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NOTIFICATION.

Bombay Castle, 4th August 1831.

GENERAL DEPARTMENT.

The Right Hon'ble the Governor in Council having sanctioned the publication of a weekly paper, to be styled the "BOMBAY GOVERNMENT GAZETTE," notice is hereby given, that after this day all advertisements and other public papers of the Government will be printed in the BOMBAY GOVERNMENT GAZETTE only: and all orders or other public notices appearing in that paper, under the signature of the Secretaries, or other public officers of the Government, are hereby ordered and directed to be conformed to and obeyed accordingly.

Bombay Castle, 18th January 1832.

When official notifications from the Government are inserted in the BOMBAY GOVERNMENT GAZETTE, whether the communication on the same subject will be made in writing to any department concerned; but all public officers are to take notice of such official notifications in the same manner as if they had been directly communicated to them by letter from the Secretary's office, and as heads of offices alone will be furnished by Government with the BOMBAY GOVERNMENT GAZETTE, they will be expected to communicate to their subordinate officers all orders which may in any manner concern them.

The Bombay Government Gazettes furnished by Government to public offices are to be lodged with the records, and are not to be removed from the office.

Published by order of the Right Hon'ble the Governor in Council,
JOHN BAX, Secy. to Govt.

NOTICE.

The Government Printing and Lithographing Departments having been transferred to the BOMBAY EDUCATION SOCIETY, all Printing and Lithographing required by any Department should be sent to the Office at Bycullah.

Bombay, 5th April 1848.

J. G. LUMSDEN, Secy. to Govt.

Legislative Council.

10th January 1857.

The following Bill was read a second time in the Legislative Council on the 3rd January 1857, and was referred to a Select Committee, who are to report thereon after the 21st of April next:—

THE INDIAN PENAL CODE.

Chapter I.

Whereas it is expedient to provide a General

Preamble.

Penal Code for the Territories in the possession

and under the Government of the East India Company; It is enacted as follows:—

1. This Act shall be called THE INDIAN PENAL

Title of the Code.

CODE, and shall take effect from the

day of throughout the whole of the Territories for the time being in the possession and under the Government of the East India Company.

2. Every person shall be liable to punishment

Punishment of offences committed within the Indian Territories.

under this Code for every act or omission contrary to the provisions thereof, of which he shall be guilty

within the said Territories after the said day of*

3. Any person liable, by any law in force for

Punishment of offences committed beyond; but which by law may be tried within the territories.

the time being, to be tried within the said territories, for an offence committed beyond the limits thereof, shall be subject to punishment according to the provisions of this Code.*

4. Every servant of the East India Company

Punishment of offences committed by a servant of the East India Company within a foreign allied State.

shall be subject to punishment under this Code, for every act or omission contrary to the provisions thereof, of which he shall be guilty within the dominions of any Prince or State in alliance with the East India Company whilst in such service, and after the said day of

5. Except as provided by Clauses 3 and 4 of

"If any person, being a British subject, charged with having committed any crime or offence on board any British ship on the high seas, or in any foreign Port or Harbour, or if any person, not being a British subject, charged with having committed any crime or offence on board any British ship on the high seas, is found within the jurisdiction of any Court of Justice in Her Majesty's Dominions which would have had cognizance of such crime or offence if committed within the limits of its ordinary jurisdiction, such Court shall have jurisdiction to hear and try the case as if such crime or offence had been committed within such limits. Provided that nothing contained in this Section shall be construed to alter or interfere with the Act of the 13th year of Her present Majesty, chap. 96."

* With reference to offences committed on the high seas, it is enacted by 18 and 19 Vic. c. 91, s. 21, as follows:—

* See 26 Geo. III. c. 57, s. 29; 33 Geo. III. c. 52, s. 67; Act No. I. of 1849.

Offences committed beyond the Indian Territories.

this Chapter, no person shall be subject to punishment under this Code for any act or omission of which he shall be guilty beyond the limits of the said Territories.

6. Nothing in this Act is intended to repeal, vary, suspend, or affect any of the provisions of the Statute 3 and 4 W.

IV. c. 85, or of any Act of Parliament passed after that Statute in any wise affecting the East India Company, or the said territories, or the inhabitants thereof; or any of the provisions of any Act for punishing mutiny and desertion of Officers and Soldiers, whether in the service of Her Majesty or of the East India Company, or of any Act for the Government of the Indian Navy, or of any special or local law.

Chapter II.

GENERAL EXPLANATIONS.

1. Throughout this Code, every definition of an

Definitions in the Code to be understood subject to exceptions.

shall be understood subject to the exceptions contained in the Chapter entitled "General exceptions," though those exceptions are not repeated in such definition, penal provision, or illustration.

Illustrations.

(a) The Clauses in this Code, which contain definitions of offences, do not express that a child under seven years of age cannot commit such offences; but the definitions are to be understood subject to the general exception which provides that nothing shall be an offence which is done by a child under seven years of age.

(b) A, a Police Officer, without warrant, apprehends Z, who has committed murder. Here A is not guilty of the offence of wrongful confinement; for he was bound by law to apprehend Z: and therefore the case falls within Clause 1 of Chapter IV., which provides that "nothing is an offence which is done by a person who is bound by law to do it."

2. Every expression which is explained in any part of this Code is used in every part of this Code in conformity with the explanation.

3. Every expression which is defined in any part of this Code is used in every part of this Code in conformity with the definition, and in no other sense.

Expression once explained to be understood in the same sense throughout the Code.

4. The pronoun "he" and its derivatives are used of any person, whether male or female.

Gender.

5. Unless the contrary appears from the context, words importing the singular number include the plural number, and words importing the plural number include the singular number.

Number.

6. The word "man" denotes a male human being of any age: the word "woman" denotes a female human being of any age.

"Man."

7. The word "person" includes any Company, or Association, or body of persons, whether incorporated or not.

"Person."

"Public."

8. The word "Public" includes any class of the public, or any community.

Illustration.

An injury done to the villagers of a particular village is a public injury.

9. The word "Queen" denotes the Sovereign for the time being of the United Kingdom of Great Britain and Ireland.

"Queen."

10. The words "British India" denote the Territories in the possession and under the Government of the East India Company.

"British India."

11. The words "Government of India" denote the Governor General of India in Council, or, during the absence of the Governor General of India from his Council, the President in Council, or the Governor General of India alone, as regards the powers which may be lawfully exercised by them or him respectively.

12. The word "Government" denotes the person or persons authorised by law to administer executive Government.

"Government."

13. The word "Presidency" denotes all the territories subject to the Government of a Presidency.

"Presidency."

14. The word "Lieutenant-Governorship" denotes all the territories subject to a Lieutenant-Governor.

"Lieutenant-Governorship."

15. The word "Judge" denotes not only every person who is officially designated as a Judge, but also every person who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive, or who is one of a body of persons, which body of persons is empowered by law to give such a judgment.

"Judge."

Illustrations.

(a) A Collector exercising jurisdiction in a Summary Suit under Regulation VIII. of 1831 of the Bengal Code is a Judge.

(b) A Magistrate exercising jurisdiction in respect of a charge on which he has power to sentence to fine or imprisonment, with or without appeal, is a Judge.

(c) A Member of a Panchayet which has power, under Regulation VII. of 1816 of the Madras Code, to try and determine suits, is a Judge.

(d) A Magistrate exercising jurisdiction in respect of a charge on which he has power only to commit for trial to another Court is not a Judge.

16. The words "Court of Justice" denote a Judge who is empowered by law to act judicially alone, or a body of Judges which is empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

"Court of Justice."

Illustration.

A Panchayet acting under Regulation VII. of 1816 of the Madras Code, having power to try and determine suits, is a Court of Justice.

17. The words "public servant" denote a person falling under any of the descriptions hereinafter following, namely:—

"Public Servant."

First. Every covenanted servant of the East India Company;

Second. Every commissioned officer, Military or Naval, in the service of the East India Company;

Third. Every commissioned officer of the

Queen's army, while serving under the Government of India;

Fourth. Every Judge;

Fifth. Every officer of a Court of Justice whose duty it is, or who is specially authorised, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court;

Sixth. Every juryman, assessor, or member of a Panchayet assisting a Court of Justice;

Seventh. Every Arbitrator or other person to whom any cause or matter has been referred by any Court of Justice, or by any other competent public authority;

Eighth. Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

Ninth. Every officer of Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety, or convenience;

Tenth. Every officer whose duty it is, as such officer, to take, receive, keep, or expend any property on behalf of Government, or to make any survey, assessment, or contract, on behalf of Government, or to execute any revenue process, or to investigate, or to report, on any matter affecting the pecuniary interests of Government, or to make, authenticate, or keep any document relating to the pecuniary interests of Government, or to prevent the infraction of any law for the protection of the pecuniary interests of Government; and every officer appointed by, or in the service or pay of Government;

Eleventh. Every officer whose duty it is, as such officer, to take, receive, keep, or expend any property, or to make any survey or assessment, or to levy any rate or tax for any secular common purpose of any village, town, or district, or to make, authenticate, or keep any document for the ascertaining of the rights of the people of any village, town, or district.

Illustration.

A Municipal Commissioner is a public servant.

Explanation 1. Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

Explanation 2. Wherever the words "public servant" occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

13. The words "moveable property" are intended to include corporeal property of every description, except land and things attached to the earth, or permanently fastened to anything which is attached to the earth.

19. "Wrongful gain" is gain, by unlawful means, of property to which the person gaining is not legally entitled.

"Wrongful loss" is the loss, by unlawful means, of property to which the person losing it is legally entitled.

A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully.

A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property.

20. Whoever does anything with the intention of causing wrongful loss or risk of wrongful loss to another person, is said to do that thing "fraudulently."

21. When property is in the possession of a person's wife, clerk, or servant, in trust for that person, it is in that person's possession, and not in the possession of his wife, clerk, or servant, within the meaning of this Code.

Explanation. A person employed temporarily or on a particular occasion in the capacity of a clerk or servant, is a clerk or servant within the meaning of this Clause.

22. A person is said to "counterfeit," who causes one thing to resemble another thing, intending by means of that resemblance to practise deception, or knowing it to be likely that deception will thereby be practised.

Explanation. It is not essential to counterfeiting that the imitation should be exact.

23. The word "document" denotes any matter expressed or described upon any substance by means of letters, figures, or marks, or by one or more of those means, intended to be used, or which may be used, as evidence of that matter.

Explanation 1. It is immaterial by what means or upon what substance the letters, figures, or marks are formed, or whether the evidence is intended for, or may be used in, a Court of Justice, or not.

Illustrations.

A writing expressing the terms of a contract may be used as evidence of the contract. It is therefore a document.

A Check upon a Banker is a document.

A Power of Attorney is a document.

A Map or Plan is a document.

A writing containing directions or instructions is a document.

Explanation 2. Whatever is expressed by means of letters, figures, or marks, as explained by mercantile or other usage, shall be deemed to be expressed by such letters, figures, or marks within the meaning of this Clause, although the same may not be actually expressed.

Illustration.

A writes his name on the back of a Bill of Exchange payable to his order. The meaning of the endorsement, as explained by Mercantile usage, is that the Bill is to be paid to the holder. The endorsement is a document, and must be construed in the same manner as if the words "pay to the holder" or words to that effect had been written over the signature.

24. The words "valuable security" denote a document which is, or purports to be, a document whereby any legal right is created, extended, transferred, restricted, extinguished, or released, or whereby any person acknowledges that he lies under legal liability, or has not a certain legal right.

Illustration.

A writes his name on the back of a Bill of Exchange. As the effect of this endorsement is to transfer the right to the

Bill to any person who may become the lawful holder of it, the endorsement is a "valuable security."

"A Will."

25. The words "a will" denote any testamentary document.

26. In every part of this Code, except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.

27. Whenever the doing of any particular thing is an offence, it is an offence to do that thing either directly or indirectly.

Act, whether done directly or indirectly, is equally an offence.

28. The word "act" denotes as well a series of acts as a single act; the word "omission" denotes as well a series of

"Act."
"Omission."

omissions as a single omission.

29. Wherever the causing of a certain effect, or an attempt to cause that effect, by an act or by an omission, is an offence, it is to be understood that the causing of that effect partly by an act and partly by an omission is the same offence.

Illustration.

A intentionally causes Z's death, partly by illegally omitting to give Z food, and partly by beating Z. A has committed murder.

30. A person is said to cause an effect "voluntarily" when he causes it by means whereby he intended to cause it, or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it.

"Voluntarily."

Illustration.

A sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating a robbery, and thus causes the death of a person. Here, A may not have intended to cause death, and may even be sorry that death has been caused by his act: yet, if he knew that he was likely to cause death, he has caused death voluntarily.

31. The word "offence" denotes a thing made punishable by this Code.

"Offence."

32. A "special law" is a law applicable to a particular subject.

"Special law."

33. A "local law" is a law applicable only to a particular part of British India.

"Local law."

34. The word "illegal" is applicable to everything which is an offence, or which is contrary to any direction of the law, or which furnishes ground for a civil action; and a person is said to be "legally bound to do" whatever it is illegal in him to omit.

35. The word "injury" denotes any harm whatever illegally caused to any person in body, mind, reputation, or property.

"Injury."

36. The word "life" denotes the life of a human being, unless the contrary appears from the context.

"Life."

37. The word "death" denotes the death of a human being, unless the contrary appears from the context.

"Death."

38. The word "animal" denotes any living creature, other than a human being.

"Animal."

39. The word "vessel" denotes anything made for the conveyance by water of human beings, or of property.

"Vessel."

40. Wherever the word "year" or the word "month" is used, it is to be understood that the year or the month is to be reckoned according to the British Calendar.

"Year."

41. The word "clause" denotes one of those portions of a Chapter of this Code which are distinguished by prefixed numeral figures.

"Clause."

42. The word "hereinbefore" and the word "hereinafter" relate to matter contained within the same Clause in which these words occur.

"Hereinbefore."
"Hereinafter."

43. The word "oath" includes a solemn affirmation substituted by law for an oath, and any declaration required or authorised by law to be made before a public servant or to be used for the purpose of proof, whether in a Court of Justice or not.

"Oath."

44. Nothing which falls within any definition of an offence shall be construed as not being an offence, because it does not fall within the title of the Chapter containing that definition.

45. Nothing is said to be done or believed in good faith, which is done or believed without due care and attention.

"Good faith."

Chapter III.

OF PUNISHMENTS.

1. The punishments to which offenders are liable under the provisions of this Code are,

Punishments.

First,—Death;

Secondly,—Transportation;*

Thirdly,—Imprisonment, which is of two descriptions, namely—

(1) Rigorous, that is, with hard labour;

(2) Simple.

Fourthly,—Banishment from the territories in the possession and under the Government of the East India Company;

Fifthly,—Forfeiture of property;

Sixthly,—Fine.

2. In every case in which sentence of death shall have been passed, the Government of India or the local Government of the place within which the offender shall have been sentenced may, without the consent of the offender, commute the punishment for any other punishment provided by this Code.

3. In every case in which sentence of transportation for life has been passed, the Government of India or the local Government of the place within which the offender has been sentenced may, without the consent of the offender, commute the punishment for imprisonment of either description which may extend to fourteen years, or for banishment from the

* As to cases in which penal servitude must be substituted for transportation, see Act XXIV. of 1855.

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territories in the possession and under the Government of the East India Company, which may be for life, or for any term.

4. In every case the Government of India, or the local Government of the place within which an offender has been sentenced,

Remission of punishment. may, at any time, remit the whole or any part of the punishment, without conditions, or upon any conditions to which the offender has agreed.

5. In every case in which it is provided that an offender shall be punished with imprisonment of either description, it shall

Sentence of imprisonment, rigorous or simple. be competent to the Court which sentences such offender to direct in the sentence that such imprisonment shall be wholly rigorous, or that such imprisonment shall be wholly simple, or that any part of such imprisonment shall be rigorous and the rest simple.

6. In every case in which an offender is sentenced to forfeiture of all property, the sentence renders that offender incapable of acquiring any property except for the benefit of the Government.

Illustration.

A, for waging war against the Government of India, is sentenced to forfeiture of all his property. After the sentence A's father dies, leaving an estate which, but for the sentence of forfeiture, would become the property of A. The estate becomes the property of Government.

7. Where no sum is expressed to which a fine may extend, the amount of fine to which the offender is liable is unlimited.

8. In every case in which an offender is sentenced to a fine, it shall be competent to the Court which sentences such offender to direct by the

Sentence of imprisonment in default of payment of fine. sentence that, in default of payment of the fine, the offender shall suffer imprisonment for a certain term, which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced, or to which he may be liable under a commutation of a sentence.

9. The term for which the Court directs the offender to be imprisoned, in default of payment of a fine, shall not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence, if the offence be punishable with imprisonment as well as fine.

10. The imprisonment which the Court imposes in default of payment of a fine may be of any description to which the offender might have been sentenced for the offence.

11. If the offence be punishable with fine only, the term for which the Court directs the offender to be imprisoned, in default of payment of fine, shall not exceed the following scale, that is to say, for any term not exceeding two months when the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six months in any other case.

12. The imprisonment which is imposed in default of payment of a fine shall terminate whenever that fine is either paid or levied by process of law.

Such imprisonment to terminate upon payment of the fine.

13. If, before the expiration of the term of imprisonment fixed in default of payment, such a proportion of the fine be paid or levied that the term of imprisonment suffered in default of payment is not less than proportional to the part of the fine still unpaid, the imprisonment shall terminate.

Termination of such imprisonment upon payment of proportional part of fine.

Illustration.

A is sentenced to a fine of one hundred Rupees, and to four months' imprisonment in default of payment. Here, if seventy-five Rupees of the fine be paid or levied before the expiration of one month of the imprisonment, A will be discharged as soon as the first month has expired. If seventy-five Rupees be paid or levied at the time of the expiration of the first month, or at any later time while A continues in imprisonment, A will be immediately discharged. If fifty Rupees of the fine be paid or levied before the expiration of two months of the imprisonment, A will be discharged as soon as the two months are completed. If fifty Rupees be paid or levied at the time of the expiration of those two months, or at any later time while A continues in imprisonment, A will be immediately discharged.

14. The fine, or any part thereof which remains unpaid, may be levied at any time within six years after the passing of the sentence, and if, under the

Death of offender not to discharge his property from liability. sentence, the offender be liable to imprisonment for a longer period than six years, then at any time previous to the expiration of that period; and the death of the offender does not discharge from the liability any property which would, after his death, be legally liable for his debts.

15. Whenever any person, by doing anything whereby he commits an offence falling under one penal provision of this Code, also commits an offence under another penal provision of this Code, the punishment shall not be cumulative, unless it be so expressly provided.

Punishment of offence falling under more than one penal provision of Code not to be cumulative unless expressly so provided.

Illustration.

A strikes Z with violence, knowing it to be likely that he may thereby break Z's arm, and does break Z's arm. Here A commits an assault. He also by the same act commits the offence of voluntarily causing grievous hurt. But A is not liable to punishment both for assault and for voluntarily causing grievous hurt.

16. Where it is provided that punishment shall be cumulative, that provision does not authorise the combining, in any case, of the punishments provided by more than two penal provisions of this Code.

17. Where anything which is an offence is made up of parts, any of which parts is itself an offence, the offender shall not be punished with the imprisonment for more than one of such his offences, unless it be so expressly provided.

Limit of punishment of offence which is made up of several offences.

Illustrations.

(a) A gives Z fifty strokes with a stick. Here A may have committed the offence of voluntarily causing hurt to Z by the whole beating, and also by each of the blows which

make up the whole beating. If A were liable to punishment for every blow, he might be imprisoned for fifty years, one for each blow. But he is liable only to one punishment for the whole beating, that is to say, to imprisonment for a term not exceeding one year, if the hurt which he has voluntarily caused is not grievous; and for a term not exceeding ten years, if the hurt which he has voluntarily caused is grievous.

(b) But if, while A is beating Z, Y interferes, and A strikes Y: here, as the blow given to Y is no part of the act whereby A voluntarily causes hurt to Z, A is liable to one punishment for voluntarily causing hurt to Z, and to another for the blow given to Y.

18. In all cases in which judgment is given that a person is guilty of one of several offences (the judgment stating that it is doubtful of which), which of these offences he is guilty, the offender shall be punished for the offence for which the lowest punishment is provided, if the same punishment is not provided for all.

19. Whenever any person is convicted of an offence punishable under this Code with imprisonment of either description, the Court may, by its sentence, order that the offender shall be kept in solitary confinement for any portion or portions of the imprisonment to which he is sentenced, not exceeding six months in the whole, or one month at a time, or three months in any one year.

20. Whenever any person, convicted of any offence punishable under this Code with imprisonment of either description for a term of five years or upwards, shall have been previously convicted, whether before or after the passing of this Code, of any offence for which by the law then in force he was liable to imprisonment for a term of five years or upwards, he shall be subject to transportation for life, or to double the amount of punishment to which he would otherwise have been liable; provided that he shall not in any case be liable to imprisonment for a term exceeding fourteen years.

Chapter IV.

GENERAL EXCEPTIONS.

1. Nothing is an offence which is done by a

person who is, or who by reason of a mistake of fact, and not by reason of a mistake of law, in good faith believes himself to be bound by law to do it.

Illustrations.

(a) A, a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. A has committed no offence.

(b) A, an officer of a Court of Justice, being ordered by that Court to arrest Y, and, after due inquiry, believing Z to be Y, arrests Z. A has committed no offence.

2. Nothing is an offence which is done by a

Judge when acting judicially in the exercise of any power which is, or which in good faith he believes to be, given to him by law.

3. Nothing is an offence which is done by any

person who is justified by law, or who by reason of a mistake of fact, and not by reason of a mistake of law, in good faith believes himself to be justified by law in doing it.

Illustration.

A sees Z commit what appears to A to be a murder. A, in the exercise, to the best of his judgment, exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the fact, seizes Z, in order to bring Z before the proper authorities. A has committed no offence, though it may turn out that Z was acting in self-defence.

4. Nothing is an offence which is done by ac-

cident or misfortune, and without any criminal intention or knowledge, in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution.

Illustration.

A is at work with a hatchet; the head flies off and kills a man who is standing by. Here, if there was no want of proper caution on the part of A, his act is excusable, and not an offence.

5. Nothing is an offence merely by reason of

its being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith for the purpose of preventing or avoiding other harm to person or property.

Explanation. It is a question of fact in such a case whether the harm to be prevented or avoided was of such a nature and so imminent as to justify or excuse the risk of doing the act with the knowledge that it was likely to cause harm.

Illustrations.

(a) A, the Captain of a Steam Vessel, suddenly and without any fault or negligence on his part, finds himself in such a position that, before he can stop his vessel, he must inevitably run down a boat B with 20 or 30 passengers on board, unless he changes the course of his vessel, and that, by changing his course, he must incur risk of running down a boat C with only 2 passengers on board, which he may possibly clear. Here, if A alters his course without any intention to run down the boat C, and in good faith for the purposes of avoiding the danger to the passengers in the boat B, he is not guilty of an offence, though he may run down the boat C by doing an act which he knew was likely to cause that effect, if it be found as a matter of fact that the danger which he intended to avoid was such as to excuse him in running the risk of running down C.

(b) A in a great fire pulls down houses in order to prevent the conflagration from spreading. He does this with the intention and good faith of saving human life or property. Here, if it be found that the harm to be prevented was of such a nature and so imminent as to excuse A's act, A is not guilty of the offence.

6. Nothing which is done in pursuance of, or

which is warranted by the judgment or order of a Court of Justice, if done whilst such judgment or

order remains in force, is an offence, notwithstanding the Court may have had no jurisdiction to pass such judgment or order, provided the person doing the act, in good faith, believes that the Court had such jurisdiction.

Act of a child under 7 years of age.

7. Nothing is an offence which is done by a child under seven years of age.

8. Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding, to judge of the nature and consequences of his conduct on that occasion.

9. Nothing is an offence which is done by a

person who, at the time of doing it, by reason of unsoundness of mind, is

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incapable of knowing the nature of the act, or that he is doing what is either wrong, or contrary to law.

10. Nothing is an offence which is done by a person who, at the time of doing it, is, by reason of intoxication, incapable of knowing the nature of the act, or that he is doing what is either wrong, or contrary to law; provided that the thing which intoxicated him was administered to him without his knowledge or against his will.

11. In cases where an act done is not an offence unless done with a particular knowledge or intent, the same presumption of knowledge or intent shall be made against a person doing the act in a state of intoxication as would have been made if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

A particular intent when part of an offence may be presumed when the offender is intoxicated, unless he has been made so against his will.

intoxication as would have been made if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

12. Nothing which is not intended to cause death, or grievous hurt, and which is not known by the doer to be likely to cause death, or grievous hurt, is an offence which it may cause, or be intended by the doer to cause, to any person above eighteen years of age, who has given consent, whether express or implied, to suffer that harm; or by reason of any harm which it may be known by the doer to be likely to cause to any such person who has consented to take the risk of that harm.

Act not intended and not known to be likely to cause death or grievous hurt done by consent.

Illustration.

A and Z agree to fence with each other for amusement. This agreement implies the consent of each to suffer any harm which, in the course of such fencing, may be caused without foul play; and if A, while playing fairly, hurts Z, A commits no offence.

13. Nothing, which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm.

Act not intended to cause death done by consent in good faith for the benefit of a person.

Illustration.

A, a surgeon, knowing that a particular operation is likely to cause the death of Z, who suffers under a painful complaint, but not intending to cause Z's death, and intending, in good faith, Z's benefit, performs that operation on Z, with Z's consent, A has committed no offence.

14. Nothing which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind, by or by consent of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to that person: Provided—

Act done in good faith for the benefit of a child or person of unsound mind by or by consent of guardian.

Provisoos.

First. That this exception shall not extend to the intentional causing of death, or to the attempting to cause death.

Secondly. That this exception shall not extend to the doing of anything which the person doing

it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity.

Thirdly. That this exception shall not extend to the voluntary causing of grievous hurt, or to the attempting to cause grievous hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity.

Fourthly. That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustrations.

(a) A, a parent, whips his child moderately, for the child's benefit. A is within the exception, and therefore has committed no offence.

(b) A, in good faith, for his daughter's benefit, intentionally kills her, to prevent her from falling into the hands of Pindarries. A is not within the exception, and is therefore guilty of an offence.

(c) A, in good faith, for his child's benefit, without his child's consent, has his child cut for the stone by a Surgeon, knowing it to be likely that the operation will cause the child's death, but not intending to cause the child's death. A is within the exception, inasmuch as his object was the cure of the child.

15. A consent is not such a consent as is intended by Clauses 12, 13, and 14 of this Chapter, or any other Clause of this Code, if the consent is given by a person under fear of injury or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception—Or

If the consent is given by a person who is under seven years of age, or who, from immaturity of understanding, unsoundness of mind, or intoxication, is unable to understand the nature and consequence of that to which he gives his consent.

16. The exceptions in Clauses 12, 13, and 14 of this Chapter do not extend to acts which are offences independently of the person consenting, are not within the exceptions in Clauses 12, 13, and 14, any harm which they may cause, or be intended to cause, or be known to be likely to cause, to the person giving the consent, or on whose behalf the consent is given.

Illustration.
Causing miscarriage (unless caused in good faith for the purpose of saving the life of the woman) is an offence independently of harm which it may cause or be intended to cause to the woman. Therefore it is not an offence "by reason of such harm"; and the consent of the woman or of her guardian to the causing of such miscarriage does not justify the act.

17. Nothing is an offence by reason of any harm which it may cause to a person for whose benefit it is done in good faith, even without that person's consent, if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of him from whom it is possible to obtain consent in time for the thing to be done with benefit.

Act done in good faith for the benefit of a person without consent.

Provisoos.

First. That this exception shall not extend

to the intentional causing of death, or attempting to cause death.

Secondly. That this exception shall not extend to the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity.

Thirdly. That this exception shall not extend to the voluntary causing of hurt, or to the attempting to cause hurt, for any purpose other than the preventing of death or hurt.

Fourthly. That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustrations.

(a) Z is thrown from his horse, and is insensible. A, a Surgeon, finds that Z requires to be trepanned. A, not intending Z's death, but in good faith, for Z's benefit, performs the trepan before Z recovers his power of judging for himself. A has committed no offence.

(b) Z is carried off by a tiger. A fires at the tiger, knowing it to be likely that the shot may kill Z, but not intending to kill Z, and in good faith intending Z's benefit. A's ball gives Z a mortal wound. A has committed no offence.

(c) A, a surgeon, sees a child suffer an accident which is likely to prove fatal unless an operation be immediately performed. There is not time to apply to the child's guardian. A performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit. A has committed no offence.

(d) A is in a house which is on fire, with Z a child. People below hold out a blanket. A drops the child from the housetop, knowing it to be likely that the fall may kill the child, but not intending to kill the child, and intending, in good faith, the child's benefit. Here, even if the child is killed by the fall, A has committed no offence.

Explanation. Mere pecuniary benefit is not benefit within the meaning of Clauses 13, 14, and 17.

18. No communication made in good faith is

an offence by reason of any harm to the person to whom it is made.

Illustration.

A, a Surgeon, in good faith, communicates to a patient his opinion that he cannot live. The patient dies in consequence of the shock. A has committed no offence, though he knew it to be likely that the communication might cause the patient's death.

19. Excepting murder and offences against

the State punishable with death, nothing is an offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence; provided the person doing the act did not of his own accord, or from a reasonable apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint.

Explanation 1. A person who, of his own accord, or by reason of a threat of being beaten, joins a gang of dacoits, or a crew of pirates, or the like, knowing their character, is not entitled to the benefit of this exception, on the ground of his having been compelled by his associates to do any thing that is an offence by law.

Explanation 2. A person who embarks ignorantly in a piratical vessel, being compelled by the crew, by threat of instant death, to join in an act of piracy, is entitled to the benefit of the exception.

Explanation 3. So also is a person seized by a gang of dacoits, and forced, by threat of instant death, to do a thing which is an offence by law;

for example, a smith compelled to take his tools and to force the door of a house for the dacoits to enter and plunder it.

20. Nothing is an offence by reason that it

causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

OF THE RIGHT OF PRIVATE DEFENCE.

21. Nothing is an offence which is done in the exercise of the right of private defence.

22. Every person has a right, subject to the restrictions contained in Clause 24, to defend,—

First. His own body, and the body of any other person, against an assault.

Secondly. The property, whether moveable or immoveable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief, or criminal trespass, or which is an attempt to commit theft, robbery, mischief, or criminal trespass.

23. When an act which would otherwise be a certain offence is not that offence, by reason of the youth, the want of maturity of understanding, the

unsoundness of mind, or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

Illustrations.

(a) Z, under the influence of madness, attempts to kill A. Z is guilty of no offence; but A has the same right of private defence which he would have if Z were sane.

(b) A enters by night a house which he is legally entitled to enter. Z, in good faith, taking A for a house-breaker, attacks A. Here Z, by attacking A under this misconception, commits no offence; but A has the same right of private defence against Z which he would have if Z were acting under no misconception.

24. There is no right of private defence against

an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by a public servant acting in good faith under colour of his office, though that act may not be strictly justifiable by law.

There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office, though that direction may not be strictly justifiable by law.

There is no right of private defence in cases in which there is time to have recourse to the protection of the public authorities.

The right of private defence in no case extends

to the inflicting of more harm than it is necessary to inflict for the purpose of defence.

Explanation 1. A person is not deprived of the right of private defence against an act done, or attempted to be done, by a public servant, as such, unless he knows, or has reason to believe, that the person doing the act is such public servant.

Explanation 2. A person is not deprived of the right of private defence against an act done, or attempted to be done, by the direction of a public servant, unless he knows, or has reason to believe, that the person doing the act is acting by such direction, or unless such person states the authority under which he acts, or, if he has authority in writing, unless he produces such authority.

25. The right of private defence of the body extends, under the restrictions mentioned in the last preceding Clause, to the voluntary causing of death or of any other harm to the assailant, if the assault which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely :—

First. Such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault.

Secondly. Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault.

Thirdly. An assault with the intention of committing rape.

Fourthly. An assault with the intention of gratifying unnatural lust.

Fifthly. An assault with the intention of kidnapping.

Sixthly. An assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release.

26. If the assault be not of any of the descriptions enumerated in the last preceding Clause, the right of private defence of the body does not extend to the voluntary causing of death to the assailant, but does extend, under the restrictions mentioned in Clause 24, to the voluntary causing to the assailant of any harm other than death.

27. The right of private defence of the body commences as soon as a reasonable apprehension of danger to the body commences, though no assault may have been committed; and it continues as long as such apprehension of danger to the body continues.

28. The right of private defence of property extends, under the restrictions mentioned in Clause 24, to the voluntary causing of death or of any other harm to the wrongdoer, if the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right, be an offence of any of the descriptions hereinafter enumerated, namely :—

First. Robbery.

Secondly. House-breaking by night, or lurking house-trespass by night.

Thirdly. Mischief by fire committed on any building, tent, or vessel, which building, tent, or vessel is used as a human dwelling, or as a place for the custody of property.

Fourthly. Theft, mischief, or house-trespass, under such circumstances as may reasonably cause apprehension that death or grievous hurt will be the consequence, if such right of private defence is not exercised.

29. If the offence, the committing of which or the attempting to commit which, occasions the exercise of the right of private defence, be theft, mischief, or criminal trespass, not of any of the descriptions enumerated in the last preceding Clause, that right does not extend to the voluntary causing of death, but does extend, subject to the restrictions mentioned in Clause 24, to the voluntary causing to the wrongdoer of any harm other than death.

30. The right of private defence of property commences when a reasonable apprehension of danger to the property commences.

The right of private defence of property against theft or robbery continues till either the assistance of the public authorities can be obtained, or the property has been recovered.

The right of private defence of property against criminal trespass or mischief continues as long as the offender continues in the commission of criminal trespass or mischief, or as long as a reasonable ground of apprehension of danger to the property continues.

The right of private defence of property against house-breaking by night, or lurking house-trespass by night, continues as long as the house-trespass, which has been begun by such house-breaking or lurking house-trespass, continues.

31. If, in exercise of the right of private defence against an assault which reasonably causes the apprehension of death, the defender be so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

Illustration.

A is attacked by a mob, who attempt to murder him. He cannot effectually exercise his right of private defence without firing on the mob, and he cannot fire without risk of harming young children who are mingled with the mob. A commits no offence if by so firing he harms any of the children.

Chapter V.

OF PRINCIPALS AND ABETTERS.

1. A person is a principal in an offence who, either singly or jointly with any other person, actually commits that offence, or who abets* the commission thereof, and is present when the act abetted is committed, and is capable of taking a part therein.

Illustrations.

(a) A and B waylay Z and murder him to death by beating him, each of them giving him several blows. A and B are principals in the murder, for they both join in actually committing it.

(b) A, being in the presence of B and Z, instigates B to murder Z. B, in consequence of such instigation, murders Z in A's presence. Here, as A is present when the murder is committed and abets by instigation that murder, A and B are principals in the murder.

(c) A and B conspire to murder Z. A, in pursuance of that conspiracy, stabs Z, and thereby murders him in B's presence. Here, as B abets by conspiracy the murder committed in his presence, both B and A are principals.

(d) A and B agree to murder Z. A binds Z to a tree, and B then, in A's presence, stabs him with a sword. Here A

* As to what amounts to abetment of an offence—see Clause 4 and Explanations.

abets by aid the murder of Z, and as that murder is committed in his presence, both A and B are principals.

(c) A abets B to give false evidence in a Court of Justice. B, in consequence of A's instigation, gives false evidence. Here, notwithstanding A may be present in Court when the false evidence is given, he is not a principal, but only an abettor, inasmuch as he was not capable of taking a part in B's act of giving evidence.

Explanation 1. When the act is committed in consequence of the abetment, it is not necessary, in order to render the abettor liable, that the person committing the act should be capable by law of committing an offence, or that he should commit the act with the same guilty intention or knowledge as that of the abettor, or with any guilty knowledge or intention.

Illustrations.

(a) A, having such an intention as would render the killing of Z murder if A committed the act himself, instigates B, a madman, to commit that act. B, in consequence of such instigation, kills Z in A's presence. Here, A abets the offence of murder (see Clause 4); and as the act abetted was committed by B in his presence, A is a principal in the murder, though B was not guilty of any offence.

(b) A, a prisoner confined in a cell in Jail, instigates B, a prisoner who is outside the cell, to murder Z, the Jailor. B commits the offence in consequence of the instigation. Here, if A was not capable of taking part in the act, in consequence of his confinement, he is not a principal, but only an abettor.

Explanation 2. Where there are several principals in the commission of a criminal act, they may be guilty of different offences by means of that act.

Illustration.

A attacks Z under such circumstances of grave provocation that his killing of Z would be only culpable homicide. B, having ill-will towards Z, and not having been subject to the provocation, assists in killing Z. Here, though A and B are both principals in causing Z's death, B is guilty of murder, and A is guilty only of culpable homicide.

2. When an offence is committed by means of

Principal by doing one several acts, whoever vo- of several acts constituting luntarily co-operates in an offence.

the commission of that offence by actually doing any one of those acts either singly or jointly with any other person, or by abetting such act and being present when it is done and capable of taking a part therein, is a principal in the offence.

Illustrations.

(a) A and B agree to murder Z by severally and at different times giving him small doses of poison. A and B administer the poison according to the agreement. Z dies from the effects of the several doses of poison so administered to him. Here A and B voluntarily co-operate in the commission of murder, and as each of them does an act by which the death is caused, they are both principals, though their acts are separate.

(b) A and B are joint Jailors, and, as such, have the charge of Z, a prisoner, alternately for six hours at a time. A and B, intending to cause Z's death, knowingly co-operate in causing that effect by illegally omitting, each during the time of his attendance, to furnish Z with food. Z dies of hunger. Both A and B are principals in the murder of Z.

(c) A, a Jailor, has the charge of Z, a prisoner. A, intending to cause Z's death, illegally omits to supply Z with food; in consequence of which Z is much reduced in strength, but the starvation is not sufficient to cause his death. A is dismissed from his office, and B succeeds him. B, without collusion or co-operation with A, illegally omits to supply Z with food, knowing that he is likely thereby to cause Z's death. Z dies of hunger. B is guilty of murder; but as A did not co-operate with B, A is guilty only of an attempt to commit murder.

Explanation 1. A person is said to be present within the meaning of the Clauses 1 and 2 of this Chapter who is near enough to render assistance to the person who does the act.

Explanation 2. When the causing of a particular effect is necessary to constitute an offence, a person may be a principal in the commission of

the offence although not present when the effect is caused.

Illustrations.

(a) A lays poison for the purpose of poisoning Z. Z takes the poison, and dies in consequence in the absence of A. A is a principal in the murder of Z, notwithstanding he was not present when the poison was taken, or the murder was consummated by Z's death.

(b) A instigates B to lay poison with the intention of poisoning Z, and is present when B lays it with that intent. Z, in the absence of A and B, takes the poison, and dies in consequence. A and B are both principals in the murder of Z, though they were both absent when the effect was caused.

Abetment.

3. A person abets the doing of a thing who—

First. Instigates any person to do that thing; or

Secondly. Engages in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

Thirdly. Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1. A person is said to instigate the doing of a thing who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, or otherwise, voluntarily causes or procures, or attempts to cause or procure, that thing to be done.

Illustration.

A, a public officer, is authorised by a warrant from a Court of Justice to apprehend Z. B, knowing that fact, and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

Explanation 2. Whoever, prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

4. A person is said to abet an offence who

Abettor. abets either the commission of an offence, or the

commission of an act which would be an offence if committed by a person capable by law of committing an offence, with the intention or knowledge of the abettor.

Explanation 1. A person may be guilty of abetting an offence by abetting the illegal omission of an act by a person legally bound to do the act, although he may not himself be legally bound to do that act.

Illustration.

A instigates B to take a horse out of Z's possession, knowing that the horse belongs to Z, and intending that B shall steal the horse. Here A abets the offence of theft, for he, with the intention and knowledge which is necessary to constitute the taking a theft, abets that taking.

Explanation 2. A person may be guilty of abetting an offence although the act abetted be not committed, or the effect necessary to constitute the offence be not caused. In such case he will be punishable under Clauses 12 and 13 of this Chapter.

Explanation 3. It is not necessary that the person abetted should be capable by law of committing an offence, or that he should have the same guilty intention or knowledge as that of the abettor, or any guilty intention or knowledge.

Illustration.

A, with a guilty intention, abets a child or a lunatic to commit an act which would be an offence if committed by a person capable by law of committing an offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence. If the act be committed, he is punishable under Clause 5 of this

Chapter ; if the act be not committed, he is punishable under Clause 12 or 13 of this Chapter.

5. Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with the punishment provided for the offence, although he may not be a principal.

Punishment of abetment if the act abetted is committed in consequence, and where no express provision is made for its punishment.

Illustrations.

(a) A offers a bribe to B, a public servant. B accepts the bribe. A has abetted the offence defined under Clause 1 Chapter IX.

(b) A instigates B to give false evidence. B, in consequence of the instigation, commits that offence. A is guilty of abetting that offence, and is liable to the same punishment as B.

(c) A and B conspire to poison Z. A, in pursuance of the conspiracy, procures the poison and delivers it to B, in order that he may administer it to Z. B, in pursuance of the conspiracy, administers the poison to Z in A's absence, and thereby causes Z's death. Here B is guilty of murder. A is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder.

Explanation 1. It is not necessary that the person committing the act should be capable by law of committing an offence, or that he should commit the act with the same intention or knowledge as that of the abettor, or that by committing the act he should be guilty of any offence.

Illustrations.

(a) A, with the intention of murdering Z, instigates B, a child under seven years of age, to do an act which causes Z's death. B, in consequence of the abetment, does the act in the absence of A, and thereby causes Z's death. Here, though B was not capable by law of committing an offence, A is liable to be punished in the same manner as if B had been capable by law of committing an offence, and had committed murder, and he is therefore subject to the punishment of death. If, in such a case, B does the act in the presence of A, A is a principal.

(b) A, with the intention of causing Z's property to be taken, fraudulently instigates B, a child under seven years of age, to take that property in a way which, in a grown-up person, would be the offence of theft. B takes the property in consequence. B has committed no offence, but A is liable to the same punishment as if B had committed theft.

(c) A instigates B to set fire to a dwelling-house. B, in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling-house, and is liable to the punishment provided for that offence.

(d) A, intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith believing it to be A's property. B, acting under this misconception, does not take fraudulently, and therefore does not commit theft; but A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

Explanation 2. The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

Illustration.

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder, and as A instigated B to commit the offence, A is also liable to the same punishment.

Explanation 3. An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

Explanation 4. It is not necessary to the com-

mission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engage in the conspiracy in pursuance of which the offence is committed.

Illustration.

A concert with B a plan for poisoning Z. It is agreed that A shall administer the poison. B then explains the plan to C, mentioning that a third person is to administer the poison, but without mentioning A's name. C agrees to procure the poison, and procures and delivers it to B, for the purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here, though A and C have not conspired together, yet C has been engaged in the conspiracy in pursuance of which Z has been murdered. C has therefore committed the offence defined in this Clause, and is liable to the punishment for murder.

6. Whoever abets the commission of an offence shall, if the person abetted does the act with a different intention or knowledge from that of the abettor, be punished with the punishment provided for the offence which would have been committed if the act had been done with the intention or knowledge of the abettor, and with no other.

7. When an act is abetted and a different act is done, the abettor is liable for the act done, in the same manner and to the same extent as if he had directly abetted it;

provided the act done was a natural and probable consequence of the abetment, and was committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.

Illustrations.

(a) A instigates a child to put poison into the food of Z, and gives him poison for that purpose. The child, in consequence of the instigation, by mistake puts the poison into the food of Y, which is by the side of that of Z. Here, if the child was acting under the influence of A's instigation, and the act done was under the circumstances a probable consequence of the abetment, A is liable in the same manner and to the same extent as if he had instigated the child to put the poison into the food of Y.

(b) A instigates B to burn Z's house. B sets fire to the house, and at the same time commits theft of property there. A, though guilty of abetting the burning of the house, is not guilty of abetting the theft; for the theft was a distinct act, and not a probable consequence of the burning.

(c) A instigates B and C to break into an inhabited house at midnight for the purpose of robbery, and provides them with arms for that purpose. B and C break into the house, and, being resisted by Z, one of the inmates, murder Z. Here, if that murder was the probable consequence of the abetment, A is liable to the punishment provided for murder.

8. If the act for which the abettor is liable under the last preceding Clause is committed in addition to the act abetted, and constitutes a distinct offence, the abettor is liable to cumulative punishment.

Abettor when liable to cumulative punishment for act abetted and for act done.

Illustration.

A instigates B to resist by force a distress made by a public servant. B, in consequence, resists that distress. In offering the resistance, B voluntarily causes grievous hurt to the officer executing the distress. As B has committed both the offence of resisting the distress and the offence of voluntarily causing grievous hurt, B is liable to cumulative punishment for these offences; and if A knew that B was likely voluntarily to cause grievous hurt in resisting the distress, A will also be liable to cumulative punishment.

9. When an act is abetted with the intention

Liability of abettor for an effect caused by the act abetted different from that intended by the abettor.

of causing a particular effect, or with the knowledge that it is likely to cause that effect, and the act, being done in consequence of the abetment, causes a different effect from that intended, or known by the abettor to be likely to be caused by the act abetted, the abettor is liable for the effect caused, in the same manner and to the same extent as if he had abetted the act with the intention of causing that effect, or with the knowledge that it was likely to cause that effect, provided the effect caused was a natural and probable consequence of the act abetted.

Illustration.

A instigates B to cause grievous hurt to Z. B, in consequence of the instigation, causes grievous hurt to Z. Z dies in consequence. Here, if death was the probable consequence of the grievous hurt abetted, A is liable to be punished with the punishment provided for murder.

10. If the effect for which the abettor is liable under the last preceding Clause is caused in addition to the effect which the abettor intended to cause, and the causing of such effects constitutes separate offences, the abettor is liable to cumulative punishment.

Cumulative punishment when a person in abetting an offence commits another offence.

11. If any person in abetting an offence also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Illustration.

A, by putting B in fear of death, instigates B to commit mischief. Here A is liable both to the punishment provided for abetting B to commit mischief, and to the punishment for criminally putting B in fear of death.

12. Whoever abets the commission of an offence punishable with death or transportation for life, shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if any act be done, in consequence of the abetment, which causes harm to any person, shall be liable to imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

If an act which causes harm be done in consequence of the abetment.

imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Illustration.

A instigates B to murder Z. The offence is not committed. If B had murdered Z he would have been subject to the punishment of death or transportation for life. Therefore A is liable to imprisonment for a term which may extend to seven years, and also to a fine; and if any harm be done Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine.

13. Whoever abets an offence punishable with imprisonment shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment

Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.

of such abetment, be punished with imprisonment of any description provided for that offence, for a term which may extend to one-fourth part of the longest term provided for that offence, or with such fine as is provided for that offence, or both; and

If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.

if the abettor or the person abetted is a public servant, whose duty it is to prevent the commission of such offence, the

abettor shall be punished with imprisonment of any description provided for that offence, for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or both.

Illustrations.

(a) A offers a bribe to B, a public servant. B refuses to accept the bribe. A is punishable under this Clause.

(b) A instigates B to give false evidence. Here, if B does not give false evidence, A has nevertheless committed the offence defined in this Clause, and is punishable accordingly.

(c) A, a Police Officer, whose duty it is to prevent robbery, abets the commission of robbery. Here, though the robbery be not committed, A is liable to one-half of the longest term of imprisonment provided for that offence, and also to fine.

(d) B abets the commission of robbery by A, a Police Officer, whose duty it is to prevent that offence. Here, though the robbery be not committed, B is liable to one-half of the longest term of imprisonment provided for the offence of robbery, and also to fine.

14. Whoever abets the commission of an offence, by the public generally, or by any number or class of persons exceeding ten, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Abetting the commission of an offence by the public, or by more than 10 persons.

Illustration.

A affixes in a public place a placard, instigating a sect consisting of more than ten members to meet at a certain time and place, for the purpose of attacking the members of an adverse sect, while engaged in a procession. A has committed the offence defined in this Clause.

15. Whoever voluntarily conceals, by any act or illegal omission, the existence of a design to commit an offence punishable with death or transportation for life—

any representation which he knows to be false respecting such design, shall, if that offence be committed, be punished with imprisonment of either description for a term which may extend to seven years; or, if the offence be not committed, with imprisonment of either description for a term which may extend to three years; and in either case shall also be liable to fine.

If the offence be committed.

If the offence be not committed.

to seven years; or, if the offence be not committed, with imprisonment of either description for a term which may extend to three years; and in either case shall also be liable to fine.

Illustration.

A, knowing that dacoity is about to be committed at B, falsely informs the Magistrate that a dacoity is about to be committed at C, a place in an opposite direction, and thereby misleads the Magistrate. The dacoity is committed at B in pursuance of the design. A is punishable under this Clause.

16. Whoever, being a public servant, conceals, by an act or illegal omission, the existence of a design to commit any offence, the commission of which it is his duty, as

A public servant concealing a design to commit an offence which it is his duty to prevent—

obtained by theft, the offender, for that end, voluntarily causes or attempts to cause to any person death or hurt, or wrongful restraint, or fear of instant death or of instant hurt, or of instant wrongful restraint.

Extortion is "robbery" if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person, or to some other person present at the time of committing the extortion, and, by so putting in fear, induces the person so put in fear then and there to deliver up any property.

Illustrations.

(a) A holds Z down, and fraudulently takes Z's money and jewels from Z's clothes, without Z's consent. Here A has committed theft, and, in order to the committing of that theft, has voluntarily caused wrongful restraint to Z. A has therefore committed robbery.

(b) A meets Z on the high road, shows a pistol, and demands Z's purse. Z surrenders his purse. Here A has extorted the purse from Z, by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence. A has therefore committed robbery.

(c) A meets Z, and Z's child on the high road. A takes the child, and threatens to fling it down a precipice, unless Z delivers his purse. Z delivers his purse. Here A has extorted the purse from Z, by causing Z to be in fear of instant hurt to the child who is there present. A has therefore committed robbery on Z.

(d) A obtains property from Z by saying—"Your child is in the hands of my gang, and will be put to death unless you send us ten thousand Rupees." This is extortion, and punishable as such; but it is not robbery.

13. When five or more persons, conjointly, commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting, or aiding, is said to commit "dacoity."

14. Whoever commits robbery shall be punished with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

15. Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

16. If any person, in committing or in attempting to commit robbery, voluntarily causes hurt to any person, and any other person jointly concerned in committing or attempting to commit such robbery, shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

17. Whoever commits dacoity shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to fourteen years, and shall not be less than seven years, and shall also be liable to fine.

18. If any one of five or more persons, who are conjointly committing dacoity, commits murder in so committing dacoity, every one of those persons shall be punished with death, or transportation for life, or rigorous imprisonment for a term which

may extend to fourteen years, and shall also be liable to fine.

19. If, at the time of committing robbery or dacoity, the offender uses any deadly weapon, or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, the imprisonment with which such offender shall be punished shall not be less than seven years.

20. If, at the time of attempting to commit robbery or dacoity, the offender is armed with any deadly weapon, the imprisonment with which such offender shall be punished shall not be less than five years.

21. Whoever makes any preparation for committing dacoity shall be punished with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

22. Whoever belongs to a gang of persons associated for the purpose of habitually committing dacoities shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to fourteen years, and shall not be less than seven years, and shall also be liable to fine.

23. Whoever belongs to any wandering or other gang of persons, associated for the purpose of habitually committing theft or robbery, and not being a gang of thugs or dacoits, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

24. Whoever is one of five or more persons assembled for the purpose of committing dacoity shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

25. Whoever fraudulently misappropriates or converts to his own use any moveable property shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustrations.

(a) A takes property belonging to Z out of Z's possession, in good faith believing, at the time when he takes it, that the property belongs to himself. A is not guilty of theft; but if A, after discovering his mistake, fraudulently appropriates the property to his own use, he is guilty of an offence under this Clause.

(b) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent. Here, if A was under the impression that he had Z's implied consent to take the book for the purpose of reading it, A has not committed theft. But if A afterwards sells the book for his own benefit, he is guilty of an offence under this Clause.

(c) A and B being joint owners of a horse, A takes the horse out of B's possession, intending to use it. Here, as A has a right to use the horse, he does not fraudulently misappropriate it. But if A sells the horse, and appropriates the whole proceeds to his own use, he is guilty of an offence under this Clause.

Explanation 1. A fraudulent misappropriation for a time only is a misappropriation within the meaning of this Clause.

Illustration.

A finds a Government paper belonging to Z, bearing a blank endorsement. A, knowing that the paper belongs to Z, pledges it with a banker as a security for a loan, intending at a future time to restore it to Z. A has committed an offence under this Clause.

Explanation 2. A person who finds property not in the possession of any other person, and takes such property for the purpose of protecting it for, or of restoring it to, the owner, does not take or misappropriate it fraudulently, and is not guilty of an offence; but he is guilty of the offence above defined if he appropriates it to his own use, when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner, and has kept the property a reasonable time to enable the owner to claim it.

What are reasonable means, or what is a reasonable time, in such a case, is a question of fact.

It is not necessary that the finder should know who is the owner of the property, or that any particular person is the owner of it: it is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believes that the real owner cannot be found.

Illustrations.

(a) A finds a Rupee on the high road, not knowing to whom the Rupee belongs. A picks up the Rupee. Here A has not committed the offence defined in this Clause.

(b) A finds a letter on the road, containing a bank note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the note. He is guilty of an offence under this Clause.

(c) A finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person, who has drawn the cheque appears. A knows that this person can direct him to the person in whose favour the cheque was drawn. A appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this Clause.

(d) A sees Z drop his purse with money in it. A picks up the purse with the intention of restoring it to Z, but afterwards appropriates it to his own use. A has committed an offence under this Clause.

(e) A finds a purse with money, not knowing to whom it belongs; he afterwards discovers that it belongs to Z, and appropriates it to his own use. A is guilty of an offence under this Clause.

(f) A finds a valuable ring, not knowing to whom it belongs. A sells it immediately, without attempting to discover the owner. A is guilty of an offence under this Clause.

26. Whoever fraudulently misappropriates or

Fraudulent misappropriation of property possessed by a deceased person at the time of his death.

converts to his own use property, knowing that such property was in the possession of a deceased person at the time of that person's decease, and has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Illustration.

Z dies in possession of furniture and money. His servant A, before the money comes into the possession of any person entitled to such possession, fraudulently misappropriates it. A has committed the offence defined in this Clause.

OF CRIMINAL BREACH OF TRUST.

27. Whoever, being in any manner entrusted

Criminal breach of trust. with property, or with any dominion over property, fraudulently converts or appropriates that property to his own use, or knowingly and dishonestly uses or disposes of that property, in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal con-

tract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits "criminal breach of trust."

Illustrations.

(a) A, being executor to the will of a deceased person, fraudulently disobeys the law which directs him to divide the effects according to the will, and appropriates them to his own use. A has committed criminal breach of trust.

(b) A is a warehouse keeper. Z, going on a journey, entrusts his furniture to A, under a contract that it shall be returned on payment of a stipulated sum for warehouse room. A fraudulently sells the goods. A has committed criminal breach of trust.

(c) A, residing in Calcutta, is agent for Z, residing at Delhi. There is an express or implied contract between A and Z, that all sums remitted by Z to A shall be invested by A according to Z's direction. Z remits a lakh of Rupees to A, with directions to A to invest the same in Company's paper. A fraudulently disobeys the directions, and employs the money in his own business. A has committed criminal breach of trust.

(d) But if A, in the last illustration, not fraudulently, but in good faith, believing that it will be more for Z's advantage to hold shares in the Bank of Bengal, disobeys Z's directions, and buys shares in the Bank of Bengal for Z, instead of buying Company's paper; here, though Z should suffer loss, and should be entitled to bring a civil action against A on account of that loss, yet A, not having acted fraudulently, has not committed criminal breach of trust.

(e) A, a revenue officer, is entrusted with public money, and is either directed by law, or bound by a contract, express or implied, with the Government, to pay into a certain treasury all the public money which he holds. A fraudulently appropriates the money. A has committed criminal breach of trust.

28. Whoever commits criminal breach of trust

Punishment for criminal breach of trust. shall be punished with imprisonment of either description for a term which

may extend to three years, or with fine, or with both.

29. Whoever, being a clerk or servant, or em-

Criminal breach of trust by a clerk or servant. ployed as a clerk or servant, and being in any manner entrusted in such

capacity with property, or with any dominion over property, commits criminal breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

30. Whoever, being in any manner entrusted

Criminal breach of trust by public servant, or by banker, merchant, or agent. with property, or with any dominion over property, in his capacity of a public servant, or in the way of

his business as a banker, merchant, broker, attorney, or agent, commits criminal breach of trust in respect of that property, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

OF THE RECEIVING OF STOLEN PROPERTY.

31. Property the possession whereof has been

Stolen property. transferred by theft, or by extortion, or by robbery, or by fraudulent misappropriation of property, or by criminal breach of trust, is designated as "stolen property." But if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

32. Whoever fraudulently receives or retains

Fraudulently receiving any stolen property, knowing, or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

33. Whoever fraudulently receives or retains

Fraudulently receiving property stolen in the commission of a dacoity.

any stolen property, the possession whereof he knows, or has reason to believe to have been trans-

ferred by the commission of dacoity, or fraudulently receives from a person whom he knows or has reasons to believe to belong or to have belonged to a gang of dacoits, property which he knows or has reason to believe to have been stolen, shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

34. Whoever habitually receives or deals in

Habitually dealing in stolen property.

property which he knows or has reason to believe to be stolen property, shall

be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

35. Whoever voluntarily assists in concealing

Assisting in concealment of stolen property.

or disposing of or making away with property which he knows or has reason to believe to be stolen property, shall be punished

with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

OF CHEATING.

36. Whoever by deceiving any person fraudulently induces the person

Cheating.

so deceived to deliver any

property to any person, or to consent that any person shall retain any property, or to make, alter, or destroy the whole or any part of any document, or anything which is signed or sealed, and which may be converted into a document, or by any false pretence unlawfully and intentionally induces the person deceived to do or omit to do anything which that person would not do or omit if he were not so deceived, and which causes or is likely to cause damage or injury to that person, is said to "cheat."

Explanation. A person may deceive by a fraudulent concealment of facts.

Illustrations.

(a) A, by falsely pretending to be a Civil Servant of the East India Company, intentionally deceives Z, and thus fraudulently induces Z to let him have on credit goods for which he does not mean to pay. A cheats.

(b) A, by putting a counterfeit mark on an article, intentionally deceives Z into a belief that this article was made by a certain celebrated manufacturer, and thus fraudulently induces Z to buy and pay for the article. A cheats.

(c) A, by exhibiting to Z a false sample of an article, intentionally deceives Z into believing that the article corresponds with the sample, and thereby fraudulently induces Z to buy and pay for the article. A cheats.

(d) A, by tendering in payment for an article a bill on a house with which A keeps no money, and by which A expects that the bill will be dishonored, intentionally deceives Z, and thereby fraudulently induces Z to deliver the article, intending not to pay for it. A cheats.

(e) A, by pledging as diamonds articles which he knows are not diamonds, intentionally deceives Z, and thereby fraudulently induces Z to lend money. A cheats.

(f) A intentionally deceives Z into a belief that A means to repay any money that Z may lend to him, and thereby fraudulently induces Z to lend him money, A not intending to repay it. A cheats.

(g) A intentionally deceives Z into a belief that A means to deliver to Z a certain quantity of indigo plant which he does not intend to deliver, and thereby fraudulently induces Z to advance money upon the faith of such delivery. A cheats; but if A, at the time of obtaining the money, intends to deliver the indigo plant, and afterwards breaks his

contract and does not deliver it, he does not cheat, but is liable only to a civil action for breach of contract.

(h) A intentionally deceives Z into a belief that A has performed A's part of a contract made with Z, which he has not performed, and thereby fraudulently induces Z to pay money. A cheats.

(i) A sells and conveys an estate to B. A, knowing that in consequence of such sale he has no right to the property, sells or mortgages the same to Z without disclosing the fact of the previous sale and conveyance to B, and receives the purchase or mortgage money from Z. A cheats.

37. A person is said to "cheat by personation" if he cheats by pretending to be some other person.

Illustrations.

(a) A cheats by pretending to be a certain rich banker of the same name. A cheats by personation.

(b) A cheats by pretending to be B, a person who is deceased. A cheats by personation.

38. Whoever cheats shall be punished with

Punishment for cheating.

imprisonment of either

description for a term which may extend to one year, or with fine, or with both.

39. Whoever cheats with the knowledge that

Cheating with knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect.

he is likely thereby to cause wrongful loss to a person whose interest in the transaction to which the cheating relates he

was bound, either by law, or by a legal contract, to protect, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

40. Whoever cheats by personation shall be

Punishment for cheating by personation.

punished with imprisonment of either description

for a term which may extend to two years, or with fine, or with both.

41. Whoever cheats, and thereby fraudulently

Cheating and fraudulently inducing a delivery of property.

induces the person deceived to deliver any property to any person, or to

make, alter, or destroy the whole or any part of a valuable security, or anything which is signed or sealed and which may be converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

OF FRAUDULENT DEEDS AND DISPOSITION OF PROPERTY.

42. Whoever fraudulently removes, conceals,

Fraudulent removal or concealment of property to prevent distribution among creditors.

or delivers to any person, or causes to be transferred to any person, without adequate consideration, any property, intending

thereby to prevent, or knowing it to be likely that he will thereby prevent, the distribution of that property according to law among his creditors, or the creditors of any other person, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

43. Whoever fraudulently prevents any debt

Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.

or demand, due to himself or to any other person, from being made available according to law for payment of his debts, or the

debts of such other person, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

44. Whoever, by any contrivance or misrepresentation, fraudulently

Fraudulently preventing from being made available for creditors a debt due from the offender.

prevents any debt or demand, due from himself to any person, from being made available according to law for the payment of the debts of such person, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

45. Whoever fraudulently signs, executes, or becomes a party to any deed or instrument which purports to transfer or subject to any charge, any property, or any interest therein, and which contains any false statement relating to the consideration for such transfer or charge, or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Fraudulent execution of deed of transfer, containing a false statement of consideration.

therein, and which contains any false statement relating to the consideration for such transfer or charge, or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

46. Whoever fraudulently conceals or removes any property of himself or any other person, or fraudulently assists in the concealment or removal thereof, or fraudulently releases any demand or claim to which he is entitled, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Fraudulent removal or concealment of property.

either description for a term which may extend to two years, and shall also be liable to fine.

47. Whoever fraudulently claims any property, or any interest therein, knowing that in good faith he has no right to the property or interest claimed, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Fraudulent claim to property with the knowledge that in good faith the claimant has no right thereto.

either description for a term which may extend to two years, and shall also be liable to fine.

OF MISCHIEF.

48. Whoever, with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public, or to any person, causes the destruction or loss of any property, or any injury to any property, or any such change in any property, or in the situation thereof, as destroys or diminishes its value or utility, or affects it injuriously, commits "mischief."

Mischief.

Explanation 1. It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to cause, wrongful loss or damage to any person by injuring any property, whether it belongs to that person or not.

Explanation 2. Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person and others jointly.

Illustrations.

(a) A voluntarily burns a valuable security belonging to Z, intending to cause wrongful loss to Z. A has committed mischief.

(b) A introduces water into an ice-house belonging to Z, and thus causes the ice to melt, intending wrongful loss to Z. A has committed mischief.

(c) A voluntarily throws into a river a ring belonging to Z, with the intention of thereby causing wrongful loss to Z. A has committed mischief.

(d) A, knowing that his effects are about to be taken in

execution in order to satisfy a debt due from him to Z, destroys those effects, with the intention of thereby preventing Z from obtaining satisfaction of the debt, and of thus causing wrongful loss to Z. A has committed mischief.

(e) A, having insured a ship, voluntarily causes the same to be cast away, with the intention of causing wrongful loss to the underwriters. A has committed mischief.

(f) A causes a ship to be cast away, intending thereby to cause wrongful loss to Z, who has lent money on bottomry on the ship. A has committed mischief.

(g) A, having joint property with Z in a horse, shoots the horse, intending thereby to cause wrongful loss to Z. A has committed mischief.

(h) A causes cattle to enter upon a field belonging to Z, intending to cause, and knowing that he is likely to cause, damage to Z's crop. A has committed mischief.

49. Whoever commits mischief shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

50. Whoever commits mischief, and thereby causes loss or damage to the amount of fifty Rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

51. Whoever commits mischief by killing, poisoning, maiming, or rendering useless, any animal or animals, of the value of ten Rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Mischief by killing or poisoning, maiming, or rendering useless, any animal or animals, of the value of 10 Rupees.

52. Whoever commits mischief by killing, poisoning, maiming, or rendering useless, any elephant, camel, horse, mule, buffalo, bull, cow, or ox, whatever may be the value thereof, or any other animal of the value of fifty Rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by killing or poisoning, maiming, or rendering useless, any elephant, camel, horse, mule, buffalo, bull, cow, or ox, whatever may be the value thereof, or any other animal of the value of fifty Rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

53. Whoever commits mischief by destroying or injuring any river or well, or any natural or artificial channel or reservoir of water, or any work for the purpose of irrigation, or by wrongfully drawing off or diverting water from such river, well, channel, reservoir, or work, intending thereby to cause a diminution of the supply of water for agricultural purposes, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by injury to works of irrigation, or by wrongfully diverting water.

54. Whoever commits mischief by destroying or injuring any public road, bridge, navigable river, or navigable channel, natural or artificial, and thereby renders such road, bridge, river, or channel impassable, or less safe for travelling or conveying property thereby, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by injury to public road, bridge, or river.

55. Whoever commits mischief, and thereby causes an inundation or obstruction to any public drainage, attended with injury or damage to the amount of one hundred Rupees or upwards, shall

Mischief by causing inundation or obstruction to public drainage, attended with damage to amount of 100 Rupees.

Rupees or upwards, shall

be punished with imprisonment of either description for a term which may extend to five years, or with fine, or both.

56. Whoever commits mischief by destroying or moving any lighthouse, or other light used as a sea-mark, or any sea-mark or buoy or other thing placed as a guide for navigators, or by any act which renders any such lighthouse, sea-mark, buoy, or other such thing as aforesaid less useful as a guide for navigators, or exhibits any false lighthouse, sea-mark, or buoy, intending or knowing it to be likely that such false exhibition will mislead any navigator, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

57. Whoever commits mischief by destroying or moving any land-mark fixed by the authority of a public servant, or by any act which renders such land-mark less useful as such, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

58. Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, damage to any property to the amount of one hundred Rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

59. Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, the destruction of any building which is ordinarily used as a human dwelling, or as a place for the custody of property, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

60. Whoever commits mischief on any decked vessel or any vessel of a burden of twenty tons or upwards, intending to destroy or render unsafe, or knowing it to be likely that he will thereby destroy or render unsafe, that vessel, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

61. Whoever commits or attempts to commit such mischief as is described in the last preceding Clause, by fire or any explosive substance, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

62. Whoever commits mischief, having made preparation for causing to any person death, or hurt, or wrongful restraint, or fear of death, or of hurt,

or of wrongful restraint, while committing or attempting to commit such mischief, or while escaping or endeavouring to escape after committing it, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

OF CRIMINAL TRESPASS.

63. Whoever enters into or upon property in the possession of another, with intent to commit an offence, or to intimidate, insult, or annoy any person in possession of such property; or, having lawfully entered into or upon such property, unlawfully remains there with such intent, is said to commit "criminal trespass."

64. Whoever commits criminal trespass by entering into or remaining in any building, tent, or vessel, used as a human dwelling, or any building used as a place for worship, or as a place for the custody of property, is said to commit "house-trespass."

Explanation 1. The introduction of any part of the criminal trespasser's body is entering sufficient to constitute house-trespass.

Explanation 2. A person who enters, not as a house-trespasser, may remain as a house-trespasser.

65. Whoever commits house-trespass, taking precautions to conceal such house-trespass from some person who has a right to exclude or eject the trespasser from the building, tent, or vessel which is the subject of the trespass, is said to commit "lurking house-trespass."

Explanation. A person who enters, not as a lurking house-trespasser, may remain as a lurking house-trespasser.

66. Whoever commits lurking house-trespass after sunset and before sunrise, is said to commit "lurking house-trespass by night."

Explanation. A person who enters, not by night, may remain as a lurking house-trespasser by night.

67. A person is said to commit "house-breaking" who commits house-trespass if he effects his entrance into the house or any part of it in any of the six ways hereinafter described; or if, being in the house or any part of it for the purpose of committing an offence, or having committed an offence therein, he quits the house or any part of it in any of such six ways, that is to say:—

First. If he enters or quits through a passage made by himself, or by any abettor of the house-trespass, in order to the committing of the house-trespass.

Secondly. If he enters or quits through any passage not intended by any person, other than himself or an abettor of the offence, for human entrance; or through any passage to which he has obtained access by scaling or climbing over any wall or building.

Thirdly. If he enters through any passage which he or any abettor of the house-trespass has opened in order to the committing of the house-trespass by any means by which that passage was not intended by the occupier of the house to be opened.

Fourthly. If he enters or quits by opening any lock in order to the committing of the house-trespass, or in order to the quitting of the house after a house-trespass.

Fifthly. If he effects his entrance or departure by using criminal force or committing an assault, or by making show of assault, or by threatening any person with assault.

Sixthly. If he enters or quits by any passage which he knows to have been fastened against such entrance or departure, and to have been unfastened by himself or by an abettor of the house-trespass.

Explanation. Any out-house or building occupied with a house, and between which and such house there is an immediate communication, is part of the house within the meaning of this Clause.

Illustrations.

(a) A commits house-trespass by making a hole through the wall of Z's house, and putting his hand through the aperture. This is house-breaking.

(b) A commits house-trespass by creeping into a ship at a port-hole between decks. This is house-breaking.

(c) A commits house-trespass by entering Z's house through a window. This is house-breaking.

(d) A commits house-trespass by entering Z's house through the door, having opened the door with a false key. This is house-breaking.

(e) A commits house-trespass by entering Z's house through the door, having lifted the latch by putting a wire through a hole in the door. This is house-breaking.

(f) A finds the key of Z's house door, which Z had lost, and commits house-trespass by entering Z's house, having opened the door with that key. This is house-breaking.

(g) Z is standing in his doorway. A forces a passage by knocking Z down, and commits house-trespass by entering the house. This is house-breaking.

(h) Z, the porter of Y, is standing in Y's doorway. A commits house-trespass by entering the house, having deterred Z from opposing him by shaking a stick at Z. This is house-breaking.

68. Whoever commits house-breaking after sunset and before sunrise is said to commit "house-breaking by night."

69. Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both.

70. Whoever commits house-trespass shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand Rupees, or with both.

71. If any person commits house-trespass in order to the committing of any other offence, and actually commits that other offence, the punishment shall be cumulative.

72. Whoever commits house-trespass in order to the committing of any offence punishable with death, and does any act towards the commission of that offence, shall, if that offence is not committed, be punished with transportation for life, or with rigorous imprisonment for a term not exceeding fourteen years, and which must not be less than seven years, and shall also be liable to fine.

73. Whoever commits house-trespass in order to the committing of any offence punishable with transportation for life, and

wards the commission of an offence punishable with transportation for life.

is not committed, be punished with imprisonment of either description for a term not exceeding fourteen years, and which must not be less than five years, and shall also be liable to fine.

74. Whoever commits house-trespass in order to the committing of any offence punishable with imprisonment, and does any act towards the commission of such offence, shall, if that offence is not committed, be punished with imprisonment of either description for a term which may extend to one year, to which may be added a term not exceeding one-third of the longest time for which he would have been liable to be imprisoned if he had committed the offence in order to the committing of which he committed the house-trespass, and shall also be liable to fine.

75. Whoever commits house-trespass, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint in order to the committing of such house-trespass, or during the continuance of such house-trespass, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

76. Whoever commits lurking house-trespass, or house-breaking, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

77. If any person commits lurking house-trespass, or house-breaking, in order to the committing of any other offence, and actually commits that other offence, the punishment shall be cumulative.

78. Whoever commits lurking house-trespass, or house-breaking, accompanied by an act done towards the commission of an offence punishable with imprisonment, and does any act towards the commission of that offence, shall, if that offence is not committed, be punished with imprisonment of either description for a term which may extend to two years, to which may be added a term which may extend to one-half of the longest time for which he would have been liable to be imprisoned if he had committed the offence in order to the committing of which he committed such lurking house-trespass or house-breaking, and shall also be liable to fine.

79. Whoever commits lurking house-trespass, or house-breaking, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongfully

Lurking house-trespass or house-breaking after preparation made for causing hurt to any person.

79. Whoever commits lurking house-trespass, or house-breaking, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongfully

restraint, in order to the committing of such lurking house-trespass, or house-breaking or during the continuance of the house-trespass which has been begun by such lurking house-trespass, or house-breaking, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

80. Whoever commits lurking house-trespass by night, or house-breaking by night, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Punishment for lurking house-trespass or house-breaking by night.

81. If any person commits lurking house-trespass by night, or house-breaking by night, in order to the committing of any other offence, and actually commits that other offence, the punishment shall be cumulative.

Cumulative punishment when lurking house-trespass or house-breaking by night is committed with another offence.

82. Whoever commits lurking house-trespass by night, or house-breaking by night, in order to the committing of any offence punishable with imprisonment, and does any act towards the commission of that offence,

Lurking house-trespass or house-breaking by night, accompanied by an act done towards the commission of an offence punishable with imprisonment.

shall, if that offence is not committed, be punished with imprisonment of either description for a term which may extend to three years, added to a term which may extend to two-thirds of the longest time for which he would have been liable to be imprisoned if he had committed the offence in order to the committing of which he committed such lurking house-trespass by night, or house-breaking by night.

83. Whoever commits lurking house-trespass by night, or house-breaking by night, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint, in order to the committing of such house-trespass, or during the continuance of the house-trespass which has been begun by such lurking house-trespass by night, or house-breaking by night, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Lurking house-trespass or house-breaking by night after preparation made for causing hurt to any person.

84. Whoever, whilst committing lurking house-trespass or house-breaking, causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and which must not be less than seven years, and shall also be liable to fine.

Grievous hurt caused whilst committing lurking house-trespass or house-breaking.

85. Whoever fraudulently, or with intent to commit mischief, breaks open or unfastens any closed receptacle, which contains or which he believes to contain property,

Fraudulently breaking open any closed receptacle containing or supposed to contain property.

shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

86. Whoever, being entrusted with any closed receptacle, which contains or which he believes to contain property, without having authority to open the same, fraudulently, or

Punishment for same offence when committed by person entrusted with custody.

with intent to commit mischief, breaks open or unfastens that receptacle, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

87. Whoever commits the offence defined in Clause 85 or 86, and also commits any offence in regard to any property contained in the receptacle, shall be liable to cumulative punishment.

Cumulative punishment.

Chapter XVIII.

OF OFFENCES RELATING TO DOCUMENTS, AND TRADE OR PROPERTY-MARKS.

1. Whoever makes any false document or part of a document, with intent to cause damage or injury to the public, or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, commits forgery.

2. A person is said to make a false document,

First. Who makes, signs, seals, or executes a document, or part of a document, or makes any mark denoting the execution of a document, with the intention of causing it to be believed that such document or part of a document was made, signed, sealed, or executed by, or by the authority of a person by whom or by whose authority he knows that it was not made, or at a time at which he knows that it was not made; or,

Secondly. Who, without lawful authority, by cancellation or otherwise, alters a document in any material part thereof after it has been executed either by himself or by any other person, whether such person be living or dead at the time; or,

Thirdly. Who voluntarily causes any person to sign, seal, execute, or alter a document, knowing that such person, by reason of unsoundness of mind or intoxication, cannot, or that by reason of deception practised upon him, he does not know the contents of the document, or the nature of the alteration.

Illustrations.

(a) A has a letter of credit upon B for Rupees 10,000 written by Z. A, in order to defraud B, adds a cypher to the 10,000, and makes the sum 100,000, intending that it may be believed by B that Z so wrote the letter. A has committed forgery.

(b) A without Z's authority affixes Z's seal to a document purporting to be a conveyance of an estate from Z to A, with the intention of selling the estate to B, and thereby of obtaining from B the purchase money. A has committed forgery.

(c) A picks up a cheque on a Banker signed by B, payable to bearer, but without any sum having been inserted in the cheque. A fraudulently fills up the cheque by inserting the sum of ten thousand Rupees. A commits forgery.

(d) A leaves with B, his agent, a cheque on a Banker signed by A, without inserting the sum payable, and authorises B to fill up the cheque by inserting a sum not exceeding ten thousand Rupees, for the purpose of making certain payments. B fraudulently fills up the cheque by inserting the sum of twenty thousand Rupees. B commits forgery.

(e) A draws a Bill of Exchange on himself in the name of B, without B's authority, intending to discount it as a genuine Bill with a Banker, and intending to take up the Bill on its maturity. Here, as A draws the bill with intent to

deceive the Banker, by leading him to suppose that he had the security of B, and thereby to discount the Bill, A is guilty of forgery.

(f) Z's will contains these words—"I direct that all my remaining property be equally divided between A, B, and C." A scratches out B's name, intending that it may be believed that the whole was left to himself and C. A has committed forgery.

(g) A endorses a Government Promissory Note, and makes it payable to Z, or his order by writing on the bill the words "Pay to Z, or his order," and signing the endorsement. B erases the words "Pay to Z, or his order," and thereby converts the special endorsement into a blank endorsement. B commits forgery.

(h) A sells and conveys an estate to Z. A afterwards, in order to defraud Z of his estate, executes a conveyance of the same estate to B, dated six months earlier than the date of the conveyance to Z, intending it to be believed that he had conveyed the estate to B before he conveyed it to Z. A has committed forgery.

(i) Z dictates his will to A. A intentionally writes down a different legatee from the legatee named by Z, and by representing to Z that he has prepared the will according to his instructions, induces Z to sign the will. A has committed forgery.

(j) A having engaged to write Z's will according to Z's direction, and being directed by Z to write that Z leaves the residuum of his property equally between I, K, and L, intentionally omits the name of K, and, by inducing Z to believe that the will was drawn according to his instruction, causes Z to execute it, intending that it may be believed that the document is made according to Z's direction. A has committed forgery.

Explanation. A person may commit forgery by signing his own name to a document.

Illustrations.

(a) A signs his own name to a Bill of Exchange, intending that it may be believed that the Bill was drawn by another person of the same name. A has committed forgery under the first head of the definition.

(b) A writes the word "accepted" on a piece of paper, and signs it with Z's name, in order that B may afterwards write on the paper a Bill of Exchange drawn by B upon Z, and negotiate the Bill as though it had been accepted by Z. A is guilty of forgery; and if B draws the Bill upon the paper pursuant to A's intention, B is also guilty of forgery.

(c) A picks up a Bill of Exchange payable to the order of a different person of a same name. A endorses the Bill in his own name, intending to cause it to be believed that it was endorsed by the person to whose order it was payable; here A has committed forgery.

(d) A purchases an estate sold under execution of a decree against B. B, after the seizure of the estate, in collusion with Z, executes a lease of the estate to Z at a nominal rent and for a long period, and dates the lease six months prior to the seizure, with intent to defraud A, and to cause it to be believed that the lease was granted before the seizure. B, though he executes the lease in his own name, commits forgery, by antedating it.

(e) A, a trader, in anticipation of insolvency, lodges effects with B for A's benefit, and with intent to defraud his creditors, and, in order to give a colour to the transaction, writes a Promissory Note, binding himself to pay to B a sum for value received, and antedates the note, intending that it may be believed to have been made before A was on the point of insolvency. A has committed forgery under the first head of the definition.

3. Whoever commits forgery shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Explanation. A person may be guilty of forgery by making a false document in the name of a fictitious person, intending it to be believed that the document was made by a real person.

Illustration.

A draws a Bill of Exchange upon a fictitious person, and fraudulently accepts the Bill in the name of such fictitious person, with intent to negotiate it. A commits forgery.

4. Whoever, with the intention of causing damage or injury to any person, or of practising any deception upon any person, and by means of

Forging or using a forged document with intent to injure or deceive.

such deception causing such person to do anything which he would not otherwise do, forges any document, or uses as genuine any document which he knows to be forged, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Illustrations.

(a) A writes a letter and signs it with B's name, without B's authority, certifying that A is a man of good character, and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain alms from Z and other persons. Here, as A made a false document in order to induce Z to part with property, A has committed forgery.

(b) A, without B's authority, writes a letter and signs in B's name, certifying to A's character, intending thereby to obtain employment under Z. A has committed forgery, inasmuch as he intended to deceive Z by the forged certificate, and thereby to induce Z to enter into an expressed or implied contract of service.

5. Whoever forges a document, purporting to be a record or proceeding of a Court of Justice, or of a public Register of Births, Baptism, Marriage, or Burial, kept by a public servant, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

6. Whoever forges a document which purports to be a valuable security or a will, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest, or dividends thereon, or to receive any money, goods, or valuable security, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

7. Whoever commits forgery, intending that the document forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

8. Whoever commits forgery, intending that the document forged shall harm the reputation of any party, or knowing that it is likely to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

9. A false document, made wholly or in part, "A forged document," by forgery, is designated "a forged document."

10. Whoever utters or uses as genuine any document which he knows or has reason to believe to be a forged document, shall be punished in the same manner as if he had forged such document.

11. Whoever makes or counterfeits any seal, plate, or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under Clause 6 of this Chapter, or with such intent has in his possession any such seal,

Making or possessing a counterfeit seal, plate, &c., with intent to commit a forgery punishable under Clause 6.

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plate, or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

12. Whoever makes or counterfeits any seal, plate, or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any Clause of this Chapter other than Clause 6, or with such intent has in his possession any such seal, plate, or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

13. Whoever has in his possession any document which he knows to be forged, and which is or purports to be a valuable security or a will, or which gives or purports to give any such authority as is mentioned in Clause 6 of this Chapter, with intent that the same shall be used or uttered as genuine, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

14. Whoever counterfeits, upon or in the substance of any material, any device or mark used for the purpose of authenticating any document described in Clause 6 of this Chapter, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who with such intent has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

15. Whoever counterfeits, upon or in the substance of any material, any device or mark used for the purpose of authenticating any document other than those described in Clause 6, or possessing counterfeit marked material, that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who with such intent has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

16. Whoever fraudulently, or with intent to cause damage or injury to the public or to any person, cancels, destroys, or defaces, or attempts to cancel, destroy, or deface, or secretes or attempts to secrete, any document which is or purports to be a will, or commits mischief in respect to such document, shall be punished with imprisonment of either description for a term

which may extend to ten years, and shall also be liable to fine.

17. Whoever fraudulently, or with intent to cause damage or injury to the public, or to any person, destroys or defaces, or attempts to destroy or deface, or secretes or attempts to secrete, any document which purports to be a valuable security, or commits mischief in respect to such document, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

OF TRADE AND PROPERTY-MARKS.

18. A mark used for denoting that goods have been made or manufactured by a particular person, or at a particular time or place, or that they are of a particular quality, is called a trade-mark.

19. A mark used for denoting that moveable property belongs to a particular person is called a property-mark.

20. Whoever marks any goods, or any case, package, or other receptacle containing goods, or uses any case, package, or other receptacle with any mark thereon, with the intention of causing it to be believed that the goods so marked, or any goods contained in any such case, package, or receptacle so marked, were made or manufactured by any person by whom they were not made or manufactured, or that they were made or manufactured at any time or place at which they were not made or manufactured, or that they are of a particular quality of which they are not, is said to use a false trade-mark.

21. Whoever marks any moveable property or goods, or any case, package, or other receptacle containing moveable property or goods, or uses any case, package, or other receptacle having any mark thereon, with the intention of causing it to be believed that the property or goods so marked, or any property or goods contained in any case, package, or other receptacle so marked, belong to a person to whom they do not belong, is said to use a false property-mark.

22. Whoever uses any false trade-mark or any false property-mark, with intent to deceive or injure any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

23. Whoever, with intent to cause damage or injury to any person, knowingly counterfeits any trade or property-mark ordinarily used by any other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

24. Whoever, with intent to cause damage or injury to any person, knowingly counterfeits any property-mark ordinarily used by a public servant, or any mark ordinarily used by a public servant to denote that any

property has been manufactured by a particular person or at a particular time or place, or that the same is of a particular quality, or has passed through a particular office, or that it is entitled to any exemption, or uses as genuine any such mark, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

25. Whoever makes or has in his possession any

Fraudulent making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.

ing such mark, or has in his possession any such property or trade-mark with intent that the same shall be used for the purpose of denoting that any goods or merchandise were made or manufactured by any particular person or firm by whom they were not made, or at a time or place at which they were not made, or that they are of a particular quality of which they are not, or that they belong to a person to whom they do not belong, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

26. Whoever sells any goods with a counterfeit

Knowingly selling goods marked with a counterfeit property or trade-mark.

or upon any case, wrapper, or receptacle in which such goods are packed or contained, knowing that such mark is forged or counterfeit, or that the same has been affixed to or impressed upon any goods or merchandise not manufactured or made by the person or at the time or place indicated by such mark, or that they are not of the quality indicated by such mark, or that they are entitled to any exemption, with intent to deceive or injure or damage any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

27. Whoever fraudulently makes any false

Fraudulently making a false mark upon any package or receptacle containing goods.

believe that such package or receptacle contains goods which it does not contain, or that it does not contain goods which it does contain, or that the goods contained in such package, case, or receptacle are of a nature different from the real nature thereof, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

28. Whoever fraudulently makes use of any

Punishment for making use of any such false mark.

false, shall be punished in the manner mentioned in the last preceding Clause.

29. Whoever removes, destroys, or defaces any

Defacing any property-mark with intent to cause injury.

property-mark, intending, or knowing it to be likely that he may thereby cause injury to any per-

son, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Chapter XIX.

OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1. Whoever, being bound by a lawful contract

Breach of contract of service during a voyage or journey.

to render his personal service in conveying or conducting any person, or any property, from one place to another place, or to act as servant to any person during a voyage or journey, or to guard any person or property during a voyage or journey, voluntarily omits so to do, except in the case of ill-treatment, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred Rupees, or with both.

Illustrations.

(a) A, a palanquin bearer, being bound by legal contract to carry Z from one place to another, runs away in the middle of the stage. A has committed the offence defined in this Clause.

(b) A, a cooly, being bound by lawful contract to carry Z's baggage from one place to another, throws the baggage away. A has committed the offence defined in this Clause.

(c) A, a proprietor of bullocks, being bound by legal contract to convey goods on his bullocks from one place to another, illegally omits to do so. A has committed the offence defined in this Clause.

(d) A by lawful means compels B, a cooly, to carry his baggage. B in the course of the journey puts down the baggage and runs away. Here, as B was not lawfully bound to carry the baggage, he has not committed any offence.

Explanation. It is not necessary to this offence that the contract should be made with the person for whom the service is to be performed. It is sufficient if the contract is legally made with any person, either expressly or impliedly, by the person who is to perform the service.

Illustration.

A contracts with a Dāk Company to drive his carriage for a month. B employs the Dāk Company to convey him on a journey, and during the month the Company supplies B with a carriage which is driven by A. A in the course of the journey voluntarily leaves the carriage. Here, although A did not contract with B, A is guilty of an offence under this Clause.

2. Whoever, being bound by a lawful contract,

Breach of contract made in India to serve on board of vessel.

entered into in British India, to serve on board of any vessel, voluntarily leaves that vessel, or remains absent from that vessel, or refuses to perform his duty on board that vessel, except in the case of ill-treatment, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one hundred Rupees, or with both.

3. Whoever, being bound by a lawful contract

Breach of contract to attend on and supply the wants of helpless persons.

to attend on any person who, by reason of youth, or of unsoundness of mind, or of a disease or bodily weakness, is helpless or incapable of providing for his own safety, or to supply the wants of any such person, voluntarily omits so to do, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred Rupees, or with both.

4. Whoever, by lawful contract in writing, being bound to render personal service to another, for a period not less than one year, nor more than three years, at a distant place, to which, by virtue of the contract, he has been or is to be conveyed at the expense of such other, voluntarily deserts the service of that other during the continuance of his contract, or refuses to perform the service which he has contracted to perform, shall be punished with imprisonment of either description for a term not exceeding six months, or with fine not exceeding treble the amount of such expense, or with both; unless it shall appear that the employer has ill-treated him, or neglected to perform the contract on his part.

Breach of a contract to serve at a distant place to which the servant is conveyed at the master's expense.

of the contract, he has been or is to be conveyed at the expense of such other, voluntarily deserts the service of that other during the continuance of his contract, or refuses to perform the service which he has contracted to perform, shall be punished with imprisonment of either description for a term not exceeding six months, or with fine not exceeding treble the amount of such expense, or with both; unless it shall appear that the employer has ill-treated him, or neglected to perform the contract on his part.

Chapter XX.

OF OFFENCES RELATING TO MARRIAGE.

1. Every man who by deceit causes any woman, who is not lawfully married to him, to believe that she is lawfully married to him, and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Cohabitation caused by a man deceitfully inducing a belief of lawful marriage.

2. Every woman who by deceit causes any man, who is not lawfully married to her, to believe that he is lawfully married to her, and to cohabit with her in consequence of that belief, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Cohabitation caused by a woman deceitfully inducing a belief of lawful marriage.

3. Whoever, having a husband or wife living, marries, in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Marrying again during the lifetime of a husband or wife.

Exception. This Clause does not extend to any person whose marriage with such husband or wife has been declared void by a Court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time; provided the person contracting such subsequent marriage informs the person with whom such subsequent marriage is contracted of the real state of facts, so far as the same are within his or her knowledge.

4. Whoever commits the offence defined in the last preceding Clause, having concealed from the person with whom the subsequent marriage is contracted the fact of the former marriage, shall be

Same offence, with concealment of the former marriage from the person with whom subsequent marriage is contracted.

punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

5. Whoever fraudulently, or with intent to cause a woman to cohabit or have sexual intercourse with him, goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Marriage ceremony gone through with fraudulent intent, to induce cohabitation without lawful marriage.

6. Whoever has sexual intercourse with the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Adultery.

7. Whoever entices or takes away a married woman living under the protection of her husband, or of any person having the care of her on his behalf, or conceals or detains any married woman from her husband, with intent that she may have illicit intercourse with any person, or knowing it to be likely that she will have such illicit intercourse with any person, or conceals or detains any married woman from her husband with such intent or knowledge, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Explanation. No prosecution for the offences defined in Clauses 6 and 7 shall be instituted except by the husband of the woman.

Chapter XXI.

OF DEFAMATION.

1. Whoever by words, either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person, intending to harm, or knowing or having reason to believe that such imputation will harm the reputation of such person, is said, except in the cases excepted in the ten Clauses next following, to defame that person.

Explanation 1. A person may be guilty of defamation by means of an imputation upon a deceased person, if the imputation would harm the reputation of that person if living, and is hurtful to the feelings of his family or other near relatives.

Explanation 2. A person may be guilty of defamation by means of an imputation concerning a company or an association, or collection of persons as such.

Explanation 3. An imputation in the form of an alternative, or expressed ironically, may amount to defamation.

Explanation 4. No imputation is said to harm a person's reputation unless that imputation directly or indirectly lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

Illustrations.

(a) A says—"Z is an honest man; he never stole B's watch"; intending to cause it to be believed that Z did steal B's watch. This is defamation, unless it fall within one of the exceptions.

(b) A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the exceptions.

(c) A draws a picture of Z running away with B's watch, intending it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the exceptions.

2. First Exception.

Imputation of any truth which the public good requires to be made or published.

Whether or not it is for the public good is a question of fact.

3. Second Exception.

Public conduct of public servants.

express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character so far as his character appears in that conduct, and no further.

4. Third Exception.

Conduct of any person touching any public question.

express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character so far as his character appears in that conduct, and no further.

Illustrations.

It is not defamation in A to express in good faith, any opinion whatever respecting Z's conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending at such a meeting, informing or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties of which the public is interested.

5. Fourth Exception.

Publication of reports of proceedings of Courts of Justice.

publish a substantially true report of the proceedings of a Court of Justice, or of the result of any such proceedings: but in any case in which the Court before which such proceedings is had shall by order have prohibited the publication of the proceedings, it may be defamation to publish such report before the prohibition has been withdrawn, or the case has been finally disposed of by that Court, or in the case of proceedings preliminary to a trial in another Court, before the conclusion of the trial.

Explanation. A Justice of the Peace, or other officer holding an inquiry in open Court preliminary to a trial in a Court of Justice, is a Court within the meaning of the above Clause.

6. Fifth Exception.

Merits of a case decided in a Court of Justice, or conduct of witnesses and others concerned therein.

express in good faith any opinion whatever respecting the merits of any case, civil or criminal, which has been decided by a Court of Justice, or respecting the conduct of any person as a party, witness, or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no further.

Illustrations.

(a) A says—"I think Z's evidence on that trial is so contradictory that he must be stupid or dishonest." A is within this exception, if he says this in good faith; inasmuch

as the opinion which he expresses respects Z's character as it appears in Z's conduct as a witness, and no further.

(b) But if A says, "I do not believe what Z asserted at that trial, because I know him to be a man without veracity," A is not within this exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's conduct as a witness.

7. Sixth Exception.

Merits of a public performance.

express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no further.

Explanation. A performance may be submitted to the judgment of the public expressly, or by acts on the part of the author which imply such submission to the judgment of the public.

Illustrations.

(a) A person who publishes a book submits that book to the judgment of the public.

(b) A person who makes a speech in public submits that speech to the judgment of the public.

(c) An actor or singer who appears on a public stage, submits his acting or singing to the judgment of the public.

(d) A says of a book published by Z,—"Z's book is foolish; Z must be a weak man. Z's book is indecent; Z must be a man of impure mind." A is within this exception, if he says this in good faith, inasmuch as the opinion which he expresses of Z respects Z's character only so far as it appears in Z's book, and no further.

(e) But if A says, "I am not surprised that Z's book is foolish, and indecent, for he is a weak man, and a libertine," A is not within this exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's book.

8. Seventh Exception.

Censure passed in good faith by a person having lawful authority over another.

other any authority, either conferred by law or arising out of a lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates.

Illustration.

A Judge censuring in good faith the conduct of a witness or of an officer of the Court; a head of a department censuring in good faith those who are under his orders; a parent censuring in good faith a child in the presence of other children; a schoolmaster, whose authority is derived from a parent, censuring in good faith a pupil in the presence of other pupils; a master censuring a servant in good faith for remissness in service; a banker censuring in good faith the cashier of his Bank for the conduct of such cashier as such cashier—are within this exception.

9. Eighth Exception.

Accusation preferred in good faith to a duly authorised person.

prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject matter of accusation.

Illustration.

If A in good faith accuses Z before a Magistrate; if A in good faith complains of the conduct of Z, a servant, to Z's master; if A in good faith complains of the conduct of Z, a child, to Z's father; A is within this exception.

10. Ninth Exception.

Imputation made in good faith by a person for the protection of his interests in the management of his concerns.

a person giving directions for the management of his concerns to make an imputation on the character of another, provided that the imputation be made in good faith, for the protection of the interests of the person making it.

[]

such public servant, to prevent, or makes any representation which he knows to be false respecting such design, shall, if

If the offence be committed.

the offence be committed, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the longest term of such imprisonment, or with such fine as is provided for that offence, or with both; or, if the offence be punishable with death or transportation for life, with imprisonment of either description for a term which may extend to ten years; or, if the offence be not committed, shall be punished with imprisonment of any description provided for the offence for a term which may extend to one-fourth part of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

If the offence be punishable with death, &c.

term which may extend to ten years; or, if the offence be not committed, shall be punished with imprisonment of any description provided for the offence for a term which may extend to one-fourth part of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

If the offence be not committed.

description provided for the offence for a term which may extend to one-fourth part of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

Illustration.

A, an Officer of Police, being legally bound to give information of all designs to commit robbery which may come to his knowledge, and knowing that B designs to commit robbery, omits to give such information. Here A has by an illegal omission concealed the existence of B's design, and is liable to punishment according to the provision of this Clause.

17. Whoever conceals, by any act or illegal omission, the existence of a design to commit an offence punishable with imprisonment, or makes any representation which he knows to be false respecting such design, shall, if the offence be committed, be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth, and if the offence be not committed, to one-eighth of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

Concealing a design to commit an offence punishable with imprisonment—

If the offence be committed.

If not committed.

fourth, and if the offence be not committed, to one-eighth of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

Chapter VI.

OF OFFENCES AGAINST THE STATE.

1. Whoever, except as hereinafter excepted,

Waging or attempting to wage war, or abetting the waging of war, against the Government.

wages war against the Queen or the Government of the East India Company, or attempts to wage such war, or abets the waging of such war, shall be punished with death, or transportation for life, or imprisonment of either description for a term not exceeding fourteen years, and shall forfeit all his property.

Exception. A Prince or Subject of a Foreign State by which war is lawfully waged against the Queen or the East India Company, or a subject of a Foreign Prince or State who abets that Prince or State in waging such war, is not within the meaning of this Clause.

Illustrations.

(a) A joins an insurrection against the Government of the East India Company. A has committed the offence defined in this Clause.

(b) A in India abets an insurrection against the Queen's Government of Ceylon, by sending arms to the insurgents. A is guilty of abetting a war against the Queen.

(c) A joins an army of a foreign State which has invaded the territories of the East India Company, and serves in that army, not being a subject of that State, or of any other

State at war with the Queen or the East India Company. A has committed the offence defined in this Clause.

(d) A instigates a Native power to make war on the Government of the East India Company, not being a subject of that power. A has committed the offence defined in this Clause.

2. Whoever by any act, or by any illegal omission, conceals the existence of a design to wage war against the Queen or the Government of the East India Company, intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Concealing with intent to facilitate a design to wage war.

of the East India Company, intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

3. Whoever, with the intention of inducing or compelling the Governor General of India, or the Governor of any Presidency, or a Lieutenant Governor, or a Member of the Council of India, to exercise or refrain from exercising in any manner any of the lawful powers of such Governor General, Governor, Lieutenant Governor, or Member of Council, assaults or makes show of assaulting, or wrongfully restrains, or attempts wrongfully to restrain, or overawes by means of an unlawful assembly, or attempts so to overawe, such Governor General, Governor, Lieutenant Governor, or Member of Council, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Assaulting Governor General, Governor, &c. with intent to compel or restrain the exercise of any lawful power.

or of the Council of any Presidency, to exercise or refrain from exercising in any manner any of the lawful powers of such Governor General, Governor, Lieutenant Governor, or Member of Council, assaults or makes show of assaulting, or wrongfully restrains, or attempts wrongfully to restrain, or overawes by means of an unlawful assembly, or attempts so to overawe, such Governor General, Governor, Lieutenant Governor, or Member of Council, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

4. If any person, by doing anything whereby he commits an offence under the last preceding Clause, also commits an offence under any other Clause of this Code, the punishment shall be cumulative.

Cumulative punishment.

under the last preceding Clause, also commits an offence under any other Clause of this Code, the punishment shall be cumulative.

5. Whoever attempts to excite, among any class of people who live under the Government established by law in any part of British India, such feelings of disaffection to that Government as are likely to induce them to resist or disobey the lawful authority of that Government, or to abet such resistance or disobedience, shall be punished with banishment from British India for life, or for any term, to which fine may be added; or with simple imprisonment for a term which may extend to three years, to which fine may be added; or with fine.

Attempt to excite disaffection to the established Government.

feelings of disaffection to that Government as are likely to induce them to resist or disobey the lawful authority of that Government, or to abet such resistance or disobedience, shall be punished with banishment from British India for life, or for any term, to which fine may be added; or with simple imprisonment for a term which may extend to three years, to which fine may be added; or with fine.

6. Whoever wages war against the Government of any Asiatic power in alliance or at peace with the East India Company, or attempts to wage such war, or abets the waging of such war, shall be punished with banishment from British India for life, or for any term, to which fine may be added; or with imprisonment of either description for a term which may extend to seven years, to which fine may be added; or with fine.

Waging war against any Asiatic power in alliance with the East India Company.

waging of such war, shall be punished with banishment from British India for life, or for any term, to which fine may be added; or with imprisonment of either description for a term which may extend to seven years, to which fine may be added; or with fine.

7. Whoever commits depredation, or makes preparations to commit depredation, on the territories of any power in alliance or at peace with the East India Company,

Committing depredation on the territories of any power at peace with the East India Company.

East India Company,

shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of any property used or intended to be used in committing such depredation, or acquired by such depredation.

8. Whoever receives any property, knowing the same to have been taken in the prosecution of such war or depredation as is mentioned in

Clauses 6 and 7 of this Chapter, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine, and to forfeiture of the property so recovered.

9. Whoever, being a public servant, and having the custody of any State Prisoner or Prisoner of War, voluntarily allows such prisoner to escape from any place in which

such prisoner is confined, shall be punished with transportation for life, or imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

10. Whoever, being a public servant, and having the custody of any State Prisoner or Prisoner of War, negligently suffers such prisoner to escape from any place of

confinement in which such prisoner is confined, shall be punished with simple imprisonment for a term which may extend to three years, and shall also be liable to fine.

11. Whoever knowingly aids or assists any State Prisoner or Prisoner of War in escaping from lawful custody, or rescues or attempts to rescue any such prisoner, or harbours or conceals any such prisoner who has escaped from lawful custody, or offers or attempts to offer any resistance to the recapture of such prisoner, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Explanation. A State Prisoner or Prisoner of War, who is permitted to be at large on his parole within certain limits in British India, is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.

Chapter VII.

OF OFFENCES RELATING TO THE ARMY AND NAVY.

1. Whoever abets the committing of mutiny by an officer, soldier, or sailor, in the Army or Navy of the Queen, or of the East India Company, or attempts to seduce any such officer, soldier, or sailor from his allegiance to Her Majesty, or his duty to the East India Company, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

2. Whoever abets the committing of mutiny by an officer, soldier, or sailor, in the Army or Navy of the Queen, or of the East India Company,

Abetment of mutiny if mutiny is committed in consequence thereof.

shall, if mutiny be committed in consequence of that abetment, be punished with transportation for life, or imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

3. Whoever abets an assault by an officer, soldier, or sailor, in the Army or Navy of the Queen, or of the East India Company, on any superior officer, being in the execution of his office, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

4. Whoever abets an assault by an officer, soldier, or sailor, in the Army or Navy of the Queen, or of the East India Company, on any superior officer, being in the execution of his office, shall, if such assault be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

5. Whoever abets the desertion of any officer, soldier, or sailor, in the Army or Navy of the Queen, or of the East India Company, shall be punished with imprisonment of either description for a term which may extend to two years, or fine, or both.

6. Whoever, except as hereinafter excepted, knowing or having reason to believe that an officer, soldier, or sailor, in the Army or Navy of the Queen, or of the East India Company, has deserted, harbours such officer, soldier, or sailor, shall be punished with imprisonment of either description for a term which may extend to two years, or fine, or both.

Exception. This provision does not extend to the case in which the harbour is given by a wife to her husband.

7. The master or person in charge of a Merchant Vessel on board of which any deserter from the Army or Navy of the Queen, or of the East India Company, is concealed, shall, though ignorant of such concealment, be liable to a penalty not exceeding five hundred Rupees, if he might have known of such concealment but for some neglect of his duty as such master or person in charge, or but for some want of discipline on board of the vessel.

8. Whoever abets what he knows to be an act of insubordination by an officer, soldier, or sailor, in the Army or Navy of the Queen, or of the East India Company, shall, if such act of insubordination be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to six months, or fine, or both.

9. No person, subject to the Articles of War for the Army or Navy of the Queen, or of the East India Company, is subject to punishment under this Code for any of the offences defined in this Chapter.

Person subject to Articles of War not punishable under this Code.

10. Whoever, not being a soldier in the Military or Naval service of the Queen, or of the East India Company, wears any garb or carries any token resembling any garb or token used by such a soldier, with the intention that it may be believed that he is such a soldier, shall be punished with imprisonment of either description for a term which may extend to three months, or fine which may extend to five hundred Rupees, or both.*

Chapter VIII.

OF OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

1. An assembly of five or more persons is designated as an "unlawful assembly," if the common object of the persons composing that assembly is—

First. To overawe the Legislative or Executive Government of India, or the Government of any Presidency, or any Lieutenant Governor, or any Public Servant in the exercise of the lawful power of such Public Servant; or

Second. To resist the execution of any law, or of any legal process; or

Third. To commit any mischief or criminal trespass, or other offence; or

Fourth. By means of force or show of force to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

Fifth. By means of force or resistance, or show of force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

Explanation. An assembly which was not unlawful when it assembled may subsequently become an unlawful assembly.

2. Whoever, being aware of facts which render any assembly an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of an unlawful assembly.

3. Whoever is a number of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

4. Whoever, being armed with any deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

5. Whoever joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be

* The offence of purchasing, &c. arms, ammunition, cloth, Military accoutrements, forage, &c. from a soldier, is punishable by the Mutiny Act.

punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

6. Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

7. Whoever is guilty of rioting, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

8. Whoever is guilty of rioting, being armed with a deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

9. If any person, whilst a member of an unlawful assembly, or committing the offence of rioting, commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

10. If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence.

11. Whoever knowingly joins or continues in any assembly of five or more persons likely to cause a disturbance of the public peace, after such assembly has been lawfully commanded to disperse, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

Explanation. If the assembly is an unlawful assembly within the meaning of Clause 1 of this Chapter, the offender will be punishable under Clause 5.

12. Whoever assaults or threatens to assault, or obstructs or attempts to obstruct, any public servant in the discharge of his duty as such public servant, in endeavouring to disperse an unlawful assembly or to suppress a riot or affray, or uses, or threatens, or attempts to use criminal force to such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

13. Whoever maliciously or wantonly, by doing anything which is illegal, gives provocation to any person, intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of riot-

that such provocation
If rioting be committed.

ing be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

If not committed, rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

14. Whenever an unlawful assembly or riot takes place, the owner or occupier of the land upon which such unlawful assembly is held, or such riot is committed, shall be punishable with fine not exceeding one thousand rupees, if he or his agents or servants, knowing of such assembly or riot, or having reason to believe that it is about to take place, do not give to the Principal Officer of the nearest Police station the earliest notice in his or their power of such assembly or riot, or of its being about to take place, and do not use all lawful means in his or their power to prevent such riot or assembly from taking place, or for dispersing or suppressing it.

15. Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of the land upon which such riot takes place, or who claims any interest in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, such person shall be punishable with fine, unless he satisfy the Court that neither he nor his agents or servants had reason to believe either that the riot was likely to be committed or that the unlawful assembly by which it was committed was likely to be held, or that he or his servants or agents gave to the principal Officer of the nearest Police station the earliest notice in his or their power of such riot or unlawful assembly, or of its being about to take place, and used all lawful means in his or their power to prevent such unlawful assembly or riot, and for dispersing or suppressing it.

16. Whoever hires or engages, or offers or attempts to hire or engage, any person to do or assist in doing any of the acts specified in Clause 1 of this Chapter, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both; and whoever hires or engages, or offers or attempts to hire, any person to go armed with any deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, for the purpose of doing or assisting in doing any such act, or knowing it to be likely that the person so hired, or any person assisting him, will go so armed, or use such weapon in doing, or assisting in doing such act, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

17. Whoever is engaged or hired, or offers or attempts to be hired or engaged, to do or assist in doing any of the acts specified in Clause 1 of this Chapter, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both; and whoever hires or engages, or offers or attempts to hire, any person to go armed with any deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, for the purpose of doing or assisting in doing any such act, or knowing it to be likely that the person so hired, or any person assisting him, will go so armed, or use such weapon in doing, or assisting in doing such act, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

18. Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of the land upon which such riot takes place, or who claims any interest in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, such person shall be punishable with fine not exceeding one thousand rupees, if he or his agents or servants, knowing of such assembly or riot, or having reason to believe that it is about to take place, do not give to the Principal Officer of the nearest Police station the earliest notice in his or their power of such assembly or riot, or of its being about to take place, and do not use all lawful means in his or their power to prevent such riot or assembly from taking place, or for dispersing or suppressing it.

to six months, or with fine, or with both; and whoever, being so engaged or hired as aforesaid, goes armed, or engages or offers to go armed, with any deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

18. When two or more persons, by quarrelling or fighting, or otherwise conducting themselves in a tumultuous manner in a public place, disturb the public peace, they are said to "commit an affray."

19. Whoever commits an affray shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred Rupees, or with both.

Chapter IX.

OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

1.* Whoever, being or expecting to be a public servant, accepts or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or a reward for doing or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person with the Legislative or Executive Government of India, or with the Government of any Presidency, or with any Lieutenant Governor, or with any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

Explanations. "Expecting to be a public servant." If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office, and that he will then serve them, he may be guilty of cheating, but he is not guilty of the offence defined in this Clause.

"Gratification." The word "gratification" is not restricted to pecuniary gratifications, or to gratifications estimable in money.

"Legal remuneration." The words "legal remuneration" are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which he is permitted by the Government which he serves to accept.

"A motive or a reward for doing." A person may receive a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done.

Illustrations.

(a) A, a Moonsiff, obtains from Z, a banker, a situation in Z's bank for A's brother, as a reward to A for deciding a cause in favour of Z. A has committed the offence defined in this Clause.

* For the definition of the words "public servant" see Clause 17 Chapter II.

For the offence of "offering a bribe" see Chapter V. Clauses 5 and 13.

(b) A, holding the office of Resident at the court of a subsidiary power, accepts a lakh of rupees from the Minister of that power. It does not appear that A accepted this sum as a motive or a reward for doing or forbearing to do any particular official act, or for rendering or attempting to render any particular service to that power with the British Government. But it does appear that A accepted the sum as a motive or a reward for generally showing favour in the exercise of his official functions to that power. A has committed the offence defined in this Clause.

(c) A, a public servant, induces Z erroneously to believe that A's influence with the Government has obtained a title for Z, and thus induces Z to give A money as a reward for this service. A has committed the offence defined in this Clause.

2. Whoever accepts, or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification

Taking a gratification in order by corrupt or illegal means to influence a public servant.

whatever as a motive or a reward for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Legislative or Executive Government of India, or with the Government of any Presidency, or with any Lieutenant Governor, or with any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

3. Whoever accepts or obtains, agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification

Taking a gratification for the exercise of personal influence with a public servant.

whatever, as a motive or a reward for inducing, by the exercise of personal influence, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Legislative or Executive Government of India, or with the Government of any Presidency, or with any Lieutenant Governor, or with any public servant, as such, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or both.

Illustration.

An advocate who receives a fee for arguing a case before a Judge; a person who receives pay for arranging and correcting a memorial addressed to Government setting forth the services and claims of the memorialist; a paid agent for a condemned criminal, who lays before the Government statements tending to show that the condemnation was unjust; are not within this Clause, inasmuch as they do not exercise or profess to exercise personal influence.

4. Whoever, being a public servant in respect of whom either of the offences defined in the last

Punishment for abetment by public servant of the offences above defined.

two preceding Clauses is committed, abets the offence, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

Illustration.

A is a public servant. B, A's wife, receives a present as a motive for soliciting A to give an office to a particular person. A abets her doing so. B is punishable with imprisonment for a term not exceeding one year, or fine, or both. A is punishable with imprisonment for a term which may extend to three years, or fine, or both.

5. Whoever, being a public servant, accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any valuable thing, without consideration, or for a consideration

Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant.

which he knows to be inadequate, from any person whom he knows to have been, or to be, or to be likely to be concerned or interested in any proceeding or business transacted or about to be transacted by such public servant, or having any connection with his official functions, or from any person whom he knows to be interested in or related to such person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or both.

Illustrations.

(a) A, a Collector, hires a house of Z, who has a settlement case pending before him. It is agreed that A shall pay fifty Rupees a month, the house being such that, if the bargain were made in good faith, A would be required to pay two hundred Rupees a month. A has obtained a valuable thing from Z without adequate consideration.

(b) A, a Judge, buys of Z, who has a cause pending in A's Court, Government Promissory Notes at a discount, when they are selling in the market at a premium. A has obtained a valuable thing from Z without adequate consideration.

(c) Z's brother is apprehended and taken before A, a Magistrate, on a charge of perjury. A sells to Z shares in a bank at a premium, when they are selling in the market at a discount. Z pays A for the shares accordingly. The money so obtained by A is a valuable thing obtained by him without adequate consideration.

6. Whoever, being a public servant, knowingly

Public servant disobeying a direction of the law with intent to cause injury to any person.

disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will by such disobedience cause, injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or both.

Illustration.

A, being an officer directed by law to take property in execution in order to satisfy a decree pronounced in Z's favour by a Court of Justice, knowingly disobeys that direction of law with the knowledge that he is likely thereby to cause injury to Z. A has committed the offence defined in this Clause.

7. Whoever, being a public servant, and being,

Public servant framing an incorrect document with intent to cause injury. as such public servant, charged with the preparation of any document, frames that document in a manner which he knows to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause, injury to any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

8. Whoever, being a public servant, and being

Public servant unlawfully engaging in trade. legally bound, as such public servant, not to engage in trade, engages in trade, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or both.

9. Whoever, being a public servant, and being

Public servant unlawfully buying or bidding for property. legally bound, as such public servant, not to purchase or bid for certain property, purchases or bids for that property, either in his own name or in the name of another, or jointly or in shares

with others, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or both; and the property, if purchased, shall be confiscated.

10. Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office, or falsely

Personating a public servant.

personates any other person holding such office, and in such assumed character does or attempts to do any act under the colour of such office, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

11. If any person, in doing anything whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause

Cumulative punishment in certain cases for offences under the last Clause.

contained in any other Chapter of this Code, except the offences of cheating by personation, or attempting to cheat by personation, the punishment shall be cumulative.

12. Whoever, not belonging to a certain class

Wearing garb or carrying token used by public servant, with fraudulent intent.

of public servants, wears any garb or carries any token resembling any garb or token used by that class of public servants,

with the intention that it may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public servants, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred Rupees, or both.

13. If any person, in doing anything whereby

Cumulative punishment in certain cases for offences under this Chapter.

he commits an offence under any Clause in this Chapter, also commits an offence under any Clause

contained in any other Chapter of this Code, the punishment shall be cumulative.

Illustration.

A, a public servant, threatens to assess Z's land unjustly high unless Z will give him money, and thus obtains money from Z. Here A has committed the offence defined in Clause 1 of this Chapter, inasmuch as he has obtained from Z a gratification as a motive for forbearing to show disavowal to Z in the exercise of A's official functions. A has also committed extortion, inasmuch as he has obtained property from Z by putting Z in fear of injury. Therefore A is liable to the punishment of extortion added to that provided by Clause 1 of this Chapter.

Chapter X.

OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

1. Whoever absconds in order to avoid being

Absconding to avoid service of summons, or other proceeding from a public servant.

served with a summons, notice, or other proceeding from any public servant, legally competent, as

such public servant, to issue such summons, notice, or order, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or, if the summons or notice is to attend in person or by agent, or to produce a document in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

2. Whoever in any manner intentionally prevents the serving on himself, or on any other, of any summons, notice, or order proceeding from any public servant legally

Preventing service of summons or other proceeding, or preventing publication thereof.

competent, as such public servant, to issue such summons, notice, or order, or intentionally prevents the lawful affixing to any place of any such summons, notice, or order, or intentionally removes any such summons, notice, or order, from any place to which it is lawfully affixed, or intentionally prevents the lawful making of any proclamation, under the authority of any public servant, legally competent, as such public servant, to direct such proclamation to be made, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or, if the summons, notice, or proclamation, is to attend in person or by agent, or to produce a document in a Court of Justice, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

3. If any person, by doing anything whereby

Cumulative punishment in certain cases for offences under the last Clause.

he commits an offence under the last preceding Clause, also commits an offence under any Clause

contained in any other Chapter of this Code, the punishment shall be cumulative.

4. Whoever, being legally bound to attend in

Non-attendance in obedience to an order from a public servant.

person or by an agent at a certain place and time, in obedience to an order proceeding from any public

servant, legally competent, as such public servant, to issue such order, intentionally omits to attend at that place, or time, or departs from the place where he is bound to attend before the time at which it is lawful for him to depart, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or, if the order is to attend in person or by agent in a Court of Justice, with imprisonment for a term which may extend to one year, or with fine, or with both.

Illustrations.

(a) A, being legally bound to appear before the Supreme Court at Calcutta in obedience to a subpoena issued from that Court, intentionally omits to appear. A has committed the offence defined in this Clause.

(b) A, being legally bound to appear before a Zillah Judge, as a witness, in obedience to a summons issued by that Zillah Judge, intentionally omits to appear. A has committed the offence defined in this Clause.

5. Whoever, being legally bound to produce

Omission to produce a document to a public servant by a person legally bound to produce such document.

or deliver up any document to any public servant, as such, intentionally omits so to produce or deliver up the same, shall

be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or, if the document is to be produced or delivered up to a Court of Justice, with imprisonment for a term which may extend to one year, or with fine, or with both.

Illustration.

A, being legally bound to produce a document before a Zillah Court, intentionally omits to produce the same. A has committed the offence defined in this Clause.

6. Whoever, being legally bound to give any

Omission to give notice or information to a public servant by a person legally bound to give notice or information.

notice or to furnish information on any subject to any public servant, as such, intentionally omits to give such notice, or to furnish such information in the manner and at the time required by law, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or, if the notice or information required to be given respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

7. Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on that subject which he knows or has reason to believe to be false, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both; or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustrations.

(a) A, a landholder, knowing of the commission of a murder within the limits of his estate, wilfully misinforms the Magistrate of the District that such death has occurred by accident, in consequence of the bite of a snake. A is guilty of the offence defined in the latter part of this Clause.

(b) A, a village watchman, knowing that a considerable body of strangers has passed through his village in order to commit a dacoity in the house of Z, a wealthy merchant residing in a neighbouring place, and being bound under Clause 5 Section VII. Regulation III. of 1821 of the Bengal Code to give early and punctual information of the above fact to the officer of the nearest Police station, wilfully misinforms the Police Officer that a body of suspicious characters passed through the beat of his watch with a view to commit dacoity in a certain distant village, and in a different direction. Here A is guilty of the offence defined in the latter part of this Clause.

8. Whoever refuses to bind himself by an oath

Refusing oath when duly required to take oath by a public servant.

to state the truth, when required so to bind himself by a public servant, legally competent to require that he shall so bind himself, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

9. Whoever, being legally bound to state the

Refusing to answer a public servant authorised to question.

truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant, in the exercise of the legal powers of such public servant, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

10. Whoever refuses to sign any statement

Refusing to sign statement.

made by him when required to sign that statement by a public servant, legally competent to require that he shall sign that

statement, shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to one thousand Rupees, or with both.

11. Whoever, being legally bound by an oath

False statement on oath to public servant or person authorised to administer an oath.

to state the truth on any subject to any public servant or other person authorised by law to administer such oath, states to such public servant or other person as aforesaid, touching that subject, as true, that which he knows or believes to be false, or does not know or in good faith believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Illustration.

A, before a Magistrate, swears to the truth of an affidavit, knowing it to be false. A is guilty of an offence under this Clause, notwithstanding the affidavit is intended to be used before another authority.

12. Whoever gives to any public servant any

False information with intent to cause a public servant to use his lawful power to the injury of another person.

information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant to use the lawful power of such public servant to the injury or annoyance of any person, or to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Illustrations.

(a) A informs a Magistrate that Z, a Police Officer subordinate to such Magistrate, has been guilty of neglect of duty or misconduct, knowing such information to be false, and knowing it to be likely that the information will cause the Magistrate to dismiss Z. A has committed the offence defined in this Clause.

(b) A falsely informs a public servant that Z has contraband salt in a secret place, knowing such information to be false, and knowing that it is likely that the consequence of the information will be a search of Z's premises, attended with annoyance to Z. A has committed the offence defined in this Clause.

13. Whoever offers any resistance to the tak-

ing of any property by of property by the lawful authority of a public servant.

any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

14. If any person, by doing anything whereby

Cumulative punishment in certain cases for offences under the last Clause.

he commits an offence under the last preceding Clause, also, commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

15. Whoever intentionally obstructs any sale

Obstructing sale of property offered for sale by authority of a public servant.

of property offered for sale by the lawful authority of any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both.

16. If any person, by doing anything whereby

Cumulative punishment in certain cases for offences under the last Clause.

he commits an offence under the last preceding Clause, also commits an offence under any Clause

contained in any other Chapter of this Code, the punishment shall be cumulative.

17. Whoever, at any sale of property held by

Illegal purchase or bid for property offered for sale by authority of a public servant.

the lawful authority of a public servant, as such, purchases or bids for any property on account of

any person, whether himself or any other, whom he knows to be under a legal incapacity to purchase that property at that sale, or bids for such property, not intending to perform the obligations under which he lays himself by such bidding, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to two hundred Rupees, or with both.

18. Whoever voluntarily obstructs any public

Obstructing public servant in discharge of his public functions.

servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred Rupees, or with both.

description for a term which may extend to three months, or with fine which may extend to five hundred Rupees, or with both.

19. If any person, by doing anything whereby

Cumulative punishment in certain cases for offences under the last Clause.

he commits an offence under the last preceding Clause, also commits an offence under any Clause

contained in any other Chapter of this Code, the punishment shall be cumulative.

20. Whoever, being bound by law to render or

Omission to assist public servant when bound by law to give assistance.

furnish assistance to any public servant in the execution of his public duty, intentionally omits to give

such assistance, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred Rupees, or with both.

21. Whoever, being present, wilfully neglects

Neglect to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.

to render such assistance as is in his power to a public servant who demands his aid in the execution of any process lawfully issued by a Court of

Justice, or in preventing the commission of an offence, or in suppressing a riot or affray, or in the apprehension of a person charged with or guilty of an offence, or of having escaped from lawful custody, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred Rupees, or with both.

22. Whoever, being required by a public servant

Wilful omission to aid such public servant.

to furnish or render assistance for any of the purposes mentioned in the

last preceding Clause, wilfully omits to furnish or render such reasonable assistance as may be in his power, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred Rupees, or with both.

23. No person shall be liable to prosecution

Saving of liability in respect of act done in obedience to requisition of such public servant.

in any Civil or Criminal Court for any act done

by himself or by any other person in obedience to a requisition under either of the last two preceding Clauses.

by himself or by any other person in obedience to a requisition under either of the last two preceding Clauses.

24. Whoever, knowing that by an order promulgated by a public servant, lawfully empowered to promulgate such order, he is directed to abstain

Disobedience to an order duly promulgated by a public servant.

from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction or annoyance, or injury, or risk of obstruction or annoyance, or injury to any persons lawfully employed, be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred Rupees, or with both; and if such disobedience causes, or tends to cause danger to human life, health, or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Explanation. It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce harm.

Illustration. An order is promulgated by a public servant, lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this Clause.

25. If any person, by doing anything whereby

Cumulative punishment in certain cases for offences under the last Clause.

by he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

26. Whoever holds out any threat of injury

Threat of injury to a public servant.

to any public servant, or to any person in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act, or to forbear or delay to do any act, connected with the exercise of the public functions of such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

any person, for the purpose of inducing that person to refrain or desist from making a legal application for protection against any injury to any public servant, legally empowered as such to give such protection, or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

27. Whoever holds out any threat of injury to

Threat of injury to induce any person to refrain from applying for protection to a public servant.

any person, for the purpose of inducing that person to refrain or desist from making a legal application for protection against any injury to any public servant, legally empowered as such to give such protection, or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Chapter XI.

OF OFFENCES AGAINST PUBLIC JUSTICE.

1. Whoever, in any stage of a judicial proceeding, being bound by an oath or by any express

Giving false evidence.

ing, being bound by an oath or by any express

provision of law to state the truth, or being bound by law to make a declaration upon any subject, states for truth that which he knows or believes to be false, or which he does not know, or in good faith believe to be true, is said to give false evidence.

Explanation 1. A statement is within the meaning of this Clause whether it is made verbally or otherwise.

Explanation 2. A false statement as to the belief of the person attesting is within the meaning of this Clause, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know.

Explanation 3. A person is said to state that which he does not in good faith believe to be true, who, at the time of making the statement, has had no means of forming a belief upon the subject.

Explanation 4. An Interpreter or Translator, bound by oath or by any express provision of law to interpret or translate truly any statement or document, is guilty of giving false evidence if he gives a false interpretation or translation of any words which it is material that he should interpret or translate truly.

Illustrations.

(a) A, in support of a just claim which B has against Z for one thousand Rupees, falsely swears on a trial that he heard Z admit the justice of B's claim. A has given false evidence.

(b) A states that he believes a certain signature to be the handwriting of Z, when he does not believe it to be the handwriting of Z. Here A states that which he knows to be false, and therefore gives false evidence.

(c) A, knowing the general character of Z's handwriting, states that he believes a certain signature to be the handwriting of Z, A in good faith believing it to be so. Here A's statement is merely as to his belief, and is true as to his belief, and therefore, although the signature may not be the handwriting of Z, A has not given false evidence.

(d) A states that he knows that Z was at a particular place on a particular day, not knowing anything upon the subject. A gives false evidence whether Z was at that place on the day named or not.

2. Whoever causes any circumstance to exist, or makes any false entry in any book or record, or makes any document containing a false statement, intending that such circumstance, false entry, or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before a private arbitrator, and that such circumstance, so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence to entertain an erroneous opinion touching any point material to the result of such proceeding, is said "to fabricate false evidence."

Illustrations.

(a) A puts jewels into a box belonging to Z, with the intention that they may be found in that box, and that this circumstance may cause Z to be convicted of theft. A has fabricated false evidence.

(b) A, with the intention of causing Z to be convicted of a criminal conspiracy, writes a letter in imitation of Z's handwriting, purporting to be addressed to an accomplice in such criminal conspiracy, and puts the letter in a place which he knows that the Officers of the Police are likely to search. A has fabricated false evidence.

(c) A makes a false entry in his shop book for the purpose of using it as corroborative evidence in a Court of Justice. A has fabricated false evidence.

3. Whoever intentionally gives false evidence in any stage of a judicial proceeding, touching any point material to the re-

sult of that proceeding, or gives or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Explanation 1. A trial before a Court Martial is a judicial proceeding.

Explanation 2. An investigation directed by law preliminary to a proceeding before a Court of Justice is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Explanation 3. An investigation directed by a Court of Justice according to law, and conducted under the authority of a Court of Justice, is a stage of a judicial proceeding though that investigation may not take place before a Court of Justice.

4. Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital by this Code, shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine; and if an innocent person be convicted and executed in consequence of such false evidence, the person who gives such false evidence shall be punished either with death or the punishment hereinbefore described.

5. Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which by this Code is not capital, but punishable with transportation for life, or imprisonment for a term of seven years or upwards, shall be punished as a person convicted of that offence would be liable to be punished.

Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation or imprisonment.

but punishable with transportation for life, or imprisonment for a term of seven years or upwards, shall be punished as a person convicted of that offence would be liable to be punished.

Illustration.

A gives false evidence before a Court of Justice, intending thereby to cause Z to be convicted of a dacoity. The punishment of dacoity is transportation for life, or rigorous imprisonment for a term which may extend to fourteen years, with or without fine. A, therefore, is liable to such transportation or imprisonment, with or without fine.

6. Whoever in any stage of a judicial proceeding uses or attempts to use, as true or genuine evidence, any evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.

7. Whoever utters or signs, or causes or attempts to cause to be uttered or signed, any certificate required by law to be given or signed, or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence.

8. Whoever uses or attempts to use any such certificate as a true certificate, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Using as a true certificate one known to be false in a material point.

9. Whoever, in any declaration made and subscribed by him, which declaration any Court of Justice, or any public servant or other person, is bound or authorised by law to receive as evidence of any fact, states as true what he knows or believes to be false, or what he does not know or in good faith believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

False statement made in any declaration which is by law receivable as evidence.

10. Whoever uses or attempts to use as true any such declaration, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Using as true any such declaration known to be false.

Explanation. A declaration which is inadmissible merely upon the ground of some informality is a declaration within the meaning of Clauses 9 and 10.

11. Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear, with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall, if the offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the offence is punishable with transportation for life, or with imprisonment which may extend to fourteen years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment for any term not extending to fourteen years, shall be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence, or with fine, or both.

Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender.

If a capital offence. committed is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the offence is punishable with transportation for life, or with imprisonment which may extend to fourteen years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment for any term not extending to fourteen years, shall be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence, or with fine, or both.

If punishable with less than fourteen years' imprisonment.

Illustration.
A, knowing that B has murdered Z, assists B to hide the body, with the intention of screening B from punishment. A is liable to imprisonment of either description for seven years, and also to fine.

12. Whoever, knowing or having reason to believe that an offence has been committed, intentionally omits to give any information respecting that offence which he is legally bound to give, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or both.

Intentional omission to give information of an offence, by a person bound to inform.

13. Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Giving false information respecting an offence committed.

14. Whoever secretes or destroys any document which he may be lawfully compelled to produce as evidence in a Court of Justice, or in any proceeding lawfully held before a public servant as such, with the intention of preventing the same from being produced or used, as evidence before such Court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Destruction of document to prevent its production as evidence.

15. Whoever falsely personates another, and in such assumed character makes any admission or statement, or confesses judgment or causes any process to be issued, or becomes bail or security, or does any other act in any suit or criminal prosecution, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

False personation for the purpose of any act or proceeding in a suit.

16. Whoever fraudulently removes, conceals, transfers, or delivers to any person any property, or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced by a Court of Justice, or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made, by a Court of Justice in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Fraudulent removal or concealment of property to prevent its seizure as a forfeiture or in execution of a decree.

17. Whoever fraudulently accepts, receives, or claims any property, or any interest therein, knowing that he has no right or rightful claim to such property or interest, or practises any deception touching any right to any property, or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced, by a Court of Justice, or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made, by a Court of Justice in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Fraudulent claim to property to prevent its seizure as a forfeiture or in execution of a decree.

18. Whoever fraudulently causes or suffers a decree or order to be passed against him at the suit of any person for a sum

Fraudulently suffering a decree for a sum not due.

[]

not due, or for a larger sum than is due to such person, or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied, or for a larger sum than remains due thereon, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Illustration.

A institutes a suit against Z. Z, knowing that A is likely to obtain a decree against him, fraudulently suffers a judgment to pass against him for a larger amount at the suit of B, who has no just claim against him, in order that B, either on his own account or for the benefit of Z, may share in the proceeds of any sale of Z's property which may be made under A's decree. Z has committed an offence under this Clause.

19. Whoever fraudulently obtains a decree or

Fraudulently obtaining order against any person
a decree for a sum not due, or for a
decree for a sum not due, or for a
larger sum than is due, or
fraudulently causes a decree or order to be executed
against any person after it has been satisfied,
or for a larger sum than remains due thereon, or
fraudulently suffers or permits any such act to be
done in his name, shall be punished with imprison-
ment of either description for a term which may
extend to two years, or with fine, or both.

20. Whoever, with intent to cause injury to

False charge of offence, any person, institutes or
made with intent to injure. causes to be instituted
any criminal proceeding
against that person, or falsely charges any person
with having committed an offence, knowing that
there is no just or lawful ground for such proceed-
ing or charge against that person, shall, after the
final determination of such proceeding or charge
in that person's favour, be punished with imprison-
ment of either description for a term which may
extend to two years, or with fine, or with both;
and if any criminal proceeding be instituted, on a
false charge of an offence punishable with death,
transportation for life, or imprisonment for seven
years or upwards, shall be punished with imprison-
ment of either description for a term which may
extend to seven years, and shall also be liable to
fine.

21. Whoever, knowing or having reason to

Harbouring an offender. believe that an offence
has been committed, har-
bours or conceals a person whom he knows or
believes to be the offender, with the intention of
screening him from legal punishment, shall, if the
offence which he knows

If a capital offence. or believes to have been

committed is punishable with death, be punished
with imprisonment of either description for a term
which may extend to five years, and shall also be
liable to fine; and if the

If punishable with trans-
portation for life, &c. or
with imprisonment. offence is punishable with
transportation for life, or
with imprisonment which

may extend to fourteen years, shall be punished
with imprisonment of either description for a term
which may extend to three years, and shall also be
liable to fine; and if the offence is punishable with
imprisonment which may extend to one year and
not to fourteen years, shall be punished with im-
prisonment of the description provided for the
offence for a term which may extend to one-fourth
part of the longest term of imprisonment provided
for the offence, or with fine, or with both.

Exception. This provision shall not extend to
any case in which the harbour or concealment is
by the husband or wife of the offender.

Illustration.

A, knowing that B has committed dacoity, knowingly con-
ceals B in order to screen him from legal punishment. Here,
as B is liable to transportation for life, A is liable to imprison-
ment of either description for a term not exceeding three
years, and is also liable to fine.

22. Whoever accepts, or attempts to obtain, or

Taking gift, &c. to screen agrees to accept, any
an offender from punish- gratification for himself
ment. or any other person, or
any restitution of proper-

ty to himself or any other person, in consideration
of his concealing an offence, or of his screening any
person from legal punishment for any offence, or
of his not proceeding against any person for the
purpose of bringing him to legal punishment, shall,
if the offence is punishable

If a capital offence. with death, be punished

with imprisonment of either description for a term
which may extend to seven years, and shall also
be liable to fine; and if the offence is punishable

If punishable with trans- with transportation for
portation for life, or with life, or with imprisonment
imprisonment. which may extend to

fourteen years, shall be punished with imprisonment
of either description for a term which may extend to three years, and
shall also be liable to fine; and if the offence is pun-
ishable with imprisonment not extending to four-
teen years, shall be punished with imprisonment
of the description provided for the offence for a
term which may extend to one-fourth part of
the longest term of imprisonment provided for the
offence, or with fine, or with both.

23. Whoever gives, or causes, or offers, or

Gift made to cause resto- agrees to give or cause
ration of property in gratification to any person,
consideration of screening or to restore or cause the
offender. restoration of any proper-

ty to any person, in con-
sideration of that person's concealing an offence,
or of his screening any person from legal punish-
ment for any offence, or of his not proceeding
against any person for the purpose of bringing him
to legal punishment, shall, if the offence is punish-

able with death, be punish-

If a capital offence. ed with imprisonment of
either description for a term which may extend to
seven years, and shall also be liable to fine; and if

If punishable with trans- the offence is punishable
portation for life, or with with transportation for
imprisonment. life, or with imprisonment

which may extend to
fourteen years, shall be punished with imprison-
ment of either description for a term which may
extend to three years, and shall also be liable to
fine; and if the offence is punishable with im-
prisonment not extending to fourteen years, shall be
punished with imprisonment of the description
provided for the offence for a term which may
extend to one-fourth part of the longest term of
imprisonment provided for the offence, or with
fine, or with both.

Exception. The provisions of Clauses 22 and
23 do not extend to any case in which the offence
consists only of an act irrespective of the inten-
tion of the offender, and for which act the person
injured may bring a civil action.

Illustrations.

(a) A assaults B with intent to commit murder. Here,
as the offence does not consist of the assault only, irre-
spective of the intention to commit murder, it does not fall
within the exception, and cannot therefore be compounded.

(b) A assaults B. Here, as the offence consists simply

of the act, irrespective of the intention of the offender, and as B may have a civil action for the assault, it is within the exception, and may be compounded.

(c) A commits the offence of bigamy. Here, as the offence is not the subject of a civil action, it cannot be compounded.

(d) B commits the offence of adultery with a married woman. The offence may be compounded.

24. Whenever any person convicted of or charged with an offence, being in lawful custody for that offence, escapes from such custody, or whenever a public servant, in the exercise of the lawful powers of such public servant, orders a certain person to be apprehended for an offence, whoever, knowing of such escape or order for apprehension, harbours or conceals that person with the intention of preventing him from being apprehended, shall be punished in the manner following, that is to say, if the offence for which the person was in custody or is ordered to be apprehended is punishable with death, he shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; or if the offence is punishable with transportation for life, or imprisonment for fourteen years, he shall be punished with imprisonment of either description for a term which may extend to three years, with or without fine; and if the offence is punishable with imprisonment which may extend to one year and not to fourteen years, he shall be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for such offence, or with fine, or with both.

If a capital offence.

death, he shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; or if the offence is punishable with transportation for life, or imprisonment for fourteen years, he shall be punished with imprisonment of either description for a term which may extend to three years, with or without fine; and if the offence is punishable with imprisonment which may extend to one year and not to fourteen years, he shall be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for such offence, or with fine, or with both.

If punishable with transportation for life, or with imprisonment.

tion for a term which may extend to three years, with or without fine; and if the offence is punishable with imprisonment which may extend to one year and not to fourteen years, he shall be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for such offence, or with fine, or with both.

Exception. This provision does not extend to the case in which the harbour or concealment is by the husband or wife of the person to be apprehended.

No person shall be liable under this Clause to a greater amount of punishment than that to which the person escaping, or who ought to have been apprehended, was liable under the conviction, or than that provided by this Code for such an offence as that charged.

Limit of punishment.

which the person escaping, or who ought to have been apprehended, was liable under the conviction, or than that provided by this Code for such an offence as that charged.

25. Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending thereby to save, or knowing it to

Public servant disobeying a direction of law, with intent to save person from punishment or property from forfeiture.

be likely that he will thereby save, any person from legal punishment, or subject him to a less punishment than that to which he is liable, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or any charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

26. Whoever, being a public servant, and being, as such public servant, charged with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be

Public servant framing an incorrect record or writing with intent to save person from punishment or property from forfeiture.

incorrect, intending thereby to save, or knowing it

to be likely that he will thereby save, any person from legal punishment, or subject him to a less punishment than that to which he is liable, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or other charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

27. Whoever, being a public servant, makes or pronounces, in any stage of a judicial proceeding, any report, order, verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Public servant in a judicial proceeding making an order, report &c. which he knows to be contrary to law.

law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

28. Whoever, being in any office which gives him legal authority to commit persons for trial or to confinement, or to keep persons in confinement, commits any person for trial or to confinement, or keeps any person in confinement in the exercise of that authority, knowing that in so doing he is acting contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.

commit persons for trial or to confinement, or keeps any person in confinement in the exercise of that authority, knowing that in so doing he is acting contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

29. Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person charged with, or liable to be apprehended for an offence, voluntarily omits to apprehend such person, or voluntarily suffers such person to escape, or voluntarily aids such person in escaping or attempting to escape from such confinement, shall be punished as follows, that is to say:—

Voluntary omission to apprehend on the part of a public servant bound by law to apprehend.

bound as such public servant to apprehend or to keep in confinement any person charged with, or liable to be apprehended

for an offence, voluntarily omits to apprehend such person, or voluntarily suffers such person to escape, or voluntarily aids such person in escaping or attempting to escape from such confinement, shall be punished as follows, that is to say:—

Punishment.

that is to say:—

With imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with death; or

With imprisonment of either description for a term which may extend to three years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with transportation for life, or imprisonment for a term which may extend to fourteen years; or

With imprisonment of either description for a term which may extend to two years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with imprisonment for a term less than fourteen years.

No person shall be liable under this Clause to a greater amount of punishment than the punishment provided for the offence with which the person in confinement, or who ought to have been apprehended, was charged, or liable to be apprehended.

Limit of punishment.

greater amount of punishment than the punishment provided for the offence with which the person in confinement, or who ought to have been apprehended, was charged, or liable to be apprehended.

30. Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any

Voluntary omission to apprehend on the part of a public servant bound by

bound as such public servant to apprehend or to keep in confinement any

law to apprehend person under sentence of a Court of Justice.

to apprehend such person, or voluntarily suffers such person to escape, or voluntarily aids such person in escaping or attempting to escape from such confinement, shall be punished as follows, that is to say :—

Punishment.

With transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, with or without fine, if the person in confinement, or who ought to have been apprehended, is under sentence of death ; or

With imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who ought to have been apprehended, is subject by a sentence of a Court of Justice, or by virtue of a commutation of such sentence, to transportation for life, or penal servitude for life, or to transportation or penal servitude or imprisonment for a term of fourteen years or upwards ; or

With imprisonment of either description for a term which may extend to three years, or with fine, or with both, if the person in confinement, or who ought to have been apprehended, is subject by a sentence of a Court of Justice to imprisonment for a term not extending to fourteen years.

No person shall be liable under this Clause to

Limit of punishment.

a greater amount of punishment than that to which the person in confinement, or who ought to have been apprehended, was liable at the time of the commission of the offence defined by this Clause.

31. Whoever, being a public servant, legally

Escape from confinement negligently suffered by a public servant.

bound as such public servant to keep in confinement any person charged with, or convicted of any offence, negligently suffers such person to escape from confinement, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

No person shall be liable under this Clause to

Limit of punishment.

a greater amount of punishment than that to which the person in confinement was liable at the time of the committing of the offence defined by this Clause, or by which the offence charged was punishable.

32. Whoever offers any resistance or illegal

Resistance or obstruction by a person to his lawful apprehension.

obstruction to the lawful apprehension of himself for an offence, or escapes or attempts to escape from any custody in which he is lawfully detained for an offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Explanation. The punishment in this Clause is in addition to the punishment for which the person was liable for the offence with which he was charged, or for which he was detained.

33. If any person, in doing anything whereby

Cumulative punishment.

he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

34. Whoever intentionally offers any resist-

ance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or

attempts to rescue any other person from any custody in which that person is lawfully detained for an offence, shall be punished with imprisonment

Punishment.

of either description for a term which may extend to two years, or with fine, or with both ;

Or, if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with, or liable to be apprehended for, an offence punishable with transportation for life, or imprisonment for a term which may extend to fourteen years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine ;

Or, if the person to be apprehended or rescued, or attempted to be rescued, is charged with, or liable to be apprehended for, an offence punishable with death, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine ;

Or, if the person to be apprehended or rescued, or attempted to be rescued, is liable, under the sentence of a Court of Justice, or by virtue of a commutation of such a sentence, to transportation for life, or to transportation, penal servitude, or imprisonment, for a term of fourteen years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine ;

Or, if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death, shall be punished with transportation for life, or imprisonment for a term not exceeding fourteen years, and shall also be liable to fine.

35. If any person, in doing anything whereby

he commits an offence

under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

36. Whoever, having been lawfully transport-

ed, returns from such transportation, the term of such transportation not

having expired, and his punishment not having been remitted, shall be punished with transportation for life, and shall also be liable to fine, and to be imprisoned with rigorous imprisonment for a term not exceeding three years before he is so transported.

37. Whoever, having been lawfully banished,

returns from such banishment, his term of banishment not having expired,

and his punishment not having been remitted, shall be punished with transportation for life, or imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine ; and, in the case of his being sentenced to imprisonment, shall also be liable to banishment for life at the expiration of his imprisonment.

38. Whoever, having accepted any conditional

remission of punishment, knowingly violates any condition on which such

remission was granted, shall be punished with the punishment to which he was originally sentenced, if he has already suffered no part of that punish-

[]
ment, and if he has suffered any part of that punishment, then with so much of that punishment as he has not already suffered.

39. Whoever intentionally offers any insult or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding, shall

be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

40. If any person, in doing anything whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

41. Whoever, by personation or otherwise, shall intentionally cause or knowingly suffer himself to be returned, empannelled, or sworn as a juror or assessor.

shall intentionally cause or knowingly suffer himself to be returned, empannelled, or sworn as a juror or assessor, shall voluntarily serve on such jury or as such assessor, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Chapter XII.

OF OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

1. Coin is metal used as money, stamped and issued by the authority of some Government in order to be so used.

Coin stamped and issued by the authority of the Queen is designated as the Queen's coin.

Illustrations.

- (a) Cowries are not coin.
- (b) Lumps of unstamped copper, though used as money, are not coin.
- (c) An ancient Denarius is not now coin, inasmuch as such pieces are not now used as money.
- (d) Medals are not coin, inasmuch as they are not intended to be used as money.
- (e) Bank tokens issued by a private Bank are not coin, inasmuch as they are not put forth by the authority of any Government.

2. Coin stamped and issued by the authority of the Government of India, or of the Government of any Presidency, is designated as the Company's coin.

3. Whoever counterfeits, or performs any part of the process of counterfeiting coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation. A person may commit this offence by causing a genuine coin to appear like a different coin.

4. Whoever counterfeits, or performs any part of the process of counterfeiting, the Queen's or the Company's coin, shall be punished with trans-

portation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

5. Whoever makes, mends, or performs any part of the process of making or mending, or buys, sells, or disposes of, any die or instrument, for

the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

6. Whoever makes, mends, or performs any part of the process of making or mending, or buys, sells, or disposes of, any die or instrument, for

the purpose of being used, or having reason to believe that it is intended to be used, for the purpose of making or counterfeiting the Queen's or the Company's coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

7. Whoever is in possession of any instrument or material, for the purpose of using the same for counterfeiting coin, knowing, or having reason

to believe that the same is intended to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the coin to be counterfeited is the Queen's or the Company's coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

8. Whoever, being within British India, abets the counterfeiting, out of British India, of the Queen's or the Company's coin, shall be punished

with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

9. Whoever imports into British India, or exports therefrom, any counterfeit coin, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

10. Whoever imports into British India, or exports therefrom, any counterfeit coin which he knows to be a counterfeit of the Queen's or the Company's coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

11. Whoever, having any counterfeit coin, which at the time when he became possessed of it he knew to be counterfeit, delivers the same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term which may extend to three years, and shall

also be liable to fine; and if he delivers the same to any other person as genuine, or attempts to induce any other person to receive it as genuine, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

12. Whoever, having any counterfeit coin

Delivery of Queen's or Company's coin possessed with the knowledge that it is counterfeit.

which is a counterfeit of the Queen's or the Company's coin, and which, at the time when he became possessed of it, he knew to be a counterfeit of the Queen's or the Company's coin, delivers the same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and if he delivers the same to any other person as genuine, or attempts to induce any other person to receive it as genuine, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

13. Whoever delivers to any other person as

Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be counterfeit.

genuine, or attempts to induce any other person to receive as genuine, any counterfeit coin, which he knows to be counterfeit, but which he did not know to be counterfeit at the time when he took it into his possession, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine to an amount which may extend to ten times the value of the coin counterfeited, or with both.

Illustration.

A, a coiner, delivers counterfeit Company's Rupees to his accomplice B, for the purpose of uttering them. B sells the Rupees to C, another utterer, who buys them, knowing them to be counterfeit. C pays away the Rupees for goods to D, who receives them, not knowing them to be counterfeit. D, after receiving the Rupees, discovers that they are counterfeit, and pays them away as if they were good. Here D is punishable only under this Clause, but B and C are punishable under Clause 11 or 12, as the case may be.

14. Whoever is in possession of counterfeit

Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.

coin having known at the time when he became possessed thereof that such coin was counterfeit shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

15. Whoever is in possession of counterfeit

Possession of Queen's or Company's coin by a person who knew it to be counterfeit when he became possessed thereof.

coin which is a counterfeit of the Queen's or the Company's coin, having known at the time when he became possessed of it that it was counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

16. Whoever, being employed in any mint

Person employed in a mint causing coin to be of a different weight or composition from that fixed by law.

lawfully established in British India, does any act, or omits what he is legally bound to do, with the intention of causing any coin issued from that mint to be of a different

weight or composition from the weight or composition fixed by law, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

17. Whoever, without lawful authority, takes

Unlawfully taking from a mint any coining instrument.

out of any mint lawfully established in British India, any instrument appearing on the face of it to be intended for the purpose of making coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

18. Whoever fraudulently performs on any

Fraudulently diminishing the weight or altering the composition of any coin.

coin any operation which diminishes the weight or alters the composition of that coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Explanation. A person who scoops out part of the coin, and puts anything else into the cavity, changes the composition of that coin.

19. Whoever fraudulently performs on any

Fraudulently diminishing the weight or altering the composition of the Queen's or the Company's coin.

the Queen's or the Company's coin, any operation which diminishes the weight or alters the composition of that coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

20. Whoever performs on any coin any operation

Altering appearance of any coin with intent that it shall pass as a coin of a different description.

which alters the appearance of that coin, with the intention that the said coin shall pass as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

21. Whoever performs on any of the Queen's

or the Company's coin any operation which alters the appearance of that coin, with the intention that the said coin shall pass as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

22. Whoever, having coin in his possession

Delivery to another of coin possessed with the knowledge that it is altered.

with respect to which the offence defined in Clause 18 or 20 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, delivers such coin to any other, or attempts to induce any other to receive the same, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if he delivers such coin to any other person as genuine, or as a coin of a different description, or attempts to induce any other person to receive the same as a genuine coin, or as a coin of a different description, shall be punished with imprisonment of either

[]
description for a term which may extend to five years, and shall also be liable to fine.

23. Whoever, having coin in his possession with respect to which the offence defined in Clauses 19 or 21 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, delivers such coin to any other, or attempts to induce any other to receive the same, with the intention that such coin may be passed as if no such offence had been committed with respect to it, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and if he delivers such coin to any other person as genuine, or as a coin of a different description, or attempts to induce any other person to receive it as genuine, or as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

24. Whoever is in possession of coin with respect to which the offence defined in either of the Clauses 18 or 20 has been committed, having known at the time of becoming possessed thereof that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Possession of altered coin by a person who knew it to be altered when he became possessed thereof.

25. Whoever is in possession of coin with respect to which the offence defined in either of the Clauses 19 or 21 has been committed, having known at the time of becoming possessed thereof that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Possession of Queen's or Company's coin by a person who knew it to be altered when he became possessed thereof.

26. Whoever delivers to any other person as genuine, or as a coin of a different description to what it is, or attempts to induce any person to receive as genuine, or as a different coin to what it is, any coin in respect of which he knows any such operation as that mentioned in Clauses 18, 19, 20, or 21 has been performed, but in respect of which he did not, at the time when he took it into his possession, know that such operation had been performed, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine to an amount which may extend to ten times the value of the coin for which the altered coin is passed, or attempted to be passed.

Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered.

27. Whoever counterfeits, or performs any part of the process of counterfeiting, any Government stamp, or any stamp from which the Government derives a revenue, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Counterfeiting a Government stamp.

28. Whoever has in his possession any instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any Government stamp, or any stamp from which the Government derives a revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.

29. Whoever makes, or performs any part of the process of making, or buys, or sells, or disposes of, any instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any Government stamp, or any stamp from which the Government derives a revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Making or selling instrument for the purpose of counterfeiting a Government stamp.

30. Whoever sells, or offers for sale, any stamp which he knows to be a counterfeit of any Government stamp, or any stamp from which the Government derives a revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Sale of counterfeit Government stamp.

31. Whoever has in his possession any stamp which he knows to be a counterfeit of any Government stamp, or any stamp from which the Government derives a revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Having possession of a counterfeit Government stamp.

32. Whoever uses as genuine any stamp, knowing it to be a counterfeit of any Government stamp, or any stamp from which the Government derives a revenue, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Using as genuine a Government stamp known to be counterfeit.

33. Whoever, intending to cause wrongful loss to the Government, removes or effaces from any substance bearing a Government stamp, or removing from a document a stamp used for it, with intent to cause wrongful loss to Government.

Effacing any writing from a substance bearing a Government Stamp, or removing from a document a stamp used for it, with intent to cause wrongful loss to Government.

34. Whoever, intending to cause wrongful loss to the Government, uses for any purpose a stamp which he knows to have been before used, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Using a Government stamp known to have been before used.

35. Whoever, intending to cause wrongful loss to Government, erases or removes from a stamp any mark put or impressed upon such stamp for the purpose of denoting that the same has been used, or knowingly has in his possession, or sells or disposes of, any stamp from which such mark has been erased or removed, or sells or disposes of any stamp which he knows to have been used, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Chapter XIII.

OF OFFENCES RELATING TO WEIGHTS AND MEASURES.

1. It is unlawful to use dishonestly any false instrument for weighing, or False weight or measure. any false weight or measure.

2. Whoever fraudulently uses any instrument for weighing which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

3. Whoever fraudulently uses any false weight or false measure of length or capacity, or fraudulently uses any weight or any measure of length or capacity as a different weight or measure from what it is, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

4. Whoever is in possession of any instrument for weighing, or of any measure of length or capacity, which he knows to be false, and which he intends to use fraudulently, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

5. Whoever makes, sells, or disposes of, any instrument for weighing, or any weight, or any measure of length or capacity, which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

Chapter XIV.

OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS.

1. A person is guilty of a public nuisance who does any act, or is guilty of an illegal omission, which causes any common injury, danger, or reasonable annoyance to the public, or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger, or annoyance to persons who may have occasion to use any public right.

A common nuisance is not excused on the ground that it causes some other convenience or advantage.

2. Whoever negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

3. Whoever maliciously does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

4. Whoever knowingly disobeys any rule made and promulgated by the Government of India, or by the Local Government, for putting any vessel into a state of quarantine, or for regulating the intercourse of vessels in a state of quarantine with the shore, or with other vessels, or for regulating the intercourse between places where an infectious disease prevails and other places, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

5. Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink for man, intending to sell such article, or knowing it to be likely that the same will be sold, as food or drink for man, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

6. Whoever sells, or offers or exposes for sale, as food or drink for man, any article which has been rendered or has become noxious, or is in a state unfit for food or drink for man, knowing or having reason to believe that the same is noxious as food or drink for man, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

7. Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy, or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used, or knowing it to be likely that it will be sold or used, for any medicinal purpose, as if it had not undergone such adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

8. Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be punished with imprisonment of either description for a term which

may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

9. Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medical preparation, as a different drug or medical preparation, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

10. Whoever voluntarily corrupts or defiles the water of any public spring or reservoir, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred Rupees, or with both.

11. Whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of any person dwelling or carrying on business in the neighbourhood, or passing along a public way, shall be punished with fine which may extend to five hundred Rupees.

12. Whoever drives any vehicle, or rides, on any public way, in a manner so rash or negligent as to indicate a want of due regard for human life, or in such a manner as is likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

13. Whoever navigates any vessel in a manner so rash or negligent as to indicate a want of due regard for human life, or in such a manner as is likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

14. Whoever knowingly or negligently conveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to endanger the life of that person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

15. Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction, or injury to any person, in any public way or public line of navigation, shall be punished with fine which may extend to two hundred Rupees.

16. Whoever knowingly or negligently does, with any poisonous substance, any act which indicates a want of due regard for human life, or omits to take such order with any poisonous substance in his possession as is sufficient to guard against probable danger to human life from such poisonous substance, shall be punished with imprisonment of

either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

17. Whoever knowingly or negligently does, with fire or any combustible matter, any act which indicates a want of due regard for human life, or omits to take such order with any fire, or any combustible matter in his possession, as is sufficient to guard against any probable danger to human life from such fire or combustible matter, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

18. Whoever knowingly or negligently does, with any explosive substance, any act which indicates a want of due regard for human life, or omits to take such order with any explosive substance in his possession, as is sufficient to guard against any probable danger to human life from that substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

19. Whoever knowingly or negligently does, with any machinery, any act which indicates a want of due regard for human life, or omits to take such order with any machinery in his possession or under his care as is sufficient to guard against any probable danger to human life from such machinery, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

20. Whoever, having such a right over any building as entitles him to pull down or repair that building, knowingly or negligently omits to take such order with that building as is sufficient to guard against any probable danger to human life from the fall of that building, or of any part thereof, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

21. Whoever knowingly or negligently omits to take such order with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

22. Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished with fine which may extend to two hundred Rupees.

23. Whoever repeats or continues a public nuisance, having been enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, shall

be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

24. Whoever imports, prints, publishes, sells, or distributes, or wilfully exhibits to public view, any obscene book, pamphlet, ballad, paper, drawing, painting, representation, or figure, or attempts or offers so to do, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Exception. This Clause does not extend to any representation sculptured, engraved, painted, or otherwise represented, on or in any Temple, or on any car used for the conveyance of idols.

25. Whoever has in his possession any such obscene book or other thing as is mentioned in the last preceding Clause, for the purpose of sale, distribution, or public exhibition, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

26. Whoever sings, recites, or utters any obscene song, ballad, or words, to the annoyance of others, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Chapter XV.

OF OFFENCES RELATING TO RELIGION.

1. Whoever destroys, damages, or defiles any place of worship, or any object held sacred by any class of persons, with the intention of thereby insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to consider such destruction, damage, or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

2. Whoever voluntarily causes disturbance to any assembly, lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

3. Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, commits any trespass on any place of sepulture, or any place set apart for the performance of funeral rites, or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

4. If any person, by doing anything whereby he commits an offence under either of the last three preceding Clauses, also commits an offence under any Clause con-

tained in any other Chapter of this Code, the punishment shall be cumulative.

5. Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word, or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Chapter XVI.

OF OFFENCES AFFECTING THE HUMAN BODY.

OF OFFENCES AFFECTING LIFE.

1. Whoever causes death, by doing an act with the intention of causing death, or with the intention of causing such bodily injury as likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Illustrations.

(a) A lays sticks and turf over a pit, with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. Z, believing the ground to be firm, treads on it, falls in, and is killed. A has committed the offence of culpable homicide.

(b) A, with the intention or knowledge aforesaid, relates agitating tidings to Z, who is in a critical stage of a dangerous illness. Z dies in consequence. A has committed the offence of culpable homicide.

(c) A, with the intention or knowledge aforesaid, threatens to cause the instant death of Z, unless Z jumps out of a window. Z jumps out of the window in consequence of the threat, and thereby kills himself. A has committed the offence of culpable homicide.

(d) A is hired to guide Z through a jungle. In the midst of the jungle, A, no circumstance having occurred to release him from his legal obligation to guide Z through the jungle, leaves Z in the jungle, with the knowledge that Z is likely to be lost in the jungle, and starved to death in consequence. Z is lost in the jungle, and starved to death in consequence. A has committed the offence of culpable homicide.

(e) A knows Z to be behind a bush. B does not know it. A, intending to cause, or knowing it to be likely to cause Z's death, induces B to fire at the bush. B fires and kills Z. Here B may be guilty of no offence; but A has committed the offence of culpable homicide.

Explanation 1. A person who causes bodily injury to another who is labouring under a disorder, disease, or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

Explanation 2. Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

Explanation 3. The causing of the death of a child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child if any part of that child has been brought forth, though the child may not have breathed or been completely born.

2. Except in the cases hereinafter excepted, culpable homicide is murder if the act by which

the death is caused is done with the intention of causing death; or,

2ndly. If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused; or,

3rdly. If it is done with the intention of causing bodily injury to any person, and the bodily harm intended to be inflicted is sufficient in the ordinary course of nature to cause death; or,

4thly. If the person committing the act knows that it is so imminently dangerous that it must in all probability cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death, or such injury as aforesaid, and under circumstances which indicate a depraved mind, regardless of human life.

Illustrations.

(a) A shoots Z with the intention of killing him. Z dies in consequence. A commits murder.

(b) A, knowing that Z is labouring under such a disease that a blow on a particular part of his body is likely to cause his death, strikes him on that particular part of his body, with intention of causing bodily injury. Z dies in consequence of the blow. A is guilty of murder, although the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in a sound state of health. But if A, not knowing that Z is labouring under any disease, gives him such a blow as would not in the ordinary course of nature kill a person in a sound state of health, here A, although he may intend to cause bodily injury, is not guilty of murder if he did not intend to cause death.

(c) A gives Z sword-cuts and club-wounds sufficient to cause the death of a man in the ordinary course of nature. Z dies in consequence. Here, if A intended to cause that degree of bodily injury to Z which he inflicted, A is guilty of murder, although it may not be proved that A intended to cause Z's death.

(d) A without any excuse fires a loaded cannon into a crowd of persons, and kills one of them. A is guilty of murder, although he may not have had a premeditated design to kill any particular individual.

Exception 1. Culpable homicide is not murder

When culpable homicide is not murder. if the offender, whilst deprived of the power of self-control by the excitement of fear or anger, caused by grave and sudden provocation, causes the death of the person who gave the provocation, or causes the death of any other person by mistake or accident in doing an act caused by such fear or anger.

The above exception is subject to the following provisos:—

First. That the provocation is not sought or voluntarily provoked by the offender, as an excuse for killing or doing harm to any person.

Secondly. That the provocation is not given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant.

Thirdly. That the provocation is not given by anything done in the lawful exercise of the right of private defence.

Explanation. Whether the provocation was grave enough, or the passion of fear or anger sudden enough, to prevent the offence from amounting to murder, is a question of fact.

Illustrations.

(a) A, under the influence of passion, excited by a provocation given by Z, intentionally kills Y, Z's child. This is murder, inasmuch as the provocation was not given by the child, and the death of the child was not caused by accident or misfortune in doing an act caused by the provocation.

(b) Y gives grave and sudden provocation to A. A, on this provocation, fires a pistol at Y, neither intending nor knowing himself to be likely to kill Z, who is near him, but out of sight. A kills Z. Here A has not committed murder, but merely culpable homicide.

(c) A is lawfully arrested by Z, a Bailiff. A is excited to sudden and violent passion by the arrest, and voluntarily kills Z. This is murder, inasmuch as the provocation was given by a thing done by a public servant in obedience to the law.

(d) A appears as a witness before Z, a Magistrate. Z

says that he does not believe a word of A's deposition, and that A has perjured himself. A is moved to sudden passion by these words, and kills Z. This is murder.

(e) A attempts to pull Z's nose. Z, in the exercise of the right of private defence, lays hold of A to prevent him from doing so. A is moved to sudden and violent passion in consequence, and kills Z. This is murder, inasmuch as the provocation was given by a thing done in the exercise of the right of private defence.

(f) Z strikes B. B is by this provocation excited to violent rage. A, a by-stander, intending to take advantage of B's rage, and to cause him to kill Z, puts a knife into B's hand for that purpose. B kills Z with the knife. Here B may have committed only culpable homicide, but A is guilty of murder.

Exception 2. Culpable homicide is not murder, if the offender, in the exercise of the right of private defence of person or property, exceeds the power given to him by law, and causes the death of the person against whom he is exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence.

Illustration.

Z attempts to horse-whip A, not in such a manner as to cause grievous hurt to A. A draws out a pistol. Z persists in the assault. A, believing in good faith that he can by no other means prevent himself from being horse-whipped, shoots Z dead. A has not committed murder, but only culpable homicide.

Exception 3. Culpable homicide is not murder if the offender, being a public servant, acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he in good faith believes to be necessary for the due discharge of his duty as such public servant, and without ill-will towards the person whose death is caused.

Exception 4. Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion, upon a sudden quarrel, and without the offender's having taken undue advantage, or acted in a cruel or unusual manner.

Explanation. It is immaterial in such cases which party offers the provocation, or commits the first assault.

Exception 5. Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death, or takes the risk of death with his own consent.

Explanation 1. A consent is not within the meaning of this exception if it is given by a person under fear of injury, or under a misconception of fact, and if the offender knows or has reason to believe that the consent is given in consequence of such fear or misconception.

Explanation 2. Culpable homicide committed by a person who voluntarily puts himself to death is within this exception.

Illustrations.

(a) A, by instigation, voluntarily causes Z, a person under eighteen years of age, to commit suicide. Here, on account of Z's youth, he was incapable of giving consent to his own death; A has therefore abetted murder.

(b) A, by intentionally deceiving Z, who is labouring under a painful disease, and inducing him to believe that his disease is incurable, when A knows that it is not so, voluntarily causes Z to commit suicide. Here, on account of the deception practised by A, the offence cannot be culpable homicide by consent. A has therefore abetted murder.

(c) A, by instigation, voluntarily causes Z, a person above eighteen years of age, to put himself to death. A has abetted culpable homicide, but not murder.

3. If a person, by doing anything which he intends or knows to be causing the death of a person likely to cause death,

son other than the person whose death was intended.

he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.

4. Whoever commits murder shall be punished with death, or transportation for life, and shall also be liable to fine.

Punishment for murder. 5. Whoever, being under sentence of transportation for life, is a principal in murder, by actually committing that offence, shall be punished with death.

6. Whoever commits culpable homicide, not amounting to murder, shall be punished with transportation for life, or imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death; or with imprisonment of either description for a term which may extend to ten years, or with fine, or both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.

7. If any person under eighteen years of age, any insane person, any delirious person, any idiot, or any person in state of intoxication, commits suicide, whoever abets the commission of such suicide shall be punished with death, or transportation for life, or imprisonment for a term not exceeding fourteen years, and shall also be liable to fine.

8. If any person commits suicide, whoever abets the commission of such suicide shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

9. Whoever attempts to commit murder, and does any act with such intention or knowledge, and under such circumstances that if he by that act caused death he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and must not be less than seven years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to transportation for life or to such punishment as is hereinbefore mentioned.

Illustrations.

(a) A shoots at Z with intention to kill him, under such circumstances that, if death ensued, A would be guilty of murder. A is liable to punishment under this Clause.

(b) A, intending to murder Z by means of a spring gun, purchases such a gun; A has not yet committed the offence defined in this Clause. A sets the gun loaded in Z's path, and leaves it there. A has committed the offence defined in this Clause.

(c) A, intending to murder Z by poison, purchases poison and mixes the same with food, which remains in A's keeping; A has not yet committed the offence in this Clause. A places the food on Z's table, or delivers it to Z's servants to

place it on Z's table. A has committed the offence defined in this Clause.

10. Whoever attempts to commit culpable homicide, and does any act with such intention or knowledge, and under such circumstances that if he by that act or omission caused death, he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both; and if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or both.

Illustrations.

(a) A, on grave and sudden provocation, fires a pistol at Z, under such circumstances that if he thereby caused death he would be guilty of culpable homicide not amounting to murder. A has committed the offence defined in this Clause.

(b) A pursues a thief, and fires at him under such circumstances that if he killed the thief he would commit culpable homicide in defence. A has committed the offence defined in this Clause.

11. Whoever attempts to commit suicide, and does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to two years, and shall also be liable to fine.

12. Whoever is habitually associated with any other or others for the purpose of committing robbery or child-stealing by means of, or accompanied with murder, is a Thug.

13. Whoever is a Thug shall be punished with transportation for life, and shall also be liable to fine.

OF THE CAUSING OF MISCARRIAGE, OF INJURIES TO UNBORN CHILDREN, OF THE EXPOSURE OF INFANTS, AND OF THE CONCEALMENT OF BIRTHS.

14. Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both; and if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation. A woman may be guilty of this offence by causing herself to miscarry.

15. Whoever commits the offence defined in the last preceding Clause, without the consent of the woman, whether the woman is quick with child or not, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

A consent is not within the meaning of this Clause if it is given by a person under fear of injury, or under a misconception of fact, and if the person committing the offence knows or has reason to believe that the consent was given in consequence of such fear or misconception.

16. Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished

Death caused by an act done with intent to cause miscarriage.

with imprisonment of either description for a term which may extend to ten years, and shall also be

If act done without woman's consent.

liable to fine; and if the act is done without the consent of the woman, shall be punished either with transportation for life or with the punishment above mentioned.

Explanation. It is not essential to this offence that the offender should know that the act is likely to cause death.

17. Whoever, before the birth of any child, does

Act done with intent to prevent a child being born alive, or to cause it to die after birth.

any act with the intention of thereby preventing that child from being born alive, or causing it to die after its birth, and does

by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or both.

18. Whoever does any act under such circumstances that if he thereby

Causing death of a quick unborn child by an act amounting to culpable homicide.

caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Illustration.

A, knowing that he is likely to cause the death of a pregnant woman, does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured, but does not die; but the death of an unborn quick child with which she is pregnant is thereby caused. A is guilty of the offence defined in this Clause.

19. Whoever, being the father or mother of a

Exposure and abandonment of a child under 5 years by parent or person having care of it.

child under the age of five years, or having the care of such child, shall expose or leave such child in any place with the intention

of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or both.

Explanation. This Clause is not intended to prevent the trial of the offender for murder or culpable homicide, as the case may be, if the child die in consequence of the exposure.

20. Whoever, by secretly burying or otherwise

Concealment of birth by secret disposal of dead body.

disposing of the dead body of a child, whether such child die before, or after, or during its birth, intentionally conceals or endeavours to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

OF HURT.

21. Whoever causes bodily pain, disease, or

Hurt.

Grievous hurt.

infirmity, is said to cause hurt.

22. The following kinds of hurt only are designated as "grievous."

First. Emasculation.

Secondly. Permanent privation of the sight of either eye.

Thirdly. Permanent privation of the hearing of either ear.

Fourthly. Privation of any member or joint.

Fifthly. Destruction or permanent impairing of the powers of any member, or joint.

Sixthly. Permanent disfigurement of the head or face.

Seventhly. Fracture or dislocation of a bone or tooth.

Eighthly. Any hurt which endangers life, or which causes the sufferer to be, during the space of twenty days, in severe bodily pain, or unable to follow his ordinary pursuits.

23. Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt."

24. Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt."

Explanation. A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt, and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt if, intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

Illustration.

A, intending or knowing himself to be likely permanently to disfigure Z's face, gives Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of twenty days. A has voluntarily caused grievous hurt.

25. Whoever, except in the case mentioned

Punishment for voluntarily causing hurt. in Clause 36, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand Rupees, or with both.

26. Whoever voluntarily causes hurt by means of

any instrument for shooting, stabbing, or cutting, or any instrument which, used as a weapon of offence, is likely to cause death,

or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

27. Whoever voluntarily causes grievous hurt

shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

28. Whoever voluntarily causes grievous hurt

Voluntarily causing grievous hurt by dangerous weapons or means.

by means of any instrument for shooting, stabbing, or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

29. Whoever voluntarily causes grievous hurt

Voluntarily causing grievous hurt in committing dacoity or robbery.

in committing or attempting to commit dacoity or robbery, or in avoiding or attempting to avoid apprehension for such offence or attempt, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and which must not be less than seven years, and shall also be liable to fine.

30. Whoever voluntarily causes hurt for the

Voluntarily causing hurt to extort property, or to constrain to an illegal act.

purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer, or any person interested in such sufferer, to do anything which is illegal, or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

31. Whoever voluntarily causes grievous hurt

Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.

for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer, or any person interested in such sufferer, to do anything that is illegal, or which may facilitate the commission of an offence, shall be punished with transportation for life, or imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

32. Whoever voluntarily causes hurt, or threatens

Voluntarily causing hurt to extort confession, or to compel restoration of property.

to cause hurt, for the purpose of extorting from the sufferer, or any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer, or any person interested in the sufferer, to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Illustrations.

(a) A, a Police Officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this Clause.

(b) A, a Police Officer, tortures B to induce him to point out where certain stolen property is deposited. A is guilty of an offence under this Clause.

(c) A, a Revenue Officer, tortures Z in order to compel him to pay certain arrears of Revenue due from Z. A is guilty of an offence under this Clause.

(d) A, a Zemindar, tortures a Ryot in order to compel him to pay his rent. A is guilty of an offence under this Clause.

33. Whoever voluntarily causes grievous hurt

Voluntarily causing grievous hurt to extort confession, or to compel restoration of property.

for the purpose of extorting from the sufferer, or any person interested in the sufferer, any confession, or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer, or any person interested in the sufferer, to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

34. Whoever voluntarily causes hurt to any

Voluntarily causing hurt to deter public servant from his duty.

person being a public servant, in the discharge of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

35. Whoever voluntarily causes grievous hurt

Voluntarily causing grievous hurt to deter public servant from his duty.

to any person being a public servant, in the discharge of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

36. Whoever voluntarily causes hurt on grave

Voluntarily causing hurt on provocation.

and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both.

37. Whoever causes grievous hurt on grave

Causing grievous hurt on provocation.

and sudden provocation, if he neither intends nor knows himself to be likely to cause grievous hurt to any person, other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to two thousand Rupees, or with both.

38. Whoever causes grievous hurt to any person

Causing grievous hurt by an act which indicates a want of due regard for the safety of others.

son by any act which is so rash or negligent as to indicate a want of due regard for the safety of others, shall be punished with imprisonment of either description for a term which may extend to

two years, or with fine which may extend to one thousand Rupees, or with both.

39. Whoever causes hurt to any person by any act so rash or negligent as to indicate a want of due regard for human life, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five hundred Rupees, or with both.

40. Whoever does any act so rash or negligent as to indicate a want of due regard for human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to two hundred and fifty Rupees, or with both.

OF WRONGFUL RESTRAINT AND WRONGFUL CONFINEMENT.

41. Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

Exception. The obstruction of a private way over land or water, which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this Clause.

Illustrations.

(a) A builds a wall across a path along which Z has a right to pass. A not believing in good faith that he has a right to stop the path. Z is thereby prevented from passing. A wrongfully restrains Z.

(b) A illegally omits to take proper order with a furious buffalo which is in his possession, and thus voluntarily deters Z from passing a road along which Z has a right to pass. A wrongfully restrains Z.

(c) A threatens to set a savage dog at Z, if Z goes along a path along which Z has a right to go. Z is thus prevented from going along that path. A wrongfully restrains Z.

42. Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said "wrongfully to confine" that person.

Illustration.

(a) A causes Z to go within a walled space, and locks Z in. Z is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines Z.

(b) In the last illustration, if there is in some nook of the walled space a door which is not secured, but which may easily escape observation, if A voluntarily cause it to appear to Z to be impossible to proceed beyond the line of wall, A has wrongfully confined Z.

(c) A places men with firearms at the outlets of a building, and tells Z that they will fire at Z if Z attempts to leave the building. A wrongfully confines Z.

43. Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both.

44. Whoever wrongfully confines any person shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand Rupees, or with both.

45. Whoever wrongfully confines any person for three days, or more, shall be punished with imprisonment of either de-

scription for a term which may extend to two years, or with fine, or both.

46. Whoever wrongfully confines any person for ten days, or more, shall be punished with imprisonment of either description for a term which may extend to three years, either with or without the addition of a term not exceeding three days for every day of such wrongful confinement, and shall also be liable to fine.

47. Whoever keeps any person in wrongful confinement, knowing that a writ for the liberation of that person has been duly issued, shall be punished with imprisonment of either description for a term which may extend to three years, in addition to any term of imprisonment to which he may be liable under any other clause of this Chapter.

48. Whoever unlawfully confines any person in such manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined, or to any public servant, or that the place of such confinement may not be known to or discovered by any such person or public servant as hereinbefore mentioned, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to any other punishment to which he may be liable for such wrongful confinement.

49. Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any property or valuable security, or of constraining the person confined, or any person interested in such person, to do anything illegal, or to give any information which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

50. Whoever wrongfully confines any person, for the purpose of extorting from the person confined, or any person interested in the person confined, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the person confined, or any person interested in the person confined, to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

51. Whoever, while keeping any person in wrongful confinement, knowing a certain thing to be necessary to prevent the person confined from being in danger of death or hurt, voluntarily omits to furnish that thing to the person confined, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

Illustration.

Z's eyes are in such a state as to require constant medical care. A wrongfully confines Z, and knowing that without medical attendance Z is likely to lose his eye-sight, omits to procure such medical attendance. A has committed the offence defined in this Clause. If Z loses his eye-sight, A has by an illegal omission voluntarily caused Z to lose his eye-sight, and has thus become liable to the punishment of having voluntarily caused grievous hurt to Z.

OF CRIMINAL FORCE AND ASSAULT.

52. A person is said to use force to another if he causes motion, change of motion, or cessation of motion, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling: provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described.

First. By his own bodily power.

Secondly. By disposing any substance in such a manner that the motion, or change or cessation of motion, takes place without any further act on his part, or on the part of any other person.

Thirdly. By inducing any animal to move, to change its motion, or to cease to move.

53. Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear, or annoyance to the person to whom the force is used, is said to use criminal force to that other.

Illustrations.

(a) Z is sitting in a moored boat on a river. A unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced without any other act on any person's part. A has therefore intentionally used force to Z; and if he has done so without Z's consent, in order to the committing of any offence, or intending or knowing it to be likely that this use of force may cause injury, fear, or annoyance to Z, A has used criminal force to Z.

(b) Z is riding in a chariot. A lashes Z's horses, and thereby causes them to quicken their pace. Here A has caused change of motion to Z, by inducing animals to change their motion. A has therefore used force to Z, and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy Z, A has committed criminal force to Z.

(c) Z is riding in a palanquin. A, intending to rob Z, seizes the pole, and stops the palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z; and as A has acted thus intentionally, without Z's consent, in order to the commission of an offence, A has used criminal force to Z.

(d) A intentionally pushes against Z in the street. Here A has by his own bodily power moved his own person so as to bring it into contact with Z: he has therefore intentionally used force to Z; and if he has done so without Z's consent, intending, or knowing it to be likely that he may thereby injure, frighten, or annoy Z, he has used criminal force to Z.

(e) A throws a stone, intending, or knowing it to be likely that the stone will be thus brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water, and dash up the water against Z's clothes, or something carried by Z. Here, if the throwing of the stone produce the effect of causing any substance to come into contact with Z or Z's clothes, A has used force to Z; and if he did so without Z's consent, intending thereby to injure, frighten, or annoy Z, he has used criminal force to Z.

(f) A intentionally pulls up a woman's veil. Here A intentionally uses force to her; and if he does so without her

consent, intending, or knowing it to be likely that he may thereby injure, frighten, or annoy her, he has used criminal force to her.

(g) Z is bathing. A pours into the bath water which he knows to be boiling. Here A intentionally, by his own bodily power, causes such motion in the boiling water as brings that water into contact with Z, or with other water so situated that such contact must affect Z's sense of feeling: A has therefore intentionally used force to Z; and if he has done this without Z's consent, intending, or knowing it to be likely that he may thereby cause injury, fear, or annoyance to Z, A has used criminal force.

(h) A incites a dog to spring upon Z, without Z's consent. Here, if A intends to cause injury, fear, or annoyance to Z, he uses criminal force to Z.

54. Whoever makes any gesture, or any preparation, intending, or knowing it to be likely

that by such gesture or preparation he may cause any person present to apprehend that he who makes that gesture or preparation is about to use force to that other, and thereby to affect that other's sense of feeling, by bringing any substance into contact with any part of that other's body, or anything which that other is wearing, carrying, or using, is said to commit an assault.

Explanation. Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparations such a meaning as may make those gestures or preparations amount to an assault.

Illustrations.

(a) A shakes his fist at Z, intending, or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has committed an assault.

(b) A begins to unloose the muzzle of a ferocious dog, intending, or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.

(c) A takes up a stick, saying to Z, "I will give you a beating." Here, though the words used by A could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances, might not amount to an assault, the gesture explained by the words may amount to an assault.

55. Whoever uses criminal force to any person

otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred Rupees, or with both.

56. Whoever uses criminal force to any person

being a public servant, in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

57. Whoever, in attempting to commit murder, uses criminal force to any person, shall be punished with transportation for life, or rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

58. Whoever assaults or uses criminal force to any woman, intending, or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred Rupees, or with both.

Assault or use of criminal force to a woman with intent to outrage her modesty.

ment of either description for a term which may extend to two years, or with fine, or both.

59. Whoever assaults or uses criminal force

Assault or criminal force with intent to dishonour a person, otherwise than on grave provocation.

to any person, intending thereby to dishonour that person, otherwise than on grave and sudden provocation given by that

person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

60. Whoever assaults or uses criminal force to

Assault or criminal force in attempt to commit theft of property carried by a person.

any person, in attempting to commit theft on any property which that person is then wearing or carrying, shall be punished

with imprisonment of either description for a term which may extend to two years, or with fine, or both.

61. Whoever assaults or uses criminal force to

Assault or criminal force in attempt wrongfully to confine person.

any person, in attempting wrongfully to confine that person, shall be punished

with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand Rupees, or with both.

62. Whoever uses criminal force to any person,

Using criminal force on grave provocation.

on grave and sudden provocation given by that person, shall be punished

with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred Rupees, or with both.

63. Whoever, in any case not specially provided

Punishment for assault in cases not specially provided for, when the assault is not on grave provocation.

for, assaults any person, except on grave and sudden provocation given by the person upon whom the assault is committed,

shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred Rupees, or with both.

OF KIDNAPPING, FORCIBLE ABDUCTION, SLAVERY, AND FORCED LABOUR.

64. Kidnapping is of two kinds: kidnapping

Kidnapping.

from British India, and kidnapping from lawful guardianship.

65. Whoever conveys or entices beyond the

Kidnapping from British India.

limits of British India, or takes or entices on board of any vessel, with the intention of conveying or causing to be conveyed

beyond such limits, any person without the consent of that person, or of some person legally authorised to consent on behalf of that person, is said to kidnap that person from British India.

66. Whoever takes or entices any minor under

Kidnapping from lawful guardianship.

fourteen years of age out of the keeping of the lawful guardian of such

minor, without the consent of such guardian, is said to kidnap that minor from lawful guardianship.

Exception. This Clause does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child, or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

67. Whoever, by the use of criminal force, con-

Abduction.

pels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

68. Whoever kidnaps any person from British

Punishment for kidnapping.

India, or from lawful guardianship, shall be punished with imprisonment of

either description for a term which may extend to seven years, and shall also be liable to fine.

69. Whoever kidnaps or abducts any person,

Kidnapping or abducting in order to murder.

in order that such person may be murdered, or may be so disposed of as to be

put in danger of being murdered, shall be punished with transportation for life, or rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

Illustrations.

(a) A kidnaps Z from British India, intending, or knowing it to be likely, that Z may be sacrificed to an Idol. A has committed the offence defined in this Clause.

(b) A forcibly carries or entices B away from his home, in order that B may be murdered. A has committed the offence defined in this Clause.

70. Whoever abducts any person with intent

Abduction with intent secretly and wrongfully to confine a person.

to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment of

either description for a term which may extend to seven years, and shall also be liable to fine.

71. Whoever abducts or kidnaps any woman

Abducting or kidnapping a woman to compel her marriage, or to cause her defilement.

with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her

will, or in order that she may be defiled, or forced, or seduced to illicit intercourse, or knowing it to be likely that she will be defiled, or forced, or seduced, or enticed to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

72. Whoever kidnaps any person in order that

Kidnapping in order to subject a person to grievous hurt, slavery, &c.

such person may be subjected, or may be so disposed of as to be put in danger of being subjected

to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

73. Whoever, knowing that any person has

Concealing or keeping in confinement a kidnapped person.

been kidnapped or abducted for an unlawful purpose, conceals such person, or keeps such

person in confinement, shall be punished in the same manner as if the offender had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose as that with or for which he conceals or detains such person in confinement.

74. Whoever, imports, exports, removes, buys,

Buying or disposing of any person as a slave.

sells, or disposes of, as a slave, or accepts, receives, or detains as a slave, any

person, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

75. Whoever habitually imports, exports, removes, buys, sells, traffics, or deals in slaves, shall be punished with transportation for life, or with imprisonment of either description for a term not exceeding seven years, and shall also be liable to fine.

76. Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may extend to one year, and shall also be liable to fine.

If, in committing an offence under this Clause, the offender guilty of any other offence, the punishment shall be cumulative.

OF RAPE.

77. A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the five following descriptions:—

First. Against her will;
Secondly. Without her consent, while she is insensible;

Thirdly. With her consent, when her consent has been obtained by putting her in fear of death, or of hurt.

Fourthly. With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man, to whom she is or believes herself to be lawfully married;

Fifthly. With or without her consent, when she is under nine years of age.

Explanation. Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

Exception. Sexual intercourse by a man with his own wife, the wife not being under nine years of age, is not rape.

78. Whoever commits rape shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

OF UNNATURAL OFFENCES.

79. Whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Explanation. Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this Clause.

Chapter XVII.

OF OFFENCES AGAINST PROPERTY.

OF THEFT.

1. Whoever, intending to take fraudulently any moveable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.

Explanation 1. A thing so long as it is attached to the earth, not being moveable property, is

not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 2. A thing which is attached to the earth becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 3. A moving effected by the same act which effects the severance may be a theft.

Explanation 4. A person is said to cause a thing to move by removing an obstacle which prevented it from moving, or by separating it from any other thing, as well as by actually moving it.

Explanation 5. A person who by any means causes an animal to move is said to move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal.

Explanation 6. The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations.

(a) A cuts down a tree on Z's ground, with the intention of fraudulently taking the tree out of Z's possession, without Z's consent. Here, as soon as A has severed the tree in order to such taking, he has committed theft.

(b) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be fraudulently to take the dog out of Z's possession without Z's consent, A has committed theft as soon as Z's dog has begun to follow A.

(c) A drives Z's sheep before him, with the intention of fraudulently taking them out of Z's possession, without Z's consent. As soon as any sheep begins to move in the direction in which A intended that it should move, A has committed theft.

(d) A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may fraudulently take the treasure. As soon as the bullock begins to move, A has committed theft on the treasure.

(e) A being Z's servant and intrusted by Z with the care of Z's plate, fraudulently runs away with the plate, without Z's consent. Here, the plate, till carried off by A, was still in Z's possession, though it was also in A's possession. A has therefore committed theft.

(f) Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall return. A carries the plate to a goldsmith and sells it. Here, the plate was not in Z's possession. It could not therefore be taken out of Z's possession, and A has not committed theft, though he may have committed criminal breach of trust.

(g) A finds a ring belonging to Z on a table in the house which Z occupies. Here the ring is in Z's possession, and if A fraudulently removes it, A commits theft.

(h) A finds a ring lying on the high road, not in the possession of any person. A by taking it commits no theft, though he may commit criminal misappropriation of property.

(i) A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding-place and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits theft.

(j) A delivers his watch to Z, a jeweller, to be regulated, Z carries it to his shop. A, not owing to the jeweller any debt for which the jeweller might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away. Here A, though he may have committed criminal trespass, and assault, has not committed theft, inasmuch as what he did was not done fraudulently.

(k) If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as a security for the debt, and A takes the watch out of Z's possession, with the intention of keeping Z out of the money due to him, he commits theft, inasmuch as he takes it fraudulently.

(l) Again if A, having pawned his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he had borrowed on the watch, he commits theft, though the watch is his own property, inasmuch as he takes it fraudulently.

(m) A takes an article belonging to Z out of Z's posses-

sion, without Z's consent, with the intention of keeping it until he obtains money from Z as a reward for its restoration. Here A takes fraudulently; A has therefore committed theft.

(n) A, being exasperated at a passage in a book which is lying on the counter of Z, a bookseller, snatches it up, and tears it to pieces. A has not committed theft, as he has not acted fraudulently, though he may have committed criminal trespass and mischief.

(o) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent, for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.

(p) A asks charity from Z's wife. She gives A money, food, and clothes, which A knows to belong to Z her husband. Here, it is probable that A may conceive that Z's wife is authorised to give away alms. If this was A's impression, A has not committed theft.

(q) A is the paramour of Z's wife. She gives A valuable property, which A knows to belong to her husband Z, and to be such property as she has not authority from Z to give. If A takes the property, he commits theft.

(r) A in good faith, believing property belonging to Z to be A's own property, takes that property out of B's possession. Here, as A does not take fraudulently, he does not commit theft.

2. Whoever commits theft shall be punished

Punishment for theft. with imprisonment of either description for a term which may extend to three years, or with fine, or both.

3. Whoever, being a clerk or servant, or being employed in the capacity of a clerk or servant, commits theft in respect of any property in the possession of his master or employer, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or both.

4. Whoever commits theft, having made preparation for causing death,

Theft after preparation made for causing death or hurt in order to the committing of the theft.

or hurt, or restraint, or fear of death, or of hurt, or of restraint to any person, in order to the committing of such theft, or in order to the effecting of his escape after the committing of such theft, or in order to the retaining of property taken by such theft, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Illustrations.

(a) A commits theft on property in Z's possession; and, while committing this theft, he has a loaded pistol under his garment, having provided this pistol for the purpose of hurting or terrifying Z in case Z should resist. A has committed the offence defined in this Clause.

(b) A picks Z's pocket, having posted several of his companions near him in order that they may restrain Z, if Z should perceive what is passing and should resist, or should attempt to apprehend A. A has committed the offence defined in this Clause.

OF EXTORTION.

5. Whoever intentionally puts any person in

Extortion. fear of any injury to that person, or to any other, and thereby fraudulently induces the person so put in fear to deliver to any person any property or valuable security, or anything signed, or sealed which may be converted into a valuable security, commits "extortion."

Illustrations.

(a) A threatens to publish a defamatory libel concerning Z, unless Z gives him money. He thus induces Z to give him money. A has committed extortion.

(b) A threatens Z that he will keep Z's child in wrong-

ful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain monies to A. Z signs and delivers the note. A has committed extortion.

(c) A threatens to send club-men to plough up Z's field, unless Z will sign and deliver to B a bond binding Z under a penalty to deliver certain produce to B. Z signs and delivers the bond. A has committed extortion.

(d) A, by putting Z in fear of grievous hurt, fraudulently induces Z to sign or affix his seal to a blank paper and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security, A has committed extortion.

6. Whoever commits extortion shall be pun-

Punishment for extortion. ished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

7. Whoever, in order to the committing of

Extortion. Putting person in fear of injury, in order to commit extortion. extortion, puts any person in fear, or attempts to put any person in fear of any injury, shall be punished

with imprisonment of either description for a term which may extend to two years, or with fine, or both.

8. Whoever commits extortion by putting any

Extortion by putting person in fear of death or grievous hurt. person in fear of death, or of grievous hurt to that person or to any other, shall be punished with

imprisonment of either description for a term which may extend to fourteen years, and shall not be less than five, and shall also be liable to fine.

9. Whoever, in order to the committing of

Extortion. Putting person in fear of death or of grievous hurt, in order to commit extortion. extortion, puts or attempts to put any person in fear of death, or of grievous hurt to that person or to any other, shall be punished

with imprisonment of either description for a term which may extend to seven years, and shall not be less than three, and shall also be liable to fine.

10. Whoever commits extortion, by putting

Extortion by threat of accusation against that punishable with death or transportation, &c. any person in fear of an accusation against that person or any other, of having committed or attempted to commit any offence punishable with death or transportation for life, or with imprisonment for a term which may extend to fourteen years, and shall not be less than five, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

11. Whoever, in order to the committing of

Extortion. Putting person in fear of accusation of offence in order to commit extortion. extortion, puts or attempts to put any person in fear of an accusation against that person or any other, of having committed or attempted to commit an offence punishable with death or transportation for life, or with imprisonment for a term which may extend to fourteen years, and shall not be less than three, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

11. Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of an accusation against that person or any other, of having committed or attempted to commit an offence punishable with death or transportation for life, or with imprisonment for a term which may extend to fourteen years, and shall not be less than three, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

12. In all robbery there is either theft or

Robbery. Theft is "robbery" if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property

of having committed or attempted to commit an offence punishable with death or transportation for life, or with imprisonment for a term which may extend to fourteen years, and shall not be less than three, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

OF ROBBERY AND DACOITY.

12. In all robbery there is either theft or

Robbery. Theft is "robbery" if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property

Illustration.

A, a shopkeeper, says to B, who manages his business, "Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty." A is within the exception, if he has made this imputation on Z in good faith, for the protection of his own interest.

11. *Tenth Exception.* It is not defamation to convey a caution, in good faith, to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested.

12. Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or both.

13. Whoever prints or engraves any matter, knowing, or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or both.

14. Whoever sells or offers for sale any printed or engraved substance, containing defamatory matter, knowing that it contains such matter, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or both.

Chapter XXII.

OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

1. Whoever threatens another with any injury to his person, reputation, or property, or to the person, reputation, or property of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation. A threat to injure the reputation of any deceased person in whom the person threatened is interested is within this Clause.

Illustration.

A, for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation.

2. Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both; and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or transportation, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or both.

3. Whoever commits the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to the punishment provided for the offence by the last preceding Clause.

4. Whoever voluntarily causes or attempts to cause any person to do anything which that person is not legally bound to do, or to omit to do anything which he is legally entitled to do, by inducing or attempting to induce that person to believe that he, or any person in whom he is interested, will become, or will be rendered by some act of the offender, an object of divine displeasure if he does not do the thing which it is the object of the offender to cause him to do, or if he does the thing which it is the object of the offender to cause him to omit, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

Illustrations.

(a) A sits Dhurna at Z's door, with the intention of causing it to be believed that by so sitting he renders Z an object of divine displeasure. A has committed the offence defined in this Clause.

(b) A threatens Z that, unless Z performs a certain act, A will kill one of A's own children, under such circumstances that the killing would be believed to render Z an object of divine displeasure. A has committed the offence defined in this Clause.

5. Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or both.

6. Whoever, in a state of intoxication, appears in any public place, or in any place which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person, shall be punished with simple imprisonment for a term which may extend to twenty-four hours, or with fine which may extend to ten Rupees, or with both.

Chapter XXIII.

OF ATTEMPTS TO COMMIT OFFENCES.

Whoever attempts to commit an offence punishable by this Code with imprisonment, and in such attempt does any act towards the commission of the offence, but involuntarily fails, or is intercepted or prevented from carrying his intention into execution, shall, where no express provision is made by this Code for the punishment of such attempt, be punished with imprisonment of any description provided for the offence for a term which may extend to one-half

of the longest term provided for that offence, or with such fine as is provided for the offence, or with both.

Illustrations.

(a) A makes an attempt to steal some jewels by breaking open a box, and finds, after so opening the box, that there is no jewel in it. He has done an act towards the commission of theft, and therefore is guilty under this Clause.

(b) A makes an attempt to pick the pocket of Z, by thrusting his hand into Z's pocket. A fails in the attempt, in consequence of Z's having nothing in his pocket. A is guilty under this Clause.

W. MORGAN,
Clerk of the Council.

Legislative Council.

31st January 1857.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 17th January 1857, and is hereby promulgated for general information:—

ACT No. I. of 1857.

An Act to prevent the Over-crowding of Vessels carrying Native Passengers in the Bay of Bengal.

Whereas it is necessary to prevent the over-crowding of vessels carrying native passengers across the Bay of Bengal from and to ports in the Presidency of Fort St. George, and between such ports and Ceylon; It is enacted as follows:—

I. No vessel shall carry native passengers from any port or place under the Presidency of Fort St. George, to any port or place on the Eastern Coast of the Bay of Bengal, or in the Straits of Malacca, or in Ceylon, in a proportion greater than one passenger to every four tons of the burden of such vessel, without a license.

II. No vessel shall be licensed to carry passengers on any such voyage as aforesaid in a proportion greater than one passenger to every ton of burden, nor unless the vessel has space on a deck or platform under hatches reserved for the accommodation of the passengers in the proportion of six superficial feet for every passenger, with not less than five feet clear between the upper deck and the lower deck or platform; except a vessel proceeding in ballast from any part of the Coast of the Gulf of Manar or Palks' Strait to any port or place in Ceylon which may be licensed to carry a number of passengers not exceeding the proportion of two and a half to every ton of her burden, provided that the whole of the space usually allotted for cargo and not occupied by ballast be kept for the accommodation of the passengers, and for storing the provisions and water for their use, and that the space left clear for the accommodation of the passengers on the deck or decks of the vessel be not less than four superficial feet for each passenger.

III. The Master or Tindal of any vessel which shall carry passengers on any such voyage as aforesaid, without a license, in a proportion exceeding that laid down in Section I., shall be liable to a fine not exceeding two hundred Rupees.

IV. The Master or Tindal of any licensed vessel which shall carry on any such voyage a greater number of passengers than is specified in the license, or in which the accommodation therein required shall not be afforded, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of such number, or for each passenger who is not provided with accommodation agreeably to the license.

V. Passengers in a greater number than one passenger to every four tons of the burden of any vessel shall not be shipped from the territories under the Government of Fort St. George, for Ceylon or the Eastern Coast of the Bay of Bengal, or the Straits of Malacca, except from such ports as shall be from time to time appointed by the Government by an Order in Council, published in the *Fort St. George Gazette*; and the Master or Tindal of any vessel who shall take on board passengers for such voyage from any other port or place, in a greater proportion to the burden of the vessel than is above mentioned, shall be liable to a fine not exceeding twenty Rupees for each passenger embarked.

VI. It shall be at the discretion of the Collectors of Sea Customs for the ports appointed for shipping native passengers, or such other persons as the Government of Fort St. George may from time to time appoint for the purpose, to grant licenses to vessels under this Act. Provided that such licenses shall not be granted, except for vessels within the exception in Section II., till the vessels have been surveyed according to such directions as shall be given from time to time by the Governor in Council. The license shall describe the vessel, her tonnage, and rig; the number of her boats, anchors, and cables; and what instruments for the purpose of navigation she is supplied with; also the name of the owner and of the Master or Tindal, and the number and composition of the crew; and shall specify the number of passengers she may carry, and the space to be assigned for their accommodation.

VII. The Master or Tindal of any vessel licensed to carry passengers from any port in the territories under the Government of Fort St. George to any port or place on the Eastern Coast of the Bay of Bengal or the Straits of Malacca, which shall proceed on such voyage not being furnished with provisions and water according to such scale as shall be laid down from time to time by an order of Government, published in the *Fort St. George Gazette*, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of the number fully supplied with provisions and water according to such scale.

VIII. The Master or Tindal of any vessel licensed to carry passengers as aforesaid, who shall wilfully and without satisfactory excuse omit to supply to every passenger the prescribed allowance of food and water, shall be liable for such omission to a fine which may extend to twenty Rupees for every passenger who has suffered privation thereby.

IX. The Master or Tindal of any vessel licensed to carry passengers from any port under the Government of Fort St. George to Ceylon, who shall proceed on such voyage without having laid in a supply of water and provisions for the passengers according to a scale to be fixed by the Collector of Sea Customs for such port, or such other person as the Government of Fort St. George may from time to time appoint for the purpose, which shall be hung up at the Custom House of the port, shall be liable to a fine not exceeding one hundred Rupees.

X. The Master or Tindal of any vessel licensed to carry passengers as hereinbefore provided shall sign and deliver in duplicate to the principal Officer of Customs at the place of embarkation, or such other person as the Government of Fort St. George may from time to time appoint for the

Government to appoint ports for shipment of passengers, where the number of passengers to be carried is greater than one to every four tons of burden.

Grant of licenses to vessels.

Certain licensed passenger vessels to carry provisions according to appointed scale.

Penalty for omitting to supply passengers with prescribed allowance of food and water.

Supply of provisions on board passenger ships plying to and from Ceylon.

List of Passengers to be signed by Master.

to carry passengers from any port under the Government of Fort St. George to Ceylon, who shall proceed on such voyage without having laid in a supply of water and provisions for the passengers according to a scale to be fixed by the Collector of Sea Customs for such port, or such other person as the Government of Fort St. George may from time to time appoint for the

Lieutenant WILLIAM NASSAU LEES, of the Bengal Infantry,
 The Reverend WILLIAM KAY, Doctor of Divinity, Principal of Bishop's College,
 The Reverend ALEXANDER DUFF, Doctor of Divinity,
 THOMAS OLDHAM, Esquire, Superintendent of the Geological Survey of India,
 HENRY WOODROW, Esquire, Inspector of Schools in Bengal,
 LEONIDAS CLINT, Esquire, Principal of the Presidency College,
 PROSONNO COOMAR TAGORE, Clerk Assistant of the Legislative Council of India,
 RAMAPERSHAD ROY, Government Pleader in the Sudder Court of Bengal,
 The Reverend JAMES OGILVIE, Master of Arts,
 The Reverend JOSEPH MULLENS, Bachelor of Arts,
 MOULVY MUHAMMUD WJEEH, Principal of the Calcutta Mudrasah,
 ISHWAR CHUNDRAN BIDYA SAGUR, Principal of the Sanskrit College of Calcutta,
 RAMGOPAUL GHOSE, formerly Member of the Council of Education,
 ALEXANDER GRANT, Esquire, Apothecary to the East India Company,
 HENRY STEWART REID, Esquire, Director of Public Instruction in the North-Western Provinces,
 being the first Chancellor, Vice-Chancellor, and Fellows of the said University, and all the persons who may hereafter become or be appointed to be Chancellor, Vice-Chancellor, or Fellows, as hereinafter mentioned, so long as they shall continue to be such Chancellor, Vice-Chancellor, or Fellows, are hereby constituted and declared to be one Body Politic and Corporate by the name of the University of Calcutta; and such Body Politic shall by such name have perpetual succession, and shall have a common seal, and by such name shall sue and be sued, implead and be impleaded, and answer and be answered unto, in every Court of Justice within the territories in the possession and under the Government of the East India Company.

II. The said Body Corporate shall be able and capable in law to take, purchase, and hold any property, moveable or immovable, which may become vested in it for the purposes of the said University by virtue of any purchase, grant, testamentary disposition, or otherwise; and shall be able and capable in law to grant, demise, alien, or otherwise dispose of, all or any of the property, moveable or immovable, belonging to the said University; and also to do all other matters incidental or appertaining to a Body Corporate.

III. The said Body Corporate shall consist of one Chancellor, one Vice-Chancellor, and such number of *ex officio* and other Fellows as the Governor General of India in Council hath already appointed, or shall from time to time, by any order published in the *Calcutta Gazette*, hereafter appoint; and the Chancellor, Vice-Chancellor, and Fellows for the time being shall constitute the Senate of the said University. Provided that if any person, being Chancellor, Vice-Chancellor, or Fellow of the said University, shall leave India without the intention of returning thereto, his office shall thereupon become vacant.

IV. The Governor General of India for the time being shall be the Chancellor of the said University, and the first Chancellor shall be the Right Honorable Charles John Viscount Canning.

V. The first Vice-Chancellor of the said University shall be Sir James William Colville, Knight. The office of Vice-Chancellor shall be held for two years only; and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January 1859. Whenever a vacancy shall occur in the office

of Vice-Chancellor of the said University by death, resignation, departure from India, effluxion of time, or otherwise, the Governor General of India in Council shall, by notification in the *Calcutta Gazette*, nominate a fit and proper person, being one of the Fellows of the said University, to be Vice-Chancellor in the room of the person occasioning such vacancy. Provided that on any vacancy in the said office which shall occur by effluxion of time, the Governor General of India in Council shall have power to reappoint the Vice-Chancellor hereinbefore nominated, or any future Vice-Chancellor, to such office.

VI. The Lieutenant Governors of Bengal and the North-Western Provinces, the Chief Justice of the Supreme Court of Judicature at Fort William in Bengal, or of any Court of Judicature hereafter to be constituted, to or in which the powers of the said Supreme Court may be transferred or vested, the Bishop of Calcutta, and the Members of the Supreme Council of India, all for the time being, shall be *ex officio* Fellows of the said University. The whole number of the Fellows of the said University, exclusive of the Chancellor and Vice-Chancellor for the time being, shall never be less than thirty; and whenever the number of the said Fellows, exclusive as aforesaid, shall by death, resignation, departure from India, or otherwise, be reduced below thirty, the Governor General of India in Council shall forthwith, by notification in the *Calcutta Gazette*, nominate so many fit and proper persons to be Fellows of the said University as, with the then Fellows of the said University, shall make the number of such Fellows, exclusive as aforesaid, thirty. But nothing herein contained shall prevent the Governor General of India in Council from nominating more than thirty persons to be Fellows of the said University, if he shall see fit.

VII. The Governor General of India in Council may cancel the appointment of any person already appointed, or hereafter to be appointed, a Fellow of the University, and as soon as such order is notified in the *Gazette*, the person so appointed shall cease to be a Fellow.

VIII. The Chancellor, Vice-Chancellor, and Fellows for the time being shall have the entire management of, and superintendence over, the affairs, concerns, and property of the said University; and in all cases unprovided for by this Act, it shall be lawful for the Chancellor, Vice-Chancellor, and Fellows to act in such manner as shall appear to them best calculated to promote the purposes intended by the said University. The said Chancellor, Vice-Chancellor, and Fellows shall have full power from time to time to make and alter any bye-laws and regulations (so as the same be not repugnant to law, or to the general objects and provisions of this Act) touching the examination for degrees and the granting of the same; and touching the examination for honours and the granting of marks of honour for a higher proficiency in the different branches of Literature, Science, and Art; and touching the qualifications of the candidates for degrees, and the previous course of instruction to be followed by them, and the preliminary examinations to be submitted to by them; and touching the mode and time of convening the meetings of the Chancellor, Vice-Chancellor, and Fellows; and, in general, touching all other matters whatever regarding the said University. And all such bye-laws and regulations, when reduced into writing, and after the common seal of the said University shall have been affixed thereto, shall be binding upon all persons, members of the said University, and all candidates for degrees to be conferred by the same, provided such bye-laws and regulations shall have been first submitted to and shall have

received the approval of the Governor General of India in Council.

IX. All questions which shall come before the Chancellor, Vice-Chancellor, and Fellows, shall be decided

Meetings of the Senate. at a meeting of the Senate by the majority of the members present; and the Chairman at any such meeting shall have a vote, and, in case of an equality of votes, a second or casting vote. No question shall be decided at any meeting, unless the Chancellor, or Vice-Chancellor, and five Fellows, or, in the absence of the Chancellor and Vice-Chancellor, unless six Fellows at the least, shall be present at the time of the decision. At every meeting of the Senate, the Chancellor, or, in his absence, the Vice-Chancellor, shall preside as Chairman; and, in the absence of both, a Chairman shall be chosen by the Fellows present, or the major part of them.

X. The said Chancellor, Vice-Chancellor, and Fellows for the time being shall have full power from time to time to appoint, and, as they shall see occasion, to remove all Examiners, Officers, and servants of the said University.

XI. The said Chancellor, Vice-Chancellor, and Fellows, shall have power, after examination, to confer the several degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, and Master of Civil Engineering; they shall also have power, after examination, to confer upon the candidates for the said several degrees marks of honour for a high degree of proficiency in the different branches of Literature, Science, and Art, according to rules to be determined by the bye-laws to be from time to time made by them under the power in that behalf given to them by this Act.

XII. Except by special order of the Senate, no person shall be admitted as a candidate for the degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, or Master of Civil Engineering, unless he shall present to the said Chancellor, Vice-Chancellor, and Fellows, a certificate, from one of the Institutions authorised in that behalf by the Governor General of India in Council, to the effect that he has completed

the course of instruction prescribed by the Chancellor, Vice-Chancellor, and Fellows of the said University, in the bye-laws to be made by them under the power in that behalf given by this Act.

XIII. The said Chancellor, Vice-Chancellor, and Fellows shall cause an examination for degrees to be held at least once in every year; on every such examination, the candidates shall be examined either by Examiners appointed for the purpose from among the Fellows by the said Chancellor, Vice-Chancellor, and Fellows, or by other Examiners so to be appointed; and on every such examination, the candidates, whether candidates for an ordinary degree or for a degree with honours, shall be examined on as many subjects and in such manner as the said Chancellor, Vice-Chancellor, and Fellows shall appoint.

XIV. At the conclusion of every examination of the candidates, the Examiners shall declare the name of every candidate whom they shall have deemed entitled to any of the said degrees, and his proficiency in relation to other candidates; and also the honours which he may have gained in respect of his proficiency in that department of knowledge in which he is about to graduate; and he shall receive from the said Chancellor a certificate, under the seal of the said University of Calcutta, and signed by the said Chancellor or Vice-Chancellor, in which the particulars so stated shall be declared.

XV. The said Chancellor, Vice-Chancellor, and Fellows shall have power to charge such reasonable fees for the degrees to be conferred by them, and upon admission into the said University, and for continuance therein, as they, with the approbation of the Governor General of India in Council, shall from time to time see fit to impose. Such fees shall be carried to one General Fee Fund for the payment of expenses of the said University, under the directions and regulations of the Governor General of India in Council, to whom the accounts of income and expenditure of the said University shall once in every year be submitted, for such examination and audit as the said Governor General of India in Council may direct.

W. MORGAN,
Clerk of the Council.

TERRITORIAL DEPARTMENT, FINANCE.

The Right Honorable the Governor in Council is pleased to publish, for general information, the following Statement, received from the Committee of Management of the Government Savings' Bank:—

Balance Sheet of the Bombay Government Savings' Bank for the Official Year ending 30th April 1856.

Dr.

Cr.

	Rs.	a.	p.		Rs.	a.	p.
To Amount due to 6,801 Depositors.....	9,72,041	11	9	By Cash in the General Treasury.....	9,84,001	14	9
„ Interest	3,028	12	4	„ Cash in the Bank	424	1	8
„ Government	9,356	2	10	„ Suspense Account	0	10	6
	Rupees 9,84,426	10	11		Rupees 9,84,426	10	11

(Signed) J. COLEBROOK,
Actuary Government Savings' Bank.

(Signed) J. W. MUSPRATT,
Secretary Government Savings' Bank.

Examined and found correct,

(Signed) A. D. FALLON.
„ J. L. HYNES.

Bombay Castle, Govt. Savings' Bank,
30th April 1856.

By order of the Right Honorable the Governor in Council,

H. YOUNG,
Offg. Chief Secretary to Government.

Bombay Castle, 17th February 1857.

Insolvent Debtors' Court.

Notice is hereby given, that the Petitions of the several Persons hereunder named and described have been presented to the Court for the Relief of Insolvent Debtors, Bombay, praying, respectively, for the benefit of the Act made and passed in the Eleventh Year of Victoria, Chapter XXI.:-

Names.	Profession.	Denomination.	Place of Residence in Bombay.	Dates of Petitions filed.		
				Day.	Month.	Year.
Ramdass Hurribhoy and Muthooradass Ramdass.	Opium Retailers	Hindoos	Without the Fort, near Bhooleshwar.	7th	Feb.	1857
Balcrustna Crustnathjee.	A Clerk in the Office of Messrs. Huschke and Co.	Hindoo	Without the Fort, in Annunt Roosee's Oart.	9th	"	"
Ruttonjee Cursetjee.	A Shopkeeper	Parsee	Without the Fort, in Khetwaddy, or New Town.	10th	"	"
Ramcrustna Wisswanathjee alias Socajee Wisswanathjee.	Unemployed	Hindoo	Lately without the Fort, on Girgaum Road (at present in the Bombay Gaol).	11th	"	"
Seedick Allaruckia and Moossa Allaruckia.	Lately traded as General Merchants, under the name and firm of Seedick Allaruckia.	Mahomedans.	Lately without the Fort, in Memon Wada (at present in the Bombay Gaol).	14th	"	"
Bhawoodin bin Kootboodin Toongakur.	Formerly a Dealer in Piece Goods.	Mahomedans.	Without the Fort, in New Caze Street.	"	"	"
John Vincent Lobo.	A Clerk in the Judicial Department, Secretariat.	Portuguese ..	Lately without the Fort, in Mazagon (at present in Bombay Gaol).	"	"	"
James Wilkinson.	Head Clerk to the Superintendent of Repairs.	European	Without the Fort, at Kalkadavee.	16th	"	"
Burjorjee Furdoonjee.	A Turban Folder	Parsee	Lately without the Fort, in Khetwaddy (at present in the Bombay Gaol).	"	"	"
Hormusjee Dadabhoy.	Unemployed	Parsee	Lately without the Fort, in Cowasjee Patell's Street (at present in the Bombay Gaol).	"	"	"
Jane Jones	A Pensioner	Indo-Briton ..	Lately without the Fort, in Mazagon (at present in the Bombay Gaol).	"	"	"
Gungadass Goverdass.	A Hawker	Hindoo	Without the Fort, in Barbhoy's Molla.	"	"	"

Orders in the matters of the abovenamed Insolvents' Petitions, that the real and personal Estates and Effects of the said Insolvents be vested in the Official Assignee of this Honorable Court, under Clause VII. of the said Act, have been duly made.

Days appointed for Hearing the Petitions of the undermentioned Insolvents.

Names.	Time.		
	Day.	Month.	Hour.
Ramcrustna Wisswanathjee alias Socajee Wisswanathjee	1st Monday	March next	11 o'clock.
Seedick Allaruckia, and Moossa Allaruckia ..	3rd Monday	Ditto	Ditto.
Jane Jones	Ditto	Ditto	Ditto.
Crustnaram Wittoba Josey	Ditto	Ditto	Ditto.
Balcrustna Crustnathjee	Ditto	Ditto	Ditto.
Hajee Essack Sullimon	Ditto	Ditto	Ditto.
Ramdass Hurribhoy and Muthooradass Ramdass	Ditto	Ditto	Ditto.
James Wilkinson	Ditto	Ditto	Ditto.

Opposing Creditors must file their Claims, verified by Affidavit, and pay the usual Fees, at my Office, at least three days before the Hearing. The abovenamed Insolvents have filed Schedules of their Debts, Estates, and Effects in my Office.

Clerk of the Court's Office, Fort, Bombay, this 17th day of February 1857.

J. A. McKENZIE,
Clerk of the Court.

નાદાર દેવાદારોની કોરટ મથે.

નાદાર અખર એ ઉપરથી આપવામાં આવે છે જે, વિગત સાથે હેની હેડળ ને જુદી જુદી આશામીઓનાં નાંમો લખેલાં છે, તેઓએ મુંબઈની નાદાર દેવુદારોનાં છુટકા કરનારી કોરટને અરજીઓ આપી છે, તેમાં એક એકની અરજ હેવી છે જે વિક્ટોરીયાના અગિઆરમે વરસો ને ધારો કરીને ઠરાવો છે, તેના એકવિરમાં બાબમાંનો ધલાલ હમોને મળે.

નામ.	ધંધો.	જાત.	મુંબઈમથે રહેવાનું કેકાણું.	અરજીઓ દાખલ કરાની તારીખ.		
				દાહાડા	માસ.	વરસ.
રામદારા હરીભાઈ તથા મ-છુટક અશીણુ વેચનાર		હીંદુ.	કોટબાહાર બુલેરાવર આ-ગલ.	૭ મે	ફેબ્રુવારી.	૧૮૫૭.
થુરાદારા રામદારા.						
બાળકૃષ્ણા કૃષ્ણા	મેજીઅરરા હુશી અને કોની હાંશીરામાં લખનાર.	હીંદુ.	કોટબાહાર અનંતરશીની વાડીમાં.	૯ મે	એવ.	એવ.
રતનજી અરોદજી	કુકનદાર	પારશી.	કોટબાહાર એતવાડી અથવા નીઉ ટાઉનમાં.	૧૦ મે	એવ.	એવ.
રામકૃષ્ણા વિશ્વનાથજી ઉરેખેકાર	રોકાજી વિશ્વનાથજી.	હીંદુ.	આગલ કોટબાહાર ગીરગા-મના રરાતા ઉપર ને હાલ મુંબઈની તુરંગમાં.	૧૧ મે	એવ.	એવ.
શીદીક અલારકીઆ તથા આગલ શીદીક અલારકીઆને મહમદીઅન.	મુશાઅલારકીઆ. નામે તથા પેડીએ વેપાર ચલાવતા હતા.		આગલ કોટબાહાર મેમાન વાણમો ને હાલ મુંબઈની તુરંગમાં.	૧૪ મે	એવ.	એવ.
બાઉદીન બિન કુતચુદીન તુંગાકર.	આગલ કાપડનો વેપાર કરનારો.	મહમદીઅન.	કોટબાહાર નવા કાજી મોલા માં.	એવ.	એવ.	એવ.
બન વીનરોટ લોગો	રોકતારી હાશીરામાં જુડીશી-અલ ખાતામો લખનાર.	પોરટુગીઝ.	આગલ કોટબાહાર મજગા-મમાં ને હાલ મુંબઈની તુરંગમાં.	એવ.	એવ.	એવ.
જેમસ ઉધલ કીનરાન	સુપરીનટેન્ડેટ આફ રીપરસનો હેડ કલારક.	ઇરોપીઅન.	કોટબાહાર કાલકાદેવી પારો.	૧૬ મે	એવ.	એવ.
બરજોરજી ફરદુનજી	પાઘડી બાંધનાર	પારશી.	આગલ કોટબાહાર એતવા-ડીમો ને હાલ મુંબઈની તુરંગમાં.	એવ.	એવ.	એવ.
હિરમરાજી દાદાભાઈ	ખેકાર	પારશી.	આગલ કોટમાં કાવરાજી પટેલના મોલામાં ને હાલ મુંબઈની તુરંગમાં.	એવ.	એવ.	એવ.
જેન જેનરા	પેનરાનર	ઇંગ્લેન્ડીઅન.	આગલ કોટબાહાર મજગા-મમાં ને હાલ મુંબઈની તુરંગમાં.	એવ.	એવ.	એવ.
ગંગાદારા ગોવરદારા	ફેરી કરનાર	હીંદુ.	કોટબાહાર બારભાઆના મોલામો.	એવ.	એવ.	એવ.

ઉપર લખેલા નાદાર દેવાદારોની અરજીઓની બાબતોમાં ઘટતી રીતે હુકમ થયો છે, જે ઉપર લખેલા ધારાની સાતમી કલમ પ્રમાણે નાદાર દેવાદાર મજકુરોની સ્થાવર તથા જંગમ મિલકત તથા ચીજવસ્તુ આ નામદાર કોરટનાં આક્રિસિઆલ આશાએનીના તાબામાં આવે.

નીચે લખેલા નાદાર દેવાદારોની અરજીઓ સાંભળવાસાહે ઠરાવેલા દીવસ.

નામ.	વખત.		
	દાહાડા.	માસ.	કલાક.
રામકૃષ્ણ વીશ્વનાથજી હિરે રોકાજી વીશ્વનાથજી	૧ લો સોમવાર.	આવતો માર્ચ.	૧૧.
શીદીક અલારકીઆ તથા મુશાઅલારકીઆ	૩ જો સોમવાર.	એવ.	એવ.
જેન જેનરા	એવ.	એવ.	એવ.
કૃષ્ણરામ વીશ્વનાથજી	એવ.	એવ.	એવ.
બાળકૃષ્ણા કૃષ્ણનાથજી	એવ.	એવ.	એવ.
કાજીધીરાક શિવમાન	એવ.	એવ.	એવ.
રામદારા હરીભાઈ તથા મથરાદારા રામદારા	એવ.	એવ.	એવ.
જેમસ ઉધલ કીનરાજી	એવ.	એવ.	એવ.

આગા આવનાર લેલુદારોએ, યોગમાં યોગ સાંખ્યવાના તણુ દાહાડા અગાડે, સોગણનાં માથી સાખીત કરેલા પોતાના દાવા હમારી આશીસમાં દાખલ કરવા નોંધ્યે, તથા સિરસ્તા પ્રમાણે તેઓને શી આપવી નોંધ્યે. ઉપર લખેલા નાદાર દેવાદારોએ પોતાના દેવાની, તથા માલ મિલકતની, ટીપો હમારી આશીસમાં દાખલ કરાવી છે.

મુંબઈનાં કોર્ટમથે, કોર્ટના ક્લાર્કની આશીસમાં,
લખી તારીખ ૧૭ મી ફેબ્રુઆરી સને ૧૮૫૭.

જે. એ. મેડનજીની વતી, એ. વ. કેટર,
કોર્ટના ક્લાર્કની સહી.

(A true translation)

NARAYEN DINANATHJEE, Acting Chief Translator.

No. 77 of 1857.

Notice

Is hereby given; that a small supply of ADHESIVE ENVELOPES, referred to in the undermentioned Notice of the Officiating Director General of the Post Office in India, dated Calcutta, the 29th November 1856, have been received by this Department from Calcutta. Officers in charge of Local Depôts, requiring any, should prefer their Indent to this Department, as directed in the above notice.

"NOTICE.

"The Officers in charge of Treasuries and Depôts for the custody and sale of Postage Stamps are informed that Adhesive Envelopes, stamped with the value of One Anna, have been received from England, and, being now in charge of the Superintendent of Stamps, Calcutta, are now available on Indent.

"2. These Envelopes are in packets of 16, and each packet is enclosed in a wrapper, on which is marked the price, Rs. 1-2-0

"3. The Rules for the sale of Postage Stamps are applicable to the sale of the Stamped Envelopes; but discount is allowed on the actual value of the latter, and not the extra charge of 2 annas on every 16 Envelopes, which is added to cover the cost of the paper and manufacture.

"4. The Superintendent of Stamps will not supply the Stamped Envelopes in a smaller quantity than one Ream at a time, which consists of 30 Packets, and is of the value of Rs. 33-12-0, including the extra charge of 2 annas on each Packet."

J. W. MUSPRATT,
Superintendent of Stamps.

Bombay, General Stamp Office,
4th February 1857.

DIRECTIONS

FOR APPROACHING THE SAND HEADS IN BOTH MONSOONS.

SOUTH-WEST MONSOON.

The South-West Monsoon may be considered to commence on the 15th March, on which date the Pilot Vessels take up their station near the buoy on the Pilot's Ridge as described below. The South-West Monsoon is over by the end of September.

2nd.—False Point Light House is in latitude $20^{\circ} 19\frac{1}{2}'$ north, and longitude $86^{\circ} 47'$ east; and a buoy is placed in $21\frac{1}{2}$ fathoms on the Pilot's Ridge, in latitude $20^{\circ} 49\frac{1}{2}'$ north, and longitude $87^{\circ} 42'$ east: the buoy therefore bears from False Point Light House north $59^{\circ} 49'$ east, true, and distant $59\frac{1}{2}$ miles.

3rd.—A vessel, therefore, after making the Light House at False Point (in passing which she ought not to go into less than 10 fathoms) should bring it to bear about west-south-west 10 or 15 miles distant, when she will be in 11 or 12 fathoms; then steer east-north-eastward, when the soundings

will gradually increase to 23 fathoms on the eastern edge of the Pilot's Ridge: she should then regulate her course so as to keep between the Ridge and 27 fathoms, when, by attention to the lead and nature of the soundings, course and distance run from the Light House, it is almost impossible to avoid making the Pilot Vessels, as their cruising ground is immediately to the north-east of the Light Vessel stationed during the South-West Monsoon in close proximity to the buoy on the Ridge.

4th.—The soundings to seaward of the Pilot's Ridge are, in general, a greenish or olive-coloured mud, with occasionally a few bits of broken shells mixed with it; whilst those on the Ridge are of a shelly sand, or minute gravel, or a reddish or rusty brown colour.

5th.—Vessels approaching the station are earnestly warned to be careful in avoiding collision when communicating with either the Light, or supplying Pilot Vessels; and, on making the former at night, they are strongly recommended to heave to, at a proper distance, till day-light, by which measure they will avoid the probability of passing the supplying Pilot Vessels in the darkness of the night.

6th.—The Eastern Channel Light Vessel is in latitude $21^{\circ} 4'$ north, and longitude $88\frac{1}{2}^{\circ} 14'$ east, and therefore bears from the buoy on the Pilot's Ridge north $63^{\circ} 26'$ east, true; and distant $32\frac{1}{2}$ miles. The Eastern Channel Light Vessel, from the 15th March to the 15th September, burns a blue light every half hour and a maroon every quarter hour during the night, commencing at 7 p. m.; and her standing light is a plain light.

7th.—The Pilot's Ridge Light Vessel shows from the 15th March to the 15th September a plain standing light, and burns a blue light every hour, and a maroon at the intermediate half hours.

8th.—It is important to observe the difference as to the blue lights and maroons shown by the Eastern Channel and the Ridge Light respectively, as, if this is attended to, a vessel, out in her reckoning, or uncertain of her position, cannot possibly mistake one for the other.

THE NORTH-EAST MONSOON.

9th.—This monsoon, which constitutes the fine season in the head of the Bay of Bengal, is considered to commence in October and end in the beginning of March. During this season the Pilot Station is about the Outer Floating Light situated in the Eastern Channel as above, and vessels coming in should make directly for that mark. The Pilot Vessels cruise in the day-time spreading east and west of, sometimes a little to the southward of, the Light Vessel; and at night anchor in positions not far from her. At this season she shows a maroon or torch-light every half hour and a blue light every hour.

DIVIE ROBERTSON,

Master Attendant.

Fort William, the 1st March 1856.

TENDERS FOR COAL.

Notice is hereby given, that the Mint Master is prepared to receive TENDERS for the SUPPLY of 500 TONS of COAL, or of any smaller quantity, not less than 50 tons, for Mint use.

The Coal is to be the best steam coal, and certificates of its quality and description, with a sample, should be forwarded with the tender.

The rate tendered should include all landing and other charges, and also the expense of weighing and of storage on the Mint premises.

The coal shall, if deemed necessary by the Mint Master, be subject to the inspection and approval or otherwise of a Committee of Government Officers, and be at the risk of the tenderer until actual delivery and receipt at the Mint.

The form of tender below given should be adopted without alteration, and Government reserves to itself the right to reject, without assigning reason, any tender, although it may appear to be the lowest.

(Form of Tender.)

To the MINT MASTER, Bombay.

SIR,

With reference to the Notice in the Bombay Gazette dated the 9th October 1856, we hereby tender, for the service of Government, Coal of the undermentioned description, and at the price hereunto annexed:—

Description of Coal.	Per what Ship.	No. of Tons.	Price per Ton of 20 cwt. including all charges.			Amount in Words.
			Rs.	a.	p.	

We agree to each and all of the conditions contained in the Notification above referred to.

We are, &c.

Bombay (Date).

J. H. BURKE, Captain,
Mint Master.

Bombay Mint, 9th October 1856.

બેરુર નામુ.

કોમ્પા પુરા પાડવા વિશેના અરજી.

એલ્યુમેન્ટે ટેકરાલમાં કામસાઈ ૫૦૦ ટન અથવા ઓછામાં ઓછા ૫૦ ટન કોમ્પા પુરા પાડવા વિશેના અરજી મીટ માસ્ટર હેસે.

બાકુના અંબ લાએક સારા અવલ જાતના કોમ્પા લોખંડિ અને તે કોમ્પા છે તથા કુદી જાતના છે. એ વિશેની સરકારી ટેકરાલ તથા તેના નમુના અરજ સાથે મોકલવો.

અરજમાં બાવ લખ્યો તે કોમ્પા કીનારે ઉતારવાનો તથા લોખંડિ ટેકરાલમાં ભરી આપવા વગેરે સર્વે અર્થ શુધાં લખ્યો.

મીટ માસ્ટરને જરૂર પડે તો સરકારી અંમલદારની કામેડી પાસે કોમ્પાની તપાસ કરાવીને પરશદ ફરીને લેશે અને ટેકરાલમાં કોમ્પા લોખંડિને સોપવામાં આવશે તાંહાં શુધીનું લોખંડિ અરજદારને માથે રહેશે.

અરજનો નીચે નમુના લખ્યો છે તે પ્રમાણે કોમ્પાઈકર ન કરતાં અરજ કરવી લોખંડિ અને કોમ્પાઈકર અરજમાં લખેલા દર સર્વેથી કમી હશે તો એપેલુ તેનું કારણ કહ્યાવગર તે અરજ રદ કરવાને સરકાર સુખચાર છે.

અરજનો મસુદા.

મુંબઈના મીટમાસ્ટર સાહેબ જાગ.

સને ૧૮૫૬ ઈસવીના અક્ટોબર મહિનાની નવમી તારીખ-
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ના મુંબઈ ગ્યાજીના વર્તમાનપત્રમાં બહુરખર છાપી છે તે ઉપરથી નીચે લખેલી જાતના તથા બાવથી કોમ્પા સરકારી કામ સાઈ આપવાને અમે રાજી છીએ.

કોમ્પાની જાત.	ફાઈવાઈ વાઈવાઈ માંથી	અરજી નં.	સર્વે અર્થ મુધાં ૨૦ હજાર જેટલા ટનનો બાવ.	અંક.

સદરહુ બહુરખરમાં લખેલી સર્વે સતી અમારે કુખલ છે.
અરજ કરનારની સહી.

મુકામ મુંબઈ તા.

મીટ માસ્ટર કપતાન જેમસ હેનરી બર્ક
સાહેબ બાહાદુરની સહી.

જાહિરનામા.

કોલ્સે પુરવિણ્યા વિષયી અર્જ.

એસા જે ટાંકશાઝેલીના કામાકરિતાં ૫૦૦ ટન કિંવા કર્મીત કમી ૫૦ ટન કોલ્સે પુરવિણ્યાવિશીંચે અર્જ મિટ માસ્ટર થેતીલ.

વાફેચે યંત્રાલાયક ચાંગલે ઉત્તમ પ્રતીચે કોલ્સે અસાથેત આળિ તે કસે આહેત વ કોળતે પ્રતીચે આહેત યાવિશીંચીં સર્ટીફિકેટ વ લ્યાચા નમુના અર્જી વરાવર પાઠવાવા.

અર્જીત દર લિહિળે તો કોલ્સે કિનાયાસ ઉતરણ્યાચે વ જોખૂન ટાંકસાઝેત મરૂન દેણ્યાચે સર્વાં સુધ્યાં લ્યાહાવા.

મિટ માસ્ટર યાંસ જરૂર વાટેલ તર સર્કારી અંમલદારાચે કમિટી જવજૂન કોલ્સાચી પાહળી કરૂન પસંત કરૂન થેતીલ આળિ ટાંકસાઝેત કોલ્સે સોપડન દેણ્યાંત યેત તોપર્યેત લ્યાચં જોખીમ અર્જદારાચે માયીં રાહીલ.

અર્જીનાં ચાલોં નમુના લિહિલા અહે લ્યા પ્રમાળે કાહીં ફેરફાર કેલ્યા વાંચૂન અર્જી કેલી પાહિજે આળિ અરવાદે અર્જીત લિંહલેલા દર સર્વાંહૂન કમી અસેલ તથાપિ કારણ સાંગિતલ્યા વાંચૂન તો અર્જ રદ કરાયાસ સરકાર મુલ્ત્યાર આહે.

અર્જીનાં મસુદા.

મુંબઈચે મિટ માસ્ટર સાહેબ યાંસ.

સને ૧૮૫૬ ઈસવીચા અક્ટોબર મહિનાચા નવે તારખેચા મુંબઈ ગ્યાજીત યા નાવાચા વર્તમાનપત્રાંત જાહિરખર છાપી આહે લ્યાવરૂન ચાલોં લિહિલેલે પ્રકારચે વ દરને કોલ્સે સર્કારી કામાકરિતાં દેણ્યાસ આમ્હી રાજી આહોંત.

કોલ્સાચા પ્રકાર.	એસકે તાંહાં વચનકોમ્પાઈકર	નં.	સર્વે અર્થ મુધાં ૨૦ હજાર જેટલા ટનનો બાવ.	રકસ અ-ધારી.

સદરહુ જાહીર ખબર લિહિલેલ્યા સર્વે શર્તી આમ્હાસ કબૂલ આહેત.

મુા મુંબઈ તારીખ

અર્જ કરનારાચી સહી.

મિટ માસ્ટર કપતાન જેમસ હેનરી બર્ક

સાહેબ બાહાદુર યાચી સહી.

VENAYEK WASSOODOW,
Oriental Translator to Govt.

MINT NOTICE.

Summary of the Rules for the Receipt of Bullion in the Bombay Mint. (Published under the authority of the Mint Committee.)

1. Tenders of GOLD or of SILVER BULLION will be received from Merchants or from individuals at the Bombay Mint, between the hours of 10 A. M. and 3 P. M. daily (Sundays and Holidays excepted), provided the parcel of Gold shall not be less than Fifty Tolas in weight, and the parcel of Silver not less than One thousand Tolas in weight, and provided such parcels be of a malleable quality, adapted for coinage.

2. Bullion or Coin must be tendered by the proprietor in the following form, lithographed copies of which will be supplied on application at the Mint :—

To the MINT MASTER, Bombay.

SIR,

I beg to tender for coinage, at the Mint rate, the undermentioned Bullion, for which I request you will have the goodness to grant a Bullion Certificate, payable at the Treasury at twenty days' sight after the said Bullion shall be received and registered, and its actual out-turn value ascertained at the Mint.

Marks on Boxes.	Mark on Silver.	No. of Boxes.	Description of Bullion.	Assumed Amount in Tolas.	Actual Weight in Troy lbs.

I have the honour to be,

Sir,

Your most obedient Servant,

Bombay,

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3. All Gold and Silver Bullion and Coins that may be tendered to the Mint for coinage, must be melted and cast into Bars by the Mint Premelting Establishment, prior to their being received or assayed.

4. No transfer of Bullion from the name of one proprietor to that of another proprietor can be permitted, after such Bullion has once been tendered to, and actually deposited in the Mint. No Bullion can be withdrawn previous to registry, except sweepings and spillages of Bullion that may have been melted, without the payment of a fee of Rupees two for each Pass permitting such withdrawal.

5. It is to be understood that, until the Bullion or Coin shall be delivered after premelting to the Mint, at the Mint Scales in the Bullion Receiving Room, it is to be considered in the custody and at the risk of the importer, to whom, however, every facility will be afforded for securing it in the Bullion Strongholds.

6. On the receipt of the Assay Report, an account current, which shall be verified by the Assistant Bullion Keeper, showing the net produce of the Bullion or Coin with reference to its weight and Assay value, after deducting the authorised amount of Mint Duty, of Refining, and of Premelting charges, will be submitted to the importer for

his examination and signature, after which shall have been obtained, a Bullion Certificate on the General Treasury, prepared in the Mint Master's Office, will be delivered to him, authorising the holder to receive the amount at twenty (20) days' sight, calculated from the date of the registry or final receipt by the Mint of the Bullion.

7. The Seignorage to be levied on the Coinage of Gold Bullion or Coin will be at the long-established rate of one per cent. on the ascertained standard out-turn value thereof. The Seignorage to be levied on the recoinage of Silver Sicca Rupees will be at the rate of one per cent. on the out-turn value. There will not be any Seignorage levied on the recoinage of short-weight Madras, Farruckabad, or Company's Rupees.

The Seignorage to be levied on the Coinage of all other descriptions of Silver Coins and Bullion will be at the rate of two per cent. on the ascertained out-turn standard value.

8. The Refinage charge on Silver below six pennyweights in Assay worse than the Indian Standard will be at the rate of .04 per cent. per pennyweight of worseness. The Refinage charge on Gold will be at the rate of one-half per cent. for every five carat grains of worseness below the Indian Standard.

9. The Premelting charge on Gold will be at the rate of Company's Rupees three and Annas twelve per one thousand tolas of Standard Gold, and on Silver at the rate of one Company's Rupee per one thousand Standard tolas.

10. Importers of Bullion or Coin will be at liberty to withdraw the same within the day following the receipt of the Assay Report, or within the day following the registry thereof, but at no later period, on payment of an Assay fee of four Rupees for each Assay of Gold Bullion, and of two Rupees for each Assay of Silver Bullion, independent of the payment of the Premelting charges above laid down on the gross weight of such Bullion.

11. Should Bullion, after having been premelted, prove to be brittle, and not adapted for coinage, it will be returned to the proprietor, and passed out of the Mint, under a written Pass, signed by the Mint Master and by the Assistant Bullion Keeper, and the proprietor will have to pay the charges for premelting the same at the prescribed rate, calculated on the gross weight in tolas of the Bullion so rejected.

J. H. BURKE, Captain,
Mint Master.

Bombay Mint, 23rd December 1856.

અહેર નામુ.

એહું ને મુંબઈની ટંકરાલમાં રોનું તથા ચાંદી લેવા વિશેની કાંનુન મિંટ કમિટીના હુકમ ઉપરથી પ્રસિદ્ધ કરી છે તે.

૧. આદિતવાર તથા છુટીના દાહાડા સિવાય દરરોજ રાવારનાં દશ વાગાથી તે બપોર પછી ત્રણ વાગતાં મુઢી રોનું તથા ચાંદી વેપારી પાસેથી અથવા ખીજ લોકો પાસેથી મુંબઈની ટંકરાલમાં લેરો. પણ રોનું પચાસ તોલા કરતાં ઓછું ન બેઠમ્મિ તથા ચાંદી હજાર તોલા કરતાં ઓછી ન બેઠમ્મિ તથા સદહૂં રોનું તથા ચાંદી શિકો પાડવા લાયક નરમ બેઠમ્મિ.

૨. રોનું અથવા ચાંદી અથવા નાણું ટંકરાલમાં

आपणुं ते मालके हेडण लजेला मुराध प्रमाणे अमर लभीने आपणुं. अमरनी छपेली नकले टेंकरालमां मांगवाथी मलरो.

मुंमधुना मिंट मास्तर जेग.

नीचे लजेळुं रोनुं (अथवा चांदी) टेंकरालना दर प्रमाणे शिको पाडवासाइ हजर करे छुं ते रोनुं (अथवा चांदी) टेंकरालमां लधने नोंधीने तेनी वाळणी किंमत इराथी दाखल कराथी वीरा दिवसनी मुदतमां तीजेरीमांथी अमर मणे जेहेली खुलिअंन शरदिक्किट आपे मेहेर्यानी करीने आपवी.

पेटीओ उपरनी निराखी	चांदी उपरनी निराखी	पेटीनी संख्या.	सोनु तथा चांदीनो प्रकार.	मुमारे वजन तोणा.	हाय वजन प्रमाणे नक्षी वजन रतलविगेर.

सडी.

मुकांम मुंमधुतारीय माहे सन

३. जे रोनुं तथा चांदी तथा नांछुं शिको पाडवा शाइ टेंकरालमां आपरो ते लीधानी अगाडि अथवा तेनी माराखी काहाजनी अगाडि ते टेंकरालमां प्रथम गालवाना आपतामां गालीने तेनी लगडीओ करी जेधुं.

४. रोनुं अथवा चांदी टेंकरालमां अक वजत आपी खुकी जेथे ते अक मालकना नांमउपरथी भिजनां नांमउपर यडवनी हेरो नही. रोनुं अथवा चांदी नोंध्यानी अगाडि टेंकरालमांथी काहाडी लधनी लेय तो काहाडी लधनी वाळणी मिडी बदल ३. २ शी आप्या वगर काहाडी लधनी वाळणी हेरो नही जे रोनुं अथवा चांदी गाली हेरो तेनो करी अथवा गाल मान लेवा हेरो.

५. रोनुं अथवा चांदी अथवा नांछुं प्रथम गाला पछी रोनुं तथा चांदी लेवानी कोटडीमां टेंकरालना कांठा उपर ते रोणी हेरो तांहां मुंभी ते मालकने तांणे छे तथा तेनु जेअंम तेने मांये छे जेहेळुं समज्युं जेधुं. पळु रोनुं तथा चांदी अंदोअस्तथी राख्यानी कोटडीमां ते राख्याविरो तेने सवे प्रकारे अंदोअस्त करी आपरो.

६. माराखीनो रपोट आप्या पछी मिंट कुडीनो तथा शोधवानो तथा प्रथम गालवाना अर्थनी इरावेली रुम पाद करीने रोनांनी अथवा चांदीना अथवा नांछुंना वजन प्रमाणे तथा माराखीनी किंमत प्रमाणे नक्षी उत्पल थारो तेनो हिशाय आपसिस्टे खुलिअंन अपरनी सडीनो मालकने तपारावाशाइ तथा सडी करवाशाइ आपवो. ते उपर मालकनी सडी यध जेथे मिंट मास्तरनी कुयेरीमां तधमार करेला वजनराल तीजेरी उपरनी खुलिअंन शरदिक्किट मालकने आपवी ते जेहेली डे नोंध्यानी तारीयथी जेथे रोनुं अथवा चांदी अथवा नांछुं टेंकरालमां नक्षी इराथीने लीधानी तारीयथी वीरा दिवसनी मुदतनी ते शरदिक्किटनी रुम ते जेनी पारो हेरो तेहेने मणरो जेहेली मजदुरनी शरदिक्किट आपवी.

७. रोनुं अथवा चांदी अथवा नांछुंनो शिको पाडवा बदल तेनी वास्तवीक इरेली किंमत उपर दर रोड्डे अक टको प्रमाणे लेरो.—शिका इपेआनी चांदीनो इरीथी शिका पाडवा बदल तेनी वाळणी किंमत उपर दर रोड्डे अक टको

प्रमाणे लेरो.—मद्रासी तथा इरकावादी तथा कंपनीना मोठा वजनना इपेआनी इरीथी शिको पाडवाने कांठ पेसरो नही.

सदुं शिवाय भिज इपेआनां नांछुंना तथा चांदीना शिका पाडवा बदल वाळणी इरेली किंमत उपर दर रोड्डे जे टका लेरो.

८. थिठिरा धंडिआना इरावेली टय करतां माराखीमां छ पेनीवेट करतां मोछी नररा चांदी शोधवानो अर्थ पडरो ते अक पेनीवेट नररा चांदी बदल रोड्डे ०० ० ४ मार शतांशर जे दर प्रमाणे पडरो. रोनुं शोधवानो अर्थ पडरो ते थिठिरा धंडिआना इरावेली टय करतां दर अक पांय कचारेट जेन, नररा बदल रोड्डे अर्थो टको पडरो.

९. प्रथम गालवाना बदल अर्थ पडरो ते आपा प्रमाणे इरावेली टयना अक हजर तोणा रोनाने कंपनी ३. ३ १२ ० पडरो जेने इरावेली टयना अक हजर तोला चांदीनो कंपनी इरीथी १ पडरो.

१०. रोनुं अथवा चांदी अथवा नांछुं टेंकरालमां देनाशं माणुसोनी पाछुं काहाडी लधनी वाळणी मरळु हेरो तो मारो नो रपोट दाखल थाथी धुंआ नोंध दाखल थाथी अक दिवसनी अंदर काहाडी लधनी वाळणी मुपतीआर छे थार पछी तेने पाछुं मलनार नही जेने सदुं दिवसनी अंदर काहाडीने लधनी हेरो थारे प्रथम गालवानो अर्थ उपर लभो छे ते शिवाय वणी रोनानी दरअक माराखी बदल मार इपेआ जेने चांदीनी माराखी बदल जे इपेआ शी देवी पडरो.

११. रोनुं अथवा चांदी प्रथम गाल्या पछी ते कंछु छे तथा ते शिको पाडवा लाअक नथी जेहेळुं नररमां आपवो तो ते मालकने पाछुं आपणुं जेने मिंट मास्तरनी तथा आपसिस्टे खुलिअंन अपरनी शडीनी लजेली परवानगी मिडी उपरथी ते टेंकरालमांथी आहार नवा देवी जेने रोनुं अथवा चांदी सदुं प्रमाणे २६ इरेळुं हेरो तेना पश वजन उपर इरावेली दर प्रमाणे प्रथम गालवानो अर्थ थारो ते मालके आपवो जेधुं.

सडी.

जेमश हेनरी अक कपतान,

मिंट मास्तर.

तारीय २३मी माहे डिसेंबर राने १८५६ मिसी

मुकांम मुंमधुतेंकराल.

जाहिरनामा.

मुंबई एथील टांकसाळेंत सोने व चांदी घेण्याविषयी कांनु मिंट कमिटीचे हुकुमावरून प्रसिद्ध केल्या आहेत त्या.

१. आदितवार व सुटीचे दिवस खेरीज कळून दररोज सकाळचे दाहा वाजल्या पासून दोन परहरचे तीन वाजत तों पर्यंत सोने व चांदी व्यापाऱ्या कडून किंवा इतर मनुष्या कडून मुंबईचे टांकसाळेंत घेतील परंतु सोने पंनास तोळ्यांहून कमी असू नये व चांदी हजार तोळ्यांहून कमी असू नये आणि सदहू सोने किंवा चांदी शिक्का पाडण्या योग्य नरम असावी.

२. सोने किंवा चांदी किंवा नाणे टांकसाळेंत देणे तें मालकाने खालील लिहिलेलें मसुद्या प्रमाणे अर्ज लिहून द्यावें. अर्जाच्या छापील नकला टांकसाळेंत मागितल्या असता मिळतील.

मुंबई येथील मिंट मास्तर सार्वेच यांच.

खालील लिहिलेलें सोने (किंवा चांदी) टांकसाळेंतील दरा-
प्रमाणे शिक्का पाडण्या करितां हजर करितां तें

सोने (किंवा चांदी) टांकसाळेत घेऊन नोंदून त्याची वास्त-
विक किंमत ठरल्या वर लागू केल्या पासून वीस दिवसांचे
मुदतीने तिजोरीतून ऐवज मिळेल असें बुलियन सर्टिफिकेट
आपण मेहरबानी करून द्यावे.

पेटोवरील निष्ठाण्या.	चांदो वरील निष्ठाण्या.	पेयांची संख्या.	सोने किंवा चांदीचा प्रकार.	अज- माचे वजन तोळे.	दहा वजना प्रमाणे नकी वजन रतल वजरे.

सही-

मु। मुंबई तारीख माहे सन

३. जें सोने व चांदी व नाणे शिक्का पाडण्याकरितां
टांकसाळेत देतील तें घेण्यापूर्वी किंवा त्याची चासणी काढण्या
पूर्वी तें टांकसाळेंतील प्रथम गाळणारे खात्यांत गाळून त्याच्या
लगडया केल्या पाहिजेत.

४. सोने किंवा चांदी टांकसाळेत एकदा देऊन ठेविली
म्हणजे ती एका मालकाचे नावावरून दुसऱ्याचे नावावर
चढवू देणार नाहीं सोने किंवा चांदी नोंदल्यापूर्वी टांकसाळें-
तून काढून नेणे झाल्यास काढून नेण्याचे चिठी बदल दोन
रुपये फी दिल्या वाचून काढून नेऊं देणार नाहीत जें सोने
किंवा चांदी गाळिली असेल तिचा कचरा व गाळ मात्र नेवू
देतील.

५. सोने किंवा चांदी किंवा नाणे प्रथम गाळिल्या नंतर सोने
व चांदी घेण्याचे खोलींतील टांकसाळीचे कांठ्यावर तें सोंपवून
देत तोंपर्यंत तें मालकाचे ताब्यांत आहे व त्याचें जोडीम
त्याचे शिरावर आहे असें समजलें पाहिजे परंतु सोने व
चांदी बंदोबस्ताने ठेवण्याचे खोल्यांत तें ठेवण्याविषयी त्यास
सर्व प्रकारें सोई करून देतील.

६. चासणीचा रपोट आल्यावर मिंट ड्युटीची व शोध-
ण्याचे व प्रथम गाळण्याचे खर्चाची ठरविलेली रकम वजा
करून सोन्याचे किंवा चांदीचे किंवा नाण्याचे वजना अन्यथें
व चासणीचे किंमती अन्यथें नकी उत्पन्न होईल त्याचा
हिशोब असिस्टेंट बुलियन कीपरचे सहीचा मालकास तपास-
ण्याकरितां व सही करण्याकरितां द्यावा त्यावर मालकाची सही
झाली म्हणजे मिंट मास्तरचे कचेरीत तयार केलेलें जनरल
तिजोरीवरचें बुलियन सर्टिफिकेट मालकास द्यावें तें असें कीं
नोंदीचे तारिखेपासून म्हणजे सोने किंवा चांदी किंवा नाणे
टांकसाळेत नकी ठरवून घेतल्या तारिखेपासून वीस दिवसांचे
मुदतीने त्या सर्टिफिकेटाची रकम तें ज्या जवळ असेल त्यास
मिळेल असे मजकुराचें सर्टिफिकेट द्यावें.

७. सोने किंवा चांदी किंवा नाण्याचा शिक्का पाडण्या
बदल त्याचे वास्तवीक ठरलेले किमतीवर दर शेकडा एक
टका प्रमाणे घेतील—शिक्का रूपाचे चांदीचा पुन्हा शिक्का
पाडण्या बदल त्याचे वास्तवीक किमतीवर दर शेकडा एक
टका प्रमाणे घेतील—मद्रासी व फरकाबादी व कंपनी कमी
वजनाचे रूपाचा पुन्हा शिक्का पाडल्यास कांहीं पडणार नाहीं.
सदहू खेरीज इतर रूपाचे नाण्याचा व चांदीचा शिक्का
पाडण्याबद्दल वास्तवीक ठरलेले किमतीवर दर शेकडा दोन
टके घेतील.

८. ब्रिटिश इंडियाचे ठरविलेले टचाहून चासणीत साहा
पेनीवेटा पेशां कमी नरस असणारी चांदी शोधण्याचा खर्च
पडेल तो एक पेनीवेट नरस चांदी बदल शेकडा १० ० ४ च्या

शतांश या दराने पडेल सोने शोधण्याचा खर्च पडेल तो
ब्रिटिश इंडियाचे ठरविलेले टचाहून प्रत्येक पांच क्यारेट
ग्रॅन नरस असल्यास बदल शेकडा अर्धा टका पडेल.

९. प्रथम गाळण्या बदल खर्च पडेल तो येणे प्रमाणे-
ठरलेले टचाचे एक हजार तोळे सोन्यास कंपनी तीन रुपये
बारा आणि पडतील आणि ठरलेले टचाचे एक हजार तोळे
चांदीस कंपनी एक रुपया पडेल.

१०. सोने किंवा चांदी किंवा नाणे टांकसाळेत देणारीं
मनुष्ये तें परत काढून नेण्यास इच्छीत असतील तर आसेचा
रपोट दाखल झाल्यावर किंवा नोंद दाखल झाल्यावर एक दिवसाचे
आंत काढून नेण्यास मुखत्यार आहेत मग त्यास परत
मिळनार नाहीं आणि सदहू दिवसाचे आंत काढून नेतील
तेव्हां प्रथम गाळण्याचा खर्च वर लिहिला आहे त्या खेरीज
आणखी सोन्याचे प्रत्येक चासणी बदल चार रुपये आणि
चांदीचे प्रत्येक चासणी बदल दोन रुपये फी द्यावी लागेल.

११. सोने किंवा चांदी प्रथम गाळल्या नंतर ती कडक
आहे व शिक्का पाडण्या योग्य नाहीं असें नजरेस येईल तर
ती मालकास परत करावी आणि मिंट मास्तरचे व असिस्टेंट
बुलियन कीपरचे सहीचे लेखी परवांगी चिठी वरून ती
टांकसाळेतून बाहेर जाऊं द्यावी आणि सोने किंवा चांदी
सदहू प्रमाणे रद्द केली असेल तीचे ऐन वजनावर ठराविलेले
दरा प्रमाणे प्रथम गाळण्याचा खर्च होईल तो मालकाने
दिल्या पाहिजे.

सही-

जेम्स हेनरी बर्क कप्तान,
मिंट मास्तर.

तारीख २३ माहे डिसेंबर सन १८५६ इसवी
मुकाम मुंबई टांकसाळ.

VENAYEK WASSOODREW,
Oriental Translator to Govt.

Memorandum.

The undermentioned MAPS are on SALE at the Chief
Engineer's Office, for CASH :—

Map of the Dharwar Collectorate, 4 miles		Scale.	Price of each.
		to an inch.	
Ditto	Sholapoor	ditto	Rs. a. p. 2 8 0 or Rs. 3 mounted on cloth.
Ditto	Rutnagherry	ditto	
Ditto	Poona	ditto	
Ditto	Ahmednuggur	ditto	
Ditto	Sattara Territory	ditto	
Ditto	Surat Collectorate	2 miles	
		to an inch.	
Ditto	Broach	ditto	
Ditto	Malcolmpeth	500 feet	
		to an inch.	
Ditto	Matheran Hill,	one furlong	
		to an inch.	
Ditto	Kaira Collectorate	2 miles to an inch,	Rs. 1-12-0 or Rs. 2 mounted on cloth.
Ditto	City of Poona	300 feet to an inch,	Rs. 1-4-0 or Rs. 2 mounted on cloth.
Ditto	Peint State	2 miles to an inch,	Rs. 0-12-0 or Rs. 1 mounted on cloth.
Ditto	Roads in the Bombay Presidency	20 miles to an inch,	Rs. 3-8-0 or Rs. 4 mounted on cloth.

CHARLES WADDINGTON,
Major General, Chief Engineer.

Bombay, Chief Engineer's Office,
10th December 1855.

WEEKLY SUMMARY OF DEATHS ON THE ISLAND OF BOMBAY.

CASTE OR TRIBE.	Still-born.	Cholera.	Small-pox.	Measles.	Fever.	Disease of Nervous System.	Vascular System.	Respiratory System.	Alimentary System.	Urinary System.	Sexual System, and Child-bearing.	Locomotive & Tegumentary Systems.	Cachexy and Debility.	Leprosy, Tubercular and Articular.	Dropsy.	Accident and Violence.	Other and Unknown Cause.	Total—exclusive of Still-born.
Buddhist.—Jain, &c.	..	..	..	..	5	..	..	5	1	..	..	..	..	..	..	..	..	11
Brahmun.	..	..	..	1	5	..	..	3	..	..	..	..	1	..	..	..	..	10
Lingaet and Bhatia	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	2
Hindoo of other Caste	4	19	3	52	101	8	..	6	23	1	2	..	7	..	1	1	..	224
Hindoo Out-caste	..	18	..	3	6	2	..	1	3	..	..	..	1	..	..	..	..	34
Moosulman	1	3	2	9	60	2	1	2	12	..	..	..	6	..	..	..	..	97
Parsee	..	..	..	1	5	..	..	1	5	..	..	1	1	..	..	..	..	14
Jew	..	1	..	2	1	..	..	..	..	..	..	..	..	..	..	..	..	4
Native-Christian.	1	1	..	1	6	1	..	..	..	..	..	..	..	..	..	..	..	9
Indo-European	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	1
European.	..	3	..	..	..	..	..	..	4	..	..	..	..	..	..	..	..	7
Negro-African	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	1
Other and Unknown Caste	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1	2
Total.	6	45	5	69	192	13	1	16	51	1	2	1	16	1	4	2	1	416
Mean of the corresponding Weeks in the preceding Nine Years.	..	41	19	2	113	11	..	27	39	..	3	1	10	1	4	2	1	275

A. H. LEITCH,

Bombay, 18th February 1857.

In charge of Mortuary Returns.

Notice.

Tenders will be received by the Officer in charge Stationery Department, at his Office, on Saturday the 28th instant, for the SUPPLY of WOOLLENS, in such quantities as may be from time to time required during a period of twelve months, commencing from the 1st August next.

Tenders to be forwarded to this Office in sealed envelopes, marked "Tenders for the Supply of Woollens," and they will be opened at 12 o'clock on the 28th instant.

The Tenders are required to show the lowest rate at which each article will be supplied of the best quality for prompt payment.

The Tenders must be accompanied by a deposit of Rupees 200 (two hundred), which will be forfeited in the event of delay or evasion in executing the agreement; and a deposit of Rupees 2,000 (two thousand) will be required from the person whose Tender is accepted, for the due performance of the agreement.

No reason will be given for the rejection of any Tender.

The form of agreement to be entered into, with lists of the articles required, can be seen, and any other particulars can be ascertained, at this Office, daily, Sundays excepted.

F. HUTCHINSON,

Collector of Bombay,

In charge Stationery Department.

Bombay, 13th February 1857.

अहिरनाम.

अहिरनाम तारीख १ वी माहे आगस्ट सन १८५७ थी भार महीनानी मुदत मुधी वषते वषते नेहमे ते प्रभांले सुमलात पुरी पाडवा वीरोना अरने मालता महीनानी तारीख २८ मी शनीवारने दीने आम्हे कुयेरीमां लेरो.

मोहोरमंद अरने मोकुलवा. ते उपर (सुमलात पुरी-पाडवा वीरोना अरने) अहिरनाम वषते ते आम्हे कुयेरीम मोकुलवा. अने ते अरने मालता महीनानी तारीख २८ मी ने दीने भारवागेने उद्यारी.

रोकुं नांयु आपाथी ओळांमां ओळा शीमा लावथी दर ओक शारो माल पुरो पडरो ते अरनेमां लपवुं.

अरनेनी साथे इपीमा २०० नां अवेन अनामत राप्पवा तथा अवेन कशरनामां उपर राडी करवा अनाकांनी अथव-दील करेथी शरकर दापल थरो. तथा नेनो अरने मां लुर थारो तेले कशर अरापर अलववा शाइ इपीमा २००० अनामत राप्पवा लेहमे.

कोहमे अरने २६ करवानुं करुंयु केहेरो नहीं.

कशरनामांनी मुसरो तथा लुरांनी अमादी आम्हे कुयेरीमां रीवार शीमां दररोन नेवाने मणरो तथा पीछु कोह पुछुं हरो ते पलु मालम थारो.

सही.

अक. हाथीनरान,

मुंअजनी कुयेकर, अंयान सेरानेरी डिपार्टमेंट

तारीख १३ मी माहे कुयेरीमां राने १८५७

असिनी मुकांम मुंअधि.

जाहिरनामा.

ऐसा जे तारिख १ ली माहे आगस्ट सन १८५७ पासून बारा महिन्याचे मुदती पर्यंत वेळोवेळीं लागेल व्याप्रमाणे सकल पुरविण्याविशींचे अर्ज चालते महिन्याची तारिख २८ शनिवारचे रोजी ह्या कचेरीत घेतल.

मोहोरमंद अर्जावर सकल पुरविण्याचा अर्ज असें लिहून या कचेरीत पाठवावे व ते अर्ज चालते महिन्याची तारिख २८ रोजी बारा वाजता उघडतील.

General Orders.

MILITARY DEPARTMENT.

BY THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL.

Bombay Castle, 13th February 1857.

No. 177 of 1857.—The following promotions are made :—

2nd European Regiment L. I.

Ensign A. M. Phillips to be Lieutenant, from the 27th December 1856, vice Lieutenant F. A. Hallett, deceased.

11th Regiment N. I.

Ensign A. J. S. Lorimer to be Lieutenant, from the 27th December 1856, vice Lieutenant W. A. Connell, deceased.

No. 178 of 1857.—The following Orders are confirmed :—

Dated 8th January 1857.—By Captain Douglas, appointing Second Lieutenant Vachell, of the 1st Battalion Artillery, to act as Adjutant of Artillery, Southern Division, during such time as Lieutenant Brown may be in charge of No. 1 Light Field Battery.

Dated 12th January 1857.—By Brigadier Trevelyan, directing Assistant Surgeon Miller, Acting Civil Surgeon at Rajkote, to receive medical charge of the Wing 17th Regt. N. I., at that Station, from Assistant Surgeon Straker.

Dated 21st January 1857.—By Lieutenant Colonel Stiles, making over Command of the Deesa Field Brigade to Lieutenant Colonel Kelsall, Her Majesty's 83rd Regiment, the next senior Officer, on the departure of the former Officer to Bombay.

Dated 22nd January 1857.—By Major General Schuler, directing Captain Coley, Officiating Deputy Assistant Adjutant General, to receive charge of the Office of the Assistant Quartermaster General, Poona Division of the Army, from Lieutenant Maedonald, proceeding to join the Head Quarter Staff of the Persian Field Force.

Dated 22nd January 1857.—By Lieutenant Colonel Lucas, appointing Lieutenant Bacon, of the 25th Regt. N. I., to act as Interpreter to the 3rd Battalion Artillery, during the absence of Lieutenant Napier on leave.

Dated 22nd January 1857.—By Major Rolland, directing Assistant Surgeon Broughton, Civil Surgeon at Kolapore, to afford medical aid to the 27th Regt. N. I., during the indisposition of Assistant Surgeon Roome.

Dated 23rd January 1857.—By Brevet Colonel Stuart, directing Assistant Surgeon Sylvester, Civil Surgeon at Sholapore, to receive medical charge of the 3rd Regt. N. I., from the 24th idem, vice Assistant Surgeon Birdwood.

Dated 24th January 1857.—By Major General Schuler, appointing Lieutenant Colonel Carstairs, of the 6th Regt. N. I., to the Command of the Poona Brigade and Station, as next senior Officer, vice Colonel Stewart, appointed to the Command of a Cavalry Brigade with the Persian Expeditionary Force.

Dated 29th January 1857.—By Lieutenant Colonel Crispin, appointing Lieutenant Becher, in addition to his duties as Adjutant, and in the absence of another Officer, to act as Quartermaster to the 8th Regt. N. I.

No. 179 of 1857.—The undermentioned Officers, who proceeded to Europe on sick leave between the 3rd May and 6th December 1854, have made their final election between the Old and New Furlough Rules, as stated opposite their names :—

Assistant Surgeon T. B. Johnstone, M.D.	} New Rules.
Lieutenant P. Dods, 9th Regt. N. I.	
Lieutenant Colonel C. Lucas, Regiment of Artillery	

No. 180 of 1857.—The Honorable the Court of Directors have authorised the discharge from the Service of Private Robert Bews, No. 775, of the 3rd European Regiment, his friends having paid into the Honorable Company's Treasury the sum required by the Regulations for this purpose. He is not entitled to a passage at the Public expense.

No. 181 of 1857.—The following is a Copy of List No. 1 of Rank of Assistant Surgeons for Bombay received from the East India House :—

The undermentioned Assistant Surgeons not having proceeded within the period allowed for their embarkation, their names are to be struck out of List of Rank No. 3 of 1856, and they are to rank from the dates of their departure from this country, viz :—

Arthur Kelsey.	"Wanata." 9th November.
Thomas Miller, M.D.	"Eastern Monarch." 19th November.

(Signed) PHILIP MELVILL,
Secretary Military Department.

East India House, 2nd January 1857.

No. 182 of 1857.—The Honorable the Court of Directors have authorised the discharge from the Service of Private John Pearson, No. 164, of the 3rd European Regiment, and Gunner Richard Jones, No. 2929, of the Horse Artillery, their friends having paid into the Honorable Company's Treasury the sums required by the Regulations for this purpose.

Private Pearson will be provided with a passage at the Public expense.
Gunner Jones is not entitled to a passage at the Public expense.

No. 183 of 1857.—The Right Honorable the Governor in Council is pleased to republish the following General Order by the Right Honorable the Governor General of India in Council, dated Fort William, 27th January 1857, No. 151 :—

"The following Extracts from the *London Gazette* of the 5th December 1856 are published for general information :—

'War Department, 5th December 1856.

BREVET.

The undermentioned promotions to take place in the East India Company's Army, consequent on the death of Lieutenant General Richard West, Madras Infantry, on the 15th September 1856, and Major General William John Butterworth, C.B., Madras Infantry, on the 4th November 1856 :—

Major General Thomas Fiddes, Bengal Infantry, to be Lieutenant General. Dated 13th September 1856.

To be Major Generals.

Colonel Robert Stewart, Bengal Infantry. Dated 15th September 1856.

Colonel Edward Pettingall, Bengal Infantry. Dated 4th November 1856.

The undermentioned Officers of the East India Company's Service, retired upon full pay, to have a step of honorary rank as follows :—

To be Major General.

Colonel Edward Fitzgerald Day, Bengal Artillery. Dated 5th December 1856.

To be Colonels.

Lieutenant Colonel Dacres Fitzherbert Evans, Bengal Infantry. Dated 5th December 1856.

Lieutenant Colonel James Chicheley Plowden, Bengal Infantry. Dated 5th December 1856.

Lieutenant Colonel Edward Griffiths Austin, Bengal Artillery. Dated 5th December 1856.

Lieutenant Colonel Henry Poquett, Bengal Infantry. Dated 5th December 1856.

Lieutenant Colonel Nathaniel Hill Fishc, Madras Artillery. Dated 5th December 1856.

Lieutenant Colonel Francis Kyan Duncan, Bengal Artillery. Dated 5th December 1856.

Lieutenant Colonel John Ramsay, Bombay Infantry. Dated 5th December 1856.

Lieutenant Colonel James Roger Western, Bengal Engineers. Dated 5th December 1856.

Lieutenant Colonel Samuel Smith Trevor, Madras Artillery. Dated 5th December 1856.

Lieutenant Colonel William Charles Hicks, Bengal Infantry. Dated 5th December 1856.

To be Lieutenant Colonels.

Major William Carlisle Stather, Bombay Infantry. Dated 5th December 1856.

Major Herbert William Wood, Madras Infantry. Dated 5th December 1856.

Major William Vernon Mitford, Bengal Light Cavalry. Dated 5th December 1856.

Major Charles Elliott Goad, Bengal Infantry. Dated 5th December 1856.

Major Charles Andrew Kitson, Bengal Cavalry. Dated 5th December 1856.

Major Patrick Ogilvie, Madras Infantry. Dated 5th December 1856.

Major George Hickson Fagan, Bengal Engineers. Dated 5th December 1856.

Major David Edward Brewster, Bengal Infantry. Dated 5th December 1856.

Erratum in the Gazette of 21st November 1856.

For Major General Sir James Outram, K.C.B., of the Bombay Army, to have the *local rank* of Lieutenant General in the East Indies, while employed upon a particular service, dated 14th November 1856,

Read Major General Sir James Outram, K.C.B., of the Bombay Army, to have the *temporary rank* of Lieutenant General while employed on a particular service, dated 14th November 1856.

Memorandum.

In pursuance of a Memorandum dated October 1854, the Queen has been pleased to confer upon Lieutenant and Brevet Captain Charles Thomas Edward Hinde, of the 65th Bengal Native Infantry, and Lieutenant Colonel in the service of His Majesty the Sultan, the equivalent honorary rank of Lieutenant Colonel, such honorary rank, however, to confer no privilege as a British Lieutenant Colonel on that Officer. Dated 5th December 1856.

(Signed) R. J. H. BIRCH, Colonel,
Secy. to the Government of India, in the Military Department."

Bombay Castle, 14th February 1857.

No. 184 of 1857.—The following appointment is made on the Personal Staff of His Excellency the Commander in Chief, with effect from the 3rd February 1857 :—

Lieutenant A. T. Armstrong, of the 72nd Regiment Bengal N. I., to be Interpreter to His Excellency the Commander in Chief.

No. 185 of 1857.—The Government General Order No. 105, dated 26th ultimo, appointing Surgeon Storell to act as Superintending Surgeon, is cancelled.

No. 186 of 1857.—The following is a Copy of List No. 1 of Rank of Cadets for the Bombay Engineers, Artillery, Cavalry, and Infantry, received from the East India House :—

FOR THE ENGINEERS.

To rank from the 9th December 1854, the day on which he passed his Public Examination, provided he takes his departure within the prescribed period, viz :—

Frederick Colvin Mytton..... Quitted Chatham 11th December 1856.

FOR THE ARTILLERY.

To rank from the 12th December 1856, the day on which he passed his Public Examination, viz :—
Townsend Henry Moore.

FOR THE CAVALRY.

To rank from the date of his departure from Southampton by the Overland Route, viz :—
William Mills. 20th December.

FOR THE INFANTRY.

To rank from the 12th December 1856, the day on which they passed their Public Examination, and in the following order, provided they take their departure within the prescribed period, viz :—

Cornelius Francis James.
Henry Bennett Edwards.

To rank from the 13th December 1856, agreeably to Court's Resolution of 4th December 1833, and in the following order, those appointed abroad being subject to the Regulations as to passing the prescribed Examination, viz :—

Alexander Chambers Hunter, appointed 17th September	Overland, 20th September.
John Thomas Ferguson, appointed 15th October	Overland, 20th October.
Charles Edward Blowers (abroad), para. appointed 5th November . .	Para. <i>via</i> Marseilles, 10th November.
Arthur Mark Shewell, appointed 5th November	"Eastern Monarch," 19th November.
George Francis Blowers (abroad), Despatch appointed 19th November	} Overland, 20th November.
Frederick William Heathfield, 17th September	
George Adolphus Jacob, appointed 29th October	"Haddington," 26th November.
Francis Austin Montriou (abroad), Despatch appointed 3rd December	} Overland, 4th December.
George Herman Reinecker, appointed 19th November	
James Shrubbs Iredell, appointed 12th November	
Alfred William Ducat, appointed 19th November	

To rank from the date of his departure from Southampton by the Overland Route, viz :—
Edward Glasse Evans Sabben 20th December.

To rank from the date of the departure from Southampton of the Overland Mail, he having proceeded *via* Marseilles to join the same at Alexandria :—
William Henry Wilson 20th December.

To rank from the date of their departure from Southampton by the Overland Mail, and in the following order, viz :—
Frederick John Stuart Adam. } 20th December.
Edward Ironside Stubbs. }

To rank from the date of the transmission by the Overland Mail of the Despatch announcing his appointment, subject to the Regulation as to passing the prescribed Examination, viz :—

Robert Macrae (abroad), Despatch appointed 24th December. . . . Para. *via* Marseilles, 26th December 1856.

NOTE.—Mr. John Greenlaw Forbes having been transferred to the Presidency of Bengal, his name is to be struck out of List of Rank No. 5 of 1856.

(Signed) PHILIP MELVILL,
Secretary Military Department."

East India House, 2nd January 1857.

No. 187 of 1857.—Assistant Surgeon J. Peet, Educational Inspector Presidency Division, and Superintendent of Vaccination, Bombay, is allowed a furlough to Europe, on medical certificate, for fifteen months, under the New Furlough Regulations.

No. 188 of 1857.—The following Gentlemen are admitted to the Service, in conformity with their appointments by the Honorable the Court of Directors, as Cadets of Cavalry and Infantry on this Establishment :—

Cavalry.	Date of Arrival at Bombay.
No. 858, Mr. Charles Grant.	6th February 1857.
Infantry.	
No. 832, Mr. Henry Nicholas Reeves.	6th February 1857.
No. 855, Mr. Willoughby John Berthon	6th " "

The undermentioned Officers have returned to their duty, without prejudice to their rank, by permission of the Honorable the Court of Directors :—

	Date of Arrival at Bombay.
Captain James Rose, 3rd European Regiment, Superintendent of Police, Kaira.	} 6th February 1857.
Captain A. DeLisle, Corps of Engineers.	
Lieutenant W. H. F. Sykes, 3rd Regt. Light Cavalry.	
Lieutenant J. G. Hort, 26th Regt. N. I.	

No. 189 of 1857.—Second Lieutenant O. Sturges, of the Artillery, is allowed a furlough to Europe, on private affairs, for six months, under the Old Furlough Regulations.

No. 190 of 1857.—The services of Lieutenant T. T. Haggard, Acting Senior Deputy Commissary of Ordnance, are placed temporarily at the disposal of His Excellency the Commander in Chief, for Committee duty.

No. 191 of 1857.—The Honorable the Court of Directors have granted the undermentioned Officers extensions of leave for the period specified, viz :—

Major F. Westbrooke.	} Six Months.
Major J. D. Leckie	
Captain J. W. F. Sandwith	
Lieutenant R. Macredy	
Lieutenant C. E. H. Coles.	
Ensign C. G. Grant	
Surgeon H. D. Glasse	

The leave of absence granted to Captain F. W. Mackenzie, of the 8th Regt. N. I., by General Order of the 18th July last, No. 558, for eighteen months, is extended by the Honorable Court to three years' furlough, on private affairs, under the Old Furlough Regulations.

The Honorable the Court of Directors have permitted Lieutenant J. W. Bryans, of the 22nd Regt. N. I., to retire from the Service. This vacancy takes effect from the 28th October 1856.

No. 192 of 1857.—The following Orders are confirmed :—

Dated 4th January 1857.—By Captain Montrou, directing Assistant Surgeon Maitland, Acting Civil Surgeon at Sattara, to receive medical charge of the Detachment of the 24th Regt. N. I. at that Station.

Dated 17th January 1857.—By Lieutenant Colonel Jacob, appointing Lieutenant Bolton, of the 11th Regt. N. I., to act as Quartermaster and Interpreter to the Light Battalion, until further orders.

Dated 20th January 1857.—By the Senior Officer in charge Head Quarters 3rd Battalion Artillery, directing Lieutenant and Adjutant Beamish to receive charge of the Quartermaster's duties of the Battalion, during the absence of Lieutenant Napier on leave.

Dated 20th January 1857.—By Lieutenant Colonel Lucas, appointing Lieutenant Jameson, of the 25th Regt. N. I., in addition to his duties of Line Adjutant, to continue to conduct the duties of Commissariat Agent and Superintendent of Bazaars at Ahmedabad, on his own responsibility, from the 10th idem, during the absence of Lieutenant Young, on service to Persia, or until further orders.

Dated 26th January 1857.—By Brigadier Morris, directing Lieutenant Mellersh, Deputy Commissary of Ordnance, Hyderabad, to hand over charge of his Department to Conductor Preston.

Dated 29th January 1857.—By Brigadier Trevelyan, directing Assistant Surgeon Nicholson, of the Guzerat Irregular Horse, to receive medical charge of the Wing of the 17th Regt. N. I., Staff, and Details, at Rajkote, from the 30th idem, from Assistant Surgeon Miller.

Dated 4th February 1857.—By Captain Beale, appointing Lieutenant Hodgson, of the 22nd Regt. N. I., to act as Adjutant to the Left Wing Light Battalion, during its separation from the Head Quarters of the Battalion.

Bombay Castle, 16th February 1857.

No. 193 of 1857.—Lieutenant F. Scrivener, Superintendent of Army Schools, is allowed leave of absence to visit the Persian Gulf, for two months, from the date of departure from the port of embarkation.

No. 194 of 1857.—Major (Brevet Lieutenant Colonel) Birdwood, 3rd Regt. N. I., is appointed to act as Deputy Commissary General of the Army, during the absence of Lieutenant Colonel Pope on Field Service, or until further orders.

Bombay Castle, 17th February 1857.

No. 195 of 1857.—Lieutenant W. H. Sykes, 3rd Regiment Light Cavalry, has been appointed Private Secretary to Lieutenant General Sir James Outram, K.C.B., Commanding the Persian Expeditionary Force.

No. 196 of 1857.—With reference to General Order No. 137, dated 31st ultimo, Assistant Surgeon Williams, M. D., is directed to continue doing duty with the Indian Navy until relieved.

No. 197 of 1857.—Captain Bell, Executive Engineer Khandeish Collectorate, has been granted privilege leave of absence from the 8th January to the 7th February 1857.

Bombay Castle, 18th February 1857.

No. 198 of 1857.—Surgeon A. Stewart, H. M.'s 14th (the King's) Regiment of Light Dragoons, is appointed Field Surgeon to the 2nd Division Persian Expeditionary Force, vice Deas, who reverts to Regiment duty.

No. 199 of 1857.—The following transfer is ordered :—

Ensign Walter Leckie Hallett, at his own request, from the 27th Regt. N. I. to the 1st Gr. Regt. N. I., as junior of his rank, and to stand next below Ensign Edward Bell.

No. 200 of 1857.—The following promotions and appointments in the undermentioned Corps of the Native Army are made :—

Corps.	Rank and Names.	To what Rank promoted.	From what Date.	In whose Room.
2nd Regiment. Light Cavalry.	Jemedar Shaik Husson	Subedar.....	1st Jan. 1857..	} Subedar Major Sungram Sing, pensioned. } Jubber Sing, pensioned. } Bahadoor Sing, pensioned.
	Quartermaster Havildar Jealall.	Jemedar.....	Ditto ..	
	Jemedar Essree Pursad	Subedar.....	Ditto ..	
	Havildar Major Moieddeen Khan.	Jemedar.....	Ditto ..	
	Drill Havildar Sadut Allie ...	Jemedar.....	Ditto ..	
Appointments.				
24th Regt. N. I.	Subedar Booneard Sing	Subedar Major.	Ditto ..	Sungram Sing, pensioned.
	Jemedar Kagojee Umria	Subedar.....	1st Jan. 1857..	} Shaik Cassim, pensioned. } Janmaiter Hurmaiter, pensioned.
	Havildar Amrootjee Surwah ..	Jemedar.....	Ditto ..	
29th Regt. N. I..	Color Havildar Davee Aheer ..	Jemedar.....	1st Jan. 1857..	

By order of the Right Honorable the Governor in Council,

P. M. MELVILL, Colonel,

Secretary to Government.

MARINE DEPARTMENT.

Bombay Castle, 13th February 1857.

No. 29 of 1857.—Mr. C. R. Jackson, Captain's Clerk, arrived from England *via* Madras, on the 6th January 1857, by the Steamer "Norna."

Bombay Castle, 14th February 1857.

No. 31 of 1857.—The following arrangements and appointments are confirmed:—

Persian Gulf Squadron Orders.

Acting Lieutenant G. C. Sconce, of the "Ferooz," to proceed on special duty in the Steam Transport "Sindian" to Bassadore and back, and to be accommodated from the 22nd November 1856.

Commodore R. Ethersey to hoist his broad pendant on board the "Punjaub," and to Command that vessel, from the 24th November 1856, vice Lieutenant Foulerton.

Lieutenant Tronson, Agent for Transports, to the temporary Command of the "Falkland," from 24th November 1856, vice Commodore Ethersey, transferred to the "Punjaub."

Lieutenant C. Lloyd, of the "Semiramis," to the Command of the "Constance," from the 24th November 1856, vice Mr. Yates, Mate.

Assistant Surgeon Asher, of the "Assaye," to afford medical aid to the Officers and Crew of the "Assyria," from the 24th November 1856.

Lieutenant Rushton, of the "Punjaub," to proceed on special duty in the Steamer "Assyria," on the 27th November 1856, to Bassadore, to join the Transport "Sindian."

Mr. Davis, Acting 1st Class 2nd Master, of the "Lady Falkland," to the temporary charge of the Flat "Ethersey," from the 12th December 1856, vice Mr. Campbell, deceased.

Assistant Surgeon Asher, of the "Assaye," to the "Falkland," and to take charge of the Bassadore Naval Hospital, from the 16th December 1856, vice Assistant Surgeon Niven, transferred to the "Assaye."

Lieutenant E. Giles, Commanding the "Victoria," to be Agent for Transports, and to proceed with them to Bombay, from the 15th December 1856.

Lieutenant J. Tronson, of the "Falkland," to the temporary Command of the "Victoria," from the 15th December 1856, vice Lieutenant Giles.

Lieutenant Giles, Agent for Transports, to be accommodated on board the "Pottinger," from the 16th December 1856.

Commander Macdonald, Agent for Transports, from the "Rajah of Cochin," to be accommodated on board the "Chusan," from the 16th December 1856.

Mr. Cork to be an Agent for Transports, from the 7th December 1856, and transferred from the "Wansfell" to the "Melbourne."

Mr. Sandison, Acting Master, of the "Lady Falkland," to the Command of that vessel, from the 17th December 1856, vice Lieutenant Mason.

The undermentioned Officers, proceeding on duty from Bassadore to Kishm Roads, to be accommodated on board the Transport "British Flag," from the 13th December 1856:—

Mr. Finnis, Midshipman.

Mirza Mahomed Ali, Government Moonshee.

Mr. W. F. Yates, Mate, of the "Constance," to be Acting Lieutenant, from the 20th December 1856, and attached for duty with the Marines of the Fleet, under the orders of Lieutenant Lloyd, for the defence of Bassadore.

Lieutenant Stradling, Agent for Transports, was employed on special duty in Command of the eight Gun-boats at the bombardment of Bushire, and in the Creek adjoining, from the 9th to 11th December 1856.

Bombay Castle, 17th February 1857.

No. 32 of 1857.—With reference to General Order No. 137, dated 31st ultimo, Assistant Surgeon Williams, M.D., is directed to continue doing duty with the Indian Navy until relieved.

By order of the Right Honorable the Governor in Council,

P. M. MELVILL, Colonel,

Secretary to Government.

Civil Appointments, &c.

POLITICAL DEPARTMENT.

Bombay Castle, 16th February 1857.

Captain J. M. Taylor, Acting Commandant of the Gazerat Irregular Horse, assumed charge of that Regiment on the 4th instant.

Lieutenant John Gordon, Second in Command of the 2nd Regiment Sind Irregular Horse, is appointed, from the 7th January last, to act as Assistant Political Superintendent on the Frontier of Upper Sind, during the absence of Lieutenant Briggs, or until further orders.

Sub-Assistant Surgeon Burjorjee Ardaseer has been placed in temporary charge of the Civil medical duties of the Political Agency at Rajkote, in consequence of Assistant Surgeon Miller, the Civil Surgeon in Kattywar, having proceeded with his Regiment on Field Service to Persia.

Bombay Castle, 18th February 1857.

Assistant Surgeon R. G. Lord, M.D., is appointed, as a temporary measure, to officiate as Civil Surgeon at Rajkote, in addition to his duties as Superintendent of Vaccination in the Western Division of Guzerat.

JUDICIAL DEPARTMENT.

Bombay Castle, 17th February 1857.

Mr. A. W. Jones, Judge and Session Judge of Dharwar, delivered over charge of the Adawlut at that Station on the 2nd ultimo, and resumed charge on the 2nd instant.

By order of the Right Honorable the Governor in Council,
H. L. ANDERSON, *Secretary to Government.*

**TERRITORIAL DEPARTMENT,
REVENUE.**

Bombay Castle, 13th February 1857.

Mr. A. Rogers, Settlement Officer in Guzerat, assumed charge of his duties on the 9th instant.

Mr. W. D'Oyly is allowed a furlough to Europe for one year, from the 17th instant, under Section XV. of the New Furlough Rules.

Bombay Castle, 16th February 1857.

Khan Bahadoor Hussun Mahomed Furreed, District Deputy Collector and Magistrate of Tanna, assumed charge of his duties on the 11th instant.

Bombay Castle, 17th February 1857.

Mr. E. C. Jones delivered over charge of the Tanna Collectorate to his First Assistant, Mr. H. B. Boswell, on the 12th instant.

Bombay Castle, 18th February 1857.

Mr. J. R. Morgan, Collector of Kaira, is allowed to remain in the Districts of that Collectorate until the setting in of the monsoon, on general duty.

Mr. W. F. A. Spry, Hoozoor Deputy Collector and Magistrate of Kaira, is allowed leave of absence for one month, under Section VI. of the Uncovenanted Service Absentee Rules, to proceed to Bombay, on private affairs.

Mr. M. Melvill to be Supernumerary Third Assistant to the Collector and Magistrate of Tanna.

Mr. C. R. Orans to be Supernumerary Third Assistant to the Collector and Magistrate of Sattara.

With reference to the Government Notification of the 11th instant, Mr. F. Macnaghten is placed under the Collector of Ahmednuggur, for the purpose of prosecuting his studies in the Murathee language.

Mr. J. H. Grant is permitted to reside for the present in Bombay, for the purpose of prosecuting his studies in the Murathee language.

Lieutenant A. Cowper to be Superintendent Revenue Survey and Assessment, Guzerat.

Mr. W. S. Price to act as Sub-Assistant to the Superintendent Poona and Tanna Revenue Survey and Assessment, during the absence of Mr. Hearn, on leave.

Mr. B. H. Ellis, Acting Assistant Commissioner in Sind, assumed charge of his duties on the 11th instant.

Lieutenant C. T. Palin, Supernumerary Assistant to the Superintendent Poona and Tanna Revenue Survey, has been allowed privilege leave of absence from the 26th ultimo to the 9th instant, both days inclusive.

By order of the Right Honorable the Governor in Council,
H. YOUNG, *Offg. Chief Secretary.*

GENERAL DEPARTMENT.

Bombay Castle, 12th February 1857.

Mr. William Henry Smith assumed charge of his duties as Head Master of the School Branch of the Elphinstone Institution on the 13th January 1857.

The Honorable the Court of Directors have permitted Messrs. C. H. Cameron and A. Gray, of the Bombay Civil Service, to return to their duty.

Mr. John Powell Hughlings assumed charge of his duties as Professor of English Literature and History in the Elphinstone College on the 22nd January 1857.

Mr. E. C. Jones has been permitted to resign the Honorable Company's Civil Service from the date of the departure of the Overland Mail Steamer of the 17th February 1857.

Bombay Castle, 16th February 1857.

Assistant Surgeon M. M. Mackenzie, Civil Surgeon, Dhoolia, held charge of the duties of Superintendent of Vaccination Northern Deccan Division from the 23rd to the 28th January last, on which latter date Assistant Surgeon T. B. Beatty assumed charge of his appointment.

Assistant Surgeon A. V. Ward, Civil Surgeon, Tanna, held charge of the duties of Superintendent of Vaccination Konkun Division from the 23rd January to the 6th February 1857, when Assistant Surgeon T. B. Johnstone assumed charge of his appointment.

Assistant Surgeon G. G. W. Maitland, Civil Surgeon, Sattara, resumed charge of the Vaccinating duties of the Southern Deccan Division on the 6th February 1857.

Sub-Assistant Surgeon Balcrustna Chintoba, of the Poona Charitable Dispensary, has been allowed leave of absence for one month, from the 27th January 1857.

Assistant Surgeon T. M. Lownds, M.D., assumed charge of his duties as Professor of Anatomy and Physiology, and Curator of the Museum, in the Grant Medical College, on the 11th February 1857.

Bombay Castle, 17th February 1857.

Erratum.

For "15th December," in Government Notification dated the 16th December 1856, granting leave of absence to Mr. T. B. Curtis, Head Master of the English School at Surat, read "23th December."

PUBLIC WORKS DEPARTMENT.

Bombay Castle, 18th February 1857.

Mr. S. Alexander, Sub-Assistant Executive Engineer, Sholapore Collectorate, is appointed an Acting Assistant Executive Engineer, and placed at the disposal of the Superintending Engineer Northern Province, for a special duty.

The services of Serjeant J. Keily, of the Artillery, made available by Government General Order No. 904, dated 4th December 1856, for employment in the Public Works Department, are again placed at the disposal of His Excellency the Commander in Chief.

Anajee Govind and Ramchunder Dajee, who were employed respectively as an Overseer and a Karkoon under the Executive Engineer Poona Collectorate, have been dismissed from their situations, and are hereby declared disqualified for future service under Government in any capacity whatever.

The Right Honorable the Governor in Council further directs that Ramchunder Gungadhur, late a Contractor for the execution of Public Works in the same Collectorate, shall not be again entrusted with Government work in any capacity whatever.

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

Bombay Castle, 18th February 1857.

Captain A. DeLisle, of the Engineers, to be a Deputy Superintending Engineer in the Railway Department.

ECCLESIASTICAL DEPARTMENT.

Bombay Castle, 13th February 1857.

The Right Honorable the Governor in Council is pleased to publish the following List of Rank of Assistant Chaplains, in continuation of that published on the 26th February 1856 :—

List of Rank of Assistant Chaplains on the Bombay Establishment.

The Reverend Francis Gell. From the date of departure as under.—Overland, 20th January 1856.

The Reverend Robert Easum. From the date of sailing from Gravesend of the ship by which he proceeded. —"Eastern Monarch." 10th October 1856.

The Reverend Alexander Miller. From the date of departure as under, Overland, 20th October 1856.

East India House, 31st December 1856.

(Signed) J. C. MELVILL,

(Signed) ARTHUR ROUSLOW.

Bombay Castle, 18th February 1857.

The leave of absence granted under date the 31st January 1857 to the Reverend R. F. Colvin, Junior Chaplain St. Andrew's Church, to proceed on a Pastoral Visitation to the Presbyterians at Kurrachee, is to have effect from the 17th February 1857.

By order of the Right Honorable the Governor in Council,

W. HART, Secretary to Government.

GENERAL DEPARTMENT.

The Right Honorable the Governor in Council is pleased to notify, for the information of the public, that the SIR JAMSETJEE JEJEEBHOO SCHOOL OF ART AND INDUSTRY will be opened on Monday, the 2nd day of March next, at the Elphinstone Institution, for an Introductory Session of three months, under the Superintendence of a Committee, composed of the gentlemen named below, to whom the organisation of the School has been entrusted by Government, pending the arrival of a Director expected from England :—

President,

E. I. Howard, Esq., M.A., Director of Public Instruction.

Members,

J. Harkness, Esq., LL.D.

The Reverend P. Anderson, M.A.

Juggonathjee Sunkersett, Esq.

Rustomjee Jamsetjee, Esq.

Secretary,

Venayek Wassoodewjee, Esq.

2. Instruction will, for the present, be given in Elementary and Geometrical Drawing by Mr. James Peyton, on the system approved and adopted by the Department of Science and Art in England.

3. No Fees will be levied for the first Session.

4. Candidates for Admission (who must be acquainted with Arithmetic and the Elements of Geometry), are requested to apply, personally or by letter, to the Secretary of the Committee, on or before the 25th instant.

5. Instruction will hereafter be provided in special branches of Fine and Industrial Art; as a general rule, such special Courses will only be open to those Students who have passed through an Introductory Course of Elementary and Geometrical Drawing.

By order of the Right Hon'ble the Governor & Council,

W. HART,

Secretary to Government.

Bombay Castle, 18th February 1857.

सदरह नेमणुकीवर बाई इजसिवाय कोणाचा वारसा असेल तर त्याने आज तारिखे पासून दोन महिन्यांचे आंत ठाण्याचे कलेक्टर साहेब बाहादुर यांजकडे पुराव्यासुद्धा हाजीर होऊन जाहीर करावे यामागे न झाल्यास हल्लीचे अर्जदार याचे नावे नेमणूक चालविली जाईल मग कोणाची तक्रार काहीएक ऐकिली जाणार नाहीं.

सही.

E. C. JONES,

कलेक्टर

तारीख ७ वी माहे फेब्रुवारी सन १८५७ इसवी.

BANK OF BOMBAY.

DISCOUNT.

On Government Bills..... 8 per cent.
On Private Bills at or within 3 }
Months } 10 ditto.

INTEREST.

On Fixed Loans on Government }
Notes and Railway Shares.. } 8 per cent.
On Open Loans on ditto..... 9 ditto.
On Cash Credit Accounts 9 ditto.
On Loans on Security of Goods.. 10 ditto.

Bills payable within one month are discounted under the above rate, and Discount at 3 per cent. under the rate charged will be refunded on all Bills paid before maturity, for the unexpired portion of the time such Bills may have to run.

The Rate of Advance on deposit of 5 per Cent. Government Notes is 95 per cent., on 4 per Cent. Notes 75 per cent., on Railway Shares *three-fourths* the paid-up value of the Shares, and on Goods *three-fourths* the approved value.

Loans on Goods, &c.

Advances are granted on the security of Goods not of a perishable nature, deposited in private Godowns situated either in the Fort, or in Grant Buildings, Colaba.

Government Agency.

The Bank undertakes the safe custody of Government Securities, Bank Shares, and other Indian Stock Certificates; also the purchase or sale of the same, and realises the Interest and Dividends as they become due; and is also authorised to transact the business hitherto carried on by the Government Agents for the public Creditors of Government and others, and to remit the interest, dividends, and principal by *Bills of Exchange payable in England* to Constituents, Shareholders, and others, whether resident in Europe or elsewhere.

By order of the Board of Directors,

JOHN STUART,

Secretary and Treasurer.

Bank of Bombay, 18th December 1856.

MILITARY

ARRIVALS AND DEPARTURES.

1857

ARRIVALS.

- 12th Feb.—Lieutenant W. A. Kerr, Second in Command Field Service Troop, Southern Muratha Horse, on special duty, from Jujoorie.
" " Captain E. Campbell, 3rd European Regiment, on sick certificate, from Poona.
14th " Captain W. Scott, Pension Paymaster, on duty, from Bhewndy.

- 16th Feb.—Major C. H. Burt, 64th Bengal N. I., on medical certificate, from Peshawar.
" " Lieutenant G. B. Mellersh, Artillery, on duty, from Hyderabad (Sind).
" " Lieutenant W. F. Leicester, 30th Bengal N. I., 3rd Sikh Horse, on sick leave, from Dera Ghazee Khan.
" " Major Anderson, Commanding Johdpoor Legion, on sick leave, from Johdpoor.
" " Cadet F. Montrieu, Infantry, to join, from Madras.
" " Lieutenant T. J. MacLachlan, Horse Artillery, on leave, from Poona.

1857

DEPARTURES.

- 9th Feb.—Captain C. T. Trower, Fusiliers, on duty, to Kurachee.
12th " Captain J. F. Robertson, Light Battalion, on duty, to Persia.
" " Lieutenant J. A. Nutt, Light Battalion, on duty, to Persia.
" " Lieutenant G. A. Atkinson, Light Battalion, on duty, to Persia.
" " Assistant Surgeon C. Johnson, Medical Staff, on duty, to Asserphur.
" " Ensign A. G. F. Hogg, 5th Regt. N. L. I., on duty, to Persia.
" " Lieutenant C. Clerk, 2nd Madras Cavalry, on duty, to Persia.
13th " Lieutenant W. H. F. Sykes, 3rd Cavalry, on duty, to Bushire.
" " Captain W. Scott, Pension Paymaster, on duty, to Bhewndy.
" " Lieutenant Alexander, Poona Horse, on duty, to Poona.
" " Lieutenant W. A. Kerr, Muratha Horse, on duty, to Poona.
16th " Lieutenant R. A. Taylor, Fusiliers, to rejoin, to Kurachee.
17th " Lieutenant Colonel J. Scott, 10th Regt. N. I., on leave, to England.
" " Captain J. Dorau, 24th Bengal N. I., to rejoin, to Peshawar.
" " Lieutenant Colonel D. Jones, retired, to England.
" " Captain A. W. Lucas, Staff, to join, to Persia.
" " Captain W. Scott, Pension Paymaster, on duty, to Tanna.
" " Captain T. Nuttall, 29th Regt. N. I., on duty, to Persia.
" " Lieutenant A. Wardrop, 29th Regt. N. I., on duty, to Persia.
" " Lieutenant H. Phillips, 29th Regt. N. I., on duty, to Persia.
" " Superintending Surgeon J. Scott, Poona Division, to join, to Poona.
" " Major General Law, Unattached, on leave, to England.
" " Assistant Surgeon W. Niven, Medical Establishment, on duty, to Persia.
" " Lieutenant R. C. Battiscombe, Artillery, on duty, to Hyderabad.
" " Major W. H. C. Lye, 13th Regt. N. I., on medical certificate, to Europe.
18th " Assistant Surgeon T. P. Johnston, Indian Navy, on duty, to Persian Gulf.

Bombay, Town Major's Office,

18th February 1857.

CAUTION.—The sole and exclusive privilege of MAKING, SELLING, and USING, in India, Mr. HENRY BESSEMER'S INVENTIONS for "IMPROVEMENTS in the MANUFACTURE of IRON and STEEL," and for "Improvements in the Manufacture of Malleable or Bar Iron and Steel," and of authorising others so to do, having been obtained by the said Mr. Henry Bessemer under the provisions of Act No. VI. of 1856 of the Governor General of India in Council: All persons are hereby cautioned against making, using, selling, putting in practice, counterfeiting, or imitating, or in any wise infringing upon the said Inventions, or either of them, without the previous license of the said Henry Bessemer, with whom all persons desirous of availing themselves of the benefit of the said Inventions are requested to communicate, through Mr. GEORGE ROGERS, of No. 4, Fancy Lane, Calcutta, Solicitor.

NOTICE is hereby given to all Shetts, Shroffs, Merchants, Traders, &c. of Bombay and Outstations, that Hurcoovurbace, Widow of the late HUTHESING KISRISING, Hindoo Inhabitant of Ahmedabad, will re-establish a FIRM in BOMBAY, under the name of "HUTHESING KISRISING," from Sunday, the 7th day of Magh Shood, of Sumvunt, 1913 (A. D. 1st February 1857), and that all business connected with that Firm will be conducted through a Manager, by the abovenamed, and will be solely on Hurcoovurbace's account and responsibility.

हुरकुवर्बाई सई; दा. पोते.

HURCOONVURBAEE,

Widow of the late HUTHESING KISRISING.

Dated Ahmedabad,

this 19th day of January 1857.

LONDON & EASTERN BANKING CORPORATION.

Incorporated by Royal Charter.

HEAD OFFICE, 27, CANNON STREET, LONDON.

CAPITAL—Half a Million, of which Half is paid up.

TRUSTEES, DIRECTORS, AND OFFICERS OF THE CORPORATION FOR 1856-57.

Trustees.

Major General George Brooke, C. B., 27, Cannon Street.
Colonel Thomas Chadwick, Purchaser Terrace, Hyde Park.
Colonel J. G. W. Curtis, C. B. Farnham, Bury St. Edmund's.

Directors.

John Carnie Morris, Esq., F.R.S., Chairman.
Honorable John C. Brakine, Deputy Chairman.
Henry Pendall, Esq. Robert J. Lattoy, Esq.
Colonel W. F. Waugh. Colonel E. R. W. W. Yates.
John Edward Stephens, Esq., General Manager.
James Black, Esq., Secretary and Registrar.
Auditors.—William Felgate, Esq.; Augustus Walter, Esq.
Standing Counsel—Henry B. Keating, Esq., M. P., Q. C.
Solicitors.—Messrs. Olverson, Lavie, and Panchey.

LONDON BRANCHES.

Hyde Park Branch—130, Westbourne Terrace—T. J. A. Jenkins, Esq., Manager.
Pall Mall Branch—20, Pall Mall—Edward King, Esq., Manager.
Mark Lane Branch—44, Mark Lane—John Powell, Esq., Manager.

INDIAN BRANCHES.

CALCUTTA.

John Mackellar, Esq., Manager.
R. D. Turnbull, Esq., Sub-Manager.

BOMBAY.

C. F. Barclay, Esq., Sub-Manager in Charge.

AGENTS.

The Simla Bank, Simla.
The Delhi Bank, Delhi.
The Unconvenanted Service Bank, Agra.

THE BOMBAY BRANCH.

BUSINESS IS TRANSACTED AT THE BOMBAY BRANCH ON THE FOLLOWING TERMS.

INTEREST.

On Current Accounts (or sums over Rs. 500 and not exceeding Rs. 25,000) 3 per cent.
On deposits for 15 days, and thereafter requiring 15 days' notice previous to withdrawal 3 per cent.
On deposits payable at call, subject to a Commission of 1 per cent. on all sums withdrawn 4 per cent.
For money deposited on the following terms, Bank Post Bills will be given:—
On Deposits for 1 month 3 per cent.
" 3 months 3 1/2
" 6 do. 4 1/2
" 9 do. 5
" 12 do. 6

The Bank does not reserve the right of paying off deposits till the expiry of the term for which they have been received.
Deposits may be withdrawn without the usual notice if taken in the Banks' Bills on London at the advertised rates of the day.

EXCHANGE.

Bills on London at 3 months' sight 2s. 1 1/2d. per Rupee.
" 6 months 2s. 1 1/2d. "
" 9 months 2s. 1 1/2d. "
" 1 day's 2s. 0 1/2d. "
Bills on Scotland at 30 days' 2s. 0 1/2d. "
" 1 day's 2s. 0 1/2d. "
Bills on Ireland at 1 day's 2s. 0 1/2d. "

For the convenience of parties not resident in Bombay, the Corporation undertakes to remit in Europe, by its own Drafts, at the current Exchange, and without any charge for Commission, on receiving the equivalent.

COMMISSION.

On the Purchase or Sale of Government or other Securities One-Quarter per Cent.
On the Collection of Foreign Bills, &c.
On realising Interest or Dividends
If the funds realised on account of Constitutions are to be remitted in Bills of the Corporation, no Commission will be charged.
The Bank undertakes the custody of Government Paper, Bank Shares, and other Securities for Constitutions without charge.
The Bank grants Drafts on Calcutta, Agra, Simla, Delhi, &c.
C. F. BARCLAY, Sub-Manager in charge.

No. 5, Forbes Street, Bombay, 18th February 1857.

NOTICE is hereby given, that the CO-PARTNERSHIP carried on for some time past at Bombay and elsewhere by JOHN TREACHER and JOHN SPARKS, under the FIRM of TREACHER and Co., was, on the 31st day of January last, dissolved by mutual consent. The business will in future be carried on under the FIRM of TREACHER & Co., by Mr. JOHN TREACHER, who is empowered to discharge and settle all Debts due to and by the said co-partnership concern. All persons indebted to the late FIRM are respectfully requested to make arrangements for the speedy payment of their DEBTS.—Dated the 7th day of February 1857.

JOHN TREACHER.

JOHN SPARKS.

INDIA AND LONDON LIFE ASSURANCE COMPANY.

THE Scales of Premiums of this Company are now greatly reduced, and the Lives of healthy persons, Civil or Military, in any part of the world, are assured at as low rates of Premium as can be taken consistently with perfect security.

Extract from the Tables of Annual Premiums required for an Assurance of Rs. 1,000, or £100, at the Reduced Rates

CIVILIANS.				MILITARY AND NAVAL.		
Age.	One year.	Seven years.	Whole life.	One year.	Seven years.	Whole life.
	Co.'s Rs.	Co.'s Rs.	Co.'s Rs.	Co.'s Rs.	Co.'s Rs.	Co.'s Rs.
18	18	20	27	24	26	32
25	22	23	31	28	20	36
30	25	26	34	31	32	39
35	28	30	38	34	36	43
40	31	33	43	37	39	47
45	35	37	48	41	43	52

Prospectuses and every requisite information obtained on application to the Agents of the Company.

GREY & Co.

ORIENTAL BANK CORPORATION.

Bombay Agency.

EXCHANGE.

THE CORPORATION grants Drafts on London on Demand and at from one day to six months' sight, and Drafts on Scotland and Ireland on Demand, also Circular Notes negotiable in Egypt, Syria, the Continent of Europe, New York, the West Indies, New South Wales, and the Cape of Good Hope.

The current rates of Exchange are:—

On London at 6 months' sight 2s. 1 1/4d. per Rupee.
" 3 months 2s. 1 1/4d. "
" 2 months 2s. 1d. "
" 1 month 2s. 0 1/2d. "
" 1 day's sight 2s. 0 1/2d. "
On Scotland on demand 2s. 0 1/2d. "
On Ireland 2s. 0 1/2d. "
Circular Notes 2s. 0 1/2d. "
On Paris at 3 days' sight 2s. 0 1/2d. "
No Draft at six months' sight is granted for sums under £50.
Sums under £20 are only drawn for on Demand.

COMMISSION.

The rate of Commission charged by this Agency, on the purchase or sale of Government Securities negotiable in Bombay is one-quarter per cent. on the amount invested or realized, and on the collection of Bills one per cent. and Postage.

The Corporation takes charge of Government Paper, Shares in the Bank of Bombay, and other local Stocks, free of all charges, and will draw Interest and Dividends on the same as they fall due, on the following terms:—

If to be remitted through the Corporation Without charge.
If to be paid in India, a Commission will be charged of 1/4 per cent.
On returning Government Paper out of safe custody 1/4 per cent.
Hours of Business 10 to 4
Saturdays 10 to 1

Bombay, 18th February 1857.

Post Office Notifications.

OVERLAND MAIL.

The Overland Mail, per P. & O. Company's Steamer, will be closed on THURSDAY, the 5th proximo, at 6 o'clock p. m.

An After-Packet will be kept open, on payment of the usual fee, until two hours before the Steamer is advertised to leave the Harbour.

Letters for the United Kingdom, directed *via* Marseilles or *via* Southampton, may be prepaid or not, at the option of the sender.

The Inland and Steam Postage on Letters for Foreign Europe, *via* Trieste, as well as for places in the Mediterranean, Egypt, and Suez, remains unaltered: eight annas per $\frac{1}{2}$ oz., with Inland Postage, must be prepaid as heretofore.

Letters for the United Kingdom, and for places in the Mediterranean, if insufficiently paid by Stamps, will be forwarded to London *via* Southampton.

Post Office Packets for CEYLON, PENANG, SINGAPORE, HONGKONG, and COCHIN, per P. & O. Company's Steamer, will be closed on SATURDAY, the 28th instant, at the usual Office hour, 6 p. m.; an After-Packet being kept open, on payment of the usual fee, until two hours before the Steamer is advertised to leave the Harbour.

Post Office Packets for KURRACHEE and SIND, per Bombay Steam Navigation Company's Steamer "VICTORIA," will be closed 12 hours after the arrival of the next Overland Mail.

W. BLOWERS,

Post Master.

Bombay Post Office, 18th February 1857.

NOTICE.

ONE ANNA STAMPED ENVELOPES are for SALE at this Office.

W. BLOWERS,

Deputy Post Master General.

Bombay Post Office, 18th February 1857.

SHIP LETTERS.

The Ship Letter Office will despatch Letters, under the usual Regulations, by any of the following Ships.

N.B.—The Post Office takes every means in its power to ascertain the exact date on which the vessels enumerated below will leave the Harbour, but it cannot in any way guarantee their departure on the days mentioned in this List.

NAMES OF VESSELS.	AGENTS' NAMES.	DATE OF INTENDED DEPARTURE.	TO WHAT PORT.	WHERE TOUCHING.
A Steamer	P. & O. Steam Navigation Company ..	6th March 1857 ..	Suez	Aden.
Ditto	Ditto ditto	1st " " ..	Hongkong, &c.....	Galle, Penang, and Singapore; Cochin if weather permits.
Ship Earl Balcarras	Messrs. Remington & Co.....	1st " " ..	Liverpool.....	Coast.
Ditto Fanny Forsyth	Messrs. Edward Bates & Co.	1st " " ..	Ditto	
Ditto Roderick Dhu	Ditto ditto	10th " " ..	Ditto	
Ditto Caribon	Messrs. B & A. Hormusjee	5th " " ..	Ditto	
Steamer Victoria.....	Bombay Steam Navigation Company..	12 hours after the arrival of the English Mail.	Kurrachee.	
Danube	Messrs. Edward Bates & Co.	1st March.....	Liverpool.	

As a general rule, the Packets for sailing vessels will be closed the evening preceding the date of departure.

LIST OF PACKETS MADE UP during the last Week at the Bombay Post Office, for despatch by the following Vessels:—

NAMES OF VESSELS.	DATE OF DESPATCH.	TO WHAT PORT.
Pioneer	12th February 1857	Bushire.
Carnac.....	12th ditto	Surat.
Bombay.....	13th ditto	Bushire.
Lowjee Family	14th ditto	Surat.
Phlox	16th ditto	Ditto.
Formosa	17th ditto	Hongkong.
Assaye	17th ditto	Persian Gulf.
Singapore	17th ditto	Aden.

W. BLOWERS,

Deputy Post Master General.

Bombay Post Office, 18th February 1857.

NOTICE.

The Public are hereby informed that the Post Office at Catagal, in North Canara, has been temporarily closed.

Madras Post Master General's Office, 23th November 1856.

(Signed) R. H. WILLIAMSON,
Post Master General.

Bombay Post Master General's Office, 11th February 1857.

E. IMPEY,
Post Master General.

The Mails from the undermentioned Stations reached the Bombay Post Office in time for despatch by the P. & O. Co.'s Steamer "SINGAPORE," which started on the morning of the 17th February 1857:—

1857	1857	1857	1857
Agra 12 Feb.	Chunar 9 Feb.	Kherwara 10 Feb.	Navulghur.... 7 Feb.
Allighur..... 11 "	Cuddapah 10 "	Kurrachee 13 "	Narranpett .. 9 "
Ajmere 10 "	Chandah 10 "	Kurnool..... 11 "	Oojein 12 "
Asseerghur .. 13 "	Delhi 11 "	Khundalla 14 "	Ootacamund .. 9 "
Ahmedabad .. 12 "	Dhurrungaum. 13 "	Kamptee 10 "	Oomrawuttee.. 11 "
Ahmednuggur. 14 "	Dhoolia 14 "	Kirkee 15 "	Oodepoor 11 "
Allahabad 8 "	Deesa..... 12 "	Karanjah 12 "	Oosoor..... 10 "
Alleppey 13 "	Dinapore 6 "	Kumhur 13 "	Penn 14 "
Arrah..... 7 "	Dapoolce 13 "	Kisnaghur 8 "	Peshawar 7 "
Aurungabad .. 13 "	Dhar 10 "	Khamgaum .. 11 "	Pallee 10 "
Almorah 9 "	Dharwar 12 "	Kulladgee 12 "	Palanpore 12 "
Akote..... 9 "	Dholka 11 "	Kalliawaree .. 16 "	Poona 15 "
Akola..... 7 "	Dannoor 14 "	Kotta 10 "	Panwell 15 "
Bhopaul 12 "	Dhollera 12 "	Kurawlee 10 "	Punderpore .. 13 "
Bignore 9 "	DeraGazeerKhan 6 "	Kotree 12 "	Palamcottia .. 6 "
Barrielly..... 3 "	Eripoorah .. 11 "	Lucknow 9 "	Parola 13 "
Banda 8 "	Etawah 8 "	Lahore 9 "	Point Galle .. 7 "
Boorhanpoor.. 13 "	Ellichpoor 11 "	Lingsooogoor .. 11 "	Poonamallee .. 9 "
Bhopawar 13 "	Futtyehur 10 "	Luchmungur .. 7 "	Rawulpiindee .. 7 "
Benares..... 8 "	Fattypore 7 "	Lt. Governor's	Ramghur 7 "
Bellimora 13 "	Gwalior 12 "	Camp..... 9 "	Rutlan 12 "
Baroda 12 "	Goruckpore .. 7 "	Mehidpore.... 12 "	Rutnagherry .. 13 "
Bellary 12 "	Gohogur 13 "	Meerut 11 "	Rajamundry .. 6 "
Bollaram 10 "	Gogo 12 "	Mooltan 7 "	Ramandroog .. 11 "
Buxar 7 "	Gootee 11 "	Murree 9 "	Raichore..... 11 "
Bangalore 11 "	Hooblee..... 11 "	Mundsoore .. 13 "	Rahoree 12 "
Belgaum 12 "	Honore 9 "	Malligaum.... 14 "	Seonee 11 "
Baitool 10 "	Hoomnabad .. 10 "	Mount Abou .. 11 "	Sehore 12 "
Broach 13 "	Hydrabad (Dec.) 11 "	Matharan 15 "	Seepree 12 "
Booldanah... 10 "	Ditto (Sind) 12 "	Masulipatam .. 8 "	Saugor 11 "
Bassein 15 "	Hoosingabad .. 9 "	Madras 10 "	Sealkote 8 "
Beejapore 13 "	Huesole 11 "	Mysore..... 10 "	Sungunnair .. 13 "
Bhilsa 11 "	Hulhras 11 "	Mahableschwur. 15 "	Seerpore..... 14 "
Bulsar 14 "	Hupper 11 "	Malwan 12 "	Sukkar 10 "
Bussawoo 7 "	Indore 14 "	Mitzapore 9 "	Sholapore 13 "
Bhooj..... 11 "	Jooneer 14 "	Madapolam .. 6 "	Secunderabad.. 11 "
Bellapore 8 "	Jhelum 8 "	Mhar 14 "	Sassoor 14 "
Burwah 11 "	Jawud 11 "	Mundleshur .. 13 "	Shikarpoor... 10 "
Ballapore 10 "	Jeypore 9 "	Mahim 15 "	Seroor 14 "
Cawnpore 10 "	Julgaum 13 "	Mominabad .. 12 "	Salem 9 "
Cullian 16 "	Jacobabad 8 "	Monora 9 "	Segowlee 6 "
Cambay..... 12 "	Joudpore 10 "	Muttira..... 11 "	Tanna 16 "
Cullianwaree.. 13 "	Jumbooseer .. 12 "	Mundawa 7 "	Tarranpore ... 14 "
Cannanore.... 7 "	Jaulnah 13 "	Mhow 13 "	Tatta 12 "
Culicut 6 "	Jejooree..... 13 "	Mandvie 10 "	Tanasur 9 "
Canada 10 "	Jawra 12 "	Nagpore..... 12 "	Tillara 10 "
Coonoor 8 "	Jubbulpore .. 10 "	Nusseerabad .. 10 "	Trichinopoly .. 8 "
Coimbatoor .. 8 "	Jausie 11 "	Neemuch 12 "	Umballa..... 10 "
Coompta 10 "	Jhoonghoon .. 7 "	Nineetal 8 "	Vingorla 12 "
Chuppra 7 "	Jooria..... 12 "	Nassick 14 "	Wassind 15 "
Chiploon 12 "	Kolapoor 12 "	Nundoorbar .. 13 "	Wagotna 12 "
Campoolee.... 15 "	Kotah 10 "	Nuldroog 12 "	Waree 12 "
Calcutta 8 "	Kaira..... 12 "	Nagode 9 "	Yeolah 12 "
Cochin 6 "			

Bombay Post Office, 18th February 1857.

W. BLOWERS,
Deputy Post Master General.

Time Table of the Arrival of the last Overland Mail and Delivery of Letters and Newspapers.

Time at which the Steamer anchored.		Time at which the first Box was received in the Office.		Time at which the last Box was received.		Time at which the Window Delivery commenced, and the Delivery Peons left the Office.		Time at which Newspapers were sent for Delivery.		Number of Boxes received.	
Month and Date.	Hour.	Date.	Hour.	Date.	Hour.	Date.	Hour.	Date.	Hour.	Iron.	Wooden.
1857.	A. M.		A. M.		A. M.		A. M.		P. M.		
Feb. 6th	8-15	6th	9-30	6th	10-15	6th	11-35	6th	5	62	51

Bombay Post Office, 6th February 1857.

W. BLOWERS,
Deputy Post Master General.

NOTICE.

The Public are informed that the *Transit* rate of Postage on Letters conveyed to and from England and India *via Marseilles* is reduced from Five to Three Pence per Quarter Ounce as shown by the following Table:—

Weight.	Combined British and Indian Rate.	Additional or Transit Charge through France.	Total Charge.
	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>
Not exceeding $\frac{1}{4}$ of an ounce	0 4 0	0 2 0	0 6 0
Ditto $\frac{1}{2}$ of an ounce	0 4 0	0 4 0	0 8 0
Ditto $\frac{3}{4}$ of an ounce	0 8 0	0 6 0	0 14 0
Ditto 1 ounce	0 8 0	0 8 0	1 0 0

And so on, adding 2 annas for every quarter of an ounce in addition to the combined British and Indian rate chargeable on the Letter.

A corresponding reduction is also made in the Postage on all Prepaid Letters forwarded through the United Kingdom to British Colonies, or Foreign Countries, when sent to the United Kingdom *via Marseilles*. It is to be observed, however, that the Postage so paid does not include the Postage between the United Kingdom and the British Colonies, or Foreign Territories.

Her Majesty's Post Master General has intimated that the charges upon Letters conveyed directly between France and India, *via Egypt*, have been reduced, but, in future, will be levied in France, and not in India. All such Letters, however, whether on despatch or receipt, will be subject to Inland or Indian Postage, excepting when posted or received at the Presidency Town Post Offices, in accordance with Clause VI. of the Post Office Act of 1854.

29th January 1857.

G. PATON,
Officiating Director General of the Post Office in India.

Bombay, Post Master General's Office, 11th February 1857.

E. IMPEY,
Post Master General.

NOTICE.

Postage will in future be levied on Letters passing between the United Kingdom and India, *via Marseilles* at the following reduced rates, the prepayment of which is optional.

	<i>s. d.</i>	<i>Rs. a.</i>
On a letter not exceeding $\frac{1}{4}$ oz.	0 9	or 0 6
Ditto if exceeding $\frac{1}{4}$ oz. and not exceeding $\frac{1}{2}$ oz. 1 0	1 0	„ 0 8
Ditto ditto $\frac{1}{2}$ „ ditto $\frac{3}{4}$ „ 1 9	1 9	„ 0 14
Ditto ditto $\frac{3}{4}$ „ ditto 1 „ 2 0	2 0	„ 1 0
Ditto ditto 1 „ ditto $1\frac{1}{4}$ „ 3 3	3 3	„ 1 10
Ditto ditto $1\frac{1}{4}$ „ ditto $1\frac{1}{2}$ „ 3 6	3 6	„ 1 12

and so on. The same rates are applicable to Letters for British Colonies or Foreign Countries forwarded to the United Kingdom *via Marseilles*.

The rates of Postage on Letters *via Southampton* remain unaltered.

The Postage on Letters and Printed Papers, passing between France and India *via Egypt*, will in future be levied in France, and not in India, as has hitherto been the practice.

Bombay Post Office, 29th January 1857.

W. BLOWERS,
Post Master.

NOTICE.

A Post Office will be established temporarily at Mhayjee, in Khandeish, during the ensuing Fair, from 10th instant to the 9th March next. All Letters, &c., for that place, are to be enclosed in a separate Packet, and sent *via Dhoolia*.

Bombay Post Master General's Office, 8th January 1857.

E. IMPEY,
Post Master General.

NOTICE.

Tenders are invited for the REPAIRS, &c. of three Government MAIL BOATS, and for the BUILDING of another of similar size, but with slight alterations. Two of the Boats can be seen off the Apollo Pier.

The Tenders must specify in detail the nature and cost of the different repairs, and will be received at the Post Master General's Office from the 16th to 1st proximo. No reason will be assigned for the rejection of a Tender.

Bombay, Post Master General's Office, 11th February 1857.

E. IMPEY,
Post Master General.

NOTIFICATION.

No. 1348.

FORT WILLIAM, HOME DEPARTMENT—POST OFFICE,
The 9th September 1856.

In modification of the List published by order of the Government of India, in this Department, dated the 29th September 1851, it is hereby declared that Secretaries to Municipal Boards, Commissions, or Committees, are not authorised to send Letters, Packets, or Parcels by Post, on the Public Service, without payment of Postage.

(Signed) CECIL BEADON,
Secretary to the Government of India.

NOTICE.

It is notified for general information, that under instructions from the Director General of the Post Office in India, the Uniform of the Post Office Delivery Peons throughout the Bombay Presidency is to be green Chupkun, Red Turban and Kumberbund, and Black Leather Belt with round Badge; each Peon will also be supplied with a Bell.

2. The particular attention of the Public is requested to the following Clauses of the Post Office Rules, passed by the Governor General of India in Council:—

Clause XVII.—The Delivery Peons are prohibited from going out of their usual course to deliver Immediate payment of Postage Letters, Papers, or Parcels, and from delivering them without immediate required. payment of the exact amount of Postage, and they are not bound to give change. Should they be subject to detention, they are not to deliver the Letters, Papers, or Parcels, but to return them in the evening to the Post Office for delivery the following day.

Clause XVIII.—Whatever Postage is marked on a Letter, Paper, or Parcel, must be paid at once on delivery, after which any complaints of overcharge will be duly attended to. In all complaints of overcharge, or unnecessary delay in delivering Letters, Papers, or Parcels, the covers or envelopes bearing the Post Office Stamp must be presented for inspection; and when any complaints are preferred against any Peon, the number on his Badge should be specified.

Clause XXIII.—The servants at the several Post Offices are prohibited from giving change to parties sending or receiving Letters in any case.

To facilitate the delivery of Service and Paid Letters and Papers, when there may not happen to be Unpaid Letters for individuals, the Post Master General begs to suggest the plan of having Letter Boxes affixed at suitable places in offices and private houses.

Bombay Post Master General's Office, 21st October 1856.

E. IMPEY,
Post Master General.

NOTICE.

Notice is given, for public information, that OVERLAND Letters will be ready for delivery at the Post Office about two hours after the Steamer has anchored, which is known by the hauling down of the Steamer Flag.

The Delivery will be made generally in 1½ hour from the receipt of the last Mail Box.

Bombay Post Office, 17th November 1856.

T. GARRETT,
Officiating Post Master.

NOTICE.

Notice is hereby given, that Bhangy Parcels posted for Sind and the Punjab at the Presidency will, if marked "Per Steamer," be subject to Ship rates of postage only as far as Kurrachee, viz. :—

Eight Annas for every 100 Tolas. When intermediate land carriage occurs in the transmission of the Parcel, whether preceding or subsequent to conveyance by Ship or Steamer, the land rates for Bhangy Postage will be charged in addition to the Ship rates.

Books and Bhangy Parcels intended for Stations in the Punjab at Overland periods ought to be posted punctually within twelve hours after the arrival of the Mail. The heavy weight of the Letter Mails on the land lines subjects Books and Bhangy Parcels to a detention of several days in Bombay, unless posted in time for the Steamer.

Bombay Post Office, 15th December 1856.

T. GARRETT,
Officiating Post Master.