

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 28TH FEBRUARY 1901.

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

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 the Governor General on the 22nd February 1901, and is hereby promulgated for general information :—

Act No. II of 1901.

An Act to amend the law relating to the exemption from tolls of persons and property belonging to the Army.

WHEREAS certain officers, soldiers and other persons, and certain animals, baggage and carriages belonging or attached to the Army, are exempted by section 143 of the Army Act from payment of certain duties or tolls;

And whereas similar exemptions are made by various enactments of the Indian legislatures, but these exemptions are not co-extensive with those made by the said Army Act;

And whereas it is expedient to remove the inconsistency now existing between the said Army Act and the said enactments, and to exempt certain other persons and property belonging to the Army from payment of certain tolls;

And whereas it is declared by section 169 of the said Army Act that "it shall be lawful for the Governor General of India . . . to provide by law for reducing any fine directed by this Act to be recovered on summary conviction to such amount as may appear to the Governor General . . . to be better adapted to the pecuniary means of the inhabitants; and also to declare

the amount of the local currency which is to be deemed for the purposes of this Act to be equivalent to any sum of British currency mentioned in this Act," and it is expedient to alter in the manner hereinafter appearing the fine imposed by section 143 of the said Army Act;

It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Tolls (Army) Act, 1901.

(2) It extends to the whole of British India, inclusive of British Baluchistan, the Santhál Parganas and the Pargana of Spiti; and

(3) It shall come into force on the first day of April 1901.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "ferry" includes every bridge and other thing which is a ferry within the meaning of any enactment authorizing the levy of tolls on ferries, but does not include any ferry or other thing which is included in the definition of "railway" in section 3 of the Indian Railways Act, 1890;

(c) the expression "His Majesty's Regular Forces" has the meaning assigned to it by section 190, clause (8), of the Army Act, and includes the Indian Reserve Forces when subject to military law;

(c) "horse" includes a mule and any beast of whatever description which is used for burden or draught or for carrying persons;

IV of 1888.

(d) the expression "Indian Reserve Forces" means the forces constituted by the Indian Reserve Forces Act, 1888, and includes persons holding commissions in the Indian Army Reserve of officers when called out in any military capacity :

(e) "landing-place" includes a pier, wharf, quay, jetty and a stage, whether fixed or floating :

(f) the expression "local corps" means the Hyderabad Contingent, the Central India Horse, the Malwa Bhil Corps, the Bhopal Battalion, the Deoli Irregular Force, the Erinpura Irregular Force, the Meywar Bhil Corps, the Merwara Battalion and the Escort of the Resident in Nepal, and includes any other corps which may be notified by the Governor General in Council in this behalf by order published in the Gazette of India :

(g) "public authority" means the Government or a local authority ; and, so far as regards tolls levied by a railway company under section 4 of the Indian Guaranteed Railways Act, 1879, or section 51 of the Indian Railways Act, 1890, includes such a railway company : and

(h) "tolls" include duties, dues, rates, rents, fees and charges, but do not include customs-duties levied under the Indian Tariff Act, 1894, octroi-duties or town-duties on the import of goods, or fares paid for the conveyance of passengers on a tramway.

3. The following persons and property, Exemptions from tolls. namely :—

(a) all officers and soldiers of—

- (i) His Majesty's Regular Forces,
- (ii) any local corps, or
- (iii) Imperial Service Troops,

when on duty or on the march,

(b) all members of a corps of Volunteers when on duty or when proceeding to or returning from duty,

(c) all officers and soldiers of the Indian Reserve Forces when proceeding from their place of residence on being called out for training or service or when proceeding back to their place of residence after such training or service,

(d) all grass-cutters when employed in the service of—

- (i) His Majesty's Regular Forces,
- (ii) any local corps,
- (iii) Imperial Service Troops, or
- (iv) any corps of Volunteers,

(e) all other authorized followers of—

- (i) His Majesty's Regular Forces,
- (ii) any local corps,
- (iii) Imperial Service Troops, or
- (iv) any corps of Volunteers,

when they accompany any body of such Forces, Troops or Volunteers or any members of such corps on the march or when they are otherwise moving under the orders of military authority,

(f) all members of the families of officers, soldiers or authorized followers of—

- (i) His Majesty's Regular Forces, or
- (ii) any local corps,

when accompanying any body of troops, or any officer, soldier or authorized follower thereof on duty or on the march,

(g) all prisoners under military escort,

(h) the horses and baggage, and the persons (if any) employed in carrying the baggage, of any persons exempted under any of the foregoing clauses, when such horses, baggage or persons accompany the persons so exempted under the circumstances mentioned in those clauses respectively,

(i) all carriages and horses belonging to His Majesty or employed in His Majesty's military service and all persons in charge of or accompanying the same, when conveying any such persons as hereinbefore in this section mentioned, or when conveying baggage or stores, or when returning unladen from conveying such persons, baggage or stores.

(j) all carriages and horses, when moving under the orders of military authority for the purpose of being employed in His Majesty's military service,

(k) all animals accompanying any body of troops which are intended to be slaughtered for food or kept for any purpose connected with the provisioning of such troops, and

(l) all persons in charge of any carriage, horse or animal exempted under any of the foregoing clauses when accompanying the same under the circumstances mentioned in those clauses respectively,

shall be exempted from payment of any tolls—

(i) on embarking or disembarking, or on being shipped or landed, from or upon any landing-place, or

(ii) in passing along or over any turnpike or other road or bridge, or

(iii) on being carried by means of any ferry, otherwise demandable by virtue of any Act, Ordinance, Regulation, order or direction of any legislature or other public authority in British India :

Provided that nothing in this section shall exempt any boats, barges or other vessels employed in conveying the said persons or property along any canal from payment of tolls in like manner as other boats, barges and vessels.

4. (1) No tolls shall be leviable by any local authority in respect of—

Tolls on vessels transporting troops and baggage, &c., of troops embarked or disembarked.

(a) any vessel employed by the Government solely for the

transport of troops, or

(b) the horses, baggage or other effects of any troops embarking or disembarking at any port, or

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VIII of 1894.

(c) carriages belonging to His Majesty or employed in His Majesty's military service embarking or disembarking at any port.

(2) In respect of all such vessels or troops, their families, their horses, baggage and their effects, or any such carriages as aforesaid, the local authority concerned shall, in addition to its duties in the embarking and disembarking of the same, perform and supply all such reasonable services and accommodation as may, from time to time, be required by the Government, and shall receive payment for all such services and accommodation on such terms and for such periods as may, from time to time, be determined by the Government in consultation with such local authority.

5. Any person who demands and receives any toll in contravention of the provisions of section 3 or section 4, shall be punishable with fine which may extend to fifty rupees.

6. (1) If any owner or lessee, or any Company, railway administration or local authority claims compensation for any loss alleged to have been incurred owing to the operation of this Act, the claim shall be submitted to the Local Government.

(2) On receiving any such claim, the Local Government, subject to the control of the Governor General in Council, shall pass such order thereon

as justice requires, and shall give all necessary directions for the purpose of ascertaining the facts of the case and of assessing the compensation, if any, to be paid.

7. (1) The Governor General in Council, and the Local Government with the previous sanction of the Governor General in Council, may make rules to carry out the purposes and objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Governor General in Council, or the Local Government with the previous sanction of the Governor General in Council, may make rules providing for the form of passes to be given to persons or bodies of persons or in respect of property entitled to exemption from the payment of tolls under this Act.

(3) The power to make rules under this section is subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be published in the Gazette of India or in the local official Gazette, and, on such publication, shall have effect as if enacted by this Act.

8. The enactments specified in the schedule are hereby repealed to the extent mentioned in the fourth column thereof.

THE SCHEDULE.
ENACTMENTS REPEALED.
(See Section 8.)

Year.	Number.	Short title or subject.	Extent of repeal.
<i>Acts of the Governor General in Council.</i>			
1851	VIII	The Indian Tolls Act, 1851.	In section 4, the words of troops and military stores and equipages on their march or.
1878	XVII	The Northern India Ferries Act, 1878.	So much of section 15 as provides for the exemption from payment of tolls of any persons, animals, vehicles or other things which are exempted by section 3 of this Act.
<i>Acts of the Governor of Fort St. George in Council.</i>			
1884	I	The City of Madras Municipal Act, 1883.	In section 174, the word troops and the word military; also so much of the section as relates to any Government stores, vehicles, animals or other property which are or is exempted by section 3 of this Act.
"	IV	The Madras District Municipalities Act, 1884.	In section 91, sub-section (3), clause (b), as amended by the Madras District Municipalities Act Amendment Act, 1897 (Madras Act III of 1897), the words troops, military stores and baggage, military and.
"	V	The Madras Local Boards Act, 1884.	In section 57, sub-section (3), the words troops on their march or of military and; the words military and; also so much of the sub-section as relates to any Government stores or equipages which are exempted by section 3 of this Act.
<i>Acts of the Governor of Bombay in Council.</i>			
1868	II	The Bombay Ferries Act, 1868.	Section 3, clause (a).
1875	III	Tolls on Public Roads and Bridges.	In section 5, the words of troops and military stores and equipages on their march or.
1879	VI	The Bombay Port Trust Act, 1879.	Section 44.
1886	VI	The Karachi Port Trust Act, 1886.	Section 45.
1888	III	The City of Bombay Municipal Act, 1888.	In section 190, sub-section (1), the letter (b); also so much of the rest of the sub-section as excepts vehicles which are exempted by section 3 of this Act.
"	V	The Aden Port Trust Act, 1888.	Section 40, sub-section (3), clause (b).

Year.	Number.	Short title or subject.	Extent of repeal.
<i>Acts of the Lieutenant-Governor of Bengal in Council.</i>			
1876	V	The Bengal Municipal Act, 1876.	In section 159, <i>the words</i> of troops on the march or of animals or vehicles employed in the transport of such troops or, <i>the words</i> military or, <i>in both places in which they occur, and the words</i> or of any animals, whether belonging to Government or otherwise, which are attached to a regiment or a Military Department, and which pass through a toll-bar: <i>also</i> so much of the section as relates to any Government stores, and so much of the proviso as relates to any animals, which are exempted by section 3 of this Act.
1884	III	The Bengal Municipal Act, 1884.	In section 168, <i>the words</i> of troops on the march or of animals or vehicles employed in the transport of such troops or, <i>the words</i> military or <i>in both places in which they occur, and the words</i> or of any animals, whether belonging to Government or otherwise, which are attached to a regiment or a Military Department, and which pass through a toll-bar: <i>also</i> so much of the section as relates to any Government stores, and so much of the proviso as relates to any animals, which are exempted by section 3 of this Act.
1885	I	The Bengal Ferries Act, 1885.	So much of section 18 as provides for the exemption from payment of tolls of any persons, animals, vehicles or other things which are exempted by section 3 of this Act.
<i>Act of the Lieutenant-Governor of Burma in Council.</i>			
1898	II	The Burma Ferries Act, 1898.	So much of section 16 as provides for the exemption from payment of tolls of any persons, animals, vehicles or other things which are exempted by section 3 of this Act.

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

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 22nd February, 1901, and is hereby promulgated for general information:—

Act No. III of 1901.

An Act further to amend the Indian Ports Act, 1889.

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

Short title and commencement. 1. (1) This Act may be called the Indian Ports Act, 1901; and

(2) It shall come into force at once.

X of 1889. Amendment of section 6, Act X, 1839. 2. (1) For clause (p) of sub-section (1) of section 6 of the Indian Ports Act, 1889, the following shall be substituted, namely:—

“(p) with the previous sanction of the Governor General in Council, for the establishment and regulation of places to be used as sanatoria for the segregation or as hospitals for the treatment of persons who are or have recently been suffering from any dangerous, infectious or contagious disease, and for regulating the action, including the disposal of dead bodies, to be taken—

(i) where a vessel on which there is any case of dangerous, infectious or contagious disease common in India, enters or is in any such port;

(ii) where a vessel on which there is any case of dangerous, infectious or contagious disease uncommon in India, enters or is in any such port;

(iii) where a vessel on which there has been any case of dangerous, infectious or contagious disease or any death within twelve days previous to the arrival of the vessel at such port, enters or is in any such port;

(iv) where a vessel enters any such port from a port in which, or in the neighbourhood of which, there is believed to be, or to have been at the time when the vessel left such port, any dangerous, infectious or contagious disease uncommon in India;

(v) where a vessel enters any such port having on board any person transhipped from a vessel coming from a port in which or in the neighbourhood of which there is believed to be or to have been at the time when such last-mentioned vessel left such last-mentioned port any dangerous, infectious or contagious disease uncommon in India;

(vi) where there is a dead body on board a vessel in any such port;

(vii) where there are on board a vessel in any such port food-stuffs which, owing to decomposition or for any other reason, are, in the opinion of the health officer, unfit for human consumption; or

(viii) where a vessel leaves any such port while there is in the port or in its neighbourhood any dangerous, infectious or contagious disease uncommon in India.

For the purposes of this clause only such diseases shall be deemed to be dangerous, infectious or contagious diseases, or diseases common or uncommon in India, as the Governor General in Council may by order direct.”

(2) After sub-section (2) of the same section the following sub-sections shall be inserted, namely:—

“(3) If any person disobeys any rule made under clause (p) of sub-section (1), he shall be punished for every such offence with fine which may extend to one thousand rupees.

(4) If a master fails wholly or in part to do any act prescribed by any rule made under clause (p) of sub-section (1), the Health Officer shall cause such act to be done, and the reasonable expenses incurred in doing such act shall be recoverable by him from such master.”

Repeal of Act I, 1870.

3. The Indian Quarantine Act, 1870, is hereby repealed.

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