tons and upwards.	Not exceeding three annas per ton.	Once a month.

## PART IV.—BURMA.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
Rangoon . . .	Sea-going vessels of ten tons and upwards.	Not exceeding six annas per ton.	Once in sixty days.

*Ports.*

[ACT XV]

*(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)*

PART IV—BURMA—concluded.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
<i>Rangoon—contd.</i>	Tug-steamers and river-steamers.	Not exceeding four annas per ton.	Once between the 1st January and the 30th June, and once between the 1st July and the 31st December, in each year.
Maulmain . . .	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Ditto . . .	Once in sixty days.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pies per ton.	Ditto.
Kyaukpyu . . .	Sea-going vessels of ten tons and upwards.	Not exceeding four annas per ton.	Ditto.
Akyab . . . .	Ditto . . . .	Ditto . . . .	Ditto.
Bassein . . . .	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Ditto . . . .	Ditto.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pies per ton.	Ditto.
Tavoy . . . .	Sea-going vessels of ten tons and upwards.	Not exceeding four annas per ton.	Ditto.
Mergui . . . .	Ditto . . . .	Ditto . . . .	Ditto.

1908.]

## Ports.

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment. The Second Schedule.—Enactments repealed.)

## PART V.—EASTERN BENGAL AND ASSAM.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
Chittagong . . .	Sea-going vessels of ten tons and upwards, not being ballam-boats.	Not exceeding four and a half annas per ton.	Whenever the vessel enters the port, except in the case of mail-steamers and coasting vessels, which shall not be chargeable more than once in sixty days.
	Tag-steamers and river-steamers.	Ditto . . .	Once between the 1st January and the 30th June, and once between the 1st July and the 31st December, in each year.
	Ballam-boats . . .	Not exceeding one anna per ton.	Whenever the vessel enters the port.

## THE SECOND SCHEDULE.

## ENACTMENTS REPEALED.

(See section 69.)

Year.	No.	Short title or subject.	Extent of repeal.
1889 . . . . .	X	The Indian Ports Act, 1889 . . . . .	So much as is unrepealed.
1891 . . . . .	V	The Indian Ports Act, 1891 . . . . .	The whole.
1894 . . . . .	II	The Indian Ports Act (1889) Amendment Act, 1894.	Ditto.
1896 . . . . .	IV	The Indian Ports Act (1889) Amendment Act, 1896.	Ditto.
1901 . . . . .	III	The Indian Ports Act, 1901 . . . . .	Ditto.
1903 . . . . .	V	The Indian Ports (Amendment) Act, 1903.	Ditto.

**CALCUTTA**  
**SUPERINTENDENT GOVERNMENT PRINTING, INDIA**  
**8, HASTINGS STREET**

**THE INDIAN REGISTRATION ACT, 1908**  
**(XVI OF 1908).**

---

**CONTENTS.**

---

**PART I.**

**PRELIMINARY.**

**SECTIONS.**

1. Short title, extent and commencement.
  2. Definitions.
- 

**PART II.**

**OF THE REGISTRATION-ESTABLISHMENT.**

3. Inspector General of Registration.
  4. Branch Inspector General of Sindh.
  5. Districts and sub-districts.
  6. Registrars and Sub-Registrars.
  7. Offices of Registrar and Sub-Registrar.
  8. Inspectors of Registration-offices.
  9. Military cantonments may be declared sub-districts or districts.
  10. Absence of Registrar or vacancy in his office.
  11. Absence of Registrar on duty in his district.
  12. Absence of Sub-Registrar or vacancy in his office.
  13. Report of certain appointments, and suspension and removal and dismissal of officers.
  14. Remuneration and establishments of registering officers.
  15. Seals of registering officers.
  16. Register-books and fire-proof boxes.
- 

**PART III.**

**OF REGISTRABLE DOCUMENTS.**

17. Documents of which registration is compulsory.
18. Documents of which registration is optional.
19. Documents in language not understood by registering officer.
20. Documents containing interlineations, blanks, erasures or alterations.
21. Description

[Price Ten Annas.]

SECTIONS.

21. Description of property and maps or plans.
22. Description of houses and land by reference to Government maps or surveys.

---

PART IV.

OF THE TIME OF PRESENTATION.

23. Time for presenting documents.
24. Documents executed by several persons at different times.
25. Provision where delay in presentation is unavoidable.
26. Documents executed out of British India.
27. Wills may be presented or deposited at any time.

---

PART V.

OF THE PLACE OF REGISTRATION.

28. Place for registering documents relating to land.
29. Place for registering other documents.
30. Registration by Registrars in certain cases.
31. Registration or acceptance for deposit at private residence.

---

PART VI.

OF PRESENTING DOCUMENTS FOR REGISTRATION.

32. Persons to present documents for registration.
33. Powers-of-attorney recognizable for purposes of section 32.
34. Enquiry before registration by registering officer.
35. Procedure on admission and denial of execution respectively.

---

PART VII.

OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES.

36. Procedure where appearance of executant or witness is desired.
37. Officer or Court to issue and cause service of summons.
38. Persons exempt from appearance at registration-office.
39. Law as to summonses, commissions and witnesses.

PART VIII.



## PART VIII.

## OF PRESENTING WILLS AND AUTHORITIES TO ADOPT.

## SECTIONS.

40. Persons entitled to present wills and authorities to adopt.
41. Registration of wills and authorities to adopt.

## PART IX.

## OF THE DEPOSIT OF WILLS.

42. Deposit of wills.
43. Procedure on deposit of wills.
44. Withdrawal of sealed cover deposited under section 42.
45. Proceedings on death of depositor.
46. Saving of certain enactments and powers of Courts.

## PART X.

## OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION.

47. Time from which registered document operates.
48. Registered documents relating to property when to take effect against oral agreements.
49. Effect of non-registration of documents required to be registered.
50. Certain registered documents relating to land, to take effect against unregistered documents.

## PART XI.

## OF THE DUTIES AND POWERS OF REGISTERING OFFICERS.

*(A) As to the Register-books and Indexes.*

51. Register-books to be kept in the several offices.
52. Duties of registering officer when document presented.
53. Entries to be numbered consecutively.
54. Current indexes and entries therein.
55. Indexes to be made by registering officers, and their contents.
56. Copy of entries in indexes Nos. I, II and III to be sent by Sub-Registrar to Registrar and filed.
57. Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries.

*(B) As*

## *Registration.*

[ACT XVI

### *(B) As to the Procedure on admitting to Registration.*

#### SECTIONS.

58. Particulars to be endorsed on documents admitted to registration.
59. Endorsements to be dated and signed by registering officer.
60. Certificate of registration.
61. Endorsements and certificate to be copied and document returned.
62. Procedure on presenting document in language unknown to registering officer.
63. Power to administer oaths and record of substance of statements.

### *(C) Special Duties of Sub-Registrar.*

64. Procedure where document relates to land in several sub-districts.
65. Procedure where document relates to land in several districts.

### *(D) Special Duties of Registrar.*

66. Procedure after registration of documents relating to land.
67. Procedure after registration under section 30, subsection (2).

### *(E) Of the controlling Powers of Registrars and Inspectors General.*

68. Power of Registrar to superintend and control Sub-Registrars.
69. Power of Inspector General to superintend registration-offices and make rules.
70. Power of Inspector General to remit fines.

---

## PART XII.

### OF REFUSAL TO REGISTER.

71. Reasons for refusal to register to be recorded.
72. Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution.

73. Application

1908.]

*Registration.*

SECTIONS.

73. Application to Registrar where Sub-Registrar refuses to register on ground of denial of execution.
74. Procedure of Registrar on such application.
75. Order by Registrar to register and procedure thereon.
76. Order of refusal by Registrar.
77. Suit in case of order of refusal by Registrar.

---

PART XIII.

OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES.

78. Fees to be fixed by Local Government.
79. Publication of fees.
80. Fees payable on presentation.

---

PART XIV.

OF PENALTIES.

81. Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure.
82. Penalty for making false statements, delivering false copies or translations, false personation and abetment.
83. Registering officer may commence prosecutions.
84. Registering officers to be deemed public servants.

---

PART XV.

MISCELLANEOUS.

85. Destruction of unclaimed documents.
86. Registering officer not liable for thing *bona fide* done or refused in his official capacity.
87. Nothing so done invalidated by defect in appointment or procedure.
88. Registration of documents executed by Government officers or certain public functionaries.
89. Copies of certain orders, certificates and instruments to be sent to registering officers and filed.

*Exemptions from Act.*

90. Exemption of certain documents executed by or in favour of Government.

91. Inspection

*Registration.* [ACT XVI, 1908.]

SECTIONS.

91. Inspection and copies of such documents.
92. Burmese registration-rules confirmed.

*Repeals.*

93. Repeals.
- 

THE SCHEDULE.—REPEAL OF ENACTMENTS.

---

# ACT No. XVI OF 1908.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th  
December 1908.)

An Act to consolidate the enactments relating  
to the Registration of Documents.

WHEREAS it is expedient to consolidate the enactments relating to the registration of documents; It is hereby enacted as follows:—

## PART I.

### PRELIMINARY.

1. (1) This Act may be called the Indian Registration Act, 1908.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of British India, except such districts or tracts of country as the Local Government may, with the previous sanction of the Governor General in Council, exclude from its operation.

(3) It shall come into force on the first day of January 1909.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(1) "addition" means the place of residence, and the profession, trade, rank and title (if any) of a person described, and, in the case of a Native of India, his caste (if any) and his father's name, or where he is usually described as the son of his mother, then his mother's name:

(2) "book" includes a portion of a book and also any number of sheets connected together with a view of forming a book or portion of a book:

(3) "district" and "sub-district" respectively mean a district and sub-district formed under this Act:

(4) "District

*(Part II.—Of the Registration-establishment.)*

- (4) "District Court" includes the High Court in its ordinary original civil jurisdiction :
- (5) "endorsement" and "endorsed" include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act :
- (6) "immoveable property" includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth, or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops nor grass :
- (7) "lease" includes a counterpart, kabuliyat, an undertaking to cultivate or occupy, and an agreement to lease :
- (8) "minor" means a person who, according to the personal law to which he is subject, has not attained majority :
- (9) "moveable property" includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immoveable property : and
- (10) "representative" includes the guardian of a minor and the committee or other legal curator of a lunatic or idiot.

---

PART II.

OF THE REGISTRATION-ESTABLISHMENT.

Inspector  
General of  
Registration.

3. (1) The Local Government shall appoint an officer to be the Inspector General of Registration for the territories subject to such Government :

Provided

*(Part II.—Of the Registration-establishment.)*

Provided that the Local Government may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector General shall be exercised and performed by such officer or officers, and within such local limits, as the Local Government appoints in this behalf.

(2) Any Inspector General may hold simultaneously any other office under Government.

4. (1) The Governor of Bombay in Council may also, with the previous consent of the Governor General in Council, appoint an officer to be Branch Inspector General of Sindh, who shall have all the powers of an Inspector General under this Act other than the power to frame rules hereinafter conferred.

Branch Inspector General of Sindh.

(2) The Branch Inspector General of Sindh may hold simultaneously any other office under Government.

5. (1) For the purposes of this Act, the Local Government shall form districts and sub-districts, and shall prescribe, and may alter, the limits of such districts and sub-districts.

Districts and sub-districts.

(2) The districts and sub-districts formed under this section, together with the limits thereof, and every alteration of such limits, shall be notified in the local official Gazette.

(3) Every such alteration shall take effect on such day after the date of the notification as is therein mentioned.

6. The Local Government may appoint such persons, whether public officers or not, as it thinks proper, to be Registrars of the several districts, and to be Sub-Registrars of the several sub-districts, formed as aforesaid, respectively.

Registrars and Sub-Registrars.

7. (1) The Local Government shall establish in every district an office to be styled the office of the Registrar and in every sub-district an office or offices

Offices of Registrar and Sub-Registrar.

to

(Part II.— Of the Registration-establishment.)

to be styled the office of the Sub-Registrar or the offices of the Joint Sub-Registrars.

(2) The Local Government may amalgamate with any office of a Registrar any office of a Sub-Registrar subordinate to such Registrar, and may authorize any Sub-Registrar whose office has been so amalgamated to exercise and perform, in addition to his own powers and duties, all or any of the powers and duties of the Registrar to whom he is subordinate:

Provided that no such authorization shall enable a Sub-Registrar to hear an appeal against an order passed by himself under this Act.

Inspectors of Registration-offices.

8. (1) The Local Government may also appoint officers, to be called Inspectors of Registration-offices, and may prescribe the duties of such officers.

(2) Every such Inspector shall be subordinate to the Inspector General.

Military cantonments may be declared sub-districts or districts.

9. Every military cantonment may (if the Local Government so directs) be, for the purposes of this Act, a sub-district or a district, and the Cantonment Magistrate shall be the Sub-Registrar or the Registrar of such sub-district or district, as the case may be.

Absence of Registrar or vacancy in his office.

10. (1) When any Registrar, other than the Registrar of a district including a Presidency-town, is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector General appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, shall be the Registrar during such absence or until the Local Government fills up the vacancy.

(2) When the Registrar of a district including a Presidency-town is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector General appoints in

this



*(Part II.—Of the Registration-establishment.)*

this behalf shall be the Registrar during such absence, or until the Local Government fills up the vacancy.

11. When any Registrar is absent from his office on duty in his district, he may appoint any Sub-Registrar or other person in his district to perform, during such absence, all the duties of a Registrar except those mentioned in sections 68 and 72.

Absence of Registrar on duty in his district.

12. When any Sub-Registrar is absent, or when his office is temporarily vacant, any person whom the Registrar of the district appoints in this behalf shall be Sub-Registrar during such absence, or until the Local Government fills up the vacancy.

Absence of Sub-Registrar or vacancy in his office.

13. (1) All appointments made under section 10, section 11 or section 12 shall be reported to the Local Government by the Inspector General.

Report of certain appointments and suspension and removal and dismissal of officers.

(2) Such report shall be either special or general, as the Local Government directs.

(3) The Local Government may suspend, remove or dismiss any person appointed under the provisions of this Act, and appoint another person in his stead.

14. (1) Subject to the approval of the Governor General in Council, the Local Government may assign such salaries as such Government deems proper to the registering officers appointed under this Act, or provide for their remuneration by fees, or partly by fees and partly by salaries.

Remuneration and establishments of registering officers.

(2) The Local Government may allow proper establishments for the several offices under this Act.

15. The several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other language as the Local Government directs:—“The seal of the Registrar (or of the Sub-Registrar) of . . .”

Seal of Registering officers.

16. (1) The Local Government shall provide for the office of every registering officer the books necessary for the purposes of this Act.

Register books and fire-proof boxes.

(2) The

*(Part III.—Of Registrable Documents.)*

(2) The books so provided shall contain the forms from time to time prescribed by the Inspector General, with the sanction of the Local Government, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

(3) The Local Government shall supply the office of every Registrar with a fire-proof box, and shall in each district make suitable provision for the safe custody of the records connected with the registration of documents in such district.

---

 PART III.

## OF REGISTRABLE DOCUMENTS.

Documents of which registration is compulsory.

17. (1) The following documents shall be registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the date on which, Act No. XVI of 1864, or the Indian Registration Act, 1866, or the <sup>XX</sup> of 1866. Indian Registration Act, 1871, or the Indian Registration Act, 1877, or this Act came or comes into <sup>VIII</sup> of 1871. <sup>III</sup> of 1877. force, namely:—

- (a) instruments of gift of immoveable property ;
- (b) other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immoveable property ;
- (c) non-testamentary instruments which acknowledge the receipt or payment of any

*(Part III.—Of Registrable Documents.)*

any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest ; and

- (d) leases of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent :

Provided that the Local Government may, by order published in the local official Gazette, exempt from the operation of this sub-section any leases executed in any district, or part of a district, the terms granted by which do not exceed five years and the annual rents reserved by which do not exceed fifty rupees.

(2) Nothing in clauses (b) and (c) of sub-section (1) applies to—

- (i) any composition-deed : or
- (ii) any instrument relating to shares in a Joint Stock Company, notwithstanding that the assets of such Company consist in whole or in part of immoveable property ; or
- (iii) any debenture issued by any such Company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest, to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures ;  
or

(iv) any

*Registration.*

[ACT XVI

*(Part III.—Of Registrable Documents.)*

- (iv) any endorsement upon or transfer of any debenture issued by any such Company ;  
or
- (v) any document not itself creating, declaring, assigning, limiting or extinguishing any right, title or interest of the value of one hundred rupees and upwards to or in immoveable property, but merely creating a right to obtain another document which will, when executed, create, declare, assign, limit or extinguish any such right, title or interest ; or
- (vi) any decree or order of a Court and any award ; or
- (vii) any grant of immoveable property by Government ; or
- (viii) any instrument of partition made by a Revenue-officer ; or
- (ix) any order granting a loan or instrument of collateral security granted under the Land Improvement Act, 1871, or the Land Improvement Loans Act, 1883 ; or
- (x) any order granting a loan under the Agriculturists Loans Act, 1884, or instrument for securing the repayment of a loan made under that Act ; or
- (xi) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage ; or
- (xii) any certificate of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue-officer.

XXVI of  
1871.  
XIX of  
1883.

XII of 1884.

(3) Authorities

*(Part III.—Of Registrable Documents.)*

(3) Authorities to adopt a son, executed after the first day of January 1872, and not conferred by a will, shall also be registered.

18. Any of the following documents may be registered under this Act, namely:—

Documents of which registration is optional.

- (a) instruments (other than instruments of gift and wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immoveable property;
- (b) instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest;
- (c) leases of immoveable property for any term not exceeding one year, and leases exempted under section 17;
- (d) instruments (other than wills) which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in moveable property;
- (e) wills; and
- (f) all other documents not required by section 17 to be registered.

19. If any document duly presented for registration be in a language which the registering officer does not understand, and which is not commonly used in the district, he shall refuse to register the document, unless it be accompanied by a true translation into a language commonly used in the district and also by a true copy.

Documents in language not understood by registering officer.

(2) 20. (1) The registering officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or altera-

Documents containing interlineations, blanks, erasures or alterations.

tion

(Part III.—Of Registrable Documents.)

tion appears, unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration.

(2) If the registering officer registers any such document, he shall, at the time of registering the same, make a note in the register of such interlineation, blank, erasure or alteration.

Description of property and maps or plans.

21. (1) No non-testamentary document relating to immoveable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

(2) Houses in towns shall be described as situate on the north or other side of the street or road (which should be specified) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered.

(3) Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate, and by their superficial contents, the roads and other properties on which they abut, and their-existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

(4) No non-testamentary document containing a map or plan of any property comprised therein shall be accepted for registration unless it is accompanied by a true copy of the map or plan, or, in case such property is situate in several districts, by such number of true copies of the map or plan as are equal to the number of such districts.

Description of houses and land by reference to Government maps or surveys.

22. (1) Where it is, in the opinion of the Local Government, practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, the Local Government may, by rule made under this Act, require that such houses and lands as aforesaid shall, for the purposes of section 21, be so described.

(2) Save

1908.]

*Registration.*

*(Part IV.—Of the Time of Presentation.)*

(2) Save as otherwise provided by any rule made under sub-section (1), failure to comply with the provisions of section 21, sub-section (2) or sub-section (3), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify that property.

**PART IV.**

**OF THE TIME OF PRESENTATION.**

23. Subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution :

Time for presenting documents.

Provided that a copy of a decree or order may be presented within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final.

24. Where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution.

Documents executed by several persons at different times.

25. (1) If, owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in British India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that, on payment of a fine not exceeding ten times the amount of the proper registration-fee, such document shall be accepted for registration.

Provision where delay in presentation is unavoidable.

(2) Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith

forward

*Registration.*

[ACT XVI

(Part IV.—Of the Time of Presentation. Part V.  
—Of the Place of Registration.)

forward it to the Registrar to whom he is subordinate.

Documents  
executed out  
of British  
India.

26. When a document purporting to have been executed by all or any of the parties out of British India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the registering officer, if satisfied—

(a) that the instrument was so executed, and

(b) that it has been presented for registration within four months after its arrival in British India,

may, on payment of the proper registration-fee, accept such document for registration.

Wills may be  
presented or  
deposited at  
any time.

27. A will may at any time be presented for registration or deposited in manner hereinafter provided.

---

PART V.

OF THE PLACE OF REGISTRATION.

Place for  
registering  
documents  
relating to  
land.

28. Save as in this Part otherwise provided, every document mentioned in section 17, sub-section (1), clauses (a), (b), (c) and (d), and section 18, clauses (a), (b) and (c), shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate.

Place for  
registering  
other docu-  
ments.

29. (1) Every document other than a document referred to in section 28, and a copy of a decree or order, may be presented for registration either in the office of the Sub-Registrar in whose sub-district the document was executed, or in the office of any other Sub-Registrar under the Local Government at which all the persons executing and claiming under the document desire the same to be registered.

(2) A



1908.]

*Registration.*

(Part V.—Of the Place of Registration. Part VI.—Of Presenting Documents for Registration.)

(2) A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose sub-district the original decree or order was made, or, where the decree or order does not affect immoveable property, in the office of any other Sub-Registrar under the Local Government at which all the persons claiming under the decree or order desire the copy to be registered.

30. (1) Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.

Registration by Registrars in certain cases.

(2) The Registrar of a district including a Presidency-town and the Registrar of the Lahore District may receive and register any document referred to in section 28 without regard to the situation in any part of British India of the property to which the document relates.

31. In ordinary cases the registration or deposit of documents under this Act shall be made only at the office of the officer authorized to accept the same for registration or deposit :

Registration or acceptance for deposit at private residence.

Provided that such officer may on special cause being shown attend at the residence of any person desiring to present a document for registration or to deposit a will, and accept for registration or deposit such document or will.

PART VI.

OF PRESENTING DOCUMENTS FOR REGISTRATION.

32. Except in the cases mentioned in section 31 and section 89, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration-office,—

Persons to present documents for registration.

(a) by some person executing or claiming under the same, or, in the case of a copy of a decree

*Registration.*

[ACT XVI

*(Part VI.—Of Presenting Documents for Registration.)*

decree or order, claiming under the decree or order, or

(b) by the representative or assign of such person, or

(c) by the agent of such person, representative or assign, duly authorized by power-of-attorney executed and authenticated in manner hereinafter mentioned.

Power-of-attorney recognizable for purposes of section 22.

33. (1) For the purposes of section 32, the following powers-of-attorney shall alone be recognized, namely :—

(a) if the principal at the time of executing the power-of-attorney resides in any part of British India in which this Act is for the time being in force, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides ;

(b) if the principal at the time aforesaid resides in any other part of British India, a power-of-attorney executed before and authenticated by any Magistrate ;

(c) if the principal at the time aforesaid does not reside in British India, a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of His Majesty or of the Government of India :

Provided that the following persons shall not be required to attend at any registration-office or Court for the purpose of executing any such power-of-attorney as is mentioned in clauses (a) and (b) of this section, namely :—

(i) persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend ;

(ii) persons

1908.]

*Registration.*

*(Part VI.—Of Presenting Documents for Registration.)*

(ii) persons who are in jail under civil or criminal process; and

(iii) persons exempt by law from personal appearance in Court.

(2) In the case of every such person the Registrar or Sub-Registrar or Magistrate, as the case may be, if satisfied that the power-of-attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or Court aforesaid.

(3) To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Magistrate may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

(4) Any power-of-attorney mentioned in this section may be proved by the production of it without further proof when it purports on the face of it to have been executed before and authenticated by the person or Court hereinbefore mentioned in that behalf.

34. (1) Subject to the provisions contained in this Part and in sections 41, 43, 45, 69, 75, 77, 88 and 89, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the registering officer within the time allowed for presentation under sections 23, 24, 25 and 26 :

Enquiry  
before registra-  
tion by  
registering  
officer.

Provided that, if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases where the delay in appearing does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration fee, in addition to the fine, if any, payable under section 25, the document may be registered.

(2) Appearances

*Registration.*

[ACT XVI

*(Part VI.—Of Presenting Documents for Registration.)*

(2) Appearances under sub-section (1) may be simultaneous or at different times.

(3) The registering officer shall thereupon—

(a) enquire whether or not such document was executed by the persons by whom it purports to have been executed;

(b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document; and,

(c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

(4) Any application for a direction under the proviso to sub-section (1) may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

(5) Nothing in this section applies to copies of decrees or orders.

Procedure on admission and denial of execution respectively.

35. (1) (a) If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document, or

(b) if in the case of any person appearing by a representative, assign or agent, such representative, assign or agent admits the execution, or

(c) if the person executing the document is dead, and his representative or assign appears before the registering officer and admits the execution,

the registering officer shall register the document as directed in sections 58 to 61, inclusive.

(2) The registering officer may, in order to satisfy himself that the persons appearing before him are

the

1908.]

*Registration.*

*(Part VII.—Of Enforcing the Appearance of Executants and Witnesses.)*

the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one present in his office.

(3) (a) If any person by whom the document purports to be executed denies its execution, or

(b) if any such person appears to the registering officer to be a minor, an idiot or a lunatic, or

(c) if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution,

the registering officer shall refuse to register the document as to the person so denying, appearing or dead :

Provided that, where such officer is a Registrar, he shall follow the procedure prescribed in Part XII.

---

PART VII.

OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES.

36. If any person presenting any document for registration, or claiming under any document which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such officer or Court as the Local Government directs in this behalf to issue a summons requiring him to appear at the registration-office, either in person or by duly authorized agent, as in the summons may be mentioned, and at a time named therein.

Procedure where appearance of executant or witness is desired.

37. The officer or Court, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose appearance is so required.

Officer or Court to issue and cause service of summons.

38. (1)

(Part VII.—Of Enforcing the Appearance of Executors and Witnesses. Part VIII.—Of Presenting Wills and Authorities to adopt.)

Persons exempt from appearance at registration-office.

38. (1) (a) A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the registration-office, or

(b) a person in jail under civil or criminal process, or

(c) persons exempt by law from personal appearance in Court, and who would but for the provision next hereinafter contained be required to appear in person at the registration-office,

shall not be required so to appear.

(2) In the case of every such person the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him or issue a commission for his examination.

Law as to summonses, commissions and witnesses.

39. The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts, shall, save as aforesaid and *mutatis mutandis*, apply to any summons or commission issued and any person summoned to appear under the provisions of this Act.

## PART VIII.

### OF PRESENTING WILLS AND AUTHORITIES TO ADOPT.

Persons entitled to present wills and authorities to adopt.

40. (1) The testator, or after his death any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub-Registrar for registration.

(2) The donor, or after his death the donee, of any authority to adopt, or the adoptive son, may present it to any Registrar or Sub-Registrar for registration.)

41. (1)

1908.]

*Registration.*

(Part VIII.—Of Presenting Wills and Authorities to adopt. Part IX.—Of the Deposit of Wills.)

41. (1) A will or an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document. Registration of wills and authorities to adopt.

(2) A will or authority to adopt presented for registration by any other person entitled to present it shall be registered if the registering officer is satisfied—

- (a) that the will or authority was executed by the testator or donor, as the case may be;
- (b) that the testator or donor is dead; and
- (c) that the person presenting the will or authority is, under section 40, entitled to present the same.

---

PART IX.

OF THE DEPOSIT OF WILLS.

42. Any testator may, either personally or by duly authorized agent, deposit with any Registrar his will in a sealed cover superscribed with the name of the testator and that of his agent (if any) and with a statement of the nature of the document. Deposit of wills.

43. (1) On receiving such cover, the Registrar, if satisfied that the person presenting the same for deposit is the testator or his agent, shall transcribe in his Register-book No. 5 the superscription aforesaid, and shall note in the same book and on the said cover the year, month, day and hour of such presentation and receipt, and the names of any persons who may testify to the identity of the testator or his agent, and any legible inscription which may be on the seal of the cover. Procedure on deposit of wills.

(2) The Registrar shall then place and retain the sealed cover in his fire-proof box.

44. If

*Registration.*

[ACT XVI

*(Part IX.—Of the Deposit of Wills. Part X.—Of the Effects of Registration and Non-registration.)*

Withdrawal  
of sealed  
cover deposit-  
ed under  
section 42.

44. If the testator who has deposited such cover wishes to withdraw it, he may apply, either personally or by duly authorized agent, to the Registrar who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly.

Proceedings  
on death of  
depositor.

45. (1) If, on the death of a testator who has deposited a sealed cover under section 42, application be made to the Registrar who holds it in deposit to open the same, and if the Registrar is satisfied that the testator is dead, he shall, in the applicant's presence, open the cover, and, at the applicant's expense, cause the contents thereof to be copied into his Book No. 3.

(2) When such copy has been made, the Registrar shall re-deposit the original will.

Saving of  
certain  
enactments  
and powers  
of Courts.

46. (1) Nothing hereinbefore contained shall affect the provisions of section 259 of the Indian Succession Act, 1865, or of section 81 of the Probate and Administration Act, 1881, or the power of any Court by order to compel the production of any will. <sup>X of 1865.</sup> <sup>V of 1881.</sup>

(2) When any such order is made, the Registrar shall, unless the will has been already copied under section 45, open the cover and cause the will to be copied into his Book No. 3 and make a note on such copy that the original has been removed into Court in pursuance of the order aforesaid.

---

PART X,

OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION.

Time from  
which re-  
gistered  
document  
operates.

47. A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

48. All



1908.]

*Registration.*

*(Part X.—Of the Effects of Registration and Non-registration.)*

48. All non-testamentary documents duly registered under this Act, and relating to any property, whether moveable or immoveable, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession.

Registered documents relating to property when to take effect against oral agreements

49. No document required by section 17 to be registered shall—

Effect of non-registration of documents required to be registered.

- (a) affect any immoveable property comprised therein, or
- (b) confer any power to adopt, or
- (c) be received as evidence of any transaction affecting such property or conferring such power,

unless it has been registered.

50. (1) Every document of the kinds mentioned in clauses (a), (b), (c) and (d) of section 17, sub-section (1), and clauses (a) and (b) of section 18, shall, if duly registered, take effect as regards the property comprised therein, against every unregistered document relating to the same property, and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not.

Certain registered documents relating to land to take effect against unregistered documents.

(2) Nothing in sub-section (1) applies to leases exempted under the proviso to sub-section (1) of section 17 or to any document mentioned in sub-section (2) of the same section, or to any registered document which had not priority under the law in force at the commencement of this Act.

*Explanation.*—In cases where Act No. XVI of 1864 or the Indian Registration Act, 1866, was in force in the place and at the time in and at which such unregistered document was executed, “unregistered” means not registered according to such Act,

and

*Registration.* [ACT XVI  
(Part XI.—Of the Duties and Powers of Registering  
Officers.)

and, where the document is executed after the first day of July 1871, not registered under the Indian Registration Act, 1871, or the Indian Registration Act, 1877, or this Act.

VIII of  
1871.  
III of 1877.

PART XI.

OF THE DUTIES AND POWERS OF REGISTERING  
OFFICERS.

(A) *As to the Register-books and indexes.*

Register-  
books to be  
kept in the  
several  
offices.

51. (I) The following books shall be kept in the several offices hereinafter named, namely:—

A—In all registration offices—

Book 1, “Register of non-testamentary documents relating to immoveable property;”

Book 2, “Record of reasons for refusal to register;”

Book 3, “Register of wills and authorities to adopt;” and

Book 4, “Miscellaneous Register;”

B—In the offices of Registrars—

Book 5, “Register of deposits of wills.”

(2) In Book 1 shall be entered or filed all documents or memoranda registered under sections 17, 18 and 89 which relate to immoveable property, and are not wills.

(3) In Book 4 shall be entered all documents registered under clauses (d) and (f) of section 18 which do not relate to immoveable property.

(4) Nothing in this section shall be deemed to require more than one set of books where the office of  
the

1908.]

*Registration.*

*(Part XI.—Of the Duties and Powers of Registering Officers.)*

the Registrar has been amalgamated with the office of a Sub-Registrar.

52. (1) (a) The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it;

Duties of registering officers when document presented.

(b) a receipt for such document shall be given by the registering officer to the person presenting the same; and,

(c) subject to the provisions contained in section 62, every document admitted to registration shall without unnecessary delay be copied in the book appropriated therefor according to the order of its admission.

(2) All such books shall be authenticated at such intervals and in such manner as is from time to time prescribed by the Inspector General.

53. All entries in each book shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Entries to be numbered consecutively.

54. In every office in which any of the books hereinbefore mentioned are kept, there shall be prepared current indexes of the contents of such books; and every entry in such indexes shall be made, so far as practicable, immediately after the registering officer has copied, or filed a memorandum of, the document to which it relates.

Current indexes and entries therein.

55. (1) Four such indexes shall be made in all registration offices, and shall be named, respectively, Index No. I, Index No. II, Index No. III and Index No. IV.

Indexes to be made by registering officers, and their contents.

(2) Index No. I shall contain the names and additions of all persons executing and of all persons claiming under every document entered or memorandum filed in Book No. 1.

(3) Index

*Registration.*

[ACT XVI

*(Part XI.—Of the Duties and Powers of Registering Officers.)*

(3) Index No. II shall contain such particulars mentioned in section 21 relating to every such document and memorandum as the Inspector General from time to time directs in that behalf.

(4) Index No. III shall contain the names and additions of all persons executing every will and authority entered in Book No. 3, and of the executors and persons respectively appointed thereunder, and after the death of the testator or the donor (but not before) the names and additions of all persons claiming under the same.

(5) Index No. IV shall contain the names and additions of all persons executing and of all persons claiming under every document entered in Book No. 4.

(6) Each Index shall contain such other particulars, and shall be prepared in such form, as the Inspector General from time to time directs.

Copy of entries in Indexes Nos. I, II and III to be sent by Sub-Registrar to Registrar and filed.

56. (1) Every Sub-Registrar shall send to the Registrar to whom he is subordinate, at such intervals as the Inspector General from time to time directs, a copy of all entries made by such Sub-Registrar, during the last of such intervals, in Indexes Nos. I, II and III.

(2) Every Registrar receiving such copy shall file it in his office.

Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries.

57. (1) Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the Indexes relating to Book No. 1 shall be at all times open to inspection by any person applying to inspect the same; and, subject to the provisions of section 62, copies of entries in such books shall be given to all persons applying for such copies.

(2) Subject to the same provisions, copies of entries in Book No. 3 and in the Index relating thereto shall be given to the persons executing the documents to which such entries relate, or to their agents, and after

the

1908.]

*Registration.*

*(Part XI.—Of the Duties and Powers of Registering Officers.)*

the death of the executants (but not before) to any person applying for such copies.

(3) Subject to the same provisions, copies of entries in Book No. 4 and in the Index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative.

(4) The requisite search under this section for entries in Books Nos. 3 and 4 shall be made only by the registering officer.

(5) All copies given under this section shall be signed and sealed by the registering officer, and shall be admissible for the purpose of proving the contents of the original documents.

*(B) As to the Procedure on admitting to Registration.*

58. (1) On every document admitted to registration, other than a copy of a decree or order, or a copy sent to a registering officer under section 89, there shall be endorsed from time to time the following particulars, namely:—

Particulars  
to be endorsed  
on documents  
admitted to  
registration.

- (a) the signature and addition of every person admitting the execution of the document, and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent;
- (b) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and
- (c) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of

receipt

*Registration.*

[ACT XVI

*(Part XI.—Of the Duties and Powers of Registering Officers.)*

receipt of consideration, in whole or in part, made in his presence in reference to such execution.

(2) If any person admitting the execution of a document refuses to endorse the same, the registering officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

Endorsements to be dated and signed by registering officer.

59. The registering officer shall affix the date and his signature to all endorsements made under sections 52 and 58, relating to the same document and made in his presence on the same day.

Certificate of registration.

60. (1) After such of the provisions of sections 34, 35, 58 and 59 as apply to any document presented for registration have been complied with, the registering officer shall endorse thereon a certificate containing the word "registered," together with the number and page of the book in which the document has been copied.

(2) Such certificate shall be signed, sealed and dated by the registering officer, and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section 59 have occurred as therein mentioned.

Endorsements and certificate to be copied and document returned.

61. (1) The endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the margin of the Register-book, and the copy of the map or plan (if any) mentioned in section 21 shall be filed in Book No. 1.

(2) The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section 52.

62.

1908.]

*Registration.*

*(Part XI.—Of the Duties and Powers of Registering Officers.)*

62. (1) When a document is presented for registration under section 19, the translation shall be transcribed in the register of documents of the nature of the original, and, together with the copy referred to in section 19, shall be filed in the registration office.

Procedure on presenting document in language unknown to registering officer.

(2) The endorsements and certificate respectively mentioned in sections 59 and 60 shall be made on the original, and, for the purpose of making the copies and memoranda required by sections 57, 64, 65 and 66, the translation shall be treated as if it were the original.

63. (1) Every registering officer may at his discretion administer an oath to any person examined by him under the provisions of this Act.

Power to administer oaths and record of substance of statements.

(2) Every such officer may also at his discretion record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and, if he admits the correctness of such note, it shall be signed by the registering officer.

(3) Every such note so signed shall be admissible for the purpose of proving that the statements therein recorded were made by the persons and under the circumstances therein stated.

*(C) Special Duties of Sub-Registrar.*

64. Every Sub-Registrar on registering a non-testamentary document relating to immoveable property not wholly situate in his own sub-district shall make a memorandum thereof and of the endorsement and certificate (if any) thereon, and send the same to every other Sub-Registrar subordinate to the same Registrar as himself in whose sub-district any part of such property is situate, and such Sub-

Procedure where document relates to land in several sub-districts.

Registrar

(Part XI.—Of the Duties and Powers of Registering Officers.)

Registrar shall file the memorandum in his Book No. 1.

Procedure where document relates to land in several districts.

65. (1) Every Sub-Registrar on registering a non-testamentary document relating to immoveable property situate in more districts than one shall also forward a copy thereof and of the endorsement and certificate (if any) thereon, together with a copy of the map or plan (if any) mentioned in section 21, to the Registrar of every district in which any part of such property is situate other than the district in which his own sub-district is situate.

(2) The Registrar on receiving the same shall file in his Book No. 1 the copy of the document and the copy of the map or plan (if any), and shall forward a memorandum of the document to each of the Sub-Registrars subordinate to him within whose sub-district any part of such property is situate: and every Sub-Registrar receiving such memorandum shall file it in his Book No. 1.

(D) Special Duties of Registrar.

Procedure after registration of documents relating to land.

66. (1) On registering any non-testamentary document relating to immoveable property, the Registrar shall forward a memorandum of such document to each Sub-Registrar subordinate to himself in whose sub-district any part of the property is situate.

(2) The Registrar shall also forward a copy of such document, together with a copy of the map or plan (if any) mentioned in section 21, to every other Registrar in whose district any part of such property is situate.

(3) Such Registrar on receiving any such copy shall file it in his Book No. 1, and shall also send a memorandum of the copy to each of the Sub-Registrars subordinate to him within whose sub-district any part of the property is situate.

(4) Every



*(Part XI.—Of the Duties and Powers of Registering Officers.)*

(4) Every Sub-Registrar receiving any memorandum under this section shall file it in his Book No. 1.

67. On any document being registered under section 30, sub-section (2), a copy of such document and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose district any part of the property to which the instrument relates is situate, and the Registrar receiving such copy shall follow the procedure prescribed for him in section 66, sub-section (1).

Procedure after registration under section 30, sub-section (2).

*(E) Of the controlling Powers of Registrars and Inspectors General.*

68. (1) Every Sub-Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Sub-Registrar is situate.

Power of Registrar to superintend and control Sub-Registrars.

(2) Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him or in respect of the rectification of any error regarding the book or the office in which any document has been registered.

69. (1) The Inspector General shall exercise a general superintendence over all the registration offices in the territories under the Local Government, and shall have power from time to time to make rules consistent with this Act—

Power of Inspector General to superintend registration offices and make rules.

- (a) providing for the safe custody of books, papers and documents, and also for the destruction of such books, papers and documents as need no longer be kept;
- (b) declaring what languages shall be deemed to be commonly used in each district;

(c) declaring

*Registration.*

[ACT XVI

(Part XI.—Of the Duties and Powers of Registering Officers. Part XII.—Of Refusal to Register.)

- (c) declaring what territorial divisions shall be recognized under section 21 ;
- (d) regulating the amount of fines imposed under sections 25 and 34, respectively ;
- (e) regulating the exercise of the discretion reposed in the registering officer by section 63 ;
- (f) regulating the form in which registering officers are to make memoranda of documents ;
- (g) regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under section 51 ;
- (h) declaring the particulars to be contained in Indexes Nos. I, II, III and IV, respectively ;
- (i) declaring the holidays that shall be observed in the registration-offices ; and,
- (j) generally, regulating the proceedings of the Registrars and Sub-Registrars.

(3) The rules so made shall be submitted to the Local Government for approval, and, after they have been approved, they shall be published in the official Gazette, and on publication shall have effect as if enacted in this Act.

Power of  
Inspector  
General to  
remit fines.

70. The Inspector General may also, in the exercise of his discretion, remit wholly or in part the difference between any fine levied under section 25 or section 34, and the amount of the proper registration fee.

---

PART XII.

OF REFUSAL TO REGISTER.

Reasons for  
refusal to  
register to be  
recorded.

71. (1) Every Sub-Registrar refusing to register a document, except on the ground that the property to which

*(Part XII.—Of Refusal to Register.)*

which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his book No. 2, and endorse the words "registration refused" on the document; and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

(2) No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

72. (1) Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order; and the Registrar may reverse or alter such order.

Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution.

(2) If the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, the Sub-Registrar shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60; and such registration shall take effect as if the document had been registered when it was first duly presented for registration.

73. (1) When a Sub-Registrar has refused to register a document on the ground that any person by whom it purports to be executed, or his representative or assign, denies its execution, any person claiming under such document, or his representative, assign or agent authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply to the Registrar to whom such Sub-Registrar

Application to Registrar where Sub-Registrar refuses to register on ground of denial of execution.

is

*(Part XII.—Of Refusal to Register.)*

is subordinate in order to establish his right to have the document registered.

(2) Such application shall be in writing and shall be accompanied by a copy of the reasons recorded under section 71, and the statements in the application shall be verified by the applicant in manner required by law for the verification of plaints.

Procedure of Registrar on such application.

74. In such case, and also where such denial as aforesaid is made before a Registrar in respect of a document presented for registration to him, the Registrar shall, as soon as conveniently may be, enquire—

- (a) whether the document has been executed ;
- (b) whether the requirements of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration, as the case may be, so as to entitle the document to registration.

Order by Registrar to register and procedure thereon.

75. (1) If the Registrar finds that the document has been executed and that the said requirements have been complied with, he shall order the document to be registered.

(2) If the document is duly presented for registration within thirty days after the making of such order, the registering officer shall obey the same and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60.

(3) Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

(4) The Registrar may, for the purpose of any enquiry under section 74, summon and enforce the attendance of witnesses, and compel them to give evidence, as if he were a Civil Court, and he may also direct by whom the whole or any part of the costs of

any

1908.]

*Registration.*

*(Part XII.—Of Refusal to Register.)*

any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908.

V of 1903.

76. (1) Every Registrar refusing—

Order of refusal by Registrar.

(a) to register a document except on the ground that the property to which it relates is not situate within his district or that the document ought to be registered in the office of a Sub-Registrar, or

(b) to direct the registration of a document under section 72 or section 75,

shall make an order of refusal and record the reasons for such order in his Book No. 2, and, on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

(2) No appeal lies from any order by a Registrar under this section or section 72.

77. (1) Where the Registrar refuses to order the document to be registered, under section 72 or section 76, any person claiming under such document, or his representative, assign or agent, may, within thirty days after the making of the order of refusal, institute in the Civil Court, within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree.

Suit in case of order of refusal by Registrar.

(2) The provisions contained in sub-sections (2) and (3) of section 75 shall, *mutatis mutandis*, apply to all documents presented for registration in accordance with any such decree, and, notwithstanding anything contained in this Act, the document shall be receivable in evidence in such suit.

PART XIII.

*Registration.*

[ACT XVI

*(Part XIII.—Of the Fees— for Registration, Searches and Copies. Part XIV.—Of Penalties.)*

PART XIII.

OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES.

Fees to be fixed by Local Government.

78. Subject to the approval of the Governor General in Council, the Local Government shall prepare a table of fees payable—

- (a) for the registration of documents;
- (b) for searching the registers;
- (c) for making or granting copies of reasons, entries or documents, before, on or after registration;

and of extra or additional fees payable—

- (d) for every registration under section 30;
- (e) for the issue of commissions;
- (f) for filing translations;
- (g) for attending at private residences;
- (h) for the safe custody and return of documents; and
- (i) for such other matters as appear to the Local Government necessary to effect the purposes of this Act.

Publication of fees.

79. A table of the fees so payable shall be published in the official Gazette, and a copy thereof in English and the vernacular language of the district shall be exposed to public view in every registration office.

Fees payable on presentation.

80. All fees for the registration of documents under this Act shall be payable on the presentation of such documents.

PART XIV.

OF PENALTIES.

Penalty for incorrectly endorsing, copying,

81. Every registering officer appointed under this Act and every person employed in his office for the purposes

*(Part XIV.—Of Penalties.)*

purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause, injury, as defined in the Indian Penal Code, to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

**XIV of  
1860.**

translating  
or register-  
ing docu-  
ments with  
intent to  
injure.

**82. Whoever—**

- (a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or inquiry under this Act; or
- (b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan; or
- (c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or
- (d) abets anything made punishable by this Act;

Penalty for  
making false  
statements,  
delivering  
false copies  
or transla-  
tions, false  
personation,  
and abet-  
ment.

shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

**83. (1)** A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be commenced by or with the permission of the Inspector General, the

Registering  
officer may  
commence  
prosecutions.

Branch

(Part XIV.—Of Penalties. Part XV.—Miscellaneous.)

Branch Inspector General of Sindh, the Registrar or the Sub-Registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed.

(2) Offences punishable under this Act, shall be triable by any Court or officer exercising powers not less than those of a Magistrate of the second class.

Registering officers to be deemed public servants.

84. (1) Every registering officer appointed under this Act shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XIV of 1860.

(2) Every person shall be legally bound to furnish information to such registering officer when required by him to do so.

(3) In section 228 of the Indian Penal Code, the words "judicial proceeding" shall be deemed to include any proceeding under this Act.

PART XV.

MISCELLANEOUS.

Destruction of unclaimed documents.

85. Documents (other than wills) remaining unclaimed in any registration office for a period exceeding two years may be destroyed.

Registering officer not liable for thing *bona fide* done or refused in his official capacity. Nothing so done invalidated by defect in appointment or procedure.

86. No registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.

87. Nothing done in good faith pursuant to this Act or any Act hereby repealed, by any registering officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

Registration of documents executed by Government officers or certain public functionaries.

88. (1) Notwithstanding anything herein contained, it shall not be necessary for any officer of Government, or for the Administrator General of Bengal, Madras or Bombay, or for any Official Trustee or Official Assignee, or for the Sheriff,

Receiver



. 1908.]

*Registration.*

*(Part XV.—Miscellaneous.)*

Receiver or Registrar of a High Court, to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity, or to sign as provided in section 58.

(2) Where any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he thinks fit, refer to any Secretary to Government or to such officer of Government, Administrator General, Official Trustee, Official Assignee, Sheriff, Receiver or Registrar, as the case may be, for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

XIX of 1883. 89. (1) Every officer granting a loan under the Land Improvement Loans Act, 1883, shall send a copy of his order to the registering officer within the local limits of whose jurisdiction the whole or any part of the land to be improved or of the land to be granted as collateral security, is situate, and such registering officer shall file the copy in his Book No. 1.

Copies of certain orders, certificates and instruments to be sent to registering officers and filed.

of 1908. (2) Every Court granting a certificate of sale of immoveable property under the Code of Civil Procedure, 1908, shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immoveable property comprised in such certificate is situate, and such officer shall file the copy in his Book No. 1.

III of 1884. (3) Every officer granting a loan under the Agriculturists' Loans Act, 1884, shall send a copy of any instrument whereby immoveable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1.

(4) Every

*Registration.*

[ACT XVI

(Part XV.—Miscellaneous.)

(4) Every Revenue-officer granting a certificate of sale to the purchaser of immoveable property sold by public auction shall send a copy of the certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the property comprised in the certificate is situate, and such officer shall file the copy in his Book No. 1.

*Exemptions from Act.*

Exemption of certain documents executed by or in favour of Government.

90. (1) Nothing contained in this Act or in the Indian Registration Act, 1877, or in the Indian Registration Act, 1871, or in any Act thereby repealed, shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps, namely :—

- (a) documents issued, received or attested by any officer engaged in making a settlement or revision of settlement of land-revenue, and which form part of the records of such settlement ; or
- (b) documents and maps issued, received or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey ; or
- (c) documents which, under any law for the time being in force, are filed periodically in any revenue-office by patwaris or other officers charged with the preparation of village-records ; or
- (d) sanads, inam title-deeds and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land ; or
- (e) notices given under section 74 or section 76 of the Bombay Land-Revenue Code, 1879, of relinquishment of occupancy

Bom. V of 1879.

by

1908.]

*Registration.*

*(Part XV.—Miscellaneous.)*

by occupants, or of alienated land by holders of such land.

(2) All such documents and maps shall, for the purposes of sections 48 and 49, be deemed to have been and to be registered in accordance with the provisions of this Act.

91. Subject to such rules and the previous payment of such fees as the Local Government prescribes in this behalf, all documents and maps mentioned in section 90, clauses (a), (b), (c) and (e), and all registers of the documents mentioned in clause (d), shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

Inspection  
and copies  
of such  
documents.

III of 1877. 92. All rules relating to registration enforced in Lower Burma prior to the commencement of the Indian Registration Act, 1877, shall be deemed to have had the force of law, and no suit or other proceeding shall be maintained against any officer or other person in respect of anything done under any of the said rules.

Burmese  
registration  
rules con-  
firmed.

*Repeals.*

93. (1) The enactments mentioned in the schedule are repealed to the extent specified in the fourth column thereof.

Repeals.

(2) Nothing herein contained shall be deemed to affect any provision of any enactment in force in any part of British India and not hereby expressly repealed.

THE SCHEDULE.

ACT XVI, 1908.] *Registration.*  
*(The Schedule.—Repeal of Enactments.)*

THE SCHEDULE.

REPEAL OF ENACTMENTS.

*(See section 93.)*

Year.	No.	Short title.	Extent of repeal.
1877	III	The Indian Registration Act, 1877.	The whole.
1879	XII	The Registration and Limitation Acts Amendment Act, 1879.	So much as is unrepealed
1883	XIX	The Land Improvement Loans Act, 1883.	So much of section 12 as is unrepealed.
1886	VII	The Indian Registration Act, 1886.	The whole.
1888	VII	The Civil Procedure Code Amendment Act, 1888.	So much as is unrepealed.
1891	XII	The Amending Act, 1891.	In the second schedule the entries relating to Act III of 1877.
1899	XVII	The Indian Registration (Amendment) Act, 1899.	The whole.

# THE INDIAN EMIGRATION ACT, 1908 (XVII OF 1908).

---

## CONTENTS.

---

### CHAPTER I.

#### PRELIMINARY.

#### SECTIONS.

1. Short title and extent.
  2. Definitions.
- 

### CHAPTER II.

#### PORTS FROM WHICH, AND COUNTRIES TO WHICH, EMIGRATION IS LAWFUL.

3. Ports from which emigration is lawful.
  4. Countries to which emigration is lawful.
  5. Power for Governor General in Council to prohibit emigration to any country.
  6. Power for Local Government to suspend emigration pending reference to Governor General in Council.
  7. Revocation of prohibition.
  8. Power for Local Government to prohibit emigration to specified country from the whole or any specified part of its territories.
  9. Saving for acts done before publication of notification.
- 

### CHAPTER III.

#### EMIGRATION AGENTS.

10. Appointment of Emigration Agents.
  11. Remuneration of Agents.
- 

### CHAPTER IV.

#### PROTECTORS OF EMIGRANTS AND MEDICAL INSPECTORS.

12. Appointment of Protectors of Emigrants.
13. General duties of Protector.
14. Appointment

*[Price Eleven Annas.]*

SECTIONS.

14. Appointment of Medical Inspector.
15. Protector and Medical Inspector to have facilities for inspection.

---

CHAPTER V.

RECRUITERS.

16. Protector of Emigrants to license recruiters.
17. Form of license.
18. Duration of license.
19. Countersignature of license.
20. Power for Magistrate to cancel countersignature in certain cases.
21. Notice to Protector of Emigrants of countersignature, refusal to countersign or cancellation of countersignature.
22. Recruiter to be supplied with statement of terms of agreement he is authorized to offer.
23. Accommodation to be provided by recruiters.

---

CHAPTER VI.

REGISTRATION OF EMIGRANTS AND EXECUTION OF AGREEMENTS  
TO EMIGRATE.

24. Power for Local Government to appoint Registering Officers.
25. Execution of agreements.
26. Appearance of intending emigrants before Registering Officer.
27. Examination and registration of emigrant.
28. Power to refuse registration in cases of married women.
29. Examination of dependent.
30. Record of reasons for refusal to register.
31. Execution and attestation of agreement.
32. Contents of agreement.
33. Record of registrations and agreements.
34. Fee for preparation of agreement.
35. Power to make agreement if over sixteen.
36. Power to make agreement on behalf of child or ward.

---

CHAPTER VII.

EMIGRATION DEPÔTS.

37. Depôts to be established at ports of embarkation.
38. Licensing of depôts.
39. Inspection

## SECTIONS.

- 39. Inspection by Protector and Medical Inspector.
- 40. Report by Medical Inspector.
- 41. Treatment of emigrant suffering from disease.

## CHAPTER VIII.

## CONVEYANCE OF EMIGRANTS TO DEPÔTS AND PROCEDURE ON ARRIVAL.

- 42. Emigrant not to be removed before registration.
- 43. Conveyance of emigrant to depôt.
- 44. Report of arrival at depôt.
- 45. Examination by Medical Inspector.
- 46. Power for Protector to order payment of expenses of return of emigrant in certain cases.
- 47. Payment of expenses of dependents and relatives.
- 48. Compensation to emigrant for ill-treatment on journey.
- 49. Power for Protector to pay and recover expenses incurred on behalf of emigrant.

## CHAPTER IX.

## EMIGRANT-VESSELS.

- 50. Master of emigrant-vessel to be licensed.
- 51. Application for license.
- 52. Survey and licensing of vessel.
- 53. Accommodation required on board emigrant-vessel.
- 54. Rules as to space on board emigrant-vessel.
- 55. Provisions, clothing, fuel and water.
- 56. Surgeons, attendants, medicines and stores.
- 57. Duty of Protector and Medical Inspector with respect to enforcement of foregoing sections.
- 58. Bond to be executed by master of emigrant-vessel.

## CHAPTER X.

## EMBARKATION AND DEPARTURE.

- 59. Time of embarkation after arrival.
- 60. Time at which emigrant-vessels may leave India.
- 61. Procedure if emigrant refuses to embark.
- 62. List of, and passes for, emigrants.
- 63. Disposal of the two copies of list to be given by master to Protector.
- 64. Disposal of the two copies of list to be given by master to Emigration Agent.
- 65. Examination

## *Emigration.*

[ACT XVII]

### SECTIONS.

65. Examination of emigrants by Medical Inspector.
66. Certificates from Protector of Emigrants and Emigration Agent.
67. Copies of Act and rules to be kept on board.
68. Fee for each embarked emigrant.
69. Master to see to observance of Act and rules on board his vessel.
70. Return of pass to emigrant.

#### *Special Provisions as to Vessels sailing from Calcutta.*

71. Emigrant-vessel sailing from Calcutta to depart within twenty-four hours of embarkation.
72. Emigrant-vessel sailing from Calcutta to be towed to sea.
73. Power of surgeon of emigrant-vessel leaving Calcutta to require sick emigrants to be sent to hospital.
74. Power of surgeon of emigrant-vessel leaving Calcutta to require all emigrants to be landed when cholera appears.

---

### CHAPTER XI.

#### DEPARTURE OF NATIVES OF INDIA BY SEA OUT OF INDIA FOR CERTAIN PURPOSES.

75. Application for permission to engage Natives of India to depart abroad for certain purposes.
76. Applications how to be disposed of.
77. Appearance of engaged persons before, and registration of names by, Protector of Emigrants.
78. Provisions as to security.
79. Delegation to Protector of Emigrants of authority to receive or dispose of applications.
80. Application of Chapter to ports from which emigration is not lawful.

---

### CHAPTER XII.

#### RULES.

81. Power for Governor General in Council to make rules. .

---

### CHAPTER XIII.

#### OFFENCES.

82. Unlawful recruiting.
83. Recruiters removing unregistered emigrants to depôt.
84. Fraudulently



**SECTIONS.**

84. Fraudulently inducing Native to emigrate.
85. False representation of Government authority.
86. Receiving emigrants on board vessel in contravention of Act.
87. Fraudulent acts on part of master.
88. Clearance without compliance with Act.
89. Failure of master to comply with provisions as to lists and passes.
90. Master taking on board, after clearance, emigrants not entered in list.
91. Master landing emigrant at other than specified country.
92. Failure to comply with provisions as to leaving Calcutta.
93. Emigrant deserting or refusing to proceed to depôt.
94. Emigrant deserting from depôt or failing to embark.
95. Causing or permitting embarkation of emigrant in contravention of section 59.
96. Offences against provisions of Chapter XI.
97. Institution of prosecutions.
98. Defence to charges of desertion.
99. Power for Customs-officers to search and detain for purposes of Act.

---

**CHAPTER XIV;**
**SUPPLEMENTAL.**

100. Power for Local Government to appoint Magistrates for purposes of Act.
101. Suits against Emigration Agent for breach of duty.
102. Power for Governor General in Council to determine probable lengths of voyages for purposes of Act.
103. Provision supplementary to section 2, sub-section (1) (iv), of this Act.
104. Application of Act to emigration from British ports to French and Dutch colonies.
105. Application of Act to proceedings in British India connected with emigration from French ports in India to French colonies.
106. Prohibition of departure by land of a Native of India under an agreement to labour for hire in some country beyond the sea.
107. Power to declare whole or part of Act and rules inapplicable to Natives of India engaged for His Majesty's Government to labour for hire in any country beyond the sea.

**CHAPTER XV.**

*Emigration.*

[ACT XVII

CHAPTER XV.

SAVINGS AND REPEALS.

SECTIONS.

- 108. Saving for Government vessels.
  - 109. Savings.
  - 110. Repeals.
- 

THE FIRST SCHEDULE.—COUNTRIES TO WHICH EMIGRATION IS LAWFUL.

THE SECOND SCHEDULE.—FORM OF RECRUITER'S LICENSE.

THE THIRD SCHEDULE.—PROBABLE LENGTHS OF VOYAGES BY SAILING VESSELS UNDER THIS ACT.

THE FOURTH SCHEDULE.—ENACTMENTS REPEALED.

# ACT No. XVII OF 1908.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.  
(Received the assent of the Governor General on the 18th  
December 1908.)

An Act to consolidate the enactments relating  
to the Emigration of Natives of India.

WHEREAS it is expedient to consolidate the enactments relating to the emigration of Natives of India and their departure by sea out of India for certain purposes ; It is hereby enacted as follows :—

## CHAPTER I.

### PRELIMINARY.

1. (1) This Act may be called the Indian Emigration Act, 1908 ; and Short title  
and extent.

(2) It extends to the whole of British India.

2. (1) In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(i) "dependent" means any of the following persons accompanying any emigrant, namely :—

(a) any woman who has not entered into an agreement to emigrate under this Act ;

(b) any child in whose name and on whose behalf any such agreement has not been entered into ; and

(c) any aged or incapacitated relative or friend :

(ii) "emigrant" means any Native of India who emigrates, or has emigrated, within the meaning of clause (iv), or who has been registered under this Act as an emigrant, and includes any dependent of an emigrant :

(iii) "emigrant-vessel"

*Emigration.*

[ACT XVII

(Chapter I.—Preliminary.)

(iii) "emigrant-vessel" means a vessel the master of which is licensed under this Act to carry emigrants therein :

(iv) "emigrate" and "emigration" denote the departure by sea out of British India of a Native of India under an agreement to labour for hire in some country beyond the limits of India other than the island of Ceylon or the Straits Settlements :

(v) "labour" means unskilled labour and does not include any work or other occupation of the nature hereinafter referred to in Chapter XI :

(vi) "Magistrate" means, in the Presidency-towns, a Presidency Magistrate, and elsewhere a District Magistrate or a Sub-divisional Magistrate, and includes also any person appointed by the Local Government to perform in any area the functions of a Magistrate under this Act :

(vii) "master" means any person (except a pilot or harbour-master) having for the time being control or charge of a vessel :

(viii) "recruiter" includes a head recruiter or other person who collects or receives emigrants recruited by other persons :

(ix) "Registering Officer" means any person appointed by the Local Government to perform in any area the functions of a Registering Officer under this Act : and

(x) "vessel" includes anything made for the conveyance by water of human beings or property.

(2) In case of any doubt or dispute as to whether any person should be deemed—

(a) to emigrate, or

(b) to be a Native of India,

within the meaning of this Act, the question shall be determined by such person and in such manner as the Governor General in Council may, by rules made under this Act, direct, and such determination shall be final.

CHAPTER II.

1908.]

*Emigration.*

(Chapter II.—Ports from which, and Countries to which, Emigration is lawful.)

CHAPTER II.

PORTS FROM WHICH, AND COUNTRIES TO WHICH,  
EMIGRATION IS LAWFUL.

3. (1) Emigration shall not be lawful except from the ports of Calcutta, Madras, Bombay and Karachi, and from such other ports as the Governor General in Council, by notification in the Gazette of India, declares to be ports from which emigration is lawful.

Ports from which emigration is lawful.

(2) The Local Government may, by notification in the local official Gazette, fix for the purposes of this Act the limits of any port from which emigration is lawful.

4. (1) Emigration shall not be lawful except to the countries specified in the first schedule and to such other countries as the Governor General in Council, by notification in the Gazette of India, declares to be countries to which emigration is lawful.

Countries to which emigration is lawful.

(2) Every notification under this section must contain a declaration that the Governor General in Council has been duly certified that the Government of the country to which the notification refers has made such laws and other provisions as the Governor General in Council thinks sufficient for the protection of emigrants to that country during their residence therein.

5. (1) Where the Governor General in Council has reason to believe that any of the grounds, herein-after mentioned, for prohibiting emigration to any country to which emigration is lawful, exists, he may by notification in the Gazette of India, declare that emigration to that country shall cease to be lawful from a day specified in the notification; and from that day emigration to that country shall accordingly cease to be lawful.

Power for Governor General in Council to prohibit emigration to any country.

(2) The

*(Chapter II.—Ports from which, and Countries to which, Emigration is lawful.)*

(2) The grounds referred to in sub-section (1) are—

- (a) that the plague or any other epidemic disease dangerous to human life has broken out in the country ;
- (b) that the mortality among emigrants in the country is excessive ;
- (c) that proper measures have not been taken for the protection of emigrants immediately on their arrival in the country or during their residence therein ;
- (d) that the agreements made with emigrants as such before their departure from India are not duly enforced by the Government of the country ; and
- (e) that the Governor General in Council having either directly or through the Secretary of State for India in Council, addressed the Government of the country with a view to obtain information regarding the condition or treatment of emigrants therein, has not within a reasonable time received the information asked for.

Power for Local Government to suspend emigration pending reference to Governor General in Council.

6. (1) Where the Local Government has reason to believe that, in any country to which emigration is lawful, the plague or other epidemic disease dangerous to human life has broken out, and that emigrants, if allowed to emigrate to that country, would be exposed to serious risk of life on arrival there, it may, by notification in the local official Gazette, declare that emigration to that country from any port in the territories administered by it shall cease to be lawful pending a reference to the Governor General in Council.

(2) The Local Government shall at once report the publication of a notification under this section, with

1908.]

*Emigration.*

(Chapter II.—Ports from which, and Countries to which, Emigration is lawful. Chapter III.—Emigration Agents.)

with the reasons for it, to the Governor General in Council, who shall thereupon publish a notification in the Gazette of India confirming or cancelling the notification published by the Local Government.

7. Where the Governor General in Council is satisfied that the ground on which a notification has been published by him under either of the two last foregoing sections with respect to any country has ceased to exist, he may, by notification in the Gazette of India, declare that emigration to that country shall again be lawful from a day to be specified in the notification.

Revocation of prohibition.

8. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, prohibit, from a day specified in the notification, all Natives of India or any specified class of such Natives from emigrating from the whole or any specified part of the territories under its administration to any specified country.

Power for Local Government to prohibit emigration to specified country from the whole or any specified part of its territories. Saving for acts done before publication of notification.

9. The publication of a notification under any of the four last foregoing sections shall not affect any act done, offence committed or proceedings commenced before the publication.

## CHAPTER III.

### EMIGRATION AGENTS.

10. (1) The Government of every country to which emigration is lawful may, from time to time, appoint a person to be Emigration Agent in any port from which emigration is lawful.

Appointment of Emigration Agents.

(2) An appointment under this section shall not take effect until the Local Government, by notification

tion

(Chapter III.—*Emigration Agents. Chapter IV.—  
Protectors of Emigrants and Medical Inspectors.*)

tion in the local official Gazette, has declared its approval of the appointment.

Remunera-  
tion of  
Agents.

11. The remuneration to be given to an Emigration Agent shall not depend on, or be regulated by, the number of emigrants sent by him, but shall be in the nature of a fixed salary :

Provided that the Governor General in Council may authorize the payment to specified Emigration Agents of special fees for occasional work.

CHAPTER IV.

PROTECTORS OF EMIGRANTS AND MEDICAL INSPECTORS.

Appointment  
of Protec-  
tors of Emi-  
grants.

12. (1) The Local Government may appoint a proper person to be the Protector of Emigrants for any port within the territories administered by it from which emigration is lawful.

(2) The Governor General in Council may define the area to which the authority of any Protector of Emigrants so appointed shall extend.

(3) Every Protector of Emigrants shall be a public servant within the meaning of the Indian Penal Code. XLV of  
1860.

General  
duties of  
Protector.

13. Every Protector of Emigrants, in addition to the special duties assigned to him by this Act or the rules made under this Act, shall—

- (a) protect and aid with his advice all emigrants ;
- (b) cause, so far as he can, all the provisions of this Act and of the rules made under this Act to be complied with ;
- (c) inspect, on arrival, all vessels bringing return emigrants to the port for which he is Protector ;

(d) enquire



(Chapter IV.—Protectors of Emigrants and Medical Inspectors. Chapter V.—Recruiters.)

(d) enquire into the treatment received by the return emigrants both during the period of their service in the country to which they emigrated, and also during the return voyage, and report thereon to the Local Government; and

(e) aid and advise the return emigrants so far as he reasonably can.

14. (1) The Local Government may appoint one or more Medical Inspectors of Emigrants at each port from which emigration is lawful and may apportion their respective duties. Appointment of Medical Inspector.

(2) Every Medical Inspector of Emigrants shall be a public servant within the meaning of the Indian Penal Code.

XIV of  
1880.

15. Every Emigration Agent and all persons in charge of, or employed in, any depôt established under this Act, or in charge of, or employed in, any emigrant-vessel, shall give the Protector of Emigrants and the Medical Inspector of Emigrants every facility for making such inspections, examinations and surveys as are required by this Act or by the rules made under this Act, or as those officers may deem necessary or proper, and shall afford them all such information as they may reasonably require. Protector and Medical Inspector to have facilities for inspection.

## CHAPTER V.

### RECRUITERS.

16. (1) The Protector of Emigrants at each of the ports from which emigration is lawful shall, on the application of the Emigration Agent for any country to which emigration is lawful, grant licenses to so many fit persons as to the Protector seems necessary to be recruiters of emigrants within the area to which the authority of the Protector extends. Protector of Emigrants to license recruiters.

(2) A person

(Chapter V.—Recruiters.)

(2) A person shall not, unless he holds a license granted under this Chapter,—

(a) enter into, or attempt to enter into, any agreement with any person purporting to bind him to emigrate, or

(b) in consideration of any hire or reward, induce or attempt to induce any person to leave any place for the purpose of emigrating, or

(c) act or be employed in any other respect as a recruiter of emigrants.

(3) Every recruiter shall produce his license when called upon to do so by any Magistrate or officer in charge of a police-station.

Form of license.

17. Every license granted under this Chapter shall specify the particular country for which, and the area within which, the holder is licensed to recruit, and may be in the form set forth in the second schedule.

Duration of license.

18. (1) A license granted under this Chapter shall not be in force for a longer period than one year from the day on which it comes into force.

(2) The Protector of Emigrants may, on the ground of misconduct, cancel any license granted by him under this Chapter before the expiration of the period for which it is in force.

Countersignature of license.

19. (1) A recruiter shall not, in any place beyond the limits of a port from which emigration is lawful, enter or attempt to enter into any agreement with any person purporting to bind him to emigrate, to induce or assist, or attempt to induce or assist, any person to leave any place for the purpose of emigrating, or act or be employed in any other respect as a recruiter of emigrants, unless his license bears the countersignature of the District Magistrate.

(2) If a District Magistrate has satisfied himself, after such enquiry as he thinks necessary, that the licensee is, by character or from any other cause, unfitted to be a recruiter under this Act, he may refuse to countersign a recruiter's license.

(3) If

(3) If a District Magistrate has satisfied himself, after such enquiry as aforesaid, that sufficient and proper accommodation has not been provided in a suitable place, or is not available, for such intending emigrants or emigrants as may be collected by the recruiter pending their registration or removal to the depôt at the port of embarkation, he may refuse to countersign a recruiter's license or to decide whether he will countersign his license until after the expiration of such time as may in his opinion be reasonable.

(4) Before a Magistrate refuses to countersign, or defers his countersignature of, a recruiter's license, he shall record in writing his reasons for so doing.

20. If any Magistrate, having countersigned a recruiter's license, afterwards finds reason to think that the licensee is, by character or from any other cause, unfitted to be a recruiter under this Act, or that the accommodation provided for intending emigrants or emigrants collected by him has become unsuitable or has ceased to be available, he may require the licensee to produce his license, and may cancel the countersignature on it, or may impound the license and send it for cancellation to the Protector of Emigrants who granted it.

Power for Magistrate to cancel countersignature in certain cases.

21. When a Magistrate countersigns, or refuses to countersign, a recruiter's license, or cancels the countersignature on it, he shall at once report the countersignature, or the refusal or cancellation, and the grounds of the refusal or cancellation, to the Protector of Emigrants who granted the license.

Notice to Protector of Emigrants of countersignature, refusal to countersign or cancellation of countersignature. Recruiter to be supplied with statement of terms of agreement he is authorized to offer.

22. (1) The Emigration Agent on whose application any recruiter is licensed shall supply the recruiter with a written or printed statement, signed by the Agent, and countersigned by the Protector of Emigrants, of the terms of agreement which the recruiter is authorized to offer on behalf of the Agent to intending emigrants.

(2) The

(Chapter V.—Recruiters. Chapter VI.—Registration of Emigrants and Execution of Agreements to emigrate.)

(2) The statement shall be both in English and in the vernacular language or languages of the local area within which the recruiter is licensed to recruit.

(3) The recruiter shall give a true copy of the statement to every person whom he invites to emigrate, and shall produce the statement for the information of any Magistrate or officer in charge of a police-station, when called upon to do so by the Magistrate or officer.

Accommodation to be provided by recruiters.

23. (1) Every recruiter shall provide sufficient and proper accommodation in a suitable place for such intending emigrants or emigrants as may be collected by him pending their registration or removal to the port of embarkation.

(2) The place where the accommodation is provided shall have a board fixed in some conspicuous position specifying the purpose for which the place is used.

(3) Every District Magistrate, and any subordinate Magistrate, or officer of Police authorized in this behalf by a rule made under this Act, shall have, for the supervision and regulation of the places where accommodation is provided under this section, the same powers as are by this Act conferred on a Protector of Emigrants in respect of depôts at the port of, embarkation.

(4) All recruiters or other persons in charge of these places shall afford every Magistrate and any officer of Police authorized as aforesaid in this behalf every facility for visiting and inspecting them.

## CHAPTER VI.

### REGISTRATION OF EMIGRANTS AND EXECUTION OF AGREEMENTS TO EMIGRATE.

Power for Local Gov-

24. The Local Government may appoint any person to perform in a specified area, but subject

to

1908.]

*Emigration.*

*(Chapter VI.—Registration of Emigrants and Execution of Agreements to emigrate.)*

to the control of the District Magistrate or such other officer as the Local Government appoints in this behalf, the functions of a Registering Officer under this Act.

ernment to  
appoint  
Registering  
Officers.

25. Every agreement to emigrate entered into by any person must,—

Execution of  
agreements.

(a) if executed within the limits of any port from which emigration is lawful, be executed in the presence of the Protector ;

(b) if executed elsewhere, be executed in the presence of a Registering Officer.

26. Every recruiter who desires to engage any person to emigrate shall appear before a Registering Officer or the Protector of Emigrants (as the case may be) with that person, and with any persons intending to accompany that person as his dependents.

Appearance  
of intending  
emigrants  
before Regis-  
tering  
Officer.

27. (1) The Registering Officer or Protector shall thereupon examine the person, apart from the recruiter, with reference to his intended agreement.

Examination  
and  
Registration  
of emigrant.

(2) If on such examination it appears,—

(a) that such person is competent and willing to enter into the agreement and understands its nature,

(b) that he has not been induced to enter into it by any coercion, undue influence, fraud, misrepresentation or mistake, and

(c) that its terms are in conformity with law and are such as, according to the statement furnished to the recruiter under section 22, he was authorized to offer,

the Registering Officer or Protector shall, subject to the provisions of section 29, register in a book to be kept for the purpose, in such form as the Governor

General

*Emigration.*

[ACT XVII

*(Chapter VI.—Registration of Emigrants and Execution of Agreements to emigrate.)*

General in Council, by rules made under this Act, prescribes,—

- (i) the name, sex, name of the father, caste, occupation and age of the intending emigrant,
- (ii) the name of the village or place of which he is a resident, and
- (iii) such other particulars (if any) concerning him and his dependents (if any) as the Governor General in Council, by rules made under this Act, prescribes.

Power to refuse registration in cases of married women.

28. (1) Notwithstanding anything contained in the last foregoing section, the Registering Officer or Protector may refuse to register any married woman under that section if he finds that her husband does not consent to her emigrating.

(2) The Registering Officer or Protector may also, in the case of any woman whom he believes to be married, refuse to decide whether he will register her until after the expiration of such time, not exceeding ten days, as he thinks fit.

Examination of dependent.

29. (1) When any person appears before a Registering Officer or Protector under section 26 as a dependent of an intending emigrant, the Registering Officer or Protector shall, if the person is able to give intelligent answers to questions, examine him, apart from the recruiter, as to his dependence on the intending emigrant whom he is about to accompany, and as to his willingness to emigrate.

(2) Where the Registering Officer or Protector sees reason to doubt the existence of the dependence or willingness, he may, if he thinks fit, refuse to register the intending emigrant, unless the name of the dependent is omitted from the register.

Record of reasons for refusal to register.

30. Where the Registering Officer or Protector refuses to register any intending emigrant, he shall record his reasons for the refusal.

31. (1) Where

1908.]

*Emigration.*

*(Chapter VI.—Registration of Emigrants and Execution of Agreements to emigrate.)*

31. (1) Where the particulars concerning any intending emigrant and his dependents (if any) have been registered, the Registering Officer or Protector shall cause an agreement to be prepared in duplicate and shall call on the recruiter and the intending emigrant to execute the agreement in duplicate in his presence, and, if they execute it, shall attest the execution with his signature.

Execution and attestation of agreement.

(2) An agreement to emigrate shall not be of any effect until the particulars concerning the intending emigrant and his dependents (if any) have been registered, and the agreement has been executed and attested under this Act.

(3) When the particulars concerning any intending emigrant and his dependents (if any) have been registered and an agreement has been executed and attested under this Act, the intending emigrant shall be deemed to be registered under this Act as an emigrant.

(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.

32. Every agreement to emigrate shall contain a copy of the particulars registered concerning the intending emigrant and his dependents (if any) under section 27, and on the reverse such particulars concerning the nature, duration and term of service and the remuneration of the emigrant, and such other matters (if any) as the Governor General in Council, by rules made under this Act, prescribes.

Contents of agreement.

33. 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  
19

*Emigration.*

[ACT XVII

(Chapter VI.—Registration of Emigrants and Execution of Agreements to emigrate. Chapter VII.—Emigration Depôts.)

by the Protector or sent by the Registering Officer to him ; and

- (b) a certified copy of the particulars registered under section 27, 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.

Fee for preparation of agreement.

34. For the preparation of every agreement under this Chapter the recruiter or Emigration Agent shall pay such fee as the Governor General in Council, by notification in the Gazette of India, prescribes :

Provided that the Governor General in Council may at any time, by like notification, declare that the fee payable under this section shall be consolidated, either generally or in any specified area, with the fee payable under section 68.

Power to make agreement if over sixteen:

35. Notwithstanding anything to the contrary in the Indian Contract Act, 1872, it shall be lawful for any person of the age of sixteen years or upwards to enter in manner in this Act provided into an agreement to emigrate to any place to which emigration is lawful. IX of 1872.

Power to make agreement on behalf of child or ward.

36. Any person entering into an agreement to emigrate, and being the parent or guardian of a child under the age of sixteen years and above the age of ten years, may, in the name of and on behalf of the child, enter into an agreement in manner in this Act provided binding the child to emigrate with him.

CHAPTER VII.

EMIGRATION DEPÔTS.

37. Every Emigration Agent shall establish at the port for which he is appointed a suitable depôt for the reception Depôts to be established



*(Chapter VII.—Emigration Depôts.)*

reception and lodging of emigrants before embarkation at ports of embarkation. for the country for which he is Emigration Agent, and shall provide all necessary food and clothing for all emigrants during their stay at the depôt.

38. (1) A depôt established under the last foregoing section shall not be used for the reception and lodging of emigrants until it has been inspected and approved by the Protector of Emigrants and the Medical Inspector of Emigrants, and a license for its use has been granted by the Protector. Licensing of depôts.

(2) A license under this section shall not be granted for a longer period than one year from the day on which it comes into force.

(3) The Protector of Emigrants may at any time cancel a license under this section—

- (a) if he considers that the depôt for which it was granted is unhealthy, or has in any respect become unsuitable for the purpose for which it was established; or
- (b) if the Emigration Agent fails, after reasonable notice, to comply with any of the requirements of this Act or of the rules made under this Act.

39. The Protector of Emigrants and the Medical Inspector shall from time to time, and at least once in every week during which any emigrants may be kept in any depôt at the port for which they are Protector and Medical Inspector, respectively, inspect the emigrants in that depôt and examine the state of the depôt and the manner in which the emigrants therein are lodged, fed, clothed and otherwise provided for and attended to. Inspection by Protector and Medical Inspector.

40. The Medical Inspector shall report to the Protector of Emigrants any circumstance that may come to his knowledge showing that any depôt is not suitable for its purpose, or that the emigrants lodged therein are treated with any oppression or neglect. Report by Medical Inspector.

41. (1) The

*Emigration.*

[ACT XVII

(Chapter VII.—*Emigration Depôts. Chapter VIII.*  
—*Conveyance of Emigrants to Depôts and Pro-*  
*cedure on Arrival.*)

Treatment of  
emigrant  
suffering  
from disease.

41. (1) The Medical Inspector may, if he thinks fit, direct that any emigrant suffering from any disease likely to be dangerous to his neighbours shall be isolated or excluded from the depôt.

(2) The Medical Inspector may, if he thinks fit, order the removal of any emigrant so suffering to a proper hospital for treatment at the expense of the Emigration Agent; and the expense (if any) incurred by the Protector of Emigrants in respect of the removal of the emigrant and his treatment in the hospital shall be recoverable from the Emigration Agent by the Protector of Emigrants, with interest thereon at the rate of six per centum per annum from the date on which the expense was incurred.

CHAPTER VIII.

CONVEYANCE OF EMIGRANTS TO DEPÔTS AND PRO-  
CEDURE ON ARRIVAL.

Emigrant  
not to be  
removed  
before regis-  
tration.

42. A recruiter shall not remove or attempt to remove any intending emigrant to a depôt, or induce or attempt to induce him to go to a depôt, or to leave the local limits of the jurisdiction of the Magistrate by whom the recruiter's license has been countersigned, or aid him in going to a depôt, or in leaving any such local limits, until the intending emigrant has been registered under this Act as an emigrant.

Conveyance  
of emigrant  
to depôt.

43. (1) Every emigrant must, after he has been registered under this Act, be conveyed with all convenient despatch, by or under the orders of the recruiter or Emigration Agent, to the depôt established at the port of embarkation by the Emigration Agent on whose application the recruiter has been licensed.

(2) When an emigrant has been registered at a place beyond the limits of the port of embarkation, he must, while proceeding to the depôt, be accom-  
panied

*(Chapter VIII.—Conveyance of Emigrants to Depôts and Procedure on Arrival.)*

panied throughout the journey either by the recruiter himself, or by a competent person appointed by him with the approval of a Magistrate.

(3) The Magistrate shall give to the person so appointed a certificate signed by him stating that he has been appointed for the journey to the depôt.

(4) The recruiter or the person so appointed shall, throughout the journey, provide the emigrant with proper and sufficient food and lodging.

44. The arrival at a depôt of each emigrant must immediately be reported by the person in charge of the depôt to the Emigration Agent and by the Agent to the Protector of Emigrants. Report of arrival at depôt.

45. (1) The copy of the particulars registered under section 27, received by the recruiter from the Registering Officer or Protector, must, as soon as conveniently may be after the arrival of the emigrant at the depôt, be shown by the Emigration Agent to the Medical Inspector of Emigrants. Examination by Medical Inspector.

(2) The Medical Inspector shall examine each emigrant whose name is entered in the said copy to ascertain whether he is fit, having regard to his age and state of health, to undertake the journey to the country to which he has agreed to emigrate.

(3) The Medical Inspector, if satisfied of his fitness, shall give a certificate to that effect to the Emigration Agent. If not so satisfied, he shall give a certificate to that effect to the Protector of Emigrants.

46. (1) In any of the following cases, namely:—

(a) if the Medical Inspector of Emigrants finds that an emigrant is, or has become, unfit to undertake the journey to the country to which he has agreed to emigrate, and if the Protector of Emigrants considers that the emigrant has not dishonestly represented himself as fit to undertake the journey, or Power for Protector to order payment of expenses of return of emigrant in certain cases.

(b) if

*Emigration.*

[ACT XVII

(Chapter VIII.—Conveyance of Emigrants to Depôts and Procedure on Arrival.)

- (b) if the Protector finds that any such irregularity has occurred in the recruitment or treatment by the recruiter of any emigrant as makes it just to rescind the agreement to emigrate, or
- (c) if the Emigration Agent refuses to fulfil the agreement entered into with the emigrant, the Protector may order the Emigration Agent to pay to the emigrant such sum as the Protector deems reasonable as compensation, and, when the emigrant has been registered at a place beyond the limits of the port of embarkation, such reasonable sum as is necessary to enable him to return to the place at which he was registered, and may take any steps which he thinks necessary for the conveyance of the emigrant to that place.

(2) Any emigrant who has been registered at any place beyond the limits of the port of embarkation, and who from his state of health is, in the opinion of the Medical Inspector of Emigrants, unfit to undertake at once the return journey to the place at which he was registered, shall be entitled to be fed, lodged, clothed and attended to at the depôt at the expense of the Emigration Agent until he is reported by the Medical Inspector fit to undertake the return journey.

Payment of expenses of dependents and relatives.

47. (1) Where any order is made under the last foregoing section with reference to any emigrant who was registered at any place beyond the limits of the port of embarkation—

- (a) any emigrant who has been registered as his dependent, or
  - (b) any emigrant who, not being a dependent, is the father, mother, wife, husband, son, daughter, brother, sister, guardian or ward of the emigrant,
- shall be entitled—

- (i) to be conveyed at the expense of the Emigration Agent with the emigrant to the place at which he was registered, and

(ii) if

1908.]

*Emigration.*

*(Chapter VIII.—Conveyance of Emigrants to Depôts and Procedure on Arrival.)*

- (ii) if the emigrant is unable to travel, to be lodged, fed and clothed in the depôt at the expense of the Emigration Agent until the emigrant is able to travel.

(2) The Protector of Emigrants may include any expenses incurred under this section in an order made under the last foregoing section with respect to the emigrant.

48. If it appears that during the journey to the depôt any emigrant has suffered any ill-treatment, or that, in the case of any emigrant who has been registered at a place beyond the limits of the port of embarkation, the provisions of section 43 have not been complied with, the Protector of Emigrants may order the Emigration Agent to pay—

Compensation to emigrant for ill-treatment on journey.

- (a) to the emigrant a reasonable sum by way of compensation, and
- (b) to the Protector the expenses (if any) which may have been incurred by or under the orders of the Protector on behalf of the emigrant by reason of the neglect to comply with the provisions of section 43.

49. (1) On failure of the Emigration Agent for twenty-four hours to comply with an order of the Protector for the payment of any sum to an emigrant under any of the last three foregoing sections, the Protector may pay the same to the emigrant.

Power for Protector to pay and recover expenses incurred on behalf of emigrant.

(2) Every sum paid by the Protector to an emigrant under sub-section (1), and, on failure of the Emigration Agent for twenty-four hours to comply with an order for payment thereof under the last foregoing section, every sum which the Protector may have ordered the Emigration Agent to pay to him under that section, shall be recoverable from the Emigration Agent with interest thereon at the rate of six per centum per annum from the date of payment.

(3) Further

(Chapter VIII.—*Conveyance of Emigrants to Depôts and Procedure on Arrival.* Chapter IX.—*Emigrant-vessels.*)

(3) Further proof shall not be required by any Court in any such case than that the Protector gave the Emigration Agent an order to pay the sum, and that the Emigration Agent for twenty-four hours failed to comply with the order.

## CHAPTER IX.

### EMIGRANT-VESSELS.

Master of emigrant-vessel to be licensed.

50. An emigrant shall not be received on board any vessel unless a license to carry emigrants in the vessel has been obtained from the Local Government.

Application for license.

51. (1) When the master or owner of any vessel desires to obtain a license to carry emigrants in his vessel, he shall apply in writing through the Protector of Emigrants to the Local Government for the license.

(2) The application must state the number of emigrants which, according to the rules as to space contained in this Chapter, the applicant deems the vessel capable of carrying, and the tonnage and such other particulars respecting the vessel as the Governor General in Council, by rules made under this Act, prescribes.

Survey and licensing of vessel.

52. (1) The Protector of Emigrants shall cause the vessel to be surveyed by a competent person at the cost of the master or owner, with a view to ascertain her seaworthiness, and the extent and nature of her accommodation for emigrants, and to ascertain that she is properly ventilated, and is supplied with all the tackle, apparel and furniture requisite for her intended voyage :

Provided that, if the vessel is a steamship having a certificate of survey granted by the Board of Trade or any British Colonial Government or under the  
Indian

1908.]

*Emigration.*

*(Chapter IX.—Emigrant-vessels.)*

VII of 1884. Indian Steamships 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. -

(2) If the Local Government is of opinion that the vessel is in all respects suitable for the carrying of emigrants under this Act, and is properly manned and officered, it shall give to the master of the vessel a license to carry emigrants therein specifying the number of emigrants which may be received on board.

53. (1) A license shall not be granted under the last foregoing section unless—

Accommodation required on board emigrant-vessel.

(a) there is provided for the emigrants, either between decks or, subject to the approval of the Protector of Emigrants and the Medical Inspector, in cabins on the upper deck, a space devoted to the exclusive use of the emigrants having in every part a height of not less than six feet;

(b) a separate place is fitted up for a hospital; and

(c) such arrangements are made for the separation of women (married or single) and children from the other emigrants as the Governor General in Council, by rules made under this Act, prescribes.

(2) The cabins on the upper deck provided under clause (a) of this section must be firmly secured and entirely covered in.

54. Every emigrant vessel shall contain within the space referred to in clause (a) of the last foregoing section at least twelve superficial feet and seventy-two cubic feet of space for each emigrant: .

Rules as to space on board emigrant-vessel.

Provided

*(Chapter IX.—Emigrant-vessels.)*

Provided that two emigrants under the age of ten years shall for the purposes of this section count as one only.

Provisions,  
clothing, fuel  
and water.

55. There shall be on board every emigrant-vessel at the time of departure of the vessel from the port at which they embark, provisions, clothing, fuel and water for the emigrants (over and above the supply for the master, officers and crew, and of the cabin and other passengers, if any), in such quantity and of such description and quality as the Governor General in Council, by rules made under this Act, prescribes.

Surgeons,  
attendants,  
medicines  
and stores.

56. Every emigrant-vessel shall, at the time of departure of the vessel from the port at which the emigrants embark, have on board, and shall carry with her, a properly qualified surgeon, and also such compounders, interpreters and attendants subordinate to the surgeon, and such medicines and other stores, in such quantity and of such quality as the Governor General in Council, by rules made under this Act, prescribes.

Duty of Protector and Medical Inspector with respect to enforcement of foregoing sections.  
Bond to be executed by master of emigrant-vessel.

57. The Protector of Emigrants and the Medical Inspector of Emigrants shall see personally that all the provisions of the last two foregoing sections are complied with.

58. (1) Every master licensed under this Act shall, on the requisition of the Protector of Emigrants, and before any emigrant embarks on board his vessel, execute to the Protector in duplicate, a bond, in such form as the Local Government prescribes, binding himself and the owner of the vessel in a penal sum of ten thousand rupees, to perform the duties imposed by this Act or any rule made under this Act on a master and owner, respectively.

(2) The Protector of Emigrants shall forward one copy of the bond to such officer as may be appointed in this behalf by the Government of the country to which the emigrants are to be conveyed, or, in  
the



*(Chapter X.—Embarkation and Departure.)*

the case of a foreign colony, to the British Consular Agent, and the other copy to the Local Government.

## CHAPTER X.

## EMBARKATION AND DEPARTURE.

59. An emigrant shall not embark, except with permission of the Protector of Emigrants, until seven days have elapsed from the date of his arrival at the depôt. Time of embarkation after arrival.

60. (1) An emigrant-vessel shall not sail from any port in British India— Time at which emigrant-vessels may leave India.

(a) to any country west of the Cape of Good Hope, except at such seasons as the Governor General in Council, by rules made under this Act, prescribes as seasons during which it shall be lawful for emigrant-vessels generally, or of a class to which the vessel belongs, to sail to that country;

(b) to any country during any season which the Governor General in Council, by notification in the Gazette of India, declares to be a season during which the sailing of emigrant-vessels to that country is prohibited.

61. If any emigrant without sufficient cause refuses or neglects to embark when called on by the Emigration Agent to do so, it shall not be lawful to compel the emigrant to embark : Procedure if emigrant refuses to embark.

Provided that nothing in this section shall affect the civil or criminal liabilities which an emigrant incurs by reason or in respect of any such refusal or neglect.

62. (1) When any emigrants are about to embark on board any vessel, the Emigration Agent shall supply the master of the vessel with four copies of a list, specifying, as accurately as may be, the names, List of, and passes for, emigrants.

ages

*(Chapter X.—Embarkation and Departure.)*

ages and occupations of the emigrants, and the names of their respective fathers.

(2) The master shall not receive any emigrant on board unless he is provided with a pass, signed by the Emigration Agent, and countersigned by the Protector, stating the name and age of the emigrant, the name of his father, and the country to which he has agreed to emigrate, and certifying that he is in a fit state of health to undertake the voyage to that country.

(3) Every emigrant shall on embarkation deliver the pass to the master.

(4) The master shall compare the emigrants who embark and the passes delivered by them with the list supplied by the Emigration Agent; and, if the list appears to be correct and to correspond with the passes delivered and with the emigrants embarked, the master shall sign the four copies of the list.

(5) The master shall not permit any emigrant to remain on board who has not delivered up his pass to the master or is not mentioned in the list.

Disposal of the two copies of list to be given by master to Protector.

63. (1) When the copies of the list have been signed, the master shall give two of the copies to the Protector of Emigrants, who shall sign them if he believes them to be correct.

(2) The Protector shall send one of the copies so signed by him by the vessel which carries the emigrants to such officer as may be appointed in this behalf by the Government of the country to which the emigrants have agreed to emigrate, or, in the case of a foreign colony, to the British Consular Agent, and shall file the other copy in his own office.

Disposal of the two copies of list to be given by master to Emigration Agent.

64. (1) The master shall give to the Emigration Agent the two remaining copies of the list.

(2) The Emigration Agent shall thereupon sign the copies, and shall return one of them to the master.

(3) The

*(Chapter X.—Embarkation and Departure.)*

(3) The master shall, on the arrival of the vessel at the country to which the emigrants have agreed to emigrate and before their disembarkation, deliver the copy so returned to him to such officer as may be appointed in this behalf by the Government of the country, or, in the case of a foreign colony, to the British Consular Agent.

65. (1) The Medical Inspector shall be present at the embarkation of all emigrants, and shall examine each emigrant to ascertain if he is in a fit state of health to undertake the voyage to the country to which he has agreed to emigrate; and, if he finds that he is not fit to undertake the voyage, he shall inform the Protector accordingly.

Examination  
of emigrants  
by Medical  
Inspector.

(2) The Protector may thereupon refuse to permit the emigrant to embark; and any emigrant, registered as a dependent of an emigrant whom the Protector has refused to permit to embark, or any emigrant who, not being a dependent, is the father, mother, wife, husband, son, daughter, brother, sister, guardian or ward of the emigrant, may, notwithstanding anything in this Act, refuse to embark.

(3) The provisions of sections 46, 47 and 49 shall apply to emigrants who under this section are not permitted to embark, and to any emigrants who under this section refuse to embark, and to the recovery of expenses incurred under this Act in respect of them.

66. Before any emigrant-vessel clears out of any port, the master of the vessel shall obtain from the Protector of Emigrants at the port and from the Emigration Agent for the country to which the emigrants are to be conveyed, certificates signed by the Protector and Emigration Agent, respectively, to the effect that the Protector and Agent have, in respect of all the emigrants embarking at that port in the vessel, done all that is required by the foregoing provisions of this Act, or by the rules made under this Act, to be done on the part of the Protector and Agent, respectively, and that all the directions for the security, well-

Certificates  
from Protec-  
tor of Emi-  
grants and  
Emigration  
Agent.

*(Chapter X.—Embarkation and Departure.)*

well-being and protection of emigrants which are contained in this Act or in the rules made under this Act have, in the case of that vessel, been complied with.

Copies of Act and rules to be kept on board.

67. The master of every emigrant-vessel shall keep on board the vessel during the whole voyage two copies of this Act, and of all rules made under this Act, and two copies of a translation of this Act, and of those rules, in such language or languages as the Local Government directs, and shall, on request made at any reasonable time, produce one of those copies to any emigrant for his perusal.

Fee for each embarked emigrant.

68. For each emigrant who embarks on board an emigrant-vessel the Emigration Agent shall pay to the Protector of Emigrants a fee of such amount as the Governor General in Council, by notification in the Gazette of India, prescribes :

Provided as follows :—

- (a) the fee payable under this section shall not be more than is, in the opinion of the Governor General in Council, sufficient to raise the total income from fees under this Act to an amount which will cover the cost of any establishment or supervision which the Governor General in Council thinks necessary to provide for the control of emigration ;
- (b) if it appears to the Governor General in Council expedient to provide, in the case of any country, any special establishment or expenditure for the protection of Indian emigrants to that country, the Governor General in Council may increase the fee payable in the case of emigrants to that country to an amount sufficient, in his opinion; to cover the cost of the special establishment or expenditure.

Master to see to observance of Act

69. Every master licensed under this Act shall see that all the provisions of this Act and the rules made

*(Chapter X.—Embarkation and Departure.)*

made under this Act are observed on board his vessel during the voyage from British India to the country to which the emigrants are to be conveyed.

and rules on board his vessel.

70. The master shall return his pass to each emigrant before he disembarks in the country to which he has agreed to emigrate.

Return of pass to emigrant.

*Special Provisions as to Vessels sailing from Calcutta.*

71. The master of every vessel carrying emigrants from the port of Calcutta shall proceed on his voyage and depart with his vessel from Garden Reach within twenty-four hours after the embarkation of such of the emigrants as have first embarked.

Emigrant-vessel sailing from Calcutta to depart within twenty-four hours of embarkation.

72. Every sailing-vessel leaving the port of Calcutta with emigrants shall proceed from Garden Reach to sea under tow of a steamer declared to be competent by such officer as the Local Government appoints in this behalf.

Emigrant-vessel sailing from Calcutta to be towed to sea.

73. (1) Where an emigrant-vessel leaves the port of Calcutta, if during her passage down the river, and while between Carden Reach and Diamond Harbour, the disease of measles, scarlet-fever or small-pox appears on board, the master shall, if so required by the surgeon in charge of the emigrants, send to the hospital at Diamond Harbour all emigrants suffering from the disease, with any emigrants registered as their dependents and any emigrant who, not being a dependent, is the father, mother, wife, husband, son, daughter, brother, sister, guardian or ward of any such emigrant and who wishes to accompany him or her, and shall at once inform the Protector of Emigrants at Calcutta of the number and names of the emigrants so sent to hospital.

Power of surgeon of emigrant-vessel leaving Calcutta to require sick emigrants to be sent to hospital.

(2) The provisions of sections 46, 47 and 49 shall, so far as may be, apply to emigrants landed under this section, and to the recovery of expenses incurred in respect of them.

74. (1) In

(Chapter X.—*Embarkation and Departure.* Chapter XI.—*Departure of Natives of India by Sea out of India for certain purposes.*)

Power of surgeon of emigrant-vessel leaving Calcutta to require all emigrants to be landed when cholera appears.

74. (1) In the event of cholera in an epidemic form appearing among the emigrants on board any such vessel carrying emigrants from the port of Calcutta, the surgeon in charge of the emigrants may require the master to land all the emigrants on board the vessel at Diamond Harbour.

(2) The master shall at once comply with the request of the surgeon, and shall immediately give notice of his having done so to the Protector of Emigrants at Calcutta, who shall take such action thereon as the Governor General in Council, by rules made under this Act, prescribes.

CHAPTER XI.

DEPARTURE OF NATIVES OF INDIA BY SEA OUT OF INDIA FOR CERTAIN PURPOSES.

Application for permission to engage Natives of India to depart abroad for certain purposes.

75. (1) Whoever desires to engage any Native of India to depart by sea out of India for the purpose—

- (a) of working as an artisan, or
- (b) of any exhibition or entertainment, or
- (c) of service in any restaurant, tea-house or other place of public resort, or,
- (d) save as provided in sub-section (2), of domestic service,

in any place beyond the limits of India other than the Island of Ceylon or the Straits Settlements, shall apply for the permission of the Local Government having jurisdiction at the port from which such person is to depart, and shall state in his application—

- (i) the number of the persons whom he proposes so to engage;

(ii) the

*(Chapter XI.—Departure of Natives of India by Sea out of India for certain purposes.)*

- (ii) the place or places beyond the limits of India to which such persons and their dependents are to proceed ;
- (iii) the accommodation to be provided for such persons and their dependents until their departure out of India and during the voyage ;
- (iv) the provision to be made for the health and well-being of such persons and their dependents during the period of the proposed engagement, and for their repatriation at the end of such period ;
- (v) the terms of the agreements under which such persons are to be engaged ; and
- (vi) the security in British India which he proposes to furnish for the due observance of such agreements and for the proper treatment of the persons to be engaged and their dependents.

(2) Nothing in sub-section (1) shall be deemed to apply to any person who in good faith—

- (a) engages a Native of India to accompany him out of India as his personal domestic servant, or
- (b) engages in compliance with the request of some other person, not being in India, a Native of India to depart out of India for the purpose of becoming the personal domestic servant of such other person.

*Explanation.*—For the purposes of this Chapter—

- (i) the word “port” shall mean a port from which emigration is lawful or any port which the Governor General in Council, by notification in the Gazette of India, notifies in this behalf ; and

(ii) the

(Chapter XI.—Departure of Natives of India by Sea out of India for certain purposes.)

- (ii) the words “emigrant” and “emigrate” in the definition of “dependent” in section 2, sub-section (f), clause (i), shall be read as referring to the departure by sea out of India of a person whom it is desired to engage under this Chapter.

Applications how to be disposed of.

76. On receiving an application under section 75 the Local Government may, after such enquiry as may be necessary, grant the permission applied for on such terms and conditions (if any) and on payment of such fees (if any) as it thinks fit, or withhold such permission, and the decision of the Local Government shall be final.

Appearance of engaged persons before, and registration of names by, Protector of Emigrants.

77. (1) Before any Native of India departs from India in accordance with permission granted under section 76, the person by whom he has been engaged shall appear before the Protector of Emigrants at the port of embarkation with such Native of India and with any persons intending to accompany him as his dependents.

(2) If it appears to the Protector of Emigrants—

- (a) that permission to engage such Native of India has been duly obtained,
- (b) that the terms of the agreement under which such Native of India has been engaged are in accordance with the terms of the permission granted, and
- (c) that the conditions on which such permission was granted have been complied with,

he shall register in a book to be kept for the purpose such particulars concerning such Native of India and his dependents (if any) and concerning the person engaging him in such form as the Governor General in Council, by rules made under this Act, prescribes.

78. Where



1908.]

*Emigration.*

(Chapter XI.—*Departure of Natives of India by Sea out of India for certain purposes. Chapter XII.—Rules.*)

78. Where such security as is referred to in section 75, sub-section (1), sub-clause (vi), has been furnished, the Local Government may, after such inquiry as may be necessary, pass orders in regard to the forfeiture of the security and the application of the same or of any part thereof, or may order the return of the security or of any part thereof to the person by whom it was furnished, or to his representative.

Provisions as to security.

79. The Local Government may, by notification in the local official Gazette, authorize a Protector of Emigrants to receive or dispose of applications made under this Chapter:

Delegation to Protector of Emigrants of authority to receive or dispose of applications.

Provided that an appeal shall lie to the Local Government from every order passed by a Protector of Emigrants in exercise of the authority so conferred.

80. For the purposes of the application of this Chapter at any port notified under clause (i) of the explanation to section 75—

Application of Chapter to ports from which emigration is not lawful.

(a) such port shall be deemed to be a port from which emigration is lawful, and

(b) such officer as the Local Government may appoint in this behalf shall be deemed to be the Protector of Emigrants.

---

CHAPTER XII.

RULES.

81. (1) The Governor General in Council may, by notification in the Gazette of India, make rules consistent with this Act—

Power for Governor General in Council to make rules.

(a) to prescribe the person by whom any doubt or dispute referred to in sub-section (2) of section

section

(Chapter XII.—Rules.)

section 2 shall be determined and the procedure to be followed and the proof to be required in such cases ;

- (b) to provide for the supervision and regulation of places of accommodation provided under this Act, and to define the classes of Magistrates and the officers of Police to be authorized to visit and inspect those places ;
- (c) to prescribe the form of the register required under this Act, and the particulars to be entered therein, and to regulate the control to be exercised over Registering Officers by the District Magistrate or officer (if any) appointed in this behalf under this Act ;
- (d) to prescribe the forms of the agreements to be made under this Act, and the particulars to be contained therein, and the language or languages in which agreements must be expressed ;
- (e) to prescribe the conditions on which licenses for the establishment of depôts under this Act may be given, to provide for the supervision and regulation of depôts, and for the medical care of the emigrants during their residence there, and the measures to be taken on the outbreak of any epidemic or infectious disease there ;
- (f) to prescribe the forms to be supplied by Emigration Agents and recruiters for the purposes of this Act ;
- (g) to prescribe the particulars which the owner or master of a vessel applying for a license to carry emigrants in his vessel must state ;
- (h) to regulate the proportion of women to be ordinarily carried in any emigrant-vessel with

with male emigrants, and to prescribe the arrangements to be made for the separation of women (married or single) and children from the other emigrants on board an emigrant-vessel ;

- (i) to prescribe the description, quantity and quality of provisions, fuel and water to be taken by emigrant-vessels, the daily allowance of food and water to be issued, and the nature and amount of clothing to be supplied to each emigrant during the voyage ;
- (j) to fix the number of the compounders, interpreters and attendants subordinate to the surgeon to be carried for the care of the sick or weakly on board each emigrant-vessel ;
- (k) to prescribe the nature, quantity and quality of medicines and other stores to be carried on board emigrant-vessels ;
- (l) to provide for the ventilation and cleanliness of every emigrant-vessel during a voyage, and for its being furnished with a sufficient number of life-buoys, boats, water-buckets and other appliances to be used in case of shipwreck or fire ;
- (m) to prescribe the seasons at which alone emigrant-vessels or specified classes of emigrant-vessels may sail from any port in British India to any country west of the Cape of Good Hope to which emigration is for the time being lawful ;
- (n) to provide for the disposal of emigrants who may be landed under section 74 ;
- (o) to provide for the medical care of the emigrants on the voyage, and to provide for the measures to be taken on the outbreak of any epidemic or infectious disease on a voyage ;

(p) to

*Chapter XII.—Rules. Chapter III.—Offences.)*

- (p) to provide for a journal being kept by the surgeon of every emigrant-vessel, recording the health of the emigrants, and his treatment of the sick, with full explanation of the causes of every death ; and to define the duties and powers of the surgeon in respect of the emigrants committed to his care ;
- (q) to define and regulate the powers and duties of the several officers appointed by the Government under this Act ;
- (r) generally to provide for the security, well-being and protection of emigrants ; and
- (s) to carry into effect the provisions of Chapter XI :

Provided that the Local Government may, in special cases, notwithstanding anything contained in rules made under clause (h) of this section, permit an emigrant-vessel to sail, though it does not carry the proportion of women required to be carried in ordinary cases.

(2) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

---

CHAPTER XIII.

OFFENCES.

Unlawful  
recruiting.

82. (1) Whoever, except in conformity with the provisions of this Act or of the rules made under this Act,—

- (a) makes, or attempts to make, any agreement with any Native of India, purporting to bind him to emigrate, or,
- (b) in consideration of any hire or reward, induces, or attempts to induce, any Native of India to leave any place for the purpose

of

*(Chapter XIII.—Offences.)*

of emigrating, or otherwise acts or is employed as a recruiter of emigrants, or

- (c) in consideration of any hire or reward, receives into or detains in any place, or, being a recruiter, in any place other than a place in which accommodation has been provided in accordance with this Act or the rules made under this Act, any person with a view to his being registered as an emigrant, or after his registration as an emigrant and before his departure for the depôt at the port of embarkation,

shall be punishable with fine which may extend to five hundred rupees.

(2) If any person, other than a recruiter licensed under this Act, commits an offence under this section, any police-officer may arrest him without warrant.

83. Whoever, being a recruiter licensed under this Act, —

- (a) before any intending emigrant has been registered under this Act as an emigrant,—

Recruiters  
removing  
unregistered  
emigrants to  
depôt.

(i) removes or attempts to remove him to a depôt, or

(ii) induces, or attempts to induce, him to leave the local limits of the jurisdiction of the Magistrate by whom the recruiter's license has been countersigned, or

(iii) aids, or attempts to aid, him in leaving any such local limits or going to any depôt, or

- (b) fails to give a true copy of the statement with which he is provided under section 22 to any person whom he invites to emigrate, or

(c) fails

*(Chapter XIII.—Offences.)*

- (c) fails to provide any emigrant whom he has engaged, and who has been registered at a place beyond the limits of the port of embarkation, with suitable lodging and food, or otherwise ill-treats any emigrant on his journey to the depôt,

shall be punishable with fine which may extend to five hundred rupees.

Fraudulently inducing Native to emigrate.

84. Whoever, by means of intoxication, coercion or fraud, causes or induces, or attempts to cause or induce, any Native of India to emigrate, or to enter into any agreement to emigrate, or to leave any place with a view to emigrating, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

False representation of Government authority.

85. Whoever,—

- (a) without lawful authority, issues any written order to the Police to assist himself or any other person to procure emigrants, or  
(b) falsely represents that any emigrants are required by the Government or are to be engaged on behalf of the Government,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Receiving emigrants on board vessel in contravention of Act.

86. Any master of a vessel who—

- (a) knowingly receives on board his vessel any emigrant who has not complied with the provisions of this Act or the rules made under this Act, so far as they are binding on him, or,  
(b) not being licensed under this Act, knowingly receives any emigrant on board his vessel, or,  
(c) being licensed under this Act, knowingly receives on board his vessel any emigrant

in

1908.]

*Emigration.*

(Chapter XIII.—Offences.)

in excess of the number specified in his license,

shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees for each emigrant so received, or with both; and the vessel, her tackle, apparel and furniture, may be declared by the Court before which the master is tried to be forfeited to His Majesty.

87. Any master licensed under this Act who fraudulently does, or suffers to be done, any act or thing whereby the license becomes inapplicable to the altered state of the vessel or other matter to which the license relates, shall be punishable with fine which may extend to five thousand rupees,

Fraudulent acts on part of master.

and he may also be sued on any bond which he may have executed under section 58.

88. Any master of an emigrant-vessel who clears, or attempts to clear, his vessel outwards when any of the provisions of section 53, 55 or 56 have not been complied with in respect of his vessel, shall be punishable with fine which may extend to four thousand rupees.

Clearance without compliance with Act.

89. Any master who receives on board his vessel any emigrants and fails to comply with the requirements of sections 62, 63 and 64 in respect of those emigrants, shall be punishable with fine which may extend to two hundred rupees for each emigrant so received on board.

Failure of master to comply with provisions as to lists and passes.

90. Any master who, having cleared his vessel, takes on board any emigrant not entered in the list mentioned in section 62 or not furnished with a pass required by that section, shall be punishable with fine which may extend to two hundred rupees for each emigrant so taken.

Master taking on board, after clearance, emigrants not entered in list.

91. Any master who lands any emigrant in any country other than the country for which he has

Master landing emigrant at

been

*Emigration.*

[ACT XVII

(Chapter XIII.—Offences.)

other than  
specified  
country.

been shipped by the Emigration Agent, shall be punishable for every emigrant so landed with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both, unless the landing has been caused by stress of weather or unavoidable accident, or has taken place under the provisions of section 73 or 74.

Failure to  
comply with  
provisions as  
to leaving  
Calcutta.

92. Any master of a sailing-vessel leaving the port of Calcutta with emigrants on board who—

- (a) does not leave Garden Reach with his vessel within the time prescribed in section 71, or,
- (b) without reasonable excuse, causes or allows his vessel to go below Garden Reach without being in tow of such a steamer as is referred to in section 72,

shall be punishable with fine which may extend to one thousand rupees.

Emigrant  
deserting or  
refusing to  
proceed to  
depôt.

93. (1) Any emigrant who—

- (a) deserts before arrival at depôt, or
- (b) refuses without reasonable cause to proceed to the depôt,

shall be punishable with fine which may extend to twenty rupees, or to the cost incurred in entering into an agreement with, registering and conveying him to the depôt, whichever is greater, and, in default of payment of the fine, with imprisonment which may extend to one month.

(2) Any fine levied under this section may, in the discretion of the convicting Magistrate, be paid to the Emigration Agent or recruiter by whom the cost was incurred.

Emigrant  
deserting  
from depôt  
or failing to  
embark.

94. (1) Any emigrant who—

- (a) deserts from the depôt, or

(b) without



*(Chapter XIII.—Offences.)*

- (b) without reasonable cause, refuses or neglects to embark when called upon to do so by the Emigration Agent,

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or to double the amount of the cost incurred in entering into an agreement with, registering and conveying him to the depôt, and maintaining him therein, or with both.

(2) Any fine levied under this section may, in the discretion of the convicting Magistrate, be paid to the Emigration Agent or recruiter by whom the cost was incurred.

95. Any person who causes, or any master who knowingly permits, any emigrant to embark contrary to the provisions of section 59, shall be punishable with fine which may extend to two hundred rupees for each emigrant so embarked.

Causing, or permitting, embarkation of emigrant in contravention of section 59. Offences against provisions of Chapter XI.

96. Whoever,—

- (a) without having first obtained the permission of the Local Government referred to in section 75, sub-section (1), enters or attempts to enter into an agreement purporting to bind any Native of India to depart by sea out of India for any of the purposes specified in the said sub-section, or
- (b) causes any Native of India engaged by him for any such purpose as aforesaid to depart from any port which is not a port from which emigration is lawful, or which has not been notified under clause (i) of the explanation to section 75, or
- (c) causes any Native of India engaged by him, after grant of the permission referred to in section 76, to depart by sea out of

India

(Chapter XIII.—Offences.)

India without registration of the particulars required by section 77, sub-section (2),

shall, on conviction by a Magistrate of the first class, be punishable with fine which may extend to two hundred and fifty rupees for each Native of India in respect of whom the offence is committed.

Institution of prosecutions.

97. Prosecutions under sections 86 to 96 both inclusive shall not be instituted except as follows, namely:—

- (a) prosecutions under sections 86 to 92, both inclusive, by the Emigration Agent, or by the Protector of Emigrants, or by an officer appointed for the purpose by the Local Government;
- (b) prosecutions under section 93, by or with the sanction of a Magistrate or Registering Officer or of the Protector of Emigrants at the port of embarkation;
- (c) prosecutions under section 94, by the Emigration Agent with the sanction of the Protector;
- (d) prosecutions under sections 95 and 96, by the Protector of Emigrants or by an officer appointed for the purpose by the Local Government.

Defence to charges of desertion.

98. The following shall be good defences to charges under sections 93 and 94, respectively, namely:—

- (a) to a charge under section 93, that the accused person or other emigrants accompanying him has or have been ill-treated, deceived or defrauded by the recruiter or any person under his control;
- (b) to a charge under section 94, that the emigrant has suffered any ill-treatment or neglect in the depôt or on the journey thither.

99. All

1908.]

*Emigration.*

(Chapter XIII.—Offences. Chapter XIV.—Supplemental.)

99. All the powers for the time being conferred by law on officers of sea-customs with regard to the searching and detention of vessels or otherwise for the prevention of smuggling on board thereof, may be exercised by those officers for the prevention of offences against this Act. -

Power for Customs-officers to search and detain for purposes of Act.

CHAPTER XIV.

SUPPLEMENTAL.

100. The Local Government may appoint any person to perform within a specified area the functions of a Magistrate under this Act.

Power for Local Government to appoint Magistrate for purposes of Act. Suits against Emigration Agent for breach of duty.

101. (1) Where an Emigration Agent is chargeable with a breach of any duty to an emigrant arising from any agreement with the emigrant or imposed by this Act or the rules made under this Act, the Protector of Emigrants may, if he thinks fit, institute a suit on behalf of the emigrant against the Emigration Agent for the recovery of compensation for the breach.

(2) In awarding compensation under this section all sums ordered to be paid under section 46 or section 48 shall be taken into consideration.

102. (1) The Governor General in Council may, by notification in the Gazette of India, determine what shall be held to be, for the purposes of this Act, the probable length of the voyages by sailing-vessels and vessels using steam power, respectively, from any port from which, to any country to which, emigration is for the time being lawful.

Power for Governor General in Council to determine probable lengths of voyages for purposes of Act.

(2) Until otherwise determined under this section, the probable length of the voyage by sailing-vessels from the ports mentioned in the third schedule to the countries mentioned in that schedule, shall be deemed to be the lengths stated in that schedule.

103. On

Provisions supplementary to section 2, sub-section (1) (iv), of this Act.

103. On and from such a date as the Governor General in Council may, by notification in the Gazette of India, have fixed or may hereafter, by like notification, fix in this behalf with respect to any protected Native State adjoining the Straits Settlements, or with respect to any country for labour in which Natives of India are recruited exclusively through the agency of the Government of the Straits Settlements, a Native of India departing by sea out of British India under an agreement to labour for hire in any such State or country shall not, so long as the notification continues to apply to the State or country, be deemed to emigrate within the meaning of this Act.

Application of Act to emigration from British ports to French and Dutch Colonies.

104. The provisions of this Act shall apply to emigration from British Indian ports—

(a) to the French Colonies, under the terms of the Convention executed at Paris on the first day of July 1861, and ratified at the same place on the thirtieth day of July 1861, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of the French; and

(b) to the Netherlands colony of Dutch Guiana under the terms of the Convention executed at the Hague on the eighth day of September 1870, and ratified at the same place on the seventeenth day of February 1872, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the King of the Netherlands:

Provided that emigration to the French Colonies, or any of them, shall not be lawful until a notification under section 4, sub-section (1), has been issued in respect thereof; but subject to this proviso, in any case in which there is any conflict between the provisions

*(Chapter XIV.—Supplemental.)*

provisions of this Act and those contained in either of those Conventions, the latter shall prevail.

105. The provisions of this Act shall, so far as they relate to proceedings which are to be conducted in British India, apply, in the case of Natives of India who depart by sea from a French port in India under an agreement to labour for hire in a French colony, under the Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of the French referred to in the last foregoing section as if such Natives were emigrants within the meaning of this Act :

Application of Act to proceedings in British India connected with emigration from French ports in India to French colonies.

Provided that, in any case in which there is any conflict between the provisions of this Act and those contained in that Convention, the latter shall prevail.

106. (1) The departure by land out of British India of a Native of India under, or with a view to entering into, an agreement to labour for hire in some country beyond the sea other than the Island of Ceylon or the Straits Settlements is prohibited :

Prohibition of departure by land of a Native of India under an agreement to labour for hire in some country beyond the sea.

Provided that nothing in this section applies to the departure by land of a Native of India for the purpose of departing by sea from a French port in India under an agreement to labour for hire in a French colony in accordance with the Convention referred to in section 104, clause (a), and section 105.

(2) Whoever induces, or attempts to induce, any Native of India to depart by land out of British India in contravention of this section shall be deemed to have committed an offence under section 82.

107. The Governor General in Council may, by notification in the Gazette of India, declare that all or any of the provisions of this Act or the rules thereunder shall not apply, or shall apply subject to such conditions, modifications or restrictions as to the Governor General in Council may seem expedient in the case of Natives of India departing out of British India under an agreement made with, or on behalf of,

Power to declare whole or part of Act and rules inapplicable to Natives of India engaged for His Majesty's Government to labour for hire in any

His

*Emigration.*

[ACT XVII

(Chapter XV.—Savings and Repeals. The First Schedule.—Countries to which Emigration is lawful.)

country beyond the sea.

His Majesty's Government to labour for hire in any country beyond the sea :

Provided that no notification under this section shall be issued unless the Governor General in Council is first satisfied that the fair treatment of Natives of India so departing out of British India has, by rules or otherwise, duly been secured.

CHAPTER XV.

SAVINGS AND REPEALS.

Saving for Government vessels.

108. Nothing in this Act or in any rule made under this Act shall apply to any vessel belonging to, or in the service of, His Majesty or of the Government of India.

Savings.

109. All contracts entered into under the Indian Emigration Act, 1871, and Act No. XIV of 1872 (to exempt the Straits Settlements from the Indian Emigration Act, 1871), or under any enactment hereby repealed, and in force at the commencement of this Act, shall, so far as they are consistent with this Act, be deemed to have been entered into under this Act.

VII of 1871.

Repeals.

110. The enactments mentioned in the fourth schedule are hereby repealed to the extent specified in the fourth column thereof.

THE FIRST SCHEDULE.

(See section 4.)

COUNTRIES TO WHICH EMIGRATION IS LAWFUL.

- I.—The British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts, Nevis, Fiji, and Seychelles.
- II.—The Netherlands Colony of Dutch Guiana.
- III.—The Danish Colony of St. Croix.

THE SECOND SCHEDULE.

1908.]

*Emigration.*

*(The Second Schedule.—Form of Recruiter's License.)*

THE SECOND SCHEDULE.

*(See section 17.)*

FORM OF RECRUITER'S LICENSE.

OFFICE of the Protector of Emigrants at the Port of  
 A. B., described in the descriptive roll annexed, is hereby  
 licensed under the Indian Emigration Act, 1908, to be a  
 recruiter of emigrants for [*here state the country for which  
 the recruiter is licensed to recruit*] in [*here specify the area  
 within which the recruiter is licensed to recruit.*]

This license will be in force until the \_\_\_\_\_ of  
 unless previously cancelled.

*(Signed) C. D.,*

*Protector of Emigrants.*

*Dated the \_\_\_\_\_ day of \_\_\_\_\_*

*Descriptive Roll.*

Name.	Father's name.	AGE.		Caste.	Colour.	HEIGHT.		Distinguishing marks.	Name of village, local sub-division (tahsil, taluq, etc.), and district to which he belongs.
		Years.	Months.			Feet.	Inches.		

*Emigration.*

[ACT XVII

*(The Third Schedule.—Probable Lengths of Voyage by Sailing Vessel under this Act.)*

THE THIRD SCHEDULE.

(See section 102.)

PROBABLE LENGTHS OF VOYAGE BY SAILING VESSEL UNDER THIS ACT.

FROM CALCUTTA—

To Mauritius	} From the month of April to the month of October, both inclusive, ten weeks ; and from the month of November to the month of March, both inclusive, eight weeks.
To Fiji, British Guiana, Trinidad, Grenada, St. Vincent, St. Kitts, Nevis, St. Croix, and Dutch Guiana.	
To Natal . . . .	Twelve weeks.
To Jamaica and St. Lucia	Twenty weeks.

FROM MADRAS—

To Mauritius . . . .	} From the month of April to the month of October, both inclusive, seven weeks ; and from the month of November to the month of March, both inclusive, six weeks.
To the Seychelles . . . .	
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, Nevis, St. Croix, and Dutch Guiana.	} During the north-east monsoon, five weeks ; and during the south-west monsoon, six weeks.
To Natal . . . .	
To Fiji . . . .	Nineteen weeks.
To Natal . . . .	Ten weeks.
To Fiji . . . .	Seventeen weeks.

FROM BOMBAY—

To Mauritius . . . .	} From the month of April to the month of September, both inclusive, five weeks ; and from the month of October to the month of March, both inclusive, six weeks.



1908.]

*Emigration.*

*(The Third Schedule.—Probable Lengths of Voyage by Sailing Vessel under this Act. The Fourth Schedule.—Enactments repealed.)*

THE THIRD SCHEDULE—*contd.*

FROM BOMBAY—*contd.*—

To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, Nevis, St. Croix, and Dutch Guiana.	} Nineteen weeks.
To Natal . . . . .	
To Fiji . . . . .	Seventeen weeks.

THE FOURTH SCHEDULE.

*(See section 110.)*

ENACTMENTS REPEALED.

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
1883	XXI	The Indian Emigration Act, 1883.	So much as has not been repealed.
1890	XVIII	The Indian Emigration Act (1883) Amendment Act, 1890.	The whole.
1896	I	The Indian Emigration Act (1883) Amendment Act, 1896.	Ditto.
1897	VII	The Indian Emigration Act Amendment Act, 1897.	Ditto.
1902	X	The Indian Emigration (Amendment) Act, 1902.	Ditto.
1904	XII	The Indian Emigration (Amendment) Act, 1904.	Ditto.
1908	XII	The Indian Emigration (Amendment) Act, 1908.	Ditto.

CALCUTTA  
SUPERINTENDENT GOVERNMENT PRINTING, INDIA  
8, HASTINGS STREET

# ACT NO. XVIII OF 1908.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th  
December 1908.)

## An Act further to amend the Indian Merchant Shipping Act, 1880.

I of 1880, **WHEREAS** it is expedient further to amend the  
Indian Merchant Shipping Act, 1880; It is here-  
by enacted as follows:—

1. (1) This Act may be called the Indian Mer- Short title  
and com-  
mencement.  
chant Shipping (Amendment) Act, 1908: and

(2) Section 4 shall come into force on such date  
or dates as the Governor General in Council may, by  
notification in the Gazette of India, direct either  
generally for all foreign ships or specially for the  
ships belonging to any specified foreign countries. The  
rest of this Act shall come into force on the first day  
of January 1909.

I of 1880. 2. (1) In section 3, clause (b), of the Indian Amendment  
of section 3,  
Act VII,  
1880.  
Merchant Shipping Act, 1880, after the word "or"  
the words "to any sailing ship of less than one hun-  
dred and fifty tons register employed" shall be  
inserted.

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

"The Governor General in Council may, from  
time to time, by notification in the Gazette of India,  
exclude from or bring again within the operation of  
sections 33 to 43, inclusive, any class of steamships of  
less than one hundred and fifty tons register which  
are employed in plying coastwise between ports  
situate in India and Ceylon, and do not carry cargo."

3. In

[Price one anna and six pies.]

*Merchant Shipping.*

[ACT XVIII

Amendment  
of section 4  
of same Act.

3. In section 4 of the said Act, in the definition of "unsafe", after the word "intended" the following words shall be inserted, namely :—

" and a ship shall be deemed to be unsafe when so loaded as to submerge in perfectly smooth salt water the centre of the disc indicating the load-line."

Substitution  
of new sec-  
tion 85 of  
same Act.

4. For section 85 of the said Act the following shall be substituted, namely :—

Application  
of provisions  
respecting  
overloading  
and deck and  
load-lines to  
foreign  
ships.

" 85. The provisions of this Act for the prevention of the overloading and improper loading of British ships and for the marking of deck and load-lines on British Indian and British ships shall, with the exception of sub-sections (2) and (3) of section 35, apply to foreign ships also when in ports of British India, unless such foreign ships, if in ports of the United Kingdom, would be entitled to the benefit of a direction of His Majesty in Council under section 445 of the Merchant Shipping Act, 1834 :

57 & 58  
Vict., c. 60

Provided that nothing in this section shall apply to any foreign ship not bound to a port in British India which comes into any port in British India for any purpose other than the purpose of embarking or landing passengers or taking in or discharging cargo or taking in bunker coal :

Provided also that in the case of the detention of a foreign ship the application of the provisions of this Act shall be subject to the following modifications, namely :—

- (i) a copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the country to which the ship belongs at or nearest to the port in which such ship is detained ;
- (ii) the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Local Government under section 8 to survey the ship shall be accompanied by such person

person as the consular officer may select, and in that case, if the surveyor and that person agree, the Local Government shall cause the ship to be detained or released accordingly; but, if they differ, the Local Government may act as if the requisition had not been made, and the owner and master shall have the like appeal to a Court of Survey touching the report of the surveyor as is hereinbefore provided in the case of a British ship; and

- (iii) where the owner or master of the ship appeals to the Court of Survey, the consular officer, on his request, may appoint a competent person to be assessor in the case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Local Government."

# ACT NO. XVIII OF 1908.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL,  
(Received the assent of the Governor General on the 18th  
December 1908.)

An Act further to amend the Indian Merchant  
Shipping Act, 1880.

VII of 1880. WHEREAS it is expedient further to amend the  
Indian Merchant Shipping Act, 1880; It is here-  
by enacted as follows:—

1. (1) This Act may be called the Indian Mer- Short title  
chant Shipping (Amendment) Act, 1908: and and com-  
mencement.

(2) Section 4 shall come into force on such date  
or dates as the Governor General in Council may, by  
notification in the Gazette of India, direct either  
generally for all foreign ships or specially for the  
ships belonging to any specified foreign countries. The  
rest of this Act shall come into force on the first day  
of January 1909.

VII of 1880. 2. (1) In section 3, clause (b), of the Indian Amendment  
Merchant Shipping Act, 1880, after the word "or" of section 3,  
the words "to any sailing ship of less than one hun- Act VII,  
dred and fifty tons register employed" shall be 1880.  
inserted.

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

"The Governor General in Council may, from  
time to time, by notification in the Gazette of India,  
exclude from or bring again within the operation of  
sections 33 to 43, inclusive, any class of steamships of  
less than one hundred and fifty tons register which  
are employed in plying coastwise between ports  
situate in India and Ceylon, and do not carry cargo."

3. In

[Price one anna and six pies.]

Amendment  
of section 4  
of same Act.

3. In section 4 of the said Act, in the definition of "unsafe", after the word "intended" the following words shall be inserted, namely:—

"and a ship shall be deemed to be unsafe when so loaded as to submerge in perfectly smooth salt water the centre of the disc indicating the load-line."

Substitution  
of new sec-  
tion 85 of  
same Act.

4. For section 85 of the said Act the following shall be substituted, namely:—

Application  
of provisions  
respecting  
overloading  
and deck and  
load-lines to  
foreign  
ships.

"85. The provisions of this Act for the prevention of the overloading and improper loading of British ships and for the marking of deck and load-lines on British Indian and British ships shall, with the exception of sub-sections (2) and (3) of section 35, apply to foreign ships also when in ports of British India, unless such foreign ships, if in ports of the United Kingdom, would be entitled to the benefit of a direction of His Majesty in Council under section 445 of the Merchant Shipping Act, 1834 . . .

57 & 58  
Vict., c. 80.

Provided that nothing in this section shall apply to any foreign ship not bound to a port in British India which comes into any port in British India for any purpose other than the purpose of embarking or landing passengers or taking in or discharging cargo or taking in bunker coal:

Provided also that in the case of the detention of a foreign ship the application of the provisions of this Act shall be subject to the following modifications, namely:—

(i) a copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the country to which the ship belongs at or nearest to the port in which such ship is detained;

(ii) the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Local Government under section 8 to survey the ship shall be accompanied by such person

person as the consular officer may select, and in that case, if the surveyor and that person agree, the Local Government shall cause the ship to be detained or released accordingly; but, if they differ, the Local Government may act as if the requisition had not been made, and the owner and master shall have the like appeal to a Court of Survey touching the report of the surveyor as is hereinbefore provided in the case of a British ship; and

- (iii) where the owner or master of the ship appeals to the Court of Survey, the consular officer, on his request, may appoint a competent person to be assessor in the case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Local Government.