

THE



# Bombay Government Gazette.

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

## PART VI.

### BILLS OF THE GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 21st February 1895 :—

#### Bill No. 6 of 1895.

*A Bill to amend the Indian Ports Act, 1889.*

WHEREAS it is expedient to amend the Indian Ports Act, 1889 ; it is hereby enacted as follows :—

1. (1) In section 6, clause (o), of the said Act, the word "and" shall be omitted, and after clause (p) of the same section the following shall be added, namely :—

"and

(q) for securing the protection from heat of the officers and crew of vessels in any

such port by requiring the owner or master of any such vessel—

- (i) to provide double awnings and curtains for screening the quarters occupied by the officers and crew from the sun's rays ;
- (ii) to erect windsails so far as the existing port-holes or apertures in the deck admit of their being used for ventilating the quarters of the officers and crew ;
- (iii) when the deck is made of iron and not wood-sheathed, to cover the deck of the vessel with wooden planks ;
- (iv) when the quarters used by the crew and the galley are separated by a thin iron bulkhead only, to furnish a screen of some suitable non-conducting material between such quarters and the galley."

#### STATEMENT OF OBJECTS AND REASONS.

The want of suitable arrangements for the ventilation and protection from the heat of the sun of the fore-castle and officers' quarters in certain vessels, mainly cargo vessels, visiting Indian ports was brought to the notice of Government in 1892, and the Board of Trade was addressed on the subject through the Secretary of State. The Board expressed their readiness to alter their regulations so as to remedy deficiencies of the kind indicated, but they pointed out at the same time that, without legislation, of which there seemed to be no immediate prospect, to give retrospective effect to such alterations, they would be confined in their application to vessels inspected by their surveyors on initial registration or re-registration under section 9, sub-sections (4) and (7), of the Merchant Shipping Act of 1867 [see now the Merchant Shipping Act, 1894, Sixth Schedule, regulations (3) and (5)]. It was accordingly suggested that, pending legislation in England, the Indian Ports Act, 1889, should be amended so as to provide for the framing of rules requiring the necessary arrangements to be made on board ships while in Indian ports. The object of this Bill is to give effect to that suggestion.

*The 15th February 1895.*

(Signed) J. WESTLAND.

J. M. MACPHERSON,  
Offg. Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following further Report of the Select Committee on the Bill to amend certain sections of the Code of Civil Procedure and to repeal certain sections of the Punjab Laws Act, 1872, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 21st February 1895 :—

We, the undersigned, Members of the Select Committee to which the Bill to amend certain sections of the Code of Civil Procedure and to repeal certain sections of the Punjab Laws Act, 1872, was referred, have considered the Bill (No. II) as amended on the 16th October 1894, the papers mentioned in the preliminary Report of that date, and the papers noted in the margin, and have now the honour to submit this our further Report, with the Bill as amended by us annexed thereto.

1. We have omitted section 3 of the Bill as introduced, because in our opinion the country is not yet ripe for the change in the existing law which it proposed to make.

2. In deference to the strong objections which have been taken by the Calcutta High Court to the amendments which sections 4 and 5 of the Bill as introduced proposed to make in sections 548 and 553 of the Code, we have also omitted these sections.

3. In connection with section 6 of the Bill as introduced, which repeals sections 17 and 18 of the Punjab Laws Act, 1872, our attention has been drawn to the similar provisions in sections 14 and 15 of the Oudh Laws Act, 1876; but, though we are of opinion that the provisions of the Oudh Act are in the same position as those of the Punjab Act, we have refrained from repealing them, because the Local Government has not recommended this course, and we do not consider it desirable to postpone our Report for the purpose of making a reference on the point to the Local Government.

4. We have substituted a new section for section 51 of the Punjab Laws Act, 1872, providing for the re-publication from time to time only of rules and orders issued by the Local Government and Chief Court. The section at present requires an annual re-publication, a requirement with which it has been found practically impossible to comply.

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

(Signed)	ALEX. EDW. MILLER.
( " )	A. P. MACDONNELL.
( " )	SAHI BEDI KHEM SINGH.
( " )	LAKSHMISHWAR SINGH.
( " )	JAHAN KADER MEERZA MD. WAHED ALI
( " )	M. M. ROY.
( " )	G. H. P. EVANS.

The 20th February 1895.

No. III.

A Bill to amend certain sections of the Code of Civil Procedure and the Punjab Laws Act, 1872.

WHEREAS it is expedient to amend certain sections of the Code of Civil Procedure and the Punjab Laws Act, 1872; It is hereby enacted as follows:—

Code of Civil Procedure.

1. (1) In the third paragraph of section 39 of the said Code, between the words "of any High Court established by Royal Charter" and the words "shall be required," the words "or of the Chief Court of the Punjab," shall be inserted.

(2) To the said section the following Explanation shall be added, namely:—

"Explanation.—For the purposes of the enrolment of advocates the High Court of Bombay shall be at liberty to treat the Sadr Court of Sind as within the local limits of its jurisdiction."

2. For the first and second paragraphs of section 180 of the said Code the following shall be substituted, namely:—

"The other party shall then state his case and produce his evidence (if any), and may then address the Court generally on the whole case.

"The party beginning may then reply generally on the whole case."

Punjab Laws Act, 1872.

3. Sections 17 and 18 of the Punjab Laws Act, 1872, as amended by Act XII of 1878, are hereby repealed.

4. For section 51 of the same Act the following section shall be substituted, namely:—

"51. All rules which the Local Government is empowered to issue under this Act, and all circulars issued by the Chief Court, shall be republished from time to time by the Local Government, with the previous sanction of the Governor General in Council; and, upon such republication, shall be arranged in the order of their subject-matter; and all such alterations or amendments as may have been made since the last preceding publication thereof, or may have become necessary or advisable, shall be embodied therewith; and upon such republication all such rules and circulars previously issued shall be repealed."

J. M. MACPHERSON,

Offg. Secretary to the Government of India.