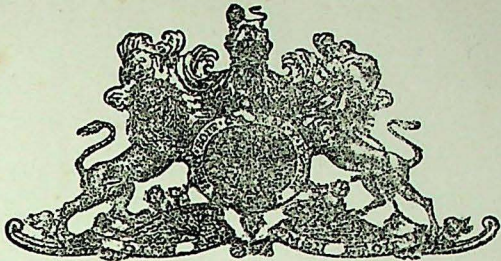


THE



# 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 2nd August 1901:—

No. 5 of 1901.

*A Bill further to amend the Indian Articles of War.*

WHEREAS it is expedient further to amend the Indian Articles of War; It is hereby enacted as follows:

1. (1) This Act may be called the Indian Short title and com- Articles of War Amend- ment Act, 1901; and

(2) It shall come into force at once.

2. To Article 4, sub-article (1), clause (b), of the said Indian Articles of War, the following proviso shall be added, namely:—

“Provided that, if he is dismissed or discharged by order of an officer not subject to the authority of the Governor General in Council or of the Commander-in-Chief in India, such dismissal or discharge shall not take effect until it has been approved by the Governor General in Council or by the Commander-in-Chief in India, or if he belongs to a command but is serving with a force not attached to a command by the general officer of the command to which he belongs.”

#### STATEMENT OF OBJECTS AND REASONS.

ARTICLE 4, sub-article (1), clause (b), of the Indian Articles of War (Act V of 1869, as amended by Act XII of 1894), empowers the officer commanding a force not attached to a command, as defined in clause (e), sub-head (16), of the preliminary portion of Part I, to dismiss or discharge a person subject to the Indian Articles of War serving in such force.

2. The Government of India are advised that the power so given may be finally exercised even by officers who are not subject to the authority of the Governor General in Council or the Commander-in-Chief and who may be wanting in all previous experience of Indian troops. It is considered expedient, therefore, to amend the article in question by the addition of a proviso enacting that in such cases the dismissal or discharge shall not take effect until approved by competent authority in India. The amendment specifies the Commander-in-Chief in India, as well as the general officer of the command, so as to provide for the cases of “enrolled” and “enrolled and attested” men who may not, when serving in India, as in the case of the Hyderabad Contingent, belong to any particular command.

(Signed) E. R. ELLES, Major-General.

H. W. C. CABRNDUFF,  
Officiating Secretary to the Government of India.

The 10th July 1901.

## 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 2nd August 1901:—

## No. 6 of 1901.

*A Bill further to amend the Court-fees Act, 1870.*

WHEREAS it is expedient further to amend the Court-fees Act, 1870; It is hereby enacted as follows:—

1. (1) This Act may be called the Court-fees Short title and commencement. (Amendment) Act, 1901; and

(2) It shall come into force at once.

2. After section 1 of the Court-fees Act, 1870, the following section shall be added, namely:—

“2. In this Act, unless there is anything repugnant in the subject or context, ‘Chief Controlling Revenue-authority’ means—

“Chief Controlling Revenue authority” defined.

(a) in the Presidency of Fort St. George and the territories respectively under the administration of the Lieutenant-Governors of Bengal and the North-Western Provinces and the Chief Commissioner of Oudh—the Board of Revenue;

(b) in the Presidency of Bombay, outside Sindh and the limits of the town of Bombay—a Revenue Commissioner;

(c) in Sindh—the Commissioner;

(d) in the Punjab and Burma, including Upper Burma—the Financial Commissioner; and

(e) elsewhere—the Local Government or such officer as the Local Government may, by Notification in the official Gazette, appoint in this behalf.”

3. (1) In sections 19-A and 19-E of the said Act, for the words “of the Province” the words “for the local area” shall be substituted.

(2) In section 19-H, sub-section (2) of the said Act, for the same words the words “for the local area in which the High Court is situated” shall be substituted.

## STATEMENT OF OBJECTS AND REASONS.

The present Bill has been undertaken, at the suggestion of the Government of Bombay, with a view to removing doubts arising from the absence of a definition in the Court-fees Act, 1870 (VII of 1870), of the expression “Chief Controlling Revenue-authority.” The words “of the Province”, which follow it in sections 19-A, 19-E and 19-H, imply that there must be one such authority for the whole Presidency of Bombay; and it would appear that the only authority satisfying this description is the Local Government itself. This interpretation, if correct, would involve considerable inconvenience both to the public and to the administration with reference to the executive duties required to be discharged; but it appears, at least, somewhat doubtful, in view of the language of section 23, which contemplates that rules framed by the Chief Controlling Revenue-authority shall be approved by the Local Government. In these circumstances, it is proposed to incorporate the definition contained in section 2, clause (S), of the Indian Stamp Act, 1899 (II of 1899), with consequential alterations in the three sections above referred to, with the object of showing that the Chief Controlling Revenue-authority having jurisdiction throughout is the authority for the local area, not in which the property is to be found, but in which the Court concerned is situated.

(Signed) C. M. RIVAZ.

*The 15th July 1901.*

H. W. C. CARNDUFF,  
Officiating Secretary to 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 2nd August 1901 :—

**No. 7 of 1901.***A Bill further to amend the Indian Steam-ships Act, 1884.*

WHEREAS it is expedient further to amend the VII of 1884. Indian Steam-ships Act, 1884; It is hereby enacted as follows :

1. (1) This Act may be called the Indian Short title and com. Steam-ships (Amendment) Act, 1901; and

(2) It shall come into force at once.

2. In section 23 of the said Act the word "foreign," where it first occurs, and the words "at the port of survey" shall be omitted; after the word "attested" the words "in the case of a foreign steam-ship" shall be inserted; and in the proviso after the words "in the case of" the words "a foreign steam-ship to" shall be inserted.

3. In section 25 of the said Act after the word "specified" the words "steam-ship or" shall be inserted, and for the words "to them" the word "thereto" shall be substituted.

**STATEMENT OF OBJECTS AND REASONS.**

UNDER the terms of section 9 of the Indian Steam-ships Act, 1884 (VII of 1884), the port of survey, at which a certificate can be given, must be situated within the territories under the administration of a Local Government. Inconvenience has been occasioned in the case of steam-ships, which, had they been foreign vessels, might have been dealt with under section 23, but which, in view of the absence of facilities for dry-docking at Aden, are compelled to proceed to Bombay. It is accordingly proposed to apply to such cases the procedure permitted by section 23.

2. The opportunity has been taken, on the lines of section 57 of the Native Passenger Ships Act, 1887 (X of 1887), to extend to particular steam-ships the exempting power conferred by section 25 of the Act of 1884, which is at present capable of being exercised only in the case of classes of steam-ships.

*The 20th July 1901.*

(Signed) E. FG. LAW.

H. W. C. CARNDUFF,

Officiating Secretary to 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 2nd August, 1901:—

## No. 8 of 1901.

*A Bill to apply the provisions of the Indian Railway Companies Act, 1895, to certain Tramway Companies.*

WHEREAS by the Indian Railway Companies Act, 1895, the Railway Companies therein mentioned are authorized to pay interest on their paid-up share capital out of capital in the manner and on the conditions prescribed by the said Act:

And whereas it is expedient to apply the provisions of the said Act to Companies formed for the construction of tramways not differing

in structure and working from light railways; It is hereby enacted as follows:—

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

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

2. The Governor General in Council may, by Notification in the *Gazette of India*, direct that the provisions of the Indian Railway Companies Act, X of 1895, Application of Act X, 1895, to Tramway Companies.

1895, in so far as the same are applicable, shall apply to any Company formed for the construction of a tramway under the Indian Tramways Act, XI of 1896, 1886, and thereupon it shall be lawful for the Tramway Company mentioned in the Notification to pay interest upon its paid-up share capital out of capital in the manner and subject to the conditions prescribed by the said Act.

## STATEMENT OF OBJECTS AND REASONS.

By the Indian Railway Companies Act, 1895 (X of 1895), it is provided that Railway Companies registered under the Indian Companies Act, 1882 (VI of 1882), may, under certain conditions, pay interest on their paid-up share capital out of capital during construction, and it is proposed by this Bill to take power for the Governor General in Council to apply the same provisions to Companies formed for the construction of tramways not differing in structure and working from light railways. It is believed that legislation to this end will remove what is recognised as a tangible obstacle to the consideration in London of many remunerative light railway projects in India, which, for administrative reasons, it is desired to control in this country under the provisions, not of the Railways, but of the Tramways, Act.

*The 31st July 1901.*

(Signed) A. T. ARUNDEL.

H. W. C. CARNDUFF,

Officiating Secretary to the Government of India.