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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 3rd November 1880, and was promulgated for general information in the *Gazette of India* on the 6th November 1880:—

Act No. XIV. of 1880.

An Act to provide for certain matters in connection with the taking of the Census.

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

1. This Act may be called "The Indian Census Act, 1880," and shall come into force on the passing thereof.
2. This section and sections three, four and thirteen extend to the whole of British India.

The remaining sections extend only to such parts of British India as the Local Government may, from time to time, by notification in the official Gazette, direct.

3. The Local Government may appoint any person by name or in virtue of his office to take, or aid in or supervise the taking of, the census within any specified local area.

Persons so appointed shall be called "Census-officers."

The Local Government may delegate to such authority as it thinks fit the power conferred by this section.

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

All Census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

IV.—15 a

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

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

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

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

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

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

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

6. The Magistrate of the district may, by an order written, printed or lithographed, call upon all owners and occupiers of land, tenure-holders, farmers, assignees of land-revenue and lessees of fisheries under the Burma Fisheries Act, 1875, in his district, or their agents; and upon all members of panchayats appointed in his district under Bengal Act No. VI of 1870 (to provide for the appointment, disavowal and maintenance of Village Chaukidars), to give such assistance as he needs towards the taking of a census of the persons who are at the time of taking the census on the lands of such owners, occupiers, holders, farmers and assignees, within the limits of such fisheries

or in the villages for which such pancháyats are appointed, as the case may be.

Such order shall specify the nature of the assistance required, and such owners, occupiers, holders, farmers, assignees, lessees, or their agents, and the members of such pancháyats, shall be bound to obey it.

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

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

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

9. Every person occupying any house, enclosure, vessel or other place shall allow the Census-officers such access thereto as they may require for the purposes of the census, and as, having regard to the customs of the country, may be reasonable.

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

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

Any occupier of a dwelling-house or part thereof who knowingly and without sufficient cause fails to comply with the provisions of this section, or makes any false return hereunder shall be punished for every such offence, if it does not amount to an offence within the provisions of the Indian Penal Code, with fine which may extend to fifty rupees.

11. Any Census-officer who, knowingly and without sufficient cause, disobeys the instructions published by the Local Government under section seven, puts any offensive or improper question, or makes any false return, shall be punished for every such offence, if it does not amount to an offence within the provisions of the Indian Penal Code, with fine which may extend to fifty rupees.

12. The Local Government may, by notification in the official Gazette,

(a) declare before what classes of Magistrates prosecutions under this Act, or for neglecting or refusing to do anything required by this Act to be done, may be instituted; and

(b) direct that no such prosecution shall be instituted except with its previous sanction, or with the previous sanction of some officer authorized by it in this behalf.

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

13. Notwithstanding anything to the contrary contained in the Indian Evidence Act, 1872, no entry in any book, register or record made by a Census-officer in the discharge of his duty as such officer shall be admissible as evidence in any civil proceeding or any proceeding under chapter forty or chapter forty-one of the Code of Criminal Procedure, or chapter eighteen of the Presidency Magistrates Act, 1877.

D. FITZPATRICK,

Secy. to the Govt. of India,
Legislative Department.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 3rd November 1880, and was promulgated for general information in the *Gazette of India* on the 6th November 1880:—

Act No. XV. of 1880.

An Act to amend the Bombay Revenue Jurisdiction Act, 1876.

WHEREAS it is expedient to amend the Bombay Revenue Jurisdiction Act, 1876, in manner hereinafter appearing, and to make further provision for the recovery of certain advances made in the territories administered by the Governor of Bombay in Council for purposes other than those specified in the Land Improvement Act, 1871; It is hereby enacted as follows:—

1. This Act may be called "The Bombay Revenue Jurisdiction Act, 1880"; and it shall come into force at once.
Short title.
Commencement.
2. Sections eight, nine, ten and seventeen of the said Bombay Revenue Jurisdiction Act, 1876, are hereby repealed:
Repeal of sections 8, 9, 10 and 17 of Act No. X. of 1876.

Provided that the repeal hereby effected, of the first clause of the said section seventeen, shall not operate in any Scheduled District unless and until the Bombay Land-revenue Code, 1879, has been extended to such district:

Provided also that the repeal of the second clause of the said section seventeen shall not be deemed to render invalid or illegal anything made valid or legal by the such clause.

3. To section thirty-two of the Bombay Civil Courts Act, No. XIV. of 1869, as amended by section fifteen of the said Bombay Revenue Jurisdiction Act, 1876, the following words shall be added:—
Addition to section 32 of Act No. XIV. of 1869 as amended by section 15 of Act No. X. of 1876.

"Provided that nothing in this section shall be deemed to apply to any suit merely because—
Proviso.

"(a) a municipal corporation constituted under Bombay Act No. VI. of 1873, or any other enactment for the time being in force, is a party to such suit and an officer of Government is in his official capacity a member of such corporation, or

"(b) an officer of a Court appointed under the Code of Civil Procedure, section 456, last paragraph, or selected under Act No. XX. of 1864 (for making better provision for the care of the persons and property of minors in the Presidency of Bombay), section 9, is, in virtue of such appointment or selection, a party to such suit."

4. The Governor of Bombay in Council may, from time to time, with the previous sanction of the Governor-General in Council, prescribe rules as to advances to be made in the territories administered by the said Governor in Council to holders (as defined in section 3 (11) of the Bombay Land-revenue Code, 1879) of arable land, for the relief of distress, the purchase of seed or cattle, or any other purpose not specified in the Land Improvement Act, 1871, but connected with agricultural objects.
Governor in Council to make rules as to certain advances for purposes other than those specified in Act No. XXVI. of 1871.

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

5. Every advance for any such purpose which may heretofore have been made by or on behalf of the Government in the said territories, and every advance which may hereafter be made under such rules, shall, when it becomes due, be recoverable, with the interest (if any) accrued due thereon, from the person to whom such advance was made, or from any person who has become surety for the repayment thereof, as if it were an arrear of land-revenue due by the person to whom the advance was made or by his surety.
Recovery of such advances.

D. FITZPATRICK,
 Secy. to the Govt. of India,
 Legislative Department.