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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 13th March 1896, and is hereby promulgated for general information :—

#### Act No. X of 1896.

#### *An Act to amend the Indian Volunteers Act, 1869.*

WHEREAS it is expedient to amend the Indian Volunteers Act, 1869 (hereinafter referred to as the said Act) ; It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Volunteers Act Amendment Act, 1896.

(2) It shall have the same extent as the Indian Volunteers Act, 1869; and

(3) It shall come into force at once.

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

“(1) ‘Magistrate’ means, within the limits of the Presidency-towns, the Chief Presidency Magistrate, and without those limits a Magistrate of the first class who is a Justice of the Peace :

(2) volunteers shall be deemed to be on ‘actual duty’—

(a) when being trained or exercised either alone or with any portion of the regular forces, or

(b) when attached to or otherwise acting as part of or with any regular forces, or

(c) when serving in aid of the civil power; and

(3) ‘civil district’ means a district as defined in the Code of Civil Procedure.”

XIV of 1882.

3. For section 8 of the said Act the following shall be substituted, namely :—

#### *Application of Army Act.*

“8. Every member of a corps of volunteers shall, for all military offences of which he shall be guilty whilst on actual duty or actual military service, be subject to the Army Act, so far as the same is applicable to officers, and consistent with the provisions of this Act.”

44 & 45 Vict. s. 58.

4. In section 12 of the said Act, for the words “Articles of War” the words “Army Act” shall be substituted.

5. In section 13 of the said Act, after the words “actual duty” the words “or actual military service” shall be inserted.

6. Subject to section 9 of this Act, for section 16 of the said Act the following section shall be substituted, namely :—

“16. No member of a corps or battalion of volunteers, other than naval volunteers, shall be bound, without his consent, to serve or proceed on duty beyond the limits of the civil district in which he was enrolled, or, where a corps or battalion consists of volunteers enrolled in more civil districts than one, beyond the limits of the territory comprised in those districts : and

no member of a corps of naval volunteers shall be bound, without his consent, to serve or proceed on duty beyond the limits of the port to which the corps belongs, such port being construed to include the city or town after which the corps is named, and its suburbs, and the navigable rivers, channels and fairways leading thereto :

Provided that the Local Government or the Commissioner of the Division, or other authority to whom power in this behalf may be delegated by the Local Government, may exempt from service any particular corps or portion of a corps or any individual member or members of a corps by name. Such exemption may be whole or partial in respect either of time or of area, or of both, as the empowered authority may see fit to prescribe."

7. Subject to section 9 of this Act, after section 26 of the said Act the following sections shall be added, namely:—

Addition of new sections after section 26, Act XX, 1869.

*"Supplemental.*

"27. (1) In case of actual or apprehended emergency (the occasion being first declared by the Governor General in Council and notified in the Gazette of India) the Governor General in Council may call out any corps or any portion of any corps of volunteers for actual military service.

(2) All members of any corps or portion of a corps so called out shall be bound, unless incapacitated by infirmity for military service, to assemble as the Governor General in Council may direct, and to proceed according to orders within the limits hereinbefore specified; and, from the time of their corps or portion thereof being so called out, shall be deemed to be on actual military service :

Provided that the Local Government or the Commissioner of the Division, or other authority to whom power in this behalf may be delegated by the Local Government, may exempt from service any particular corps or portion of a corps, or any individual member or members of a corps by name. Such exemption may be whole or partial in respect either of time or of area, or of both, as the empowered authority may see fit to prescribe.

(3) After a corps or portion of a corps of volunteers has been called out for actual military service, the corps or portion of a corps shall be deemed to be released from actual military service only after a notification in the Gazette of India declaring the occasion to have passed, and not sooner or otherwise :

Provided that the Governor General in Council may at any time discharge any such corps or portion of a corps from actual military service.

(4) Before a corps or portion of a corps of volunteers is released from actual military service, provision shall be made by the Government for the return of the volunteers present therewith to their homes.

Power to make rules as to allowances to volunteers. "28. (1) The Governor General in Council may make rules for—

- (a) the making of payments to, and the provision of transport and supplies for, volunteers called out on actual military service; and
- (b) the grant of pay, pensions, gratuities, allowances and rewards to them.

(2) The Governor General in Council may apply such rules or any part of them to any volunteers who may have been called out by any Magistrate or other authority in aid of the civil power :

and may in such case direct, any enactment notwithstanding, by whom the cost of the payments to be made and supplies to be provided under the rules shall be borne.

"29. Where a corps consists of volunteers enrolled in territories subject to more Local Governments than one, the Governor General in Council may, by notification in the Gazette of India, declare what Local Government shall for all or any of the purposes of this Act be deemed to be the Local Government with respect to the corps."

8. Whenever military operations are about to be undertaken or are in progress, any member of a volunteer corps may offer himself for actual military service; and if the services of such number of members of any corps as in the opinion of the Governor General in Council is sufficient to enable them to be separately organized are accepted, then those members may be called out either as a corps or as part of a corps, and this Act shall apply to them.

9. Nothing in the new section 16 substituted by section 6 of this Act, 16 and 27 in case of volunteers enrolled before commencement of this Act. or in the new section 27 added by section 7 of this Act shall apply to any volunteer who was enrolled before the commencement of this Act, unless he consents in writing to be bound by such new section 16 instead of by the section for which it is substituted, or by such new section 27, as the case may be.

S. HARVEY JAMES,  
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 13th March 1896, and is hereby promulgated for general information :—

## Act No. XI of 1896.

*An Act to amend the Legal Practitioners Act, 1879.*

WHEREAS it is expedient to amend the Legal Practitioners Act, 1879; It is hereby enacted as follows :—

1. To section 3 of the said Act the following shall be added, namely :—

“ ‘Tout’ means a person who procures the employment in any legal business of any legal practitioner in consideration of any remuneration moving from such practitioner, or proposes to a legal practitioner to procure his employment in any legal business in consideration of such remuneration.”

2. For section 13 of the said Act the following shall be substituted, namely :—

“ 13. The High Court may also, after such inquiry as it thinks fit, suspend or dismiss any Pleader or Mukhtár holding a certificate as aforesaid—

- (a) who takes instructions in any case except from the party on whose behalf he is retained, or some person who is the recognized agent of such party within the meaning of the Code of Civil Procedure, or some servant, relative or friend authorized by the party to give such instructions, or
- (b) who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty, or
- (c) who tenders, gives or consents to the retention, out of any fee paid or payable to him for his services, of any gratification for procuring or having procured the employment in any legal business of himself or any other Pleader or Mukhtár, or
- (d) who, directly or indirectly, procures or attempts to procure the employment of himself as such Pleader or Mukhtár through, or by the intervention of, any person to whom any remuneration has been given by him, or agreed or promised to be so given, or
- (e) who accepts any employment in any legal business through a person who has been proclaimed as a tout under section 36, or
- (f) for any other reasonable cause.

Substitution of new section for section 22, Act XVIII, 1879.

3. For section 22 of the said Act the following shall be substituted, namely :—

“ 22. The Chief Controlling Revenue-Authority may also, after such inquiry as it thinks fit, suspend or dismiss any Revenue-Agent holding a certificate as aforesaid—

Suspension and dismissal of Revenue-Agents guilty of unprofessional conduct.

- (a) who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty, or
- (b) who tenders, gives or consents to the retention, out of any fee paid or payable to him for his services, of any gratification for procuring or having procured the employment in any legal business of himself or any other Revenue-Agent, or
- (c) who, directly or indirectly, procures or attempts to procure the employment of himself as such Revenue-Agent through, or by the intervention of, any person to whom any remuneration has been given by him, or agreed or promised to be so given, or
- (d) who accepts any employment in any legal business through a person who has been proclaimed as a tout under section 36, or
- (e) for any other reasonable cause.

Substitution of new section for section 36, Act XVIII, 1879.

4. For section 36 of the said Act the following shall be substituted, namely :—

“ 36. (1) Every High Court, District Judge, Sessions Judge, District Magistrate and Presidency Magistrate, every Revenue-officer, not being below the rank of a Collector of a District, and the Chief Judge of every Presidency Small Cause Court (each as regards their or his own Court and the Courts, if any, subordinate thereto) may frame and publish lists of persons proved to their or his satisfaction, by evidence of general repute or otherwise, habitually to act as tous, and may, from time to time, alter and amend such lists.

- (2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.
- (3) A copy of every such list shall be kept hung up in every Court to which the same relates.
- (4) The Court or Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.
- (5) Every person whose name is included in any such list shall be deemed to be proclaimed as a tout within the meaning of section 13, clause (e), and section 22, clause (d).”

S. HARVEY JAMES,  
Secretary to the Government of India.