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PART IV.

ACTS PASSED BY THE GOVERNMENT 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 1st March 1895, and is hereby promulgated for general information :—

Act No. VII of 1895.

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

XIV of 1882. 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 IV of 1872. Repeal of sections 17 and 18, Act IV, 1872. Act XII of 1878, are hereby repealed.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shall be embodied therewith; and upon such republication all such rules and circulars previously issued shall be repealed."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.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st March 1895, and is hereby promulgated for general information :—

Act No. VIII of 1895.

An Act to amend Act V of 1861 (an Act for the Regulation of Police).

WHEREAS it is expedient to amend Act V of 1861 (*an Act for the Regulation of Police*); It is hereby enacted as follows :

1. In section 1 of the said Act the following Addition to interpretation-clause, section 1, Act V, 1861. shall be inserted between the interpretations of the words "general police-district" and the word "property," namely :—

"The words 'District Superintendent' and 'District Superintendent of Police' shall include any Assistant District Superintendent or other person appointed by general or special order of the Local Government to perform all or any of the duties of a District Superintendent of Police under this Act in any district."

2. In section 7 of the said Act, in lieu of the Amendment of section 7, Act V, 1861, respecting minor punishments. words beginning "or fine any police-officer" down to the end of the section, the following shall be substituted, namely :—

"or may award any one or more of the following punishments to any police-officer who shall discharge his duty in a careless or negligent manner, or who by any act of his own shall render himself unfit for the discharge thereof, namely :—

- (a) fine to any amount not exceeding one month's pay;
- (b) confinement to quarters for a term not exceeding fifteen days, with or without punishment-drill, extra guard, fatigue or other duty;
- (c) deprivation of good-conduct pay;
- (d) removal from any office of distinction or special emolument."

3. For the second paragraph of section 8 of the said Act, beginning with the words "Such certificate shall cease to have effect" and ending with the words "officer empowered to receive the same," the following shall be substituted, namely :—

"Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a police-officer, and, on his ceasing to be such an officer, shall be forthwith surrendered by him to any officer empowered to receive the same.

"A police-officer shall not by reason of being suspended from office cease to be a police-officer. During the term of such suspension the powers, functions and privileges vested in him as a police-officer shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties, and to the same authorities, as if he had not been suspended."

Substitution of new section for section 15, Act V, 1861.

4. For section 15 of the said Act the following shall be substituted, namely :—

"15. (1) It shall be lawful for the Local Government, by proclamation to be notified in the official Gazette, and in such other manner as the Local Government shall direct, to declare that any area subject to its authority has been found to be in a disturbed or dangerous state, or that, from the conduct of the inhabitants of such area or of any class or section of them, it is expedient to increase the number of police.

"(2) It shall thereupon be lawful for the Inspector General of Police, or other officer authorized by the Local Government in this behalf, with the sanction of the Local Government, to employ any police-force in addition to the ordinary fixed complement to be quartered in the area specified in such proclamation as aforesaid.

"(3) Subject to the provisions of sub-section (5) of this section the cost of such additional police-force shall be borne by the inhabitants of such area described in the proclamation.

"(4) The Magistrate of the district, after such enquiry as he may deem necessary, shall apportion such cost among the inhabitants who are as aforesaid liable to bear the same and who shall not have been exempted under the next succeeding sub-section. Such apportionment shall be made according to the Magistrate's judgment of the respective means within such area of such inhabitants.

"(5) It shall be lawful for the Local Government, by order, to exempt any persons or class or section of such inhabitants from liability to bear any portion of such cost.

"(6) Every proclamation issued under sub-section (1) of this section shall state the period for which it is to remain in force, but it may be withdrawn at any time or continued from time to time for a further period or periods as the Local Government may in each case think fit to direct.

"Explanation.—For the purposes of this section, 'inhabitants' shall include persons who themselves or by their agents or servants occupy or hold land or other immoveable property within such area, and landlords who themselves or by their agents or servants collect rents direct from raiyats or occupiers in such area notwithstanding that they do not actually reside therein."

5. After section 15 of the said Act the following shall be inserted, namely :—

Addition of new sections after section 15, Act V, 1861.

"15A. (1) If, in any area in regard to which any proclamation notified under the last preceding section is in force, death or grievous hurt or loss of, or damage to, property

has been caused by or has ensued from the misconduct of the inhabitants of such area or any class or section of them, it shall be lawful for any person, being an inhabitant of such area, who claims to have suffered injury from such

misconduct, to make, within one month from the date of the injury or such shorter period as may be prescribed, an application for compensation to the Magistrate of the district or of the sub-division of a district within which such area is situated.

"(2) It shall thereupon be lawful for the Magistrate of the district, with the sanction of the Local Government after such enquiry as he may deem necessary, and whether any additional police-force has or has not been quartered in such area under the last preceding section, to—

- (a) declare the persons to whom injury has been caused by or has ensued from such misconduct;
- (b) fix the amount of compensation to be paid to such persons and the manner in which it is to be distributed among them; and
- (c) assess the proportion in which the same shall be paid by the inhabitants of such area other than the applicant who shall not have been exempted from liability to pay under the next succeeding sub-section:

"Provided that the Magistrate shall not make any declaration or assessment under this sub-section unless he is of opinion that such injury as aforesaid has arisen from a riot or unlawful assembly within such area, and that the person who suffered the injury was himself free from blame in respect of the occurrences which led to such injury.

"(3) It shall be lawful for the Local Government, by order, to exempt any persons or class or section of such inhabitants from liability to pay any portion of such compensation.

"(4) Every declaration or assessment made or order passed by the Magistrate of the district under sub-section (2) shall be subject to revision by the Commissioner of the Division or the Local Government, but save as aforesaid shall be final.

"(5) No civil suit shall be maintainable in respect of any injury for which compensation has been awarded under this section.

"(6) *Explanation.*—In this section the word 'inhabitants' shall have the same meaning as in the last preceding section."

6. For section 16 of the said Act the following shall be substituted, namely:—

"16. (1) All moneys payable under sections 13, 14, 15 and 15A shall be recoverable by the Magistrate of the district in the manner provided by sections 386 and 387 of the Code of Criminal Procedure, 1882, for the recovery of fines, or by suit in any competent Court.

"(2) All moneys paid or recovered under sections 13, 14, and 15 shall be credited to a fund to be called 'The General Police Fund,' and shall be applied to the maintenance of the police-force under such orders as the Local Government shall pass.

"(3) All moneys paid or recovered under section 15A shall be paid by the Magistrate of the district to the persons to whom and in the proportions in which the same are payable under that section."

7. To section 26 of the said Act the following shall be added, namely:—
Addition to section 26, Act V, 1861.

"(2) The provisions of section 525 of the Code of Criminal Procedure, 1882, shall be applicable to property referred to in this section." X of 1882.

8. For section 27 of the said Act the following shall be substituted, namely:—
Substitution of new section for section 27, Act V, 1861.

"27 (1). If no person shall within the period allowed claim such property, or the proceeds thereof if sold, it may, if not already sold under sub-section (2) of the last preceding section, be sold under the orders of the Magistrate of the district.

(2) The sale-proceeds of property sold under the preceding sub-section and the proceeds of property sold under section 26 to which no claim has been established shall be at the disposal of Government."

9. In section 29 of the said Act, after the words "for the period of two months" the following shall be added, namely:—
Addition to section 29, Act V, 1861, respecting overstay of leave.

"or who, being absent on leave, shall fail, without reasonable cause, to report himself for duty on the expiration of such leave."

10. For section 30 of the said Act the following shall be substituted, namely:—
Substitution of new section for section 30, Act V, 1861.

"30. (1) The District Superintendent or Assistant District Superintendent of Police may, as occasion requires, direct the conduct of all assemblies and processions on the public roads, or in the public streets or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass.

"(2) He may also, on being satisfied that it is intended by any persons or class of persons to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession which would, in the judgment of the Magistrate of the district or of the sub-division of a district, if uncontrolled, be likely to cause a breach of the peace, require by general or special notice that the persons convening or collecting such assembly or directing or promoting such procession shall apply for a license.

"(3) On such application being made he may issue a license specifying the names of the licensees and defining the conditions on which alone such assembly or such procession is to be permitted to take place and otherwise giving effect to this section: Provided that no fee shall be charged on the application for, or grant of, any such license.

"(4) He may also regulate the extent to which music may be used in the streets on the occasion of festivals and ceremonies."

11. After section 30 of the said Act the following section shall be inserted, namely:—

“30A. (1) Any Magistrate or District Superintendent of Police or Assistant District Superintendent of Police or Inspector of Police or any police-officer in charge of a station may stop any procession which violates the conditions of a license granted under the last foregoing section, and may order it or any assembly which violates any such conditions as aforesaid to disperse.

“(2) Any procession or assembly which neglects or refuses to obey any order given under the last preceding sub-section shall be deemed to be an unlawful assembly.”

12. In section 32 of the said Act, for the word “two,” where it first occurs, the word “three,” and in section 33 of the said Act, for the word “three” the word “four,” shall be respectively substituted.

13. In section 34 of the said Act, after the words “or in any” the words “open place or” shall be inserted, and for the expression “residents and passengers” the expression “residents and passengers” shall be substituted.

14. For sections 37, 38, 39 and 40 of the said Act the following section shall be substituted, namely:—

“37. The provisions of sections 64 to 70, both inclusive, of the Indian Penal Code, and of sections 386 to 389, both inclusive of the Code of Criminal Procedure, 1882, with respect to fines, shall apply to penalties and fines imposed under this Act on conviction before a Magistrate.

Provided that, notwithstanding anything contained in section 65 of the first-mentioned Code, any person sentenced to fine under section 34 of this Act may be imprisoned in default of payment of such fine for any period not exceeding eight days.”

15. For section 46 of the said Act the following shall be substituted, namely:—

“46. (1) This Act shall not by its own operation take effect in any presidency, province or place. But the Governor General in Council, by an order to be published in the Gazette of India, may extend the whole or any part of this Act to any presidency, province or place, and the whole or such portion of this Act as shall be specified in such order shall thereupon take effect in such presidency, province or place.

“(2) When the whole or any part of this Act shall have been so extended, the Local Government may from time to time, by notification in the official Gazette, make rules consistent with this Act—

(a) to regulate the procedure to be followed by Magistrates and police-officers in the discharge of any duty imposed upon them by or under this Act;

(b) to prescribe the time, manner and conditions within and under which claims for compensation under section 15A are to be made, the particulars to be stated in such claims, the manner in which the same are to be verified, and the proceedings (including local enquiries if necessary) which are to be taken consequent thereon; and,

(c) generally, for giving effect to the provisions of this Act.

“(3) All rules made under this Act may from time to time be amended, added to or cancelled by the Local Government.”

16. All orders heretofore issued by the Governor General in Council or the Local Government under section 46 of the said Act shall, as far as may be, be deemed to have been issued under the new section substituted for the same by the last foregoing section.

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

XIV of 1860.

Recovery of penalties and fines imposed by Magistrates.

X of 1882.

Criminal Procedure, 1882, with respect to fines, shall apply to penalties and fines imposed under this Act on conviction before a Magistrate.