



Bombay Government Gazette.

Published by Authority.

THURSDAY, 18TH FEBRUARY 1897.

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 11th February 1897:—

No. 3 of 1897.

A Bill to repeal certain Obsolete Enactments and to amend and facilitate the citation of certain other enactments.

[Of Act XII, 1891, pre-amble.]

WHEREAS it is expedient that certain enactments specified in the first schedule to this Act which are spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

And whereas it is also expedient that certain formal amendments should be made in the enactments specified in the second schedule to this Act;

And whereas it is also expedient to facilitate the citation of the enactments specified in the third schedule to this Act;

It is hereby enacted as follows:—

[Of Act XII, 1891, s. 1.]

1. (1) This Act may be called the Repealing and Amending Act, 1897; and

(2) It shall come into force at once.

[Of Act XII, 1891, s. 2.]

2. (1) The enactments specified in the first schedule are hereby repealed and amended respectively.

(2) The enactments specified in the first schedule are hereby repealed to the extent mentioned in the fourth column thereof.

(2) The enactments specified in the second schedule shall be modified to the extent and in the manner mentioned in the fourth column thereof.

3. The repeal by this Act of any enactment shall not affect any Act [Of Act XI, 1891, s. 2.]

or Regulation in which such enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment provide or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

4. Each of the enactments described in the first three columns of the [Of Act XI, 1891, s. 2.]

third schedule may, without prejudice to any other mode of citation, be cited for all purposes by the short title mentioned in that behalf in the fourth column thereof.

THE FIRST SCHEDULE.

A description or citation of a portion of an enactment includes the words, section or other part mentioned or referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

| 1 | 2 | 3 | 4 | 5 |
|-------|-----|-------------------------|-------------------|---------------|
| Year. | No. | Short title or subject. | Extent of repeal. | Explanation.* |

Part I—Acts of the Governor General in Council.

| | | | | |
|------|-------|--|---|--|
| 1854 | XXVI | Court of Wards ... | The whole Act, so far as it applies to Assam. | This Act was declared in force, on the 22nd August 1878, in the districts of Kamrup, Nowgong, Darrang, Sibsagar, Lakhimpur, Goalpara (excluding the Eastern Dvars) and Cachar (excluding the North Cachar Hills) and, on the 3rd October 1879, in the district of Sylhet. It is possibly also applicable to the North Cachar Hills, the Garo Hills, the Khasi and Jaintia Hills and the Naga Hills, which were acquired before 1854. The Act has been superseded by Bengal Act IX of 1879 in the districts of Goalpara, Cachar (excluding the North Cachar Hills) and Sylhet, and will be superseded by the same Act in the districts of Kamrup, Nowgong, Darrang, Sibsagar and Lakhimpur on the issue of proposed Draft II; and it is probably not required in any of the Hill Districts. |
| 1855 | XXXII | Embankments ... | The whole Act, so far as it applies to Assam. | This Act is quite general in its terms, and therefore applied to Assam along with the other territories comprised in Bengal at the time that it was passed. It has been repealed in the districts of Sylhet, Kamrup, Nowgong, Darrang, Sibsagar, Lakhimpur, Goalpara (excluding the Eastern Dvars) and Cachar (excluding the North Cachar Hills), by Bengal Act VI of 1873, which has been declared in force in all these places, but it is unrepealed as regards the rest of Assam. It is proposed to repeal Bengal Act VI of 1873 in Assam, as being of no practical use there, and Act XXXII of 1855 is no doubt similarly useless in the tracts in which it is nominally in force. |
| 1857 | XIII | Opium ... | The whole Act, so far as it applies to Assam. | This Act was declared in force in the district of Sylhet by Notification No. 1152, dated the 3rd October 1879, issued under the Scheduled Districts Act, 1874, but it is a dead-letter there, the cultivation of opium in Assam being prohibited. |
| 1882 | I | Assam Labour and Emigration Act, 1882. | In the title, the words Bengal and. In the preamble, the words Chittagong, the Chittagong Hill Tracts and the words Khasi Hills. | There are now no "labour-districts" in Bengal, and the Khasi Hills District in Assam has ceased to be a "labour-district". The words now suggested for repeal appear to have become obsolete, in consequence of the repeals made by Act VII of 1893, s. 3 (1). |

* This column will be omitted from the Bill before it is passed into law.

THE FIRST SCHEDULE—continued.

| 1 | 2 | 3 | 4 | 5 | |
|--|----------|--|---|---|---|
| Year. | No. | Short title or subject. | Extent of repeal. | Explanation. | |
| <i>Part I—Acts of the Governor-General in Council—continued.</i> | | | | | |
| 1882 | I—contd. | | In Section 116, the words from Every labourer to the same. | These words ought to have been repealed when Section 115 of the Act was amended by Act VII of 1893. It was apparently through oversight that this was not done. | |
| 1892 | IV | Court of Wards (amending Bengal Act IX of 1879). | Section 9 | Repealing clause. Spent. | |
| 1893 | VII | Inland Emigration Act, 1893. | Section 3, from in the definition of the expression to repealed. Section 11 and 38. | } Repealing clauses. Spent. | |
| | | | | | |
| <i>Part II—Acts of the Lieutenant-Governor of Bengal in Council.</i> | | | | | |
| 1862 | VIII | Zamindari Daks ... | The whole Act, so far as it applies to Assam. | See paragraph 16 of the Chief Commissioner's letter No. ^{91 L. & L.} ₂₃₀₇ J., dated the 11th June 1896. | |
| 1864 | V | The Canals Act, 1864. | The whole Act, so far as it applies to Assam. | See paragraph 17, <i>ibid.</i> | |
| " | VII | The Salt Act, 1864. | The whole Act, so far as it applies to Assam. | See the Chief Commissioner of Assam's letter No. ^{107 L. & L.} ₄₆₃₄ J., dated the 26th October 1896. | |
| 1865 | VII | Slaughter-houses ... | The whole Act, so far as it applies to Assam. | See paragraph 17, <i>ibid.</i> | |
| " | VIII | Sale of Under-tenures. | Sections 4 to 17 and the Schedule, so far as they apply to Assam. | See paragraph 15, <i>ibid.</i> | |
| 1867 | V | General Clauses ... | Section 5 | Commencement clause. Spent. | |
| 1871 | I | Amending the Village Chaudidari Act, 1870. | Section 6 | Superseded by Bengal Act 1 of 1892, s. 13. | |
| " | X | District Road Cess Act, 1871. | The whole Act, so far as it applies to Assam. | See paragraph 16, <i>ibid.</i> | |
| 1873 | I | Amending the Salt Act, 1864. | The whole Act, so far as it applies to Assam. | See the Chief Commissioner's letter No. ^{107 L. & L.} ₄₅₃₄ J., dated the 26th October 1896. | |
| " | VI | Bengal Embankment Act, 1873. | The whole Act, so far as it applies to Assam. | This Act has been declared, by notification under the Scheduled Districts Act, 1874, to be in force in several districts of Assam, but it is not in practical operation in any part of the province. | |
| 1878 | VII | Bengal Excise Act, 1878. | In Section 2, the last twenty-five words. | Commencement clause. Spent. | |
| 1879 | IX | Court of Wards Act, 1879. | The third paragraph of Section 1. | Commencement clause. Spent. | |
| 1880 | VII | Public Demands Recovery Act, 1880. | The second and third paragraphs of Section 1. In Section 7, clause (3), the words and figures in Act V of 1875, Section 57. Clause (5) of Section 7 ... | These paragraphs were peculiar to Bengal, and never applied to Assam. Bengal Act V of 1875 was repealed in Assam by Act XII of 1891. This clause refers to Bengal Regulation VI of 1819, which has been repealed in Assam by Act XVII of 1878. The clause is superseded there by Act XVII of 1878, Section 9. | |
| | | | | In Sections 10, 11 and 18, the words and figures Section 5 or. | Section 5 was repealed by Regulation 1 of 1886. (The whole of the Act was repealed for Assam so far as it relates to the recovery of arrears of land-revenue, and Section 5 is the section which deals specifically therewith.) [Act VII of 1880 is repealed in Bengal by Bengal Act I of 1895.] |

THE FIRST SCHEDULE—continued.

| 1 | 2 | 3 | 4 | 5 |
|--|-----|--|--|---|
| Year. | No. | Short title of subject. | Extent of repeal. | Explanation. |
| <i>Part II—Acts of the Lieutenant-Governor of Bengal in Council—continued.</i> | | | | |
| 1881 | III | Court of Wards (amending Bengal Act IX of 1879). | In Section 1, the last twenty-six words. Section 2 | Commencement clause. Spent. Repealing clause. Spent. |
| " | IV | Bengal Excise Act Amendment Act, 1881. | In Section 1, the last twenty-six words. Section 2 | Commencement clause. Spent. Repealing clause. Spent. |
| 1886 | I | Amending the Village Chaukidari Act, 1870. | Section 2 Section 8 | Superseded by Bengal Act I of 1892, s. 3. Superseded by Bengal Act I of 1892, s. 13. |
| 1887 | II | Vaccination (amending Bengal Act V of 1880). | The second paragraph of Section 1. | Commencement clause. Spent. |
| 1889 | I | Inland Emigrants' Health Act, 1889. | In Section 1, the words from and to the end. | Commencement clause. Spent. |
| 1892 | I | Amending the Village Chaukidari Act, 1870. | In Section 3, the words and figures as amended by Section 2 of Bengal Act I of 1886. | These words and figures are superfluous. It is, moreover, now proposed to repeal Section 2 of Bengal Act I of 1886. |

Part III—Regulations made under the Statute 33 Victoria, Chapter 3.

| | | | | |
|------|-----|---|--|--|
| 1873 | V | Bengal Eastern Frontier Regulation, 1873. | The whole Regulation, so far as it applies to the Garo Hills District. | The Regulation was repealed as to the Garo Hills by Reg. I of 1876, but it probably revived on the expiry of Reg. I of 1876. It is superseded as to the Garo Hills District by Reg. I of 1882. [For title to this Regulation, see <i>Gazette of India</i> , 1875, Pt. I, p. 529.] |
| 1875 | III | The Assam Hill Districts Whipping Regulation, 1875. | The whole Regulation ... | See the Chief Commissioner's letter No. ^{201 L. and L.} ₄₉₁₁ J., dated the 24th November, 1896. |
| 1876 | I | Garo Hills Regulation, 1876. | The whole | Expired—see Reg. I of 1882, preamble. |
| 1878 | I | Garo Hills and Goalpara Boundary Regulation, 1878. | The whole | Validation enactment—see saving in section 3 of this draft. |
| 1879 | III | Assam Local Rates Regulation, 1879. | The <i>Explanation</i> to Section 5. | See paragraph 34 of letter to Chief Commissioner, dated 1896 |
| 1880 | I | Repeal of parts of Regulations V of 1873 and I of 1876. | The whole | So far as it affects Reg. V of 1873, Reg. I of 1880 has expired, Act VI of 1879 having been extended to all the districts of Assam to which Reg. V of 1873 applied, <i>proprio vigore</i> . [The Regulation of 1873 has since been extended to parts of Goalpara and the Naga Hills, but with the exception of the Sections (8, 9 and 10) which the Regulation of 1880 repeals; and, if the former Regulation should in future be extended to any other district, the repealed sections will similarly be excepted by the extending notification.] So far as it affects Reg. I of 1876, Reg. I of 1880 is obsolete, the Regulation of 1876 having expired (see Reg. I of 1882, preamble.) |
| 1890 | IV | Assam Military Police Regulation, 1890. | Section 2 | Repealing clause. Spent. |

THE FIRST SCHEDULE—concluded.

| 1 | 2 | 3 | 4 | 5 |
|---|-----|------------------------------|--|--|
| Year. | No. | Short title or subject. | Extent of repeal. | *Explanation. |
| <i>Part IV.—Regulations of the Bengal Code.</i> | | | | |
| 1806 | XI | Passage of Troops... | In section 2, <i>the words from the Commanding Officer will at the same time to the end.</i> In section 7, <i>the words and the Magistrates to report to the Nizamat Adalat for the information of the Governor General in Council.</i> | See paragraph 12 of the Chief Commissioner's letter No. ^{91 L. & L. J.} ₂₃₀₇ , dated the 11th June 1896. See paragraph 12, <i>ibid.</i> |
| 1810 | XIX | Native Endowments; Escheats. | The whole Regulation, so far as it applies to Assam. | See paragraph 13, <i>ibid.</i> |
| 1817 | XX | Police | So much as is unrepealed, so far as it applies to Assam. | See paragraph 14, <i>ibid.</i> |

THE SECOND SCHEDULE.

Part I.—Act of the Governor General in Council.

| | | | | |
|------|---|--|--|---|
| 1882 | I | Assam Labour and Emigration Act, 1882. | In the schedule for the Inland Emigration Act, 1882, read the Assam Labour and Emigration Act, 1882. | The title of Act I of 1882 was altered by Act VII of 1893, section 2. |
|------|---|--|--|---|

Part II.—Acts of the Lieutenant-Governor of Bengal in Council.

| | | | | |
|------|------|--|--|---|
| 1862 | VIII | Zamindari Daks ... | In section 11, for Act XVII of 1854 (<i>for the management of the Post Office, for the regulation of the duties of postage, and for the punishment of offences against the Post Office</i>) read the Indian Post Office Act, 1866. | Act XVII of 1854 has been repealed by Act XIV of 1866. The saving as to references contained in section 4 of the latter Act is confined to references to particular sections of the former Act. |
| 1883 | I | Excise (amending Bengal Act VII of 1878). | In section 12, for the words <i>In the second paragraph to the end of the section, read In the second paragraph of the same section, as amended by Bengal Act IV of 1881, section 8, the following words shall be inserted after the word "sea," that is to say, "which are in the possession of any common carrier or warehouseman as such or."</i> | The amendment (substituting "liquors" for "excisable article" in section 61 of Bengal Act VII of 1878) made by Bengal Act IV of 1881, section 8, seems to have been overlooked when section 12 of Bengal Act I of 1883 was drawn. |
| 1884 | III | Bengal Municipal Act, 1884. | In section 37-J. (inserted by Bengal Act IV of 1894, section 23) for the Loans Act, 1879, read the Local Authorities Loan Act, 1879. In section 219 (as amended by Bengal Act IV of 1894, section 64), for or two hundred and ten two hundred and ten A read 210 or 210A. | Clerical error. Clerical error. |
| 1887 | II | Vaccination (amending Bengal Act V of 1880). | To section 3 add— "The Schedule hereto annexed shall be annexed as the First Schedule to the Bengal Vaccination Act, 1880." | Bengal Act II of 1887 contains no specific provision for incorporating the schedule annexed to it in Bengal Act V of 1880. |

* This column will be omitted from the Bill before it is passed into law.

THE SECOND SCHEDULE—continued.

| 1 | 2 | 3 | 4 | 5 |
|---|-----|--|--|---|
| Year. | No. | Short title or subject. | Amendment. | Explanation. |
| <i>Part II—Acts of the Lieutenant-Governor of Bengal in Council.</i> | | | | |
| 1889 | I | Inland Emigrant's Health Act, 1889. | In the preamble and also in section 2, for the Inland Emigration Act, 1882, read the Assam Labour and Emigration Act, 1882. | The title of Act I of 1882 was altered by Act VII of 1893, section 2. |
| <i>Part III—Regulations made under the Government of India Act 1870 (33 Vict., c. 3).</i> | | | | |
| 1875 | III | Assam Hill Districts Whipping Regulation, 1875. | In section 2, for Governor General in Council read Local Government, and after Garo Hills Act, 1869, insert or section 6 of the Scheduled Districts Act, 1874, as the case may be. | See paragraph 35 of letter to Chief Commissioner, No. 613, dated the 30th April 1896. |
| 1888 | I | Sylhet and Cachar Rural Police Regulation, 1883. | In section 18, clause 10th, for the Indian Forest Act, 1878, read the Assam Forest Regulation, 1891. | Act VII of 1878 was repealed in Assam by Regulation VII of 1891, but the Regulation does not contain the usual clause saving references to repealed matter. |
| 1886 | | Assam land and Revenue Regulation, 1886. | To section I add:— “(3) The Chief Commissioner may in like manner amend, vary or rescind any notification issued under sub-section (2).” | See paragraph 13 of the Chief Commissioner's letter No. $\frac{91 L. \& L.}{2307}$ J., dated the 11th June 1896. |
| <i>Part IV—Regulations of the Bengal Code.</i> | | | | |
| 1806 | XI | Passage of Troops. | In section 4, clause third, for Governor General in Council, in each place, in which those words occur, read Local Government. | See paragraph 12 of the Chief Commissioner's letter No. $\frac{91 L. \& L.}{2307}$ J., dated the 11th June 1896. |
| 1812 | XI | Removal of Foreign Immigrants. | In section 5, clause second, for to the Nizamat Adalat, who will recommend to the Governor General in Council such abbreviation of the prescribed punishment as they may judge proper, read to the Local Government, and the Local Government shall pass such orders thereon as it may think fit. For Governor General in Council, wherever those words occur, read Local Government. | See paragraph 12, <i>ibid.</i> See paragraph 12, <i>ibid.</i> |
| 1823 | VII | Loans to covenanted officers. | In section 3, for the words from All Judges to powers of such Collector, read All Commissioners, District and Sessions Judges, Deputy Commissioners and Assistant Commissioners being members of the Indian Civil Service. In section 6, and also in section 8, for Governor General in Council read Local Government. In section 8, for Government read the Local Government. | See paragraph 12, <i>ibid.</i> See paragraph 12, <i>ibid.</i> See paragraph 12, <i>ibid.</i> |

THE THIRD SCHEDULE.

| 1 | 2 | 3 | 4 |
|--|--------|--|--|
| Year. | No. | Subject. | Short title. |
| <i>Part I—Local Acts of the Governor General in Council in force in Assam.</i> | | | |
| 1850 | XXV | For the forfeiture to Government of deposits made on incomplete sales of land under Regulation VIII, 1819. | The Forfeited Deposits Act, 1850. |
| ... | XXXIII | For amending the forms necessary for the sale of patni tenures in Bengal. | The Sale of Patni Tenures Act, 1850. |
| 1853 | VI | Relating to summary suits for arrears of rent, to sales of patni taluqs and other salcable tenures, and to sales of land in satisfaction of summary decrees for rent. | The Rent Recovery Act, 1853. |
| ... | XIX | To amend the law of evidence in the Civil Courts of the East India Company in the Bengal Presidency. | The Recusant Witness Act, 1853. |
| 1856 | XII | To amend the law respecting the employment of Amins by the Civil Courts in the Presidency of Fort William. | The Civil Courts Amins Act, 1856. |
| 1867 | III | To provide for the punishment of public gambling and the keeping of common gaming-houses in the North-Western Provinces of the Presidency of Fort William, and in the Punjab, Oudh, the Central Provinces and British Burma. | The Public Gambling Act, 1867. |
| 1871 | XIX | To provide for the appointment of Sessions Judges in Bengal and the North-Western Provinces. | The Bengal Sessions Courts Act, 1871. |
| 1874 | VIII | To provide for the exercise of the powers hitherto exercised by the Lieutenant-Governor and Board of Revenue of Bengal in the territories forming the Chief Commissionership of Assam. | The Assam Chief Commissionership Act, 1874. |
| ... | XII | To provide for the exercise, in Sylhet, of the powers of the Lieutenant-Governor and Board of Revenue in Bengal. | The Sylhet Act, 1874. |
| 1886 | III | To amend the Northern India Ferries Act, 1878. | The Northern India Ferries Act Amendment Act, 1878. |
| 1892 | IV | To amend the Bengal Court of Wards Act, 1879 [Act IX (B. C.) of 1879]. | The Court of Wards Act (Bengal) Amendment Act, 1872. |
| <i>Part II—Regulation made under the Government of India Act, 1870 (33 Vict., c. 3).</i> | | | |
| 1884 | III | To empower the extension of the Assam Frontier Tracts Regulation, 1880, to certain tracts in Assam, and to declare that Act X of 1872 (the Code of Criminal Procedure) shall be deemed never to have come into force in the Garo Hills District, the Naga Hills District and the Khasi and Jaintia Hills District. | The Assam Frontier Tracts Regulation, 1884. |
| <i>Part III—Regulations of the Bengal Code in force in Assam.</i> | | | |
| 1793 | I | For enacting into a Regulation certain Articles of a Proclamation bearing date the 22nd March 1793. | The Bengal Permanent Settlement Regulation, 1793. |
| ... | II | For abolishing the Courts of Mál Adálat or Revenue Courts, and transferring the trial of the suits which were cognizable in those Courts to the Courts of Dewáni Adálat; and prescribing Rules for the conduct of the Board of Revenue and the Collectors. | The Bengal Land-revenue Regulation, 1793. |

THE THIRD SCHEDULE—*continued.*

| 1 | 2 | 3 | 4 |
|---|---------|---|---|
| Year. | No. | Subject. | Short title. |
| <i>Part III—Regulations of the Bengal Code in force in Assam—contd.</i> | | | |
| ... | VIII | For re-enacting, with modifications and amendments, the rules for the Decennial Settlement of the public revenue payable from the lands of the zamindárs, independent tálukdárs and other actual proprietors of land, in Bengal, Behar and Orissa, passed for those provinces respectively on the 18th September 1789; the 25th November 1789; and the 10th February 1790, and subsequent dates. | The Bengal Decennial Settlement Regulation, 1793. |
| 1798 | XI | For removing certain restrictions to the operation of the Hindu and Muhammadan laws with regard to the inheritance of landed property subject to the payment of revenue to Government. | The Bengal Inheritance Regulation, 1793. |
| ... | XXXVIII | For re-enacting, with modifications, such part of the rule passed on the 27th June 1787, as prohibits Covenanted Civil Servants of the Company employed in the administration of justice or the collection of the public revenue lending money to zamindárs, independent tálukdárs or other actual proprietors of land, or dependent tálukdárs or farmers of land holding farms immediately of Government, or the under-farmers or raiats of the several descriptions of proprietors and farmers of land above mentioned, or their respective sureties. | The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1793. |
| 1799 | V | To limit the interference of the Zilla Court of Diwáni Adálat in the execution of wills and administration to the estates of persons dying intestate. | The Bengal Wills and Intestacy Regulation, 1799. |
| 1800 | X | For preventing the division of landed estates in the Jangal Mahals of the Zilla of Midnapore and other Districts. | The Bengal Inheritance Regulation, 1800. |
| 1804 | X | For declaring the powers of the Governor General in Council to provide for the immediate punishment of certain offences against the State by the sentence of Courts-martial. | The Bengal State Offences Regulation, 1804. |
| 1806 | XI | For facilitating the progress of detachments of troops through the Company's territories for affording any requisite assistance to persons travelling through those territories. | The Bengal Troops Transport and Travellers Assistance Regulation, 1806. |
| 1812 | XI | To empower the Governor-General in Council to order the removal of emigrants from foreign countries, and their descendants, from any place in the vicinity of the frontier of the State from which they may have emigrated; and, in certain cases, to place and detain any such persons in safe custody; and likewise to provide for the trial of emigrants and their descendants who may excite disturbances in the countries from which they may have emigrated, and of persons aiding them in the prosecution of such attempts. | The Bengal Foreign Immigrants Regulation, 1812. |
| 1818 | III | For the confinement of State Prisoners | ... The Bengal State Prisoners Regulation, 1818. |
| 1819 | VIII | To declare the validity of certain tenures, and to define the relative rights of zamindárs and patni tálukdárs; also to establish a process for the sale of such táluks in satisfaction of the zamindár's demand of rent. | The Bengal Patni Táluks Regulation, 1819. |

THE THIRD SCHEDULE—concluded.

| 1 | 2 | 3 | 4 |
|---|------|--|---|
| Year. | No. | Subject. | Short title. |
| <i>Part III—Regulations of the Bengal Code in force in Assam—concluded.</i> | | | |
| 1820 | I | For providing that all sales of certain taluqs made answerable by sale for arrears by the zamindár's rent shall be conducted in the mode provided by Regulation VIII, 1819, for the sales therein described. | The Bengal Patni Taluqs Regulation, 1820. |
| 1823 | VII | For prohibiting loans by Covenanted Civil Servants from persons subject to their official authority and influence. | The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1823. |
| 1825 | VI | For rendering more effectual the rules in force relative in supplies and preparations for troops proceeding through the British territories. | The Bengal Troops Transport Regulation, 1825. |
| ... | XI | For declaring the rules to be observed in determining claims to lands gained by alluvion, or by dereliction of a river or the sea. | The Bengal Alluvion and Diluvion Regulation, 1825. |
| 1827 | III | For modifying and amending the rules in force relative to the law officers and ministerial native officers of the Courts of Judicature, who may be guilty of corruption or extortion. | The Bengal Corruption and Extortion Regulation, 1827. |
| 1827 | V | For modifying the rules at present in force for the management of estates under attachments by orders of the Courts of Justice in certain cases. | The Bengal Attached Estates Management Regulation, 1827. |
| 1829 | XVII | For declaring the practice of Sati or of burning or burying alive the widows of Hindus illegal and punishable by the Criminal Courts. | The Bengal Sati Regulation, 1829. |

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is, as stated in the preamble, to repeal certain enactments which are spent, or have ceased to be in force otherwise than by express repeal, or have by lapse of time or otherwise become obsolete or unnecessary, and also to make certain formal amendments in the Statute-book suggested in the course of the preparation in the Legislative Department of the Government of India of a Code of the Acts and Regulations in force in the territories administered by the Chief Commissioner of Assam. The opportunity has been taken to facilitate the citation, where necessary, of the enactments (other than those of the Bengal Council) contained in that Code by following the example set by Parliament in passing the Short Titles Acts of 1892 and 1896.

The 9th February 1897.

(Signed) M. D. CHALMERS.

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

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Negotiable Instruments Acts, 1881, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 11th February 1897 :—

From Registrar, High Court, Calcutta, No. 478, dated 26th February, 1896 [Paper No. 1].
 From Chief Commissioner, Ajmere-Merwara, No. 298-C, dated 28th February, 1896 [Paper No. 2].
 From Secretary to Chief Commissioner, Coorg, No. 144-C, dated 24th February 1896 [Paper No. 3].
 From Officiating Chief Secretary to Chief Commissioner, Central Provinces, No. 1404, dated 2nd March, 1896 [Paper No. 4].
 From Chief Secretary to Chief Commissioner, Burma, No. 658—L-10, dated 28th February, 1896 [Paper No. 5].
 From Acting Secretary to Government, Bombay, No. 797, dated 28th February, 1896, and enclosures [Papers No. 6].
 From Chief Secretary to Government, Madras, No. 462, dated 5th March, 1896 [Paper No. 7].
 From Agent to Governor-General in Baluchistan, No. 1714, dated 6th March 1896 [Paper No. 8].
 From Secretary for Berar to Resident, Hyderabad, No. 79, dated 5th March 1896, and enclosures [Papers No. 9].
 From Secretary to Government, North-Western Provinces and Oudh, No. 255—VII-798 B., dated 11th March 1896, and enclosures [Papers No. 10].
 From Chief Secretary to Government, Bengal, No. 1667-J., dated 17th March 1896, and enclosures [Papers No. 11].
 From Secretary to Chief Commissioner, Assam, No. 55 L. & L.--926-J., dated 13th March 1896, and enclosures [Papers No. 12].
 From Officiating Junior Secretary to Government, Punjab, and its Dependencies, No. 454, dated 6th April 1896, and enclosures [Papers No. 13].

We, the undersigned, Members of the Select Committee to which the Bill to amend the Negotiable Instruments Act, 1881, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report,

with the Bill as amended by us annexed thereto.

2. The object of this Bill is to assimilate the law contained in the Negotiable Instruments Act, 1881, to the law contained in Section 74 of the Bills of Exchange Act, 1882 and 46 Vict., c. 61), as appears from the Statement of Objects and Reasons.

3. We think that object can best be attained by adopting the language of the English Act. We have therefore substituted the terms of Section 74 of the English Act for the present provisions of Section 84 of the Indian Act. We have also added two illustrations to make the object of the new provisions clearer.

4. As Section 84 qualifies the provisions of Section 72 and the two sections must be read together, we have thought it best to amend Section 72 by prefixing the words "subject to the provisions of Section 84."

5. We have substituted these amendments for the proposals of the original Bill, which have been subjected to many criticisms, some of which seem to us to be well founded.

6. The publication ordered by the Council has been made as follows :—

| <i>Gazette.</i> | <i>In English.</i> | <i>Date.</i> |
|---|--------------------|----------------------|
| Gazette of India... | ... | 8th February, 1896. |
| Fort Saint George Gazette ... | ... | 25th February, 1896. |
| Bombay Government Gazette ... | ... | 13th February, 1896. |
| Calcutta Gazette ... | ... | 12th February, 1896. |
| North-Western Provinces and Oudh Government Gazette ... | ... | 15th February, 1896. |
| Punjab Government Gazette ... | ... | 20th February, 1896. |
| Central Provinces Gazette ... | ... | 15th February, 1896. |
| Burma Gazette ... | ... | 22nd February, 1896. |
| Assam Gazette ... | ... | 22nd February, 1896. |
| Coorg District Gazette ... | ... | 2nd March, 1896. |
| Sind Official Gazette ... | ... | 20th February, 1896. |

| <i>In the Vernaculars.</i> | | <i>Date.</i> |
|----------------------------------|------------------|----------------------|
| <i>Province.</i> | <i>Language.</i> | |
| Bombay ... | Marathi ... | 22nd February, 1896. |
| | Gujarathi ... | 22nd February, 1896. |
| | Kanarese ... | 22nd February, 1896. |
| Bengal ... | Bengali ... | 25th February, 1896. |
| | Hindi ... | 3rd March, 1896. |
| | Uriya ... | 5th March, 1896. |
| North-Western Provinces and Oudh | Urdu ... | 22nd February, 1896. |
| Punjab ... | Urdu ... | 27th February, 1896. |
| Burma ... | Burmese ... | 29th February, 1896. |
| Assam ... | Bengali ... | 7th March, 1896. |
| Sindh ... | Sindhi ... | 27th February, 1896. |

7. 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) M. D. CHALMERS.
 (") J. WESTLAND.
 (") P. ANANDA CHARLU.
 (") G. H. P. EVANS.
 (") G. P. GLENDINNING.
 (") P. PLAYFAIR.

No. II.

*A Bill to amend the Negotiable Instruments Act, 1881.*XXV of
1881.

WHEREAS it is expedient to amend the Negotiable Instruments Act, 1881; It is hereby enacted as follows:—

Short title and commencement.
1. (1) This Act may be called the *Negotiable Instruments Act Amendment Act, 1897*; and

(2) It shall come into force at once.

Amendment of section 72, Act XXVI of 1881.
2. To section 72 of the said Act the following words shall be prefixed, namely, "Subject to the provisions of section 84."

Substitution of new section for section 84, Act XXVI of 1881.
3. For section 84 of the said Act the following section shall be substituted, namely:—

"84. (1) Where a cheque is not presented for payment within a reasonable time of its issue, and the drawer or person on whose account it is drawn

When cheque not duly presented and drawer damaged thereby.

had the right, at the time when presentment ought to have been made, as between himself and the banker, to have the cheque paid and suffers actual damage through the delay, he is discharged to the extent of such damage, that is to say, to the extent to which such drawer or person is a creditor of the banker to a larger amount than he would have been if such cheque had been paid.

(2) In determining what is a reasonable time regard shall be had to the nature of the instrument, the usage of trade and of bankers and the facts of the particular case.

(3) The holder of the cheque as to which such drawer or person is so discharged shall be a creditor, in lieu of such drawer or person, of such banker to the extent of such discharge and entitled to recover the amount from him.

Illustrations.

(a) A draws a cheque for Rs. 1,000, and, when the cheque ought to be presented, has funds at the bank to meet it. The bank fails before the cheque is presented. The drawer is discharged, but the holder can prove against the bank for the amount of the cheque.

(b) A draws a cheque at Umballa on a bank in Calcutta. The bank fails before the cheque could be presented in ordinary course. A is not discharged, for he has not suffered actual damage through any delay in presenting the cheque.

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