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PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th February 1869, and is hereby promulgated for general information:—

Act No. II. of 1869.

An Act for the appointment of Justices of the Peace.

WHEREAS it is expedient to consolidate and amend the law relating to the appointment of Justices of the Peace; It is hereby enacted as follows:—

1. This Act may be called "The Justices of the Peace Act, 1869."
2. The enactments mentioned in the schedule hereto annexed are hereby repealed to the extent specified in the third column of the same schedule.
3. The Governor General of India in Council, Appointment of Justices so far as regards the whole of the Peace for the Mofussil or any part of British India (other than the towns of Calcutta, Madras, and Bombay), and every Local Government, so far as regards the territories subject to its government or administration (other than the towns aforesaid), may, by notification in the official Gazette, appoint such and so many of the Covenanted Civil servants of the Crown in India, or other British

inhabitants, as the said Governor General in Council or the Local Government (as the case may be) shall think properly qualified to act as Justices of the Peace within and for the territories mentioned in such notification.

4. The Governor General of India in Council Appointment of Justices of the Peace for the so far as regards the town presidency towns. of Calcutta, and the Local Government, so far as regards the towns of Madras and Bombay, may, by notification in the official Gazette, appoint any persons resident within British India, and not being the subjects of any foreign State, whom such Governor General in Council or Local Government (as the case may be) shall think properly qualified to act as Justices of the Peace within the limits of the town mentioned in such notification.

5. All persons appointed under section three or Powers and duties of Justices of the Peace. section four shall be Justices of the Peace and shall have authority to act as such, and shall have power to commit for trial European British subjects of Her Majesty to the Court prescribed in that behalf by the law in force for the time being, and shall do all other acts appertaining to the office of Justice of the Peace which, under or by virtue of any law in force for the time being, may be done by a Justice of the Peace within the said territories or towns, as the case may be.

6. All persons being servants of Government Powers of Justices of the Peace in Native States.

appointed by the Governor General in Council to act as Justices of the Peace for the whole of British India, and all persons being servants of Government appointed by a Local Government to act as Justices of the Peace for the territories subject to such Government other than the towns aforesaid, shall, so far as regards European British and Christian subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, have power to act as Justices of the Peace, and to commit such subjects for trial according to law.

7. Provided that no person other than a person now acting as a Justice of the Peace under a commission shall be capable of acting as a Justice of the Peace until he shall have made and subscribed, before some other Justice of the Peace or the chief civil officer of any station within the territories or place in and for which he shall have been appointed, declarations to the following effect :—

“I declare that I will be faithful and bear true allegiance to Her Majesty.”

“I declare that I will truly and faithfully discharge the office of a Justice of the Peace.”

8. The subscriptions of such persons to the said declarations shall be deposited with and kept by such officer as the Governor General in Council or the Local Government (as the case may be) shall from time to time appoint.

9. The Governor General of India in Council in the case of any Justice of the Peace appointed by him, and the Local Government in the case of any Justice of the Peace appointed by it, may suspend or dismiss any person so appointed.

10. Every person now acting as a Justice of the Peace within and for any part of British India other than the said towns under any commission issued by any of the said High Courts, shall be deemed to have been appointed under section three by the said Governor General in Council to act as a Justice of the Peace for the whole of British India.

Every person now acting as a Justice of the Peace within the limits of any of the said towns under any such commission shall be deemed to have been appointed under section four by the Local Government.

SCHEDULE.

Number of Statute or Act.	Title of Statute or Act.	Extent of Repeal.
33 Geo. III. Cap. 52.	An Act for continuing in the East India Company, for a further term, the Possession of the British Territories in India, together with their exclusive Trade, under certain limitations ; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same ; for appropriating, to certain uses, the Revenues and Profits of the said Company ; and for making provision for the good Order and Government of the Towns of Calcutta, Madras, and Bombay.	Sections 151 and 152.
47 Geo. III., Sess. 2 Cap. 68.	An Act for the better Government of the Settlements of Fort St. George and Bombay ; for the Regulation of Public Banks ; and for amending so much of an Act passed in the thirty-third year of his present Majesty as relates to the Periods at which the Civil Servants of the East India Company may be employed in their service abroad.	Sections 4, 5, and 6.
53 Geo. III., Cap. 155.	An Act for continuing in the East India Company, for a further term, the Possession of the British Territories in India, together with certain exclusive Privileges ; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same ; and for regulating the Trade to and from the Places within the Limits of the said Company.	Section 112.
2 & 3 Wm. IV., Cap. 117.	An Act to amend the Law relating to the Appointment of Justices of the Peace, and of Juries in the East Indies.	The whole.
Act No. XVI., of 1841.	An Act concerning the taking of Oaths of Qualification by Justices of the Peace.	So much as has not been repealed.
Act No. VI., of 1845..	An Act to amend the Law regarding the issue of Commissions of the Peace.	The whole.
Act No. XXVII., of 1864.	An Act to substitute certain declarations for the Oaths of Qualification taken by Justices of the Peace.	The whole.

WHITLEY STOKES,

Secretary to the Council of the Governor General for making
Laws and Regulations.

The following Act of the Governor General of India received the assent of His Excellency the Governor General on the 19th February 1869, and is hereby promulgated for general information:—

Act No. III. of 1869.

An Act for the maintenance of the Rural Police in the North-Western Provinces.

WHEREAS it is expedient to make further provision for the maintenance of the Rural Police in the North-Western Provinces of the Presidency of Fort William, and to define the law relating to the appointment and duties of village watchmen in those provinces; It is hereby enacted as follows:—

I.—PRELIMINARY.

1. This Act may be called "The Rural Police (North-Western Provinces) Act."
Short title.
2. Act No. II. of 1865 (*to provide for the maintenance of the Rural Police in the territories under the government of the Lieutenant Governor of the North-Western Provinces and elsewhere*), and Act No. II. of 1866 (*to amend Act No. II. of 1865*), are hereby repealed.
Repeal of Acts.
3. This Act extends to every District in which Act No. II. of 1865 was in force immediately before the passing hereof.
Extent of Act.

II.—TAXES.

4. Three kinds of taxes shall be leviable under this Act (that is to say) 1^o, a House Tax; 2^o, an Estate Tax; and 3^o, a Tax on Muáfidárs, Sub-proprietors, and Nazránádárs.
Taxes leviable under this Act.

1^o.—The House Tax.

5. The proprietor of every Muáfi, Nazráná or other estate situate in any District to which this Act applies, shall have power to assess and collect in each year, from the occupant of every house on such estate, a sum not exceeding one rupee.
Power to assess house-tax.

The Collector of the District shall have power to determine what shall, for the purposes of this section, be held to be a house.

6. All sums assessed under section five shall be payable in advance for the revenue year next after the assessment, at the time when the first instalment of rents is ordinarily payable in that year for lands comprised in or adjacent to such estate.
Time of paying house-tax.

7. All sums so assessed shall be recoverable as if they were rent of land:
Recovery of house-tax.

Provided that no person shall be liable to be ejected from any house in his occupation for non-payment of any such sum.

8. Any person assessed under section five, and unable to pay the amount of the assessment, may present a petition on un-
Petition against assessment.

stamped paper to the Collector of the District, and such Collector may, if he thinks fit, remit wholly or in part the said assessment.

All complaints of illegal collection under section five shall be cognizable by the Collectors of Land Revenue; and the provisions contained in Act No. X. of 1859 (*to amend the law relating to the recovery of rent in the Presidency of Bengal*), section twenty-three, as to institution, trial and appeal, shall apply to complaints under this section.

2^o.—The Estate Tax.

9. If, in any year, any such proprietor fails altogether to assess the sum mentioned in section five, or assesses under section five a sum which, in the opinion of the Collector of the District wherein the proprietor's estate is situate, is inadequate, it shall be lawful for such Collector to assess upon such estate a sum payable yearly by the proprietor thereof for the time being, and not exceeding in any year the amount which might have been assessed in the same year under the same section on the occupants of the houses in such estate, less ten per centum.
Power to Collector to assess estate of proprietor failing to make sufficient assessment.

10. It shall be lawful for the Collector, or for any officer making a settlement of land-revenue to assess upon any Muáfi, Nazráná, or other estate situate in any District to which this Act applies, a sum to be paid yearly by the proprietor thereof for the time being not exceeding the aggregate amount of the sums payable in respect of such estate or by the occupants of the houses thereon under sections five and nine, less ten per centum.
Power to assess estates.

Such assessment shall be in addition to the municipal cess or percentage (if any) levied for the maintenance of rural police on the land-revenue payable in respect of such estate.

11. The sum assessable under section ten may from time to time, with the sanction of the Local Government, be altered by the Collector or officer aforesaid.
Alteration of assessment.

3^o.—The Tax on Muáfidárs, Sub-proprietors, and Nazránádárs.

12. Besides the assessments made under section ten, it shall be lawful for the Collector or for any such officer as aforesaid, to levy in the case of any Muáfi or Nazráná estate upon the Muáfidárs, or (where a sub-settlement has been made) on the Sub-proprietors, or on the Nazránádárs, a municipal cess on the estimated jama at the same rate as the estate would have been charged with, had it not been held under a Muáfi or Nazráná title.
Power to levy cess on Muáfidárs, Sub-proprietors and Nazránádárs.

13. The Local Government may from time to time prescribe by notification in the official Gazette, by what instalments and at what times the assessments payable under sections ten and twelve shall be paid, and all sums assessed under either of those sections shall be recoverable as if they were arrears of revenue.
Mode and time of paying assessments.

III.—APPLICATION OF TAXES.

14. Subject to the orders of the Local Government, all taxes levied under this Act in any District shall, in the first

instance, be applied to the maintenance of the Village Police in such District, and for the purpose of this section, 'maintenance' shall be deemed to include their wages, the price of all necessaries and accoutrements supplied to them, rewards and other incidental expenses.

The surplus (if any) may be applied by the Local Government, at its discretion, to the sanitary improvement of the District, or to any other useful purpose therein.

IV.—ACCOUNTS OF TAXES.

15. Accounts of the taxes levied under this Act and of the application thereof shall be kept by such persons and in such form, and shall be furnished at such times and to such officers as the Local Government shall, by rules to be published in the official Gazette, from time to time, prescribe.

16. Such accounts shall be open to public inspection at all reasonable times without the payment of any fee.

17. Any proprietor failing to comply with any rule made under section fifteen, shall be liable, on conviction before a Magistrate, to a fine not exceeding one hundred rupees, and every such fine shall, when recovered, be applied for the purposes of this Act in the District where it is imposed.

V.—VILLAGE WATCHMEN.

18. Every person authorized to nominate a person to the office of village watchman shall, within fifteen days after the occurrence of a vacancy in the office, nominate a proper person to the vacant post, and communicate the nomination to the Magistrate of the District.

The person so nominated shall, after due inquiry into his age, character and ability, be appointed or rejected by such Magistrate at his discretion, or by some officer authorized by him in that behalf.

19. In default of such nomination within the said fifteen days, the Magistrate of the District shall appoint such person as he thinks fit to the vacancy.

If the nomination has been made within the said fifteen days, but the nominee is rejected, the person authorized to nominate a person to the office of village watchman shall, within fifteen days from the date of such rejection, nominate another person to

the vacant post; and in default of such nomination, or if such nomination has been made but the nominee is rejected, the Magistrate of the District shall appoint such person as he thinks fit to the vacancy.

20. Any village watchman appointed under this Act shall be liable to perform within the limits of his village, and in addition to his other duties, all or any of the duties imposed on Police officers by Act No. V. of 1861 (*for the regulation of Police*); and for any neglect or disobedience in his official capacity, he shall be liable to the penalties which he would have incurred had he been a Police officer subject to the provisions of that Act, and guilty of neglect or disobedience as the case might be.

VI.—MISCELLANEOUS.

21. The Local Government may, from time to time, make rules, consistent with this Act, for the guidance of officers in all matters connected with its enforcement.

All such rules shall be published in the local official Gazette.

22. The Lieutenant Governor of the North-Western Provinces and the Lieutenant Governor of the Panjáb may respectively, by notification in the local Gazette, extend this Act to any part of the territories for the time being under their respective governments;

and the Governor General of India in Council may, by notification in the *Gazette of India*, extend this Act to any Province for the time being under the immediate administration of the Government of India:

Provided that this Act shall have no operation in any village to which Act No. XX. of 1856 (*to make better provision for the appointment and maintenance of Police Chaukidars in cities, towns, stations, suburbs, and bazars in the Presidency of Fort William in Bengal*), or Act No. VI. of 1868 (*to make better provision for the appointment of Municipal Committees in the North-Western Provinces, and for other purposes*), or any other special municipal law shall have been extended, so long as such Act or law continues in force in such village.

23. From the date of any such extension of this Act, so much of any rule having the force of law, in operation in the territories to which the extension is made, as is inconsistent with any provision of this Act, shall cease to have effect therein.

WHITLEY STOKES,

Secy. to the Council of the Governor General
for making Laws and Regulations.